

UME Preparatory Academy 2023-24 Employee Handbook





Welcome to UME Preparatory Academy

Dear Employees:

This handbook (“Handbook”) contains information about UME Preparatory Academy’s employment policies and practices. We have designed our employment policies and practices not only to comply with federal and state employment laws, but also to attract, develop, and reward talented educators, administrators, support staff, and leaders.

This Handbook supersedes all previously issued handbooks and is a valuable reference for understanding your job at UME Preparatory Academy. Each employee is expected to read this Handbook carefully and know and abide by the policies outlined herein as revised over time, throughout your employment. No oral statement or representations can change the provisions of this Handbook. UME Preparatory Academy reserves the right to revise, delete, and add to the provisions of this Handbook. Nothing in this Handbook creates an employment contract, constitutes a legally binding agreement, or alters your “at will” status of employment in any way.

If you have any questions regarding the contents of this Handbook or any other policy or procedure, please ask your Principal, supervisor, or Human Resources.

Please sign the Acknowledgement of receipt of Handbook agreeing to read and abide by the policies and procedures as outlined in this Handbook, and return it via DocuSign. This acknowledgement will also provide UME Preparatory Academy with a record that each employee has been provided access to an online version of this Handbook and/or has received instructions on how to obtain a printed copy of the Handbook.

Sincerely,

Kayla Smith

Kayla Smith
Superintendent



ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK

Name: _____

Campus/Department: _____

The purpose of this Handbook is to provide information that will help with questions and pave the way for a successful year at UME Preparatory Academy. Not all school or Board policies and procedures are included, and the information, policies, and benefits described in this Handbook are subject to change at any time. Such changes will generally be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. I understand that I may request a copy of this Handbook by email from my Principal or Human Resources and that a paper copy of the Handbook is located in the main office. Only the Board of Directors has the ability to adopt any revisions to the policies in this Handbook.

Furthermore, I understand that this Handbook is neither a contract of employment nor a legally binding agreement. I accept the terms of the Handbook, and understand that it is my responsibility to comply with the policies contained in this Handbook and any revisions made to it. I further agree that if I remain with UME Preparatory Academy following any modifications to the Handbook, I thereby accept and agree to such changes. Finally, in the event of any inconsistency between the information, policies, and benefits described in this Handbook and in my Employment Agreement, the information, policies, and benefits described in the Employment Agreement will control.

I have received my copy of the UME Preparatory Academy Employee Handbook on the date listed below. In signing the Acknowledgment of Receipt of Handbook below, I also acknowledge my understanding that I am responsible for reading the entire Handbook.

Employee Signature

Date

NOTE: You must sign and date this form within three days of receipt, and return to Human Resources.



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PART 1: INTRODUCTORY INFORMATION

1.1 Mission

UME Preparatory Academy exists to produce college-and-work ready graduates who have a strong work ethic, firm grounding in core academic content, and major academic and vocational skills, and to offer parents, as their child's first and life-long teachers, time and training so that they will have enhanced opportunities to strengthen their families as they exercise greater influence over the spiritual, intellectual, and emotional growth of their children.

1.2 Vision

UME Preparatory Academy is dedicated to developing the leading school-family partnership program committed to producing character-driven, academically prepared, 21st century student leaders

PART 2: EQUAL OPPORTUNITY EMPLOYMENT PRACTICES

2.1 Non-Discrimination Statement/Equal Employment Opportunity

UME Preparatory Academy does not discriminate against any employee or applicant for employment because of race, color, religion, gender, sex, national origin, age, disability, military status, genetic information, or any other basis prohibited by law as required by Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Title I and Title V of the Americans with Disabilities Act of 1990, as amended (“ADA”); the Age Discrimination in Employment Act of 1967, as amended (“ADEA”); Section 504 of the Rehabilitation Act of 1973, as amended; the Genetic Information Nondiscrimination Act of 2008 (“GINA”); and any other legally-protected classification or status protected by federal, state, or local law. Additionally, UME Preparatory Academy does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to an alleged discriminatory employment practice. Employment decisions will be made on the basis of each individual’s job qualifications, experience, and abilities and in accordance with applicable state and federal law.

Employees can raise concerns and make reports without fear of reprisal. Employees with questions or concerns relating to equal employment opportunity, including discrimination and disability accommodations, are encouraged to bring these issues to the attention of a UME Preparatory Academy administrator, or the Title VII/Title IX, ADA, or ADEA Coordinator.

As required by Title IX, UME Preparatory Academy does not (and is required not to) discriminate on the basis of sex in its educational programs or activities. This non-discrimination requirement applies to admission to and employment with UME Preparatory Academy. Inquiries into issues related to Title IX may be referred to UME Preparatory Academy’s Title IX Coordinator (identified below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

UME Preparatory Academy has designated the following person as the Title IX Coordinator, who is



responsible for receiving and overseeing investigations of alleged discrimination on the basis of sex, including sexual harassment: Shannan Horton, Director of Federal/State Compliance Director, 3838 Spur 408 Dallas, TX 75236, (214) 445-6243, shannan.horton@umeprep.org.

UME Preparatory Academy has designated the following person as the ADA Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis of disability: Sarah Green, Director of Special Programs, 3838 Spur 408, Dallas, TX 75236, (214) 445-6243, sarah.green@umeprep.org.

UME Preparatory Academy has designated the following person as the Title VII/ADEA Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis of age: Shannan Horton, Director of Federal/State Compliance, 3838 Spur 408, Dallas, TX 75236, (214) 445-6243, shannan.horton@umeprep.org.

All other complaints regarding equal employment opportunity may be directed to: Kortlynd Dickerson, Director of Human Resources, (214) 445-6243, kortlynd.dickerson@umeprep.org.

2.2 Federal and State Worksite Postings

Required state and federal postings are found at each UME Preparatory Academy facility. The following postings can be found in an area common to all employees at their facility: Employee Rights Under the Fair Labor Standards Act; Job Safety and Health: It's the Law; Employee Rights and Responsibilities Under the Family and Medical Leave Act; Equal Employment Opportunity is the Law; Your Rights Under USERRA; Employee Polygraph Protection Act Notice ("EPPA"); Texas Payday Law; Texas Whistleblower Act Notice ("TWA"); Unemployment & Payday Law; Notice to Employees Concerning Workers' Compensation in Texas; and the Texas Hazard Communication Act Notice ("THCA") to Employees. Postings are in both English and Spanish for all employees to read.

2.3 Immigration Law Compliance

UME Preparatory Academy is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

Employees with questions or seeking more information on immigration law issues are encouraged to contact Kortlynd Dickerson, Director of Human Resources, (214) 445-6243, kortlynd.dickerson@umeprep.org. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

2.4 Nondiscrimination Based on Religion

UME Preparatory Academy does not discriminate on the basis of any aspect of religious observance, practice, or belief unless the school demonstrates that it is unable to reasonably accommodate the religious observance or practice of an employee or applicant without undue hardship to UME Preparatory Academy's business.



2.5 Nondiscrimination Based on Military Service

UME Preparatory Academy will not deny initial employment, reemployment, retention in employment promotion, or any benefits of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service.

UME Preparatory Academy will not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”).

2.6 Americans with Disabilities Act (ADA)

UME Preparatory Academy is committed to complying fully with the ADA, as amended, and ensuring equal opportunity in employment for qualified persons with disabilities (which includes life-threatening illnesses and HIV and AIDS). All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant’s ability to perform the duties of the position.

Reasonable accommodation is available to all qualifying disabled employees, where their disability affects the performance of job functions, in accordance with the ADA.

Qualified individuals with disabilities shall not be discriminated against on the basis of disability in regards to recruitment, advertising, job application procedures, hiring, upgrading, promotion, demotion, transfer, layoff, termination, right of return from layoff, rehiring, rates of pay, or any other form of compensation and changes in compensation, benefits, job assignments, job classifications, organizational structures, position descriptions, lines of progression, seniority lists, leaves of absence, sick leave, any other leave, fringe benefits available by virtue of employment, selection and financial support for training, school-sponsored activities, including social and recreational programs, and any other term, condition, or privilege of employment.

UME Preparatory Academy does not discriminate against qualified employees or applicants because they are related to or associated with a person with a disability.

2.7 Nondiscrimination Based on Genetic Information (GINA)

UME Preparatory Academy will not deny initial employment, reemployment, retention in employment promotion, or any benefits of employment on the basis of genetic information, including information about an individual’s genetic tests and the genetic tests of an individual’s family members, as well as information about the manifestation of a disease or disorder in an individual’s family members.

PART 3: EMPLOYMENT PRACTICES

3.1 At-Will Employment



Employment with UME Preparatory Academy shall be at-will unless a term of employment is expressly stated in a written contract. **At-will employment means that an employee may be terminated with or without cause, with or without prior notice, at any time, for any reason or for no reason. Similarly, employment with UME Preparatory Academy is voluntarily entered into, and employees are free to resign at any time, with or without cause or notice.**

Status as an at-will employee may not be changed except in writing signed and approved by the Board of Directors. Employment at-will is the sole and entire agreement between UME Preparatory Academy and you concerning the duration of your employment, and the circumstances under which your employment may be terminated.

Nothing in this Handbook is to be construed as creating an employment contract or agreement. No one other than the Board of Directors and/or the Superintendent has the authority on behalf of UME Preparatory Academy to alter an employee's at-will employment arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy, and any such agreement must be in writing and must be signed by the Board of Directors and/or the Superintendent.

3.2 Employment Applications

UME Preparatory Academy relies upon the accuracy of information contained in the employment application, as well as the accuracy of other information presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in this information or data may result in UME Preparatory Academy's exclusion of the individual from further consideration for employment or, if the person has been hired, termination from employment.

3.3 Minimum Qualifications for Principals and Teachers

UME Preparatory Academy employs Principals, teachers and instructional staff members who are properly credentialed and qualified as required by state and federal law. Employment is contingent upon and subject to the employee submitting all required documentation in a timely and accurate manner and meeting all other employment requirements of UME Preparatory Academy.

3.4 Verification of Employment Eligibility

Prior to the start of employment, UME Preparatory Academy shall confirm the employment eligibility of all new hires by examination of documents establishing identity and employment authorization and completion of the Employment Eligibility Verification I-9 Form ("EEVF") required by the Department of Homeland Security. Each new employee, as a condition of employment, must complete the EEVF and present appropriate documentation establishing identity and employment eligibility.

Former employees who are rehired must also complete the EEVF if they have not completed an EEVF with UME Preparatory Academy within a timeframe established by Human Resources three years after the date of hire or one year after employment is terminated, whichever is later, or if their previous EEVF is no longer retained or valid.

3.5 Certifications and Licenses

Employees whose positions require certification through the State Board for Educator Certification



(“SBEC”) or another professional license are responsible for taking actions to ensure their credentials do not lapse. It is solely the employee’s responsibility to maintain a valid certification or license. An employee’s employment may be terminated if he or she falsely represents holding a valid certificate or license, or fails to fulfill the requirements necessary to renew or extend a certificate or license. Employment may also be terminated if SBEC suspends or revokes an employee’s certification.

3.6 Criminal History Records

UME Preparatory Academy will obtain criminal history records from a law enforcement or criminal justice agency for all prospective volunteers and applicants for employment, including substitutes, as required by Chapter 22 of the Texas Education Code prior to employment or the commencement of volunteer service. Additionally, as allowed by state law, criminal history checks of employees (or volunteers whose duties are performed where students are regularly present) may be obtained at any time during employment or volunteer services.

Criminal history records must also be obtained and reviewed prior to the employment of any driver for student transportation (bus drivers, bus monitors, and bus aides) either directly or through a commercial service. The Board of Directors shall be informed of a criminal record of a felony or misdemeanor involving moral turpitude and must affirmatively vote to employ such driver, monitor, or aide.

Information collected on an individual to comply with the requirements listed above is confidential and may not be released except as authorized by law or with the consent of the person who is the subject of the information.

All employees and applicants must complete the Authorization for Criminal History Background Check form accompanying this Handbook.

3.7 Prohibition Against Employing Individuals Convicted of Certain Offenses

UME Preparatory Academy may not hire an individual who is prohibited from serving as an officer or employee of an open-enrollment charter school under Texas Education Code § 12.120(a). Additionally, UME Preparatory Academy shall discharge or refuse to hire an employee or applicant for employment if it obtains information through a criminal history review that:

1. The employee or applicant has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or
2. The employee or applicant has been convicted of:
 - a. A felony under Penal Code Title 5, if the victim of the offense was under 18 years of age at the time the offense was committed, or
 - b. An offense under the laws of another state or federal law that is the equivalent to an offense under item 1 above (relating to registration as a sex offender).

However, while UME Preparatory Academy may not be required by law to discharge or refuse to hire an employee or applicant if the person committed an offense under Title 5, Penal Code, and:



1. The date of the offense is more than 30 years before:
 - a. June 15, 2007 in the case of an employee's employment by UME Preparatory Academy as of that date; or
 - b. The date the applicant's employment will begin, in the case of a person applying for employment with UME Preparatory Academy after June 15, 2007; and
2. The employee or applicant for employment satisfied all terms of the court order entered on conviction.

UME Preparatory Academy may make employment decisions in accordance with its policy regarding employment of personnel with criminal histories (or arrested or charged with a criminal offense). UME Preparatory Academy's policy regarding employment of personnel with criminal histories is as follows:

As allowed by Commissioner of Education rule, a person may not serve as a UME Preparatory Academy officer or employee if the person has been convicted of:

1. A misdemeanor involving moral turpitude or any felony;
2. An offense listed in Texas Education Code § 37.007(a); or
3. An offense listed in Code of Criminal Procedure, Article 62.001(5).

Additionally, UME Preparatory Academy shall discharge or refuse to hire a person listed on the registry of persons not eligible for employment in Texas schools, as maintained and made available by the Texas Education Agency ("TEA").

UME Preparatory Academy may discharge an employee if it obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to UME Preparatory Academy or the State Board of Educator Certification ("SBEC").

Except as required by state or federal law or as determined by UME Preparatory Academy to be in the best interest of student and employee safety (and in accordance with applicable law), UME Preparatory Academy does not automatically prohibit employment or refuse to consider an application for employment solely on the grounds that an applicant/employee has a prior criminal record. UME Preparatory Academy does not prohibit employment or refuse to consider an application for employment based solely on the grounds that the applicant/employee has been arrested. Instead, UME Preparatory Academy reviews these circumstances on a case-by-case basis.

UME Preparatory Academy reserves the right to annually (or more frequently) perform criminal history record checks on current employees.

3.8 Fair Credit Reporting Act

UME Preparatory Academy may utilize consumer reports – e.g., credit, criminal, employment references and Department of Public Safety reports to assist us making employment decisions. In addition, UME Preparatory Academy may conduct annual driving record checks to verify that the licenses and driving records of those employees required to drive school-owned vehicles are valid and acceptable to our insurance carrier.

Where required by applicable law, prior to running any of the above-mentioned checks/records, each



employee will be provided any required notice form(s), and must sign an authorization form at the time of the initial job interview or prior to being extended an offer of employment. Refusal to sign such authorization is grounds for disqualification from employment with UME Preparatory Academy. Continued employment is also expressly conditioned on satisfactory results from legally authorized or required record and background checks.

In the event UME Preparatory Academy relies on a “consumer report” for an “adverse action” as defined by the Fair Credit Reporting Act and regulation – i.e., denying a job application, reassigning or terminating an employee, or denying a promotion – UME Preparatory Academy will take the following action(s):

Step 1: Before taking adverse action, the employee will be provided a pre-adverse action disclosure that includes a copy of the individual’s consumer report and a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act” – a document prescribed by the Federal Trade Commission.

Step 2: After taking an adverse action, the employee will be provided notice – either orally, in writing, or electronically – that the action has been taken. This notice will include:

- The name, address, and telephone number of the Credit Reporting Agency (“CRA”) that supplied the report;
- A statement that the CRA supplying the report did not make the decision to take the adverse action, and cannot give specific reasons for it; and
- A notice of the individual’s right to dispute the accuracy or completeness of any information the agency furnished, and his or her right to an additional free consumer report from the agency upon request within 60 days.

The employee will be given a reasonable time period to refute the information. However, it is ultimately the decision of UME Preparatory Academy as to what action is taken.

3.9 Pre- and Post-Offer Medical Testing

Employees may be required to submit to certain medical tests (including drug testing) before beginning employment with UME Preparatory Academy.

3.10 New Hire Reporting

Federal and state law requires UME Preparatory Academy to provide information about all new or rehired workers to the Employer New Hire Reporting Operations Center in the Texas Office of the Attorney General.

3.11 New Hire Orientation

Each new employee experiences an orientation period during the first 90 days of employment. During this time, the Principal or the employee’s immediate supervisor will provide training, guidance, feedback regarding performance, and an explanation of benefits, services, rules, safety training, and other information that is helpful to the new employee. At the end of the initial orientation period, the Principal or supervisor may conduct a performance evaluation.

3.12 Assignment and Reassignment



All personnel are subject to assignment and reassignment by the Superintendent or designee, and may also be directed to perform additional or supplemental duties from time to time. Unless specifically required by applicable law or approved by the Board of Directors and/or the Superintendent, no additional financial compensation is provided for additional or supplemental duties. UME Preparatory Academy's criteria for approval of reassignments will be consistent with school policy regarding equal opportunity employment.

Any employee may request reassignment to another position for which he or she is qualified. All interested employees who meet a position's minimum qualifications are encouraged to apply. Selection is based on the school's needs and a candidate's qualifications and performance. Decisions concerning job vacancies will be based on each individual's job qualifications, experience, and abilities and in accordance with applicable state and federal law. UME Preparatory Academy reserves the right to select candidates from outside the school.

3.13 Transfers

An employee with the required qualifications for a position may request a transfer to another position, department or campus. A written request for transfer must be completed and signed by the employee and the employee's supervisor. Employees must be in good standing for the transfer to be approved; good standing is defined as not actively being on any type of professional growth plan and/or not receiving any formal disciplinary actions in the 90 days prior to the transfer request. The employee's current supervisor is responsible for forwarding the transfer request to Human Resources by the designated deadline.

Requests for transfer during the school year will be considered only when the change will not adversely affect students, if applicable, and after a replacement has been found. All transfer requests will be coordinated by Human Resources and must be approved by the sending and receiving supervisor.

3.14 Professional Development

UME Preparatory Academy is committed to the professional development of all its employees. For educators, UME Preparatory Academy provides training before the start of the school year, on-site coaching and modeling throughout the school year, day-to-day instructional leadership, and access to external workshops. For non-instructional staff, UME Preparatory Academy provides technical training before the start of the school year and throughout the year.

In addition, all employees are encouraged to pursue external professional development opportunities in the form of workshops or additional certification. Employees should talk with their supervisors about additional development opportunities and specific career paths. Supervisors must approve professional development before it is taken if time off will be required to attend the session/course.

3.15 Arrest & Conviction Occurring after Employment Begins

An employee must notify his or her Principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of any felony, and any of the other offenses listed below:

- Crimes involving school property or funds;
- Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or



- permit that would entitle any person to hold or obtain a position as an educator;
- Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
- Crimes involving moral turpitude.

Moral turpitude includes, but is not limited to: (a) dishonesty; (b) fraud; (c) deceit; (d) theft; (e) misrepresentation; (f) deliberate violence; (g) base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor; (h) crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance; (i) felonies including driving while intoxicated; and (j) acts constituting abuse or neglect under SBEC rules. If an educator is arrested or criminally charged, the Superintendent is also required to report the educator's criminal history to the Division of Investigations at TEA.

The requirement to report a criminal history after employment begins shall not apply to minor traffic offenses. However, a first offense of DWI or DUI must be reported if the employee drives or operates (or is authorized to do so) a UME Preparatory Academy vehicle or other mobile equipment. Failure to timely report may result in disciplinary action, up to and including termination.

Conviction may not be an automatic basis for termination, unless the conviction makes an employee ineligible for employment in a Texas public school. UME Preparatory Academy shall consider the following factors (or other appropriate considerations as deemed by UME Preparatory Academy in determining what action, if any, should be taken against an employee who is convicted of a crime during employment:

- The nature of the offense;
- The date of the offense;
- The relationship between the offense and the position to which the employee is assigned; and
- The best interests of UME Preparatory Academy and its students.

3.16 Personnel Records

UME Preparatory Academy maintains a personnel file on each employee. This file includes the employee's job application, résumé, records of training, documentation of performance appraisals and salary increases, and other employment records.

All information in an employee's personnel file will be made available to the employee or his or her representative in the same manner that public information is made available under the public information laws found in Texas Government Code Chapter 552.

An employee or his or her authorized representative has a special right of access, beyond the right of the general public, to information held by UME Preparatory Academy that relates to the employee, and that is protected from public disclosure by laws intended to protect the employee's privacy interests. UME Preparatory Academy may not deny to the employee or his or her representative access to information relating to the employee on the grounds that the information is considered confidential by privacy principles under the Texas Public Information Act ("TPIA"). However, UME Preparatory Academy may assert, as grounds for denial of access, other provisions of the TPIA or other laws that are not intended to protect the employee's privacy interests.

If UME Preparatory Academy determines that information in an employee's records is exempt from



disclosure under an exception of Texas Government Code Chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the employee or his or her authorized representative, it will, when required, submit a written request for a decision to the Attorney General of Texas before disclosing the information. UME Preparatory Academy will release the information to the employee requesting the information in accordance with applicable law.

Employees who wish to review their own personnel file should contact Human Resources.

Many personnel records may also be public information and must be released upon request in accordance with state law. Pursuant to a written Open Records Request under the TPIA, employees may choose to have the following personal information withheld from disclosure:

- Home Address,
- Phone number, including personal cell phone number,
- Information that reveals whether they have family members, and
- Emergency contacts.

Please complete and return to Human Resources the “Texas Government Code § 552.024 Public Access Option Form” included with this Handbook if you wish to opt-out and have the above-identified information “exempted” from disclosure under the TPIA. New or terminated employees have 14 days after hire or termination to submit a request; otherwise, personal information will be released to the public in accordance with the TPIA. A request to deny public access to personal information is effective only for public information requests made after the date the employee submits to Human Resources the request to deny access. With respect to certain medical information protected by state and federal law and evaluation documents exempted from disclosure under state law, UME Preparatory Academy will seek to exempt and protect such documentation from disclosure to the extent permitted by law.

3.17 Name and Address Changes

Employment records must be kept up to date. Employees must notify Human Resources if there are any changes or corrections to their name, address, telephone number, marital status, and emergency contact information. Name change notifications must also be submitted along with the employee’s new social security card depicting the employee’s new name.

3.18 Health Safety Training

Certain employees (i.e., physical education teachers and coaches) who are involved in physical activities for students must maintain and submit to Human Resources proof of current certification in first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator. UME Preparatory Academy will also train staff on certain health and safety matters discussed in Chapter 38 of the Texas Education Code. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, University Interscholastic League, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification to Human Resources at the start of each school year and each time the employee is recertified.

3.19 Conflicts Of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential



conflicts of interest. This section of the Handbook establishes only the framework within which UME Preparatory Academy wishes to operate. UME Preparatory Academy's framework is also guided by applicable state and federal law governing conflicts of interest and nepotism applicable to Texas open-enrollment charter schools and nonprofit tax-exempt entities. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact Human Resources for more information or questions about conflicts of interest.

All UME Preparatory Academy employees shall avoid employment, financial, business, social, or other relationships that might be opposed to the interests of UME Preparatory Academy or might create the appearance of impropriety, or might cause a conflict with the performance of their duties. Employees shall at all times conduct themselves in a manner that avoids even the appearance of conflict between their personal interests and those of UME Preparatory Academy.

Conflict of interest situations may arise in many ways. Examples include, but are not limited to, the following:

1. Employment with a vendor/contractor, regardless of the nature of the employment, while employed by UME Preparatory Academy.
2. Contract award with a vendor in which an employee or his or her family have a substantial ownership or management interest.
3. Ownership of, or substantial interest in, a company that is a supplier of UME Preparatory Academy.
4. Acting independently as a consultant to a UME Preparatory Academy supplier.
5. Accepting expense-paid invitations to sports or entertainment events from a long-time friend who is also a UME Preparatory Academy vendor.
6. Socializing with vendors or persons interested in doing business with UME Preparatory Academy under circumstances that create the appearance of impropriety.

Any employee who may have a conflict situation, actual or potential, shall report all pertinent details in writing to his or her supervisor. If the proper resolution is not apparent to the supervisor, the supervisor shall refer the matter to the Superintendent of Schools or designee for resolution. If a conflict of interest develops accidentally or unexpectedly, the matter shall be reported to the supervisor immediately.

Nothing in this policy is meant to interfere with UME Preparatory Academy's desire to encourage staff members to take part in civic, church, and other public services where opportunities to exhibit good citizenship are present.

Outside Employment and Tutoring

All employees must recognize that they owe a duty of loyalty to UME Preparatory Academy. At all times when on duty, without regard to time or place, employees should devote their full attention to UME Preparatory Academy's business and their duties. Additionally, employees should not be engaged in outside employment that provides or could give rise to a conflict of interest or directly interferes with the employee's performance. For purposes of this prohibition, "employment" includes employment with another organization, consulting, or self-employment, whether on a voluntary basis or for pay.

All employees are required to disclose in writing to their immediate supervisor any outside employment and, if a potential or actual conflict of interest is present, have written permission from their immediate supervisor to engage in the outside employment. At all times, employees are expected to maintain a



satisfactory level of performance in their job at UME Preparatory Academy. UME Preparatory Academy prohibits the performance of non-school work while on the job or with school equipment and/or supplies.

Employment of Relatives and Fraternization

UME Preparatory Academy is committed to providing equal employment opportunities to its employees. Intimate relationships have the potential to interfere with UME Preparatory Academy’s ability to provide equal employment opportunities for its employees, and in some instances, may constitute sexual harassment or other unlawful discrimination. To minimize potential conflicts of interest, UME Preparatory Academy strongly discourages its employees from entering into intimate relationships with other employees for which they have professional supervisory responsibility.

While relatives of employees or the Board of Directors may not be employed by UME Preparatory Academy in accordance with applicable law, a familial relationship among employees can also create an actual, or at least a potential conflict of interest in the employment setting, especially where one relative has professional supervisory responsibility over another relative. Additionally, UME Preparatory Academy may not employ relatives of the Superintendent if the Superintendent has final hiring authority over the position sought, unless the relative of the Superintendent was hired prior to September 1, 2013.

UME Preparatory Academy may refuse to hire or assign a relative in a position where the appearance of or potential for favoritism or conflict exists or where otherwise prohibited by law. Employees shall also refrain from making hiring, firing or other decisions impacting the terms or conditions of employment of relatives. Where hardship exists, employees may appeal to the Superintendent in accordance with UME Preparatory Academy’s formal complaint procedures set forth in this Handbook.

Unless otherwise approved by the Superintendent, if two employees marry, become relatives of each other or enter into an intimate relationship, they should not remain in a professional supervisory relationship. UME Preparatory Academy will, at its discretion, attempt to identify other available positions, and allow one or both of such employees to apply for reassignment, or UME Preparatory Academy may reassign the employees at its discretion. If no alternate position is available, UME Preparatory Academy may terminate either of the employees at its discretion.

In other cases where a conflict or the potential for conflict arises between an employee and another employee, even if there is no professional supervisory responsibility involved, the parties may be separated by reassignment to another position or terminated from employment, at the discretion of UME Preparatory Academy.

For the purposes of this section, a “relative” is any person who is related by blood or marriage within the third degree, as described below, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

<u>First Degree</u>	Parent	Child	Husband	
<u>Second Degree</u>	Grandparent	Grandchild	Sibling	
<u>Third Degree</u>	Great-Grandparent	Great-Grandchild	Aunt/Uncle	Niece/Nephew

Non-Disclosure

The protection of confidential business information and trade secrets is vital to the interests and the success of UME Preparatory Academy. Such confidential information includes, but is not limited to, the following:



- Curriculum systems;
- Instructional programs;
- Curriculum solutions;
- Student course work;
- Compensation data;
- Computer processes;
- Computer programs and codes;
- New materials research;
- Pending projects and proposals;
- Proprietary production processes;
- Research and development strategies;
- Technological data; and
- Technological prototypes.

An employee who improperly uses or discloses trade secrets or confidential business information belonging to UME Preparatory Academy will be subject to disciplinary action, up to and including termination of employment and legal action, even if the employee does not actually benefit from the disclosed information. This does not include any disclosure of otherwise confidential business information or trade secrets in accordance with the TPIA, Chapter 552 of the Texas Government Code, or other applicable federal or state law.

3.20 Special Rules for Social Studies Courses

For any social studies course offered by UME Preparatory Academy, a teacher may not be compelled to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs. A teacher who chooses to discuss such a topic shall, to the best of the teacher's ability, strive to explore the topic from diverse and contending perspectives without giving deference to any one perspective.

3.21 Textbook and Materials Acquisition

Any UME Preparatory Academy director, administrator, or teacher who receives any commission or rebate on any textbooks, electronic textbooks, instructional materials, or technological equipment used by UME Preparatory Academy may commit a Class B misdemeanor offense.

Any UME Preparatory Academy officer, administrator, or teacher who accepts a gift, favor, or service given to the person, or to UME Preparatory Academy that could not be lawfully purchased with funds from the state textbook fund, and that might reasonably tend to influence the person in the selection of a textbook, electronic textbook, instructional material, or technological equipment may commit a Class B misdemeanor offense.

3.22 Copyrighted Material

Employees are expected to comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Electronic media, including motion pictures and other audiovisual works, are to be used in the classroom for instructional purposes only. Duplications are to be used in the classroom for educational purposes only. Duplication or backup of computer programs and data



must be made within the provisions of the purchase agreement.

Employees acknowledge and understand that the entire right, title and interest of any and all writings, works and other creations that they may prepare, create, write, initiate or otherwise develop as part of their efforts while employed by UME Preparatory Academy shall be considered the property of UME Preparatory Academy. This includes, but is not limited to, the development of a curriculum. These works will be “works for hire” and shall be the sole and exclusive property of UME Preparatory Academy, including any copyright, patent or trademark or application thereof. Employees hereby assign and transfer to UME Preparatory Academy all right, title and interest in such works and creations, including without limitation, all patent, trademark and copyright rights that now exist or may exist in the future. Employees further agree that at any reasonable time upon request, and without further compensation or limitation, they will execute and deliver any and all papers, applications or instruments that in UME Preparatory Academy’s opinion may be necessary or desirable to secure the UME Preparatory Academy’s full enjoyment of all right, title interest and properties herein assigned. Employees agree not to charge the school for use of their copyrighted, trademarked and patented material.

3.23 Proprietary Information

Proprietary information includes all information relating in any manner to the business of UME Preparatory Academy and its schools, students, parents, consultants, customers, clients, and business associates obtained by UME Preparatory Academy employees during the course of their work. Occasionally, in the service of UME Preparatory Academy’s mission, UME Preparatory Academy may choose to share otherwise proprietary information (e.g., best practices) with outside parties. Such documents will be prepared specifically for publication and dissemination. If an individual employee receives a request from an outside party for either paper or electronic copies of UME Preparatory Academy documents, that employee should direct the request to the Human Resources Department.

3.24 Performance Evaluations

UME Preparatory Academy Evaluation of an employee’s job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee’s assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually.

Evaluations will be completed on forms approved by UME Preparatory Academy. Reports, correspondence, and memoranda may also be used to document performance information.

3.25 Termination or Resignation

Employees are employed at will and can be dismissed without notice or warning.

All school-owned property in the employee’s possession must be returned to his or her supervisor upon separation from employment. Failure to return school-owned property constitutes theft of public property and will be reported to law enforcement.

In the event an employee has been terminated or resigns, it is the employee’s responsibility to provide a forwarding address and telephone number. This information must be provided to Human Resources no later



than December 31 of that year for W-2 purposes, and no later than the last day of work in the event of termination or resignation. In the event the W-2 or final paycheck is returned to the UME Preparatory Academy, the school will hold the W-2 or the final check until claimed by the former employee or by an individual authorized in writing by the former employee to collect the check and/or the W-2.

Exit interviews will be scheduled for all employees leaving UME Preparatory Academy. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time.

Reports Concerning Court-Ordered Withholding

UME Preparatory Academy is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance to the court and the individual receiving the support (Texas Family Code §8.210, 158.211). Notice of the following must be sent to the court and support recipient:

- Termination of employment not later than the seventh day after the date of termination;
- Employee's last known address; and
- Name and address of new employer, if known.

Termination Grievances (General Complaints)

A terminated employee may request a review of the dismissal decision. Termination grievances (other than whistleblower complaints) must be submitted in writing to Human Resources within five calendar days of notice of termination. A Human Resources representative will schedule and hold a conference within five business days of the request and shall issue a written decision within five business days after the conference. A former employee wishing to appeal this decision may appeal through the General Employee Complaints and Grievances process described in 3.26 of this Handbook, beginning at Level Two for appeal to the Superintendent. Termination decisions will not be deferred pending the outcome of an appeal.

3.26 General Employee Complaints and Grievances Process

Purpose

The purpose of the employee complaint process is to provide employees an orderly process for the prompt and equitable resolution of grievances. UME Preparatory Academy intends that, whenever feasible, grievances be resolved at the lowest possible administrative level.

In using and applying the employee complaint process, all participants are expected to remain courteous and to adhere to the Code of Ethics and Standard Practices for Texas Educators.

Informal Process

UME Preparatory Academy encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution is encouraged, but will not extend any deadlines in this grievance process, except by mutual written consent.

Formal Process

An employee may initiate the formal grievance process described below by timely filing a written complaint



form.

Even after initiating a formal complaint, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

The grievance process described below shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation

Neither UME Preparatory Academy nor any UME Preparatory Academy employee shall unlawfully retaliate against an employee for bringing a concern or complaint/grievance.

Guidelines for General Employee Complaint Process

Definitions

For purposes of understanding the General Employee Complaints and Grievances Process, terms are defined as follows:

The terms “complaint” and “grievance” shall have the same meaning and may pertain to the following situations:

1. Grievances concerning an employee’s wages, hours, or conditions of work;
2. Specific allegations of unlawful discrimination in employment based on the employee’s sex (including allegations of sexual harassment and/or wage discrimination on the basis of sex), race, religion, national origin, age, veteran status, or disability, following completion of an investigation by the designated compliance coordinator or designee set by policy; or
3. Specific allegations of unlawful discrimination or retaliation based on the employee’s exercise of constitutional rights.

The term “day” shall be defined as a school business day, unless stated otherwise in this complaint process. In calculating timelines under these procedures, the day a document is filed is “day zero,” and all deadlines shall be determined by counting the following school business day as “day one.”

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication (including email and fax), or by U.S. Mail. Hand-delivered filing shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filing shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

UME Preparatory Academy will make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, UME Preparatory Academy may hold the conference and issue a decision in the employee’s absence.

Response



At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee’s e-mail address of record, or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

If the administrator addressing the complaint determines that additional time is needed to complete a thorough investigation of the complaint and/or to issue a response, the administrator shall inform the grievor in writing of the necessity to extend the response time and a specific date by when the response will be issued.

A grievance official who fails to meet a time requirement, without providing written notice of an extended deadline, shall be considered to have denied the complaint as of the date of the missed deadline.

Representative

“Representative” means a person designated to represent him or her in the complaint process. An employee may designate a representative through written notice to UME Preparatory Academy at any level of the grievance process. The representative may participate in person or by telephone / video conference. If the employee designates a representative with fewer than three days’ notice to UME Preparatory Academy before a scheduled conference or hearing, UME Preparatory Academy may reschedule the conference or hearing to a later date, if desired, in order to include the school’s counsel. UME Preparatory Academy may be represented by counsel at any level of the process.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, UME Preparatory Academy may consolidate the complaints.

Untimely Filings

All time limits for an employee to file a complaint shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, upon written notice to the employee, at any point during the complaint process.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by UME Preparatory Academy.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be re-filed



with all the required information if the refiling is within the designated time for filing.

Formal Complaint Process

The formal complaint process provides all employees with an opportunity to be heard up to the highest level of administrative management. Once all administrative procedures are exhausted, employees can bring complaints to the Board of Directors, as outlined below.

Level One

Level One complaint forms must be filed:

1. Within ten days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint; and
2. With the lowest-level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees assigned to work at a school campus shall file Level One complaints with the Principal. Other UME Preparatory Academy employees shall file Level One complaints with their immediate supervisor.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the Level One complaint form.

If the complaint is not filed with the appropriate administrator, the receiving administrator will note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten days of receipt of the Level One complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, or if there is a need to gather additional information, the administrator shall provide the employee with a written response within ten days following the conference. The written response will set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the employee did not receive the relief requested at Level One or if the time for a response has expired, or if the employee is directed to do so by UME Preparatory Academy, the employee may request a conference with the Superintendent or designee to appeal. The appeal notice must be filed in writing, on a form provided by UME Preparatory Academy, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator will prepare and forward a record of the Level One complaint to the Level Two administrator.

The Superintendent or designee will schedule a conference within ten days after the appeal notice is filed.



The conference shall be limited to the issues and documents considered at Level One. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response will set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Level Three

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board of Directors. The appeal notice must be filed in writing, on a form provided by UME Preparatory Academy, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for consideration by the Board. The Board of Directors will consider the grievance and may, at its discretion, require the appearance of the employee and administration.

The Board of Directors will determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. Generally, complaints involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the complaint may be heard by the Board of Directors in a closed meeting. Complaints involving a complaint or grievance against another UME Preparatory Academy employee, director, or officer shall be heard in a closed meeting unless an open meeting is requested in writing by the employee, director, or officer against whom the complaint or grievance is brought.

After considering the appeal, the Board of Directors may subsequently act or take no action. If the Board of Directors acts, it may make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board of Directors meeting. If the Board does not decide regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two. A decision by the Board of Directors, if any, is final and may not be appealed.

3.27 Whistleblower Complaints

The Texas Whistleblower Act (“TWA”) protects employees who make good faith reports of violations of law by UME Preparatory Academy or another employee to an appropriate law enforcement authority. UME Preparatory Academy is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against an employee who makes a report under the TWA.

An employee who alleges a violation of whistleblower protection must file a written complaint to Human Resources no later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

Following receipt of a whistleblower complaint, the Superintendent or designee will conduct an investigation and issue a written response to the complaint. An employee who is dissatisfied with the outcome of the investigation may file an appeal to the Board of Directors through the General Employee



Complaints and Grievances Process described in this Handbook, beginning at Level Three.

UME Preparatory Academy may shorten its general timelines for investigating employee complaints and concerns to allow the Board of Directors to make a final decision within 60 calendar days of the initiation of the complaint. If the Board of Directors does not render a final decision before the 61st day after a whistleblower complaint is filed, an employee may:

1. Exhaust the UME Preparatory Academy complaint procedure, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under the TWA; or
2. Terminate the school's complaint procedures and sue within the timelines established by the TWA.

PART 4: COMPENSATION AND PAY SCHEDULES

4.1 Payroll

UME Preparatory Academy follows all Texas Payday Laws. All exempt employees are paid on the 15th of each month. All non-exempt employees are paid twice a month, on the 1st and 15th of the month, in accordance with the Texas Payday law. Pay dates are posted online and at the back of this handbook.

The method of pay may be changed at any time, with or without advance notice. Employee pay will be directly deposited into the employee's financial institution of choice. Pay will not be released to any person other than the employee to whom pay is due, without the employee's prior written authorization.

Pay due will include earnings per time clock submissions for non-exempt employees for all work performed through the end of the previous payroll period and per the exempt work agreement period for exempt employees.

In the event that a regularly scheduled payday falls on a day off, such as a weekend or holiday, employees will be paid on the last day of work prior to the regularly scheduled payday.

UME Preparatory Academy pays all exempt salaried employees an annualized salary over 12 months, regardless of the number of months worked during the school year. Exempt employees will be paid in equal monthly payments beginning with the first pay period of the school year. Pay earned during the first 15-day pay period is held in arrears. All salaries are paid-out in accordance with the Texas Payday Act.

4.2 Salaries, Wages, and Stipends

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. Salaries and wages are reviewed periodically and adjusted according to the budgeted amounts approved by the Board of Directors. Employees should contact Human Resources for further information concerning their own salary.

4.3 Payroll Deductions

UME Preparatory Academy is required to make the following automatic payroll deductions:

- Teacher Retirement System of Texas or Social Security employee contributions.



- Federal income tax.
- Medicare tax.
- Child support and spousal maintenance, if applicable.
- Delinquent federal education loan payments, if applicable.

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; annuities; and higher education savings plans or prepaid tuition programs. Salary deductions may also be made for unauthorized or unpaid leave in accordance with applicable law.

If you have questions why deductions were made from your paycheck or how they were calculated, notify Human Resources/Payroll.

Administrative Pay Corrections

In the event of an error in payment, the employee should contact the Human Resource/Payroll Department as soon as possible. Any questions concerning how or when corrections will be made should be directed to the Human Resources/Payroll Department.

Overpayments

Employees must inform the Human Resources/Payroll Department of known overpayments on any paychecks received. UME Preparatory Academy will pursue all legal means necessary to recover overpayments.

4.4 Automatic Deposit

Employees can have their paychecks deposited into a designated account. This structure helps UME Preparatory Academy pay its employees faster and more accurately. You may contact the Human Resources/Payroll Department for more information about automatic payroll deposit services.

Employees are responsible for notifying the Human Resources/Payroll Department, in writing, at least 10 business days before a regular scheduled payday of any changes in the employee's banking status. If the change constitutes the closing of a currently designated account, an alternate account must be specified. If funds cannot be deposited in an account and are returned by the bank for any reason, a replacement check will not be issued until the funds are credited back to UME Preparatory Academy's bank account. Additionally, a replacement fee may be applied.

The replacement check will be issued after the funds have been returned, and the employee will pick up their check at the Human Resources/Payroll Department and should bring a valid replacement direct deposit form.

4.5 Lost/Stolen Paychecks

Lost or stolen paychecks should be reported to the Human Resources/Payroll Department immediately. UME Preparatory Academy will issue a stop payment on the lost or stolen check. Only after the financial institution has notified UME Preparatory Academy that payment of the check has been stopped can a new check be issued.

4.6 Unclaimed Payroll Checks



In the event an employee does not collect their pay within 90 days, UME Preparatory Academy will secure such pay and the wages will still be recorded. The employee will be required to present proper identification to UME Preparatory Academy before pay will be reissued. In the event that the unclaimed pay is not claimed for a period of one year from its date of issuance, the pay amount “escheats” to the State of Texas pursuant to the Texas Property Code. After such time, the employee will need to contact the Unclaimed Property Division of the Texas State Comptroller’s Office for instructions on retrieving deposited wages.

4.7 Authorized Check Pick Up

UME Preparatory Academy will release a paycheck to a third party, including a spouse, who is authorized in writing by the employee to receive the paycheck. Written authorization must be provided to the Quality Assurance Coordinator prior to any paycheck being released.

4.8 Expense and Travel Expense Reimbursement

Before an employee incurs any travel expense, the employee’s supervisor and appropriate central office business official must give approval. For approved travel, employees will be reimbursed for mileage and travel expenditures according to the current rate schedule authorized by the Board of Directors. Employees must submit receipts to be reimbursed for travel expenses other than mileage. Employees will not be reimbursed for travel to and from the workplace.

4.9 Wage and Tax Statements

All employees will receive a Wage and Tax Statement (Form W-2) showing their annual earnings and the amounts deducted for Social Security, Medicare, and federal income taxes. Additional earnings and deductions that may be included, if applicable, are social security tips, allocated tips, advance earned income credit, and dependent care benefits. W-2 forms will be prepared by UME Preparatory Academy and distributed on or before January 31st of each year.

4.10 Fair Labor Standards Act (FLSA)

Employment Categories

It is the intent of UME Preparatory Academy to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at-will at any time is retained by both the employee and UME Preparatory Academy.

Each employee is designated as either EXEMPT or NON-EXEMPT under federal and state wage and hour laws in accordance with applicable federal law. NON-EXEMPT employees are entitled to overtime pay under the specific provisions of federal law. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee’s EXEMPT or NON-EXEMPT classification may be changed only upon written notification by UME Preparatory Academy, and in accordance with applicable federal law.

Exempt status applies to the position and not the employee. Exempt simply means the position the employee fills is exempt from the FLSA, and is not entitled to overtime compensation. Exempt employees are paid on a salaried basis, and their salary is not reduced for absences of less than one full day. However, any full



days of absence taken in excess of the employee's allotment/service record accumulation of sick or personal leave will result in an employee payroll deduction calculated on a prorated daily rate.

Non-exempt positions are those positions that are not exempt from the FLSA. Non-exempt positions require the school to pay the employee overtime (time and a half) for all hours worked in excess of 40 during a workweek. The key phrase here is "hours worked." An employee may work 32 hours in a week and have 16 hours of vacation time. This would reflect 48 hours on a paycheck, but for overtime calculation, the employee actually worked 32 hours – so overtime would not be paid. All employees in positions that are classified as non-exempt will be required to maintain a timecard or record, and will be eligible for overtime pay in accordance with the appropriate federal and state wage and hour laws.

UME Preparatory Academy's positions are reviewed and assigned an FLSA (exempt or non-exempt) status that is maintained on a master record by Human Resources. Employees may obtain this information from Human Resources upon request.

Timekeeping/Skyward Finance- True Time/Time Off

Federal and state laws require UME Preparatory Academy to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Employees are not to estimate future hours and include them on their timecard.

Non-exempt employees should accurately record the time they begin and end their work. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. This work log should be recorded as it takes place – not several hours or days later. Overtime work must always be approved before it is performed.

Non-exempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without expressing prior authorization from their immediate supervisor and/or the Principal.

All employees should use Skyward Employee Access to document days worked via True Time. Sick or personal leave must be entered into the Skyward Employee Access via Time Off.

Employees will need to submit their timecards each Friday via Skyward for approval. Supervisors will review and approve for submission to the Human Resources/Payroll Department via Skyward.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Minimum Wage and Overtime

UME Preparatory Academy compensates overtime for non-exempt employees in accordance with federal wage and hour laws. Only non-exempt employees are entitled to overtime compensation. Depending on UME Preparatory Academy's work needs, employees may be requested to work overtime. UME Preparatory Academy compensates overtime for non-exempt employees in accordance with federal wage and hour laws. Only non-exempt employees are entitled to overtime compensation. Non-exempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor. An employee who works overtime without prior written approval is subject to disciplinary action, up to and including termination.



4.11 Compensation and Wage Increase Schedule

In order to attract and retain a highly qualified and competent workforce, UME Preparatory Academy has instituted a program to compensate employees in a fair and equitable manner based upon demonstrated job performance. Employees are paid in accordance with a salary schedule approved by the Board of Directors, which considers years of experience and education level.

UME Preparatory Academy may issue pay increases to an employee based on market conditions, difficulty in securing adequate skills within the employment pool, and performance. UME Preparatory Academy reserves the right not to issue pay increases due to lack of merit or budgetary reasons.

PART 5: EMPLOYEE BENEFITS

The benefits information in this Handbook is only a summary of benefit plans offered by UME Preparatory Academy. This general explanation is not intended to and does not provide employees with all the details of these benefits. This Handbook does not change or otherwise interpret the terms of the official plan documents. If there is any conflict or difference between the information in this Handbook and the plan documents, the plan documents will govern. UME Preparatory Academy reserves the right to change or end these benefits at any time and for any reason, consistent with all laws. Additionally, benefit eligibility is dependent upon a variety of factors, including employee classification. If employees would like additional information related to any benefits offered by UME Preparatory Academy, please contact the Human Resources Department.

Substitute teachers and temporary employees may be eligible for the benefits described in this section in accordance with the Patient Protection and Affordable Care Act and other applicable rules and regulations governing UME Preparatory Academy's benefit plans.

5.1 Benefit Offerings

UME Preparatory Academy currently offers the following benefit programs to eligible employees in the manner prescribed by law:

- Teacher retirement.
- Medical coverage for employees working 10+ hours per week
- Telehealth (MDLive)
- Dental & Vision for employees working 15+hours per week
- Employee Sponsored Life Insurance of \$10,000 for employees working 15 hours or more
- COBRA.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Human Resources can identify the programs for which you are eligible. Some benefit programs require contributions from the employee; some are fully paid by UME Preparatory Academy.

5.2 Health Coverage Benefits

Group health insurance coverage is available through TRS Active Care to eligible employees in accordance with TRS Active Care provisions. Employees may access the TRS website at:



http://www.trs.state.tx.us/active.jsp?submenu=trs_activecare&page_id=/TRS_activecare/introduction.

UME Preparatory Academy's medical coverage plan(s) and UME Preparatory Academy's annual contribution(s) to such plan(s) are reviewed annually and approved as needed by the Board of Directors. Detailed information and descriptions of coverage, premiums, and eligibility are available through Human Resources.

5.3 Teacher Retirement System

Personnel employed on a regular basis for at least four-and-a-half months are members of the Teacher Retirement System of Texas ("TRS"). Substitute's not receiving TRS service retirement benefits who work at least 90 days a year are also eligible for TRS membership and to purchase a year of creditable service. To earn a year of TRS membership credit, an employee must work in a TRS-eligible position or receive paid leave from a TRS-eligible position for at least 90 days during the school year. If an employee will not meet the 90-day requirement and has worked in excess of five days in a workweek, it is the employee's responsibility to ensure the additional day(s) have been reported. Members should carefully review years of service reported when TRS provides them with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

UME Preparatory Academy will make all required contributions for employees eligible for TRS benefits on a timely basis. Employees who are planning retirement and retirees who are considering employment after retirement should contact Human Resources for the current administrative procedures regarding the school's Retire/Rehire Policy.

Employees can contact TRS by calling 800-223-8778 or 512-542-6400. TRS information is also available on the web at www.trs.state.tx.us.

5.4 Benefits Continuation – COBRA

UME Preparatory Academy will notify employees of their potential rights under COBRA upon separation from employment with the school.

5.5 Other Benefits

From time to time, UME Preparatory Academy may offer its employees the option to additionally purchase and/or participate in various other benefits and insurance programs, subject to the terms and conditions of the various programs.

5.6 Unemployment Compensation Insurance

Terminated employees may be eligible for unemployment compensation benefits under the Texas Unemployment Compensation Act. At-will employees and employees provided with a notice of reasonable assurance of returning to service are not eligible for unemployment benefits during regularly scheduled breaks in the school year or summer months. Employees with questions about unemployment benefits should contact Human Resources.

5.7 Workers' Compensation



UME Preparatory Academy provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. UME Preparatory Academy's workers' compensation coverage is administered by Texas Mutual Insurance.

Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits depend on coverage eligibility and requirements, and the circumstances of each case.

All work-related accidents or injuries should be reported immediately to the employee's immediate supervisor. Employees who are unable to work because of a work-related injury or illness will be notified of their rights and responsibilities with respect to workers' compensation benefits.

An employee absent from duty because of a job-related illness or injury may be eligible for workers' compensation weekly income benefits if the absence exceeds seven calendar days.

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or pre-injury wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal the employee's pre-illness or pre-injury wage.

An employee who believes that his or her condition is a qualifying disability and that he or she is a qualified individual with a disability under the ADA may request and pursue accommodations under the ADA.

Additional information about UME Preparatory Academy's workers' compensation benefit offerings may be obtained from Human Resources.

PART 6: EMPLOYEE ATTENDANCE AND LEAVE

UME Preparatory Academy offers eligible employees paid and unpaid leaves of absences based upon qualifying events. This Handbook describes the basic types of leave available and related restrictions. Employees who expect to be absent for an extended period of more than five days should notify Human Resources for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the UME Preparatory Academy while absent from work.

6.1 Attendance

Employees shall be available full-time during their regular work hours, as defined by their individual Employment Agreement. Any scheduling changes must be discussed with and approved by the employee's immediate supervisor and/or the Principal.

Absence

Employees are responsible for notifying their immediate supervisor and/or the Principal of late arrivals, early departures, and absences. When the need for being absent from or late to work is known in advance, the employee must give notice as far in advance as possible.

Excessive Absenteeism or Tardiness



Excessive absenteeism, tardiness, and leaving work prior to the designated time constitute grounds for any of the following disciplinary action:

- Disciplinary probation.
- Denial of pending or future promotion.
- Production of medical certification of reason or reasons for absences and/or tardies.
- Any other appropriate disciplinary measure, including suspension or termination of employment.

Notice of Unexpected Absence-Teachers/Coaches/Aides

UME Prep instructors are expected to be reliable and punctual in reporting for work in accordance with their individual schedules. If an instructor will be late to work or is unable to work as scheduled, the instructor should notify the Sub Coordinator by 6:30 am, who will contact appropriate backups to ensure responsibilities are covered. Notification of absence should be reported to the Sub Coordinator and the Principal. Your absence should then be entered into Skyward within 3 days.

Notice of Unexpected Absence-Support Staff and Other Hourly employees

UME Prep staff members are expected to be reliable and punctual in reporting for work in accordance with their individual schedules. When employees who have not given advance notice find that they cannot report for work, they are required to notify their supervisor and/or the Principal by 6:30 am each day of the absence. Notification to an employee other than the appropriate supervisor and/or Principal is insufficient. Your absence should then be entered into Skyward within 3 days.

Failure to Give Notice – Job Abandonment and Voluntary Resignation

Failure to provide notification of an absence to a supervisor for three consecutive workdays (unless prevented by circumstances beyond the employee's control) may be considered job abandonment and/or voluntary resignation on the last day worked, in accordance with applicable federal and state law, and UME Preparatory Academy will process the work separation as a voluntary resignation on the employee's part.

In the event of a voluntary resignation, all school-owned property (e.g., keys, uniforms, etc.) must be returned immediately to UME Preparatory Academy.

No payment shall be made for accrued and unused sick leave or any other type of leave upon voluntary resignation or job abandonment, regardless of whether or not the employee provided advance notice of resignation.

Notice of Resignation

An employee voluntarily resigning employment is requested to provide notice of resignation to his or her supervisor as follows:

- One month advance notice of resignation by teachers and other exempt employees.
- Two weeks advance notice of resignation by non-exempt employees.

No payment shall be made for sick leave or any other type of leave, regardless of whether or not the employee provided advance notice of resignation.

6.2 Holiday Leave



Each year, the Board of Directors will establish a school calendar indicating school holidays and closures. This calendar is distributed to each UME Preparatory Academy employee. UME Preparatory Academy will be closed during the following holidays and breaks recognized by the school:

- a. Labor Day
- b. Columbus Day
- c. Thanksgiving (1 week)
- d. Christmas Break (2 weeks)
- e. Spring Break (1 week)
- f. Good Friday
- g. Memorial Day
- h. Juneteenth
- i. July 4th

6.3 Local Leave Overview

UME Preparatory Academy provides leave days to all employees to provide them with the flexibility to attend to their personal and medical time-off needs. All days will be based on your work schedule and will be allocated at the beginning of each school year.

Please contact Human Resources for information regarding your eligible paid time off balances.

As an open-enrollment charter school, UME Preparatory Academy does not offer traditional “state leave” earned under Chapter 22 of the Texas Education Code. This leave is generally transferable among school districts, and may be rolled over from year to year. UME Preparatory Academy employees **will not** earn state leave days that are transferable among Texas public schools, as the state leave program does not apply to charter schools. Local leave entitlement is determined according to the employee’s annual work calendar as described below:

- Year-round employees (Administration and Support Staff): 8 local leave days per year.
- Non-year-round employees (Teachers, Aides, other Clerical/Support): Dependent upon scheduled work hours. (Schedule 5 day people will receive 8 days, 4 day people will receive 6.5 days, 3 day people will receive 4.5 days, 2 day people will receive 3 days)
- A max of two days may be rolled over to the following school year
- Extended Leave-Sick up to 10 days per calendar year
- Extended Leave-Disaster up to 5 days per calendar year
- Bereavement Days 3

Leave is to be used for the following reasons:

- Employee illness.
- Illness in the employee’s immediate family.
- Family emergencies (i.e., natural disasters or life-threatening situations).
- Death in the immediate family, defined as an employee’s parent, stepparent, child, stepchild, sibling, grandparent, aunt uncle, or cousin.
- Active military service, in conjunction with any applicable military leave of absence.
- Absence for other personal reasons.



Exempt (salaried) employees must take leave in full or half day increments. Non-exempt (hourly) employees must take local leave in hourly increments in agreement with the number of hours of the absence.

Approvals for Using Leave Days

Leave must be scheduled in advance and requires approval of the employee's supervisor. In making determinations on leave requests, the supervisor shall consider the effect of the employee's absence on the educational program, the impact on school safety, and the availability of substitutes.

Duration of Leave/Schedule Limitations

Leave may not be taken for more than three consecutive days, except in extenuating circumstances as determined by the Principal or the employee's immediate supervisor. Leave shall not be allowed in the following circumstances for all employees:

- The first week of school or the Last Week of School for any reason;
- Days scheduled for end-of-semester or end-of-year exams, days scheduled for state-mandated assessments or for school achievement tests;
- Days scheduled for professional or staff development and/or in service training;
- Within two days of a scheduled holiday (before or after)

Extenuating circumstances for unapproved absences must be supported by a viable doctor's excuse or other appropriate documentation as deemed by the supervisor.

Any leave taken for which leave balances are insufficient shall result in a deduction from the employee's paycheck commensurate with the amount of leave taken, to the extent allowed by law. Additionally, if an employee leaves UME Preparatory Academy before the end of the work year, the amount of wages, based on the employee's daily rate, for any unearned leave days taken by the employee shall be deducted from the employee's final paycheck in accordance with applicable law.

Personal leave by reason of illness, two or more days in duration, must be accompanied by a doctor's note upon return to work.

Forfeiture of Accrued Leave

Any unused paid accrued leave, regardless of what the leave is called (e.g., sick leave, local leave, vacation, discretionary leave, etc.), is forfeited upon separation from employment.

6.4 Limitations on Leaves of Absence (Unavailability for Work)

With the exception of leaves of absence for military duty or approved leave under the FMLA, if an employee accumulates more than **ten**, days of absence after exhausting all available paid and unpaid leave, the employee shall be separated due to unavailability for work, subject to any reasonable accommodation duties UME Preparatory Academy may have under the ADA or similar law. Any employee separated for unavailability for work following exhaustion of all available leave will be eligible for rehire, and will be able to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings.



6.5 Family and Medical Leave Act (FMLA)

The FMLA provides employees who meet certain eligibility criteria with unpaid leave for certain family and medical reasons during a 12-month period. During a period of FMLA leave, eligible employees are entitled to continue group health plan coverage as if they had continued to work. At the conclusion of the leave, subject to some exceptions, eligible employees generally have the right to return to the same or an equivalent position and equivalent pay, benefits and working conditions.

NOTE: The following FMLA provisions and all references to FMLA in this Handbook and in school policy are applicable only to employees eligible for FMLA.

The following text is adapted from the federal notice, *Employee Rights under the Family and Medical Leave Act*. Specific information that UME Preparatory Academy has adopted to implement the FMLA follows this general notice.

Leave Entitlements

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; or
- For qualifying exigencies related to the deployment or military service of a family member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

Benefits and Protections

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any



proceeding under or related to the FMLA.

Eligibility Requirements

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employee has at least 50 employees within 75 miles of the employee's worksite.

Requesting Leave

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Employer Responsibilities

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Enforcement

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:
1-866-4-USWAGE
(1-866-497-9243) TTY: 1-877-889-5627
www.dol.gov/whd



Local FMLA Guidelines

Calculating FMLA Leave Year

UME Preparatory Academy uses the following method to establish the 12-month period in which FMLA leave may be used:

- The calendar year – the 12-month period that runs from January 1 through December 31.
- A fixed 12-month period correlating to the official school calendar for the 2023–2024 school year.

Use of Paid Leave

FMLA leave runs concurrently with accrued sick and personal leave, temporary disability leave, and absences due to a work-related illness or injury. UME Preparatory Academy will designate the leave as FMLA, if applicable, and notify the employee that accumulated leave will run concurrently.

Combined Leave for Spouses

Spouses who are employed by UME Preparatory Academy are limited to a combined total of 12 weeks of FMLA leave to care for a parent with a serious health condition, or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

Intermittent Leave

When medically necessary or in the case of a qualifying emergency, an employee may take leave intermittently or on a reduced schedule. UME Preparatory Academy does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

Fitness for Duty

An employee that takes FMLA leave due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. If certification of the employee's ability to perform essential job function is required, UME Preparatory Academy shall provide a list of essential job functions (e.g., job description) to the employee with the FMLA designation notice to share with the health care provider.

Reinstatement

An employee returning to work at the end of FMLA leave will be returned to the same position held when the leave began or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

In certain cases, instructional employees desiring to return to work at or near the conclusion of a semester may be required to continue on family and medical leave until the end of the semester. The additional time off is not counted against the employee's FMLA entitlement, and UME Preparatory Academy will maintain the employees group health insurance and reinstate the employee at the end of the leave according to school policy and procedure.

Failure to Return

If, at the expiration of FMLA leave, an employee is able to return to work but chooses not to do so, UME Preparatory Academy may require the employee to reimburse UME Preparatory Academy's share of insurance premiums paid during any portion of FMLA leave when the employee was on unpaid leave. If the employee fails to return to work for a reason beyond the employee's control, such as a continuing personal or family serious health condition or a spouse being unexpectedly transferred more than 75 miles



from UME Preparatory Academy, the school may not require the employee to reimburse UME Preparatory Academy's share of premiums paid.

Contact

Employees that require FMLA leave or have questions should contact Kortlynd Dickerson Director of Human Resources at (214) 445-6243 or kortlynd.dickerson@umeprep.org for details on eligibility, requirements, and limitations.

6.6 Military Leave of Absence

UME Preparatory Academy is committed to protecting the rights of employees absent on military leave, and complying with all employment and reemployment rights granted under the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA") and corresponding state military leave rights. Specifically, UME Preparatory Academy will not deny employment, reemployment, retention, promotion, or any benefit of employment based on an individual's membership, or application for membership, in the uniformed services. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under USERRA and corresponding state law. If any employee believes that he or she has been subjected to discrimination in violation of this provision, the employee should immediately contact Human Resources.

Service members of the Texas military forces who are ordered to state active duty or to state training and other duty by the Governor, the Adjutant General, or another proper authority under Texas law are entitled to the same benefits and protections provided to persons performing service in the United States uniformed services.

Eligibility

Employees taking part in a variety of military duties are covered under this policy. This includes leaves of absence taken by members of the United States uniformed services, including active duty, reserve, or National Guard, for training, periods of active military service, funeral honors duty, and time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the law, these benefits are generally limited to five years of leave of absence.

Procedures for Military Leaves of Absence

Employees must contact Human Resources to obtain a military leave of absence form. Notice of the need for leave should be provided as far in advance as is reasonable under the circumstances, unless providing advance notice is prevented by military necessity or is otherwise impossible or unreasonable. Written notice is preferred, but not required under law.

Human Resources will review the request for military leave of absence and issue written notice as to whether the request is approved.

Benefits

An employee on military leave is entitled to continuation of health insurance coverage as follows:

- Absences of 31 or more days: The employee may elect to continue coverage for up to 24 months or for the period of military service (including the time period allowed to reapply for reemployment), whichever is shorter. The employee may be required to contribute up to 102% of the overall (both employer and employee) premium. Upon reinstatement, the employee must be



reinstated immediately into the health plan without any waiting periods or pre-existing condition exclusions.

- Absences of fewer than 31 days: The employee is entitled to coverage under the health benefits plan as if he or she were employed continuously. The employee must continue to pay his or her portion of the regular premium.
- If the employee is participating in TRS-Active Care, the employee must elect to continue participation in the plan. If the employee does not elect continuation, coverage will end on the last calendar day of the month in which the employee enters active, full-time military service.

Group term life insurance provided by UME Preparatory Academy will terminate the day the employee becomes active military. Group long-term disability insurance provided by UME Preparatory Academy will terminate the day the employee becomes active military. Voluntary supplemental insurance will terminate the day the employee becomes active military. Converting to an individual policy may continue voluntary dependent life insurance coverage.

With respect to any retirement plan sponsored by UME Preparatory Academy, employees who have taken military leave will be credited upon reemployment for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Upon reemployment, the employee may, at his or her election, make any or all employee contributions that the employee would have been eligible to make had employment not been interrupted by military service. Such contributions must be made within a period that begins with the individual's reemployment and that is not greater than three times the length of the employee's military service. Employees will also receive all UME Preparatory Academy matches for such contributions.

Please contact Human Resources for additional information on benefit continuation during a military leave of absence.

Employees on a military leave of absence may elect, at his or her option, to use paid leave available; the remainder of military leave will be unpaid. Employees will not accrue paid leave during periods of military leave.

Reemployment

To be entitled to reinstatement following military service, the following conditions must be satisfied:

- The employee provided UME Preparatory Academy notice of the need for military leave.
- The period of military service did not exceed five. Years. (Note: Some types of duty do not count against this five-year limit. Employees with disabilities have two years after their return dates—for purposes of recuperation and convalescence—to seek reemployment.)
- The employee was released under honorable conditions.
- The employee returned and reapplied for re-employment within the following time restrictions:
 - Leaves of fewer than 31 days: The employee must report to work on the first regularly scheduled work period following the completion of military service; no application is required.
 - Leaves of more than 31 but fewer than 180 days: The employee must apply for reinstatement within 14 days after completion of military service.
 - Leaves of more than 180 days: The employee must apply for reinstatement no more than 90 days after completion of military service.



When the employee returns from military service, he or she is entitled to return to the position the employee would have attained if he or she had not been called to uniformed service. In limited circumstances based on business necessities, reinstatement may not be possible.

A reemployment position includes the seniority, status, and rate of pay that an employee would ordinarily have attained in the position, given the employee's job history, if the employee had been continuously employed.

Protection from Discharge

Under USERRA, a reemployed employee may not be discharged without cause: (1) for one year after the date of reemployment if the person's period of military service was for 181 days or more; or (2) for 180 days after the date of reemployment if the person's period of military service was for 31 to 180 days. Persons who serve for 30 or fewer days of military service are not protected from discharge without cause. Cause can be based on conduct or on job elimination. However, they are protected from discrimination because of military service or obligation.

General Benefits Upon Reemployment

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward eligibility for FMLA leave.

6.7 Bereavement Leave

Full-time and part-time employees are eligible for bereavement leave. Temporary employees, substitutes, or employees classified on an "as-needed" basis are not eligible for bereavement leave.

In the unfortunate event of a death in an eligible employee's immediate family, the employee may take a paid leave of absence of up to three (3) days (up to five (5) days if air travel is required). For purposes of this policy, an "immediate family member" includes the following:

- Spouse.
- Child/step-child.
- Parent/step-parent.
- Grandparent/step-grandparent.
- Sibling/step-sibling.
- Spouse's parents.
- Spouse's grandparent.
- Daughter-in-law/son-in-law.
- Any other family member residing in the employee's home.

UME Preparatory Academy will provide up to two days of paid bereavement leave in the event of a death in an employee's extended family. For purposes of this policy, "extended family" includes the following:

- First cousin.
- Brother-in-law/sister-in-law.
- Aunt/uncle.
- Niece/nephew.



- Spouse's aunt/uncle.
- Spouse's niece/nephew.

Bereavement leave days should be taken consecutively, within a reasonable time from the date of the death or day of the funeral, and may not be split or postponed.

If an employee experiences a death in the family, he or she should inform the Supervisor as soon as possible. Supporting documentation may be required.

6.8 Jury Duty and Grand Jury Service

UME Preparatory Academy may not discharge, threaten to discharge, intimidate, coerce, reduce the salary, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror or a grand juror. A leave of absence for jury or grand jury duty will be granted to any employee and will be compensated at his or her regular daily or hourly rate for each day of absence due to jury or grand jury duty, up to a total of three days of paid absence per school year. Employees must present documentation of the service and may keep any compensation they receive. A summons to appear is not proper documentation of the service. If an employee is released early, he or she must return to work. Consideration will be given on a case-by-case basis for travel time.

6.9 Other Court Appearances

Employees will be granted leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Employees must submit documentation of their need for leave for court appearances to their supervisor and Human Resources. UME Preparatory Academy will not discharge, discipline, or otherwise penalize an employee because he or she complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding.

6.10 Voting Leave

Any employee who does not have two consecutive non-work hours while the polls are open on election day will be given up to two hours off with pay in order to vote, unless more time is required by state law. The employee should notify the appropriate supervisor before Election Day if time off is needed, so that the timing of the employee's absence can be pre-arranged.

PART 7: EMPLOYEE CONDUCT

7.1 General

The successful operation and reputation of UME Preparatory Academy is built upon the principles of ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of all applicable laws and regulations, as well as scrupulous regard for the highest standards of conduct and personal integrity.



UME Preparatory Academy will comply with all applicable laws and regulations, including its charter agreement with the State of Texas, and expects all employees to conduct their work in accordance with relevant law and to refrain from any illegal, dishonest or unethical conduct. Neither the Board of Directors nor any UME Preparatory Academy employee shall retaliate against a person who in good faith reports perceived illegal, dishonest or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, discuss the matter with your immediate supervisor and, if necessary, Human Resources.

Every employee is responsible for complying with UME Preparatory Academy's policy of proper business ethics and personal conduct. Disregarding or failing to comply with these standards may lead to disciplinary action, up to and including termination of employment.

7.2 Standards of Conduct

All employees are expected to work together in a cooperative spirit to serve the best interests of UME Preparatory Academy and its schools and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct:

- Engage in professional communications and behavior toward students, fellow employees, service providers, and other UME Preparatory Academy stakeholders.
- Express concerns, complaints, or criticism through appropriate channels and the chain of command.
- Know and comply with department and school policies and procedures.
- Maintain confidentiality in all matters relating to students and coworkers, as required by applicable law.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Report to work according to the assigned schedule.
- Use UME Preparatory Academy time, funds, and property for authorized UME Preparatory Academy business and activities only.

All employees should perform their duties in accordance with state and federal law, UME Preparatory Academy policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, up to and including termination. Additionally, UME Preparatory Academy will report educator and employee misconduct as required by applicable law.

7.3 Code of Ethics

All employees must comply with the following Code of Ethics, which has been adapted from the Professional Code of Ethics and Standard Practices for Texas Educators:

Ethical Conduct in General

UME Preparatory Academy employees shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall



safeguard academic freedom. Employees, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. In exemplifying ethical relations with colleagues, employees shall extend just and equitable treatment to all members of the profession. In accepting a position of public trust, employees shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. UME Preparatory Academy employees, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community.

Professional Ethical Conduct, Practices and Performance:

- Standard 1.1: An employee shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of UME Preparatory Academy, an educator preparation program, the TEA, or the SBEC and its certification process.
- Standard 1.2: An employee shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.
- Standard 1.3: An employee shall not submit fraudulent requests for reimbursement, expenses, or pay.
- Standard 1.4: An employee shall not use institutional or professional privileges for personal or partisan advantage.
- Standard 1.5: An employee shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.
- Standard 1.6: An employee shall not falsify records, or direct or coerce others to do so.
- Standard 1.7: An employee shall comply with state regulations, written local school board policies, and other state and federal laws.
- Standard 1.8: An employee shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.
- Standard 1.9: An employee shall not make threats of violence against school employees, members of the Board of Directors, students, or parents of students.
- Standard 1.10: An employee shall be of good moral character and be worthy to instruct or supervise the youth of this state, as applicable.
- Standard 1.11: An employee shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.
- Standard 1.12: An employee shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.
- Standard 1.13: An employee shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

Ethical Conduct Toward Professional Colleagues

- Standard 2.1: An employee shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
- Standard 2.2: An employee shall not harm others by knowingly making false statements about a colleague or the school system.
- Standard 2.3: An employee shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.



- Standard 2.4: An employee shall not interfere with a colleague’s exercise of political, professional, or citizenship rights and responsibilities.
- Standard 2.5: An employee shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.
- Standard 2.6: An employee shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
- Standard 2.7: An employee shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation in accordance with applicable laws or regulations.
- Standard 2.8: An employee shall not intentionally or knowingly subject a colleague to sexual harassment.

Ethical Conduct Toward Students

- Standard 3.1: An employee shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- Standard 3.2: An employee shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.
- Standard 3.3: An employee shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.
- Standard 3.4: An employee shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.
- Standard 3.5: An employee shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.
- Standard 3.6: An employee shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.
- Standard 3.7: An employee shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the employee is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the employee is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.
- Standard 3.8: An employee shall maintain appropriate professional employee-student relationships and boundaries based on a reasonably prudent employee standard.
- Standard 3.9: An employee shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:
 - The nature, purpose, timing, and amount of the communication;
 - The subject matter of the communication;
 - Whether the communication was made openly or the employee attempted to conceal the communication;
 - Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
 - Whether the communication was sexually explicit; and
 - Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the employee or the student.



7.4 Financial Ethics

UME Preparatory Academy prohibits fraud and financial impropriety in the actions of its directors, employees, vendors, contractors, consultants, volunteers, and others seeking or maintaining a business relationship with UME Preparatory Academy.

Fraud and financial impropriety shall include but not be limited to:

- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to UME Preparatory Academy, except as otherwise permitted by law or UME Preparatory Academy policy;
- Failure to disclose conflicts of interest as required by law or UME Preparatory Academy policy;
- Failure to provide financial records required by state or local entities;
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document;
- Forgery or unauthorized alteration of any document or account belonging to UME Preparatory Academy;
- Impropriety in the handling of money or reporting of UME Preparatory Academy's financial transactions;
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment;
- Misappropriation of funds, securities, supplies, or other school assets, including employee time;
- Profiteering as a result of insider knowledge of school information or activities;
- Unauthorized disclosure of confidential or proprietary information to outside parties;
- Unauthorized disclosure of investment activities engaged in or contemplated by UME Preparatory Academy; or
- Any other dishonest act regarding the finances of UME Preparatory Academy.

Any person who suspects fraud or financial impropriety shall report the suspicions immediately to any supervisor, the Superintendent or designee, the Board President, or local law enforcement.

UME Preparatory Academy will respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosure may be necessary to complete a thorough investigation or to comply with applicable law. All employees involved in an investigation shall be advised to keep information about the investigation confidential to the extent necessary as to not interfere with the investigation process.

Neither the Board of Directors nor any UME Preparatory Academy employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety.

If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee or the Board of Directors shall take or recommend appropriate disciplinary action, which may include termination of employment and, when circumstances warrant, referral to appropriate law enforcement or regulatory authorities.

7.5 Dress and Grooming

UME Preparatory Academy's goal in establishing a dress code is to create a professional appearance that fosters a safe and positive work environment for our staff and students. The general philosophy is that UME Preparatory Academy employees are professionals and should dress the part (i.e., no shorts, baseball caps, multiple earrings, or flip-flops). Faded jeans and t-shirts are not appropriate..



All employees are role models and should dress accordingly. Occasionally, there may be situations that warrant an exception, such as a unique medical condition. Sound professional judgment should be used in these instances.

The following specific rules are to be followed by all employees:

1. Hair must be neat and clean. Shaggy, unkempt hair is not permissible. Sideburns, moustaches, and beards must be neatly trimmed.
2. Halter tops, exposed midriffs, strapless and/or low cut tops, exposed backs, spaghetti straps, see-through clothing, and tanks with oversized armholes are not permitted. Undergarments shall not be visible or exposed.
3. Clothing or conspicuously displayed jewelry or accessories with inappropriate advertising or statements that are offensive or inflammatory are prohibited. This prohibition includes, but not limited to, alcoholic beverages, profanity, sex, tobacco, drugs, gangs, guns, and other weapons, excessively violent or gory imagery, and the promotion of violence.
4. Lanyards other than those with the UME Preparatory Academy logo must be plain or a solid color.
5. Appropriate footwear is required. Flip-flops or other beach-type sandals are not permitted.
6. Pants shall be worn securely at the waist. Excessively worn, torn, frayed, oversized or long clothing is not permitted. Undergarments shall not be visible or exposed.
7. Dresses and skirts will be permitted if they are neatly hemmed, conservative, and modest in appearance and must touch the top of the knee. Excessively high slits in skirts and tight spandex will not be permitted.
8. Body piercing ornaments and other similar ornaments will be worn on the ear only.
9. Visible tattoos and similar body painting(s) that promote violence or reflect gang activity are prohibited. Visible tattoos and similar body painting(s) that are considered offensive, inflammatory or disruptive to the learning environment are prohibited.
10. Hats, caps, or other head apparel are not permitted.

At UME Preparatory Academy's discretion, employees may occasionally be allowed to dress in a more casual manner. On these occasions, employees are expected to present a neat appearance, and are not permitted to wear ripped or disheveled clothing, athletic wear, or other inappropriate clothing. Jeans should not be torn, faded, worn out, or frayed.

UME Preparatory Academy will review its dress and grooming policies on a regular basis, and make changes as needed.

While it is inevitable that there will be differences of opinion as to the appropriateness of dress and grooming, the final determination will be in the judgment of the Supervisor. An employee who does not comply with this dress code is subject to disciplinary action, up to and including termination.

7.6 Unacceptable Employee Conduct

Employees are expected to follow all laws, policies, regulations, terms and conditions of employment and directives of UME Preparatory Academy. UME Preparatory Academy expects its employees to act in a mature, professional and responsible manner. The following is a non-exclusive list of prohibited employee conduct. Employees who engage in any conduct listed below are subject to disciplinary action, up to and including termination. This is not intended to be a complete list, and it does not alter the contractual or at-



will employment relationship between employees and UME Preparatory Academy.

1. Abuse, including but not limited to sexual abuse, of a student.
2. Behaviors that interfere with a student's safety or cause an unsafe environment.
3. Corporal punishment (meaning the infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline) or verbal abuse of students, or the use of profanity or other language that is intended to belittle or degrade a student.
4. Dishonest, immoral, or illegal conduct while on duty and/or on school property that would tend to bring discredit to UME Preparatory Academy.
5. Dishonesty, falsification or misrepresentation on an application for employment or other work records; falsifying reasons for leave of absence or other data requested by UME Preparatory Academy and/or alteration of UME Preparatory Academy's records or documents.
6. Disrupting the work environment.
7. Engaging in an act of sabotage; willful or with negligence causing the destruction or damage of UME Preparatory Academy property, or the property of fellow employees, volunteers, contractors, or visitors, in any manner.
8. Engaging in discrimination, harassment, or retaliation in any form.
9. Engaging in inappropriate electronic communications with students, as described in this Handbook.
10. Engaging in malicious gossip, spreading rumors, or otherwise engaging in behavior designed to create discord and lack of harmony or otherwise interfere with the job performance of fellow employees or service providers.
11. Engaging in or soliciting a romantic, sexual, or otherwise inappropriate relationship with a student, regardless of whether the relationship is consensual.
12. Engaging in rudeness, disrespectful, or unprofessional behavior toward parents and school contractors or vendors.
13. Excessive absenteeism or tardiness.
14. Failure to report child abuse or neglect as required by Chapter 261 of the Texas Family Code.
15. Fighting or threatening violence toward anyone on UME Preparatory Academy property or when representing UME Preparatory Academy, including "horseplay" or provoking a fight between others.
16. Giving to other schools, organizations, or persons information made confidential by law and/or proprietary UME Preparatory Academy information that is obtained from UME Preparatory Academy's files or records in the course of employment.
17. Giving to other schools, organizations, or persons information relating to UME Preparatory Academy employees and/or students that is obtained from UME Preparatory Academy's files or records in the course of employment.
18. Insubordination or other disrespectful conduct (including refusal to follow the lawful directives of a supervisor or the Superintendent).
19. Negligence or any careless action that endangers the life or safety of another person, or damages or destroys property of UME Preparatory Academy.
20. Possession of firearms, weapons or explosives on UME Preparatory Academy property, while on duty or while representing UME Preparatory Academy.
21. Smoking and/or using tobacco products, electronic cigarettes, vaping devices, or similar devices on school property or in school vehicles. Prohibited items include any electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device, as well as any and all vapors, inhalants, electronic cigarette devices or other devices or paraphernalia used with vapors, other inhalants or chemicals.



22. Theft of school-owned property or the property of fellow employees, students, contractors or visitors.
23. Threatening, intimidating or coercing fellow employees on or off UME Preparatory Academy property, at any time, for any reason.
24. Unauthorized possession or removal of any UME Preparatory Academy property, including documents, from the premises without prior permission from a supervisor;
25. Unauthorized use of UME Preparatory Academy equipment or property, including using such equipment for personal use or profit.
26. Unsatisfactory performance or conduct.
27. Use, possession, sale of, or being under the influence of a controlled substance, alcohol, or tobacco as further described in this Handbook, or abusing a prescription drug, while at work or otherwise representing UME Preparatory Academy.
28. Violation of the rules affecting the health and safety of students and the efforts of UME Preparatory Academy to operate efficiently and effectively.
29. Violations of UME Preparatory Academy's expectations for employee conduct, including but not limited to those set out in this Handbook, or as otherwise distributed to employees by UME Preparatory Academy. Additionally, employees must adhere to the Professional Code of Ethics and Standard Practices for Texas Educators as set forth at 19 Tex. Admin. Code § 247.2.

7.7 School Investigations

When UME Preparatory Academy investigates a complaint of misconduct, including but not limited to complaints of student abuse or any type of discrimination or harassment, it expects and requires the cooperation of all employees including the complainant, witnesses, and the accused. During an investigation, UME Preparatory Academy may interview employees privately and take oral and/or written statements from them. Any employee who fails to cooperate with such an investigation or to provide complete and truthful information may be subject to disciplinary action, up to and including termination from employment.

7.8 Reporting an Educator's Misconduct

The Superintendent shall promptly notify the SBEC by filing a written report (within seven days of first learning about an alleged incident of misconduct) with the TEA upon obtaining knowledge or information indicating any of the following circumstances:

1. That an educator, applicant for, or holder of an educator's certificate has a reported criminal history, and UME Preparatory Academy learned of the criminal record by means other than the criminal history clearinghouse established by the TDPS.
2. That an educator or certificate holder was terminated and there is evidence that the educator:
 - a. Abused or otherwise committed an unlawful act with a student or minor;
 - b. Was involved in a romantic relationship or solicited or engaged in sexual conduct with a student or minor;
 - c. Possessed, transferred, sold, or distributed a controlled substance;
 - d. Illegally transferred, appropriated, or expended school property or funds;
 - e. Attempted by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to be employed in a position requiring such a certificate or permit or to receive additional compensation associated with a position; or
 - f. Committed a crime or any part of a crime while on school property or at a school-sponsored



- event.
3. That a certificate holder resigned and reasonable evidence supported a recommendation to terminate the individual because he or she committed one of the acts specified in paragraph 2 above.
 4. That an educator engaged in conduct that violated the assessment instrument security procedures established by Education Code 39.0301.

Additionally, the Principal shall promptly notify the Superintendent within seven days of obtaining knowledge or information of (1) an educator's termination of employment or resignation following an alleged incident of misconduct described in items one, two, three, or four above; or (2) learning of an educator's criminal record by means other than a criminal history clearinghouse report.

In accordance with state law, the Superintendent must complete an investigation of an educator that involves evidence that the educator may have engaged in abuse or otherwise committed an unlawful act with a student or minor, or was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor, despite the educator's resignation from employment before the completion of the investigation. If the educator is arrested and law enforcement requests that the school cease its investigation and the Superintendent is unable to complete the investigation, the Superintendent is still required to timely report to SBEC that the investigation was interrupted at the request of law enforcement.

Pursuant to Education Code § 21.006(c-2), the Superintendent may not be required to notify SBEC or file a report with SBEC if the Superintendent completes an investigation into the alleged incident of misconduct **before** the educator's termination or resignation (not after) and the Superintendent determines the educator did not engage in the alleged incident of misconduct. The Superintendent should seek legal counsel before making any such determination, and if there is any doubt or concern, err on the side of reporting to SBEC.

UME Preparatory Academy shall provide notice to the parent or guardian of a student with whom an educator is alleged to have engaged in misconduct in accordance with state law. The Superintendent or designee shall also notify the Board of Directors and the educator of the filing of the report.

Prior to the start of employment, applicants must complete the Pre-Employment Affidavit form, as published by the TEA, disclosing whether the applicant has been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

7.9 Reporting Employee Misconduct (Non-Educators)

In addition to any reporting requirements under Chapter 261 of the Texas Family Code, the Superintendent shall notify the Commissioner of Education, within seven business days, after knowing of a non-educator's termination or resignation if:

1. A non-educator's employment with UME Preparatory Academy was terminated and there is evidence that the employee:
 - a. Abused or otherwise committed an unlawful act with a student or minor; or
 - b. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor; or
2. The employee resigned and there is evidence that the employee engaged in misconduct described above.

This reporting requirement applies to any person who is employed by UME Preparatory Academy and who



does not hold a certification or permit issued under Subchapter B, Chapter 21 of the Texas Education Code.

The Superintendent shall complete an investigation of an employee that involves evidence that the employee may have engaged in misconduct described above, despite the employee's resignation from employment before completion of the investigation.

Principals must notify the Superintendent within seven business days after the date of an employee's termination or resignation following an alleged incident of misconduct described above.

7.10 Prohibition of Discrimination, Harassment, and Retaliation

UME Preparatory Academy prohibits discrimination, including harassment, of a co-worker or student based upon race, color, national origin, religion, sex or gender, disability, veteran status, age, genetic information, or any other basis prohibited by law. While acting in the course of their employment, employees shall not engage in prohibited discrimination or harassment of other persons including Board members, vendors, contractors, volunteers, or parents. Discrimination or harassment become potentially unlawful where;

1. Enduring the offensive conduct becomes a condition of continued employment; or
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of prohibited discrimination or harassment. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Prohibited and offensive conduct can include, but is not limited to, offensive jokes, slurs, epithets, or name-calling; physical assaults or threats; intimidation; ridicule or mockery; insults or put-downs; offensive objects or pictures; and/or interference with work performance. Harassment can occur in a variety of circumstances, including but not limited to the following:

1. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the school, a co-worker, or a non-employee.
2. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
3. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Retaliation

UME Preparatory Academy strictly prohibits retaliation against a student, parent, or an employee who in good faith reports or complains about discrimination, harassment, or other prohibited conduct, or who serves as a witness or otherwise participates in an investigation. Employees who take part in any retaliatory action will be subject to discipline, up to and including termination. Retaliation may include, but is not limited to: demotion, denial of promotion, poor performance appraisals, transfer, and assignment of demeaning tasks or taking any kind of adverse actions against a person who complains about discrimination or harassment.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a UME Preparatory Academy investigation regarding harassment or discrimination is subject to appropriate discipline, up to and including termination.



Reporting Procedures

****NOTE**** The following procedures apply to allegations of Prohibited Conduct other than allegations of harassment prohibited by Title IX. For allegations of sex-based harassment that, if proved, would meet the definition of a formal complaint of sexual harassment under Title IX, please see the procedures outlined in “Sexual Harassment Prohibited,” of this Handbook.

UME Preparatory Academy takes allegations of harassment and discrimination very seriously and intends to investigate all official complaints. UME Preparatory Academy will take appropriate actions for all substantiated allegations. Employees who believe they are being harassed or discriminated against are requested to take the following actions:

- In the event you feel you are a victim of harassment, you should contact your immediate supervisor and/or the designated Compliance Coordinator immediately. In the event your immediate supervisor is the alleged harasser, you should contact the next level of management immediately. Complaints against the designated compliance coordinator may be submitted to Superintendent.
- Any employees who are uncomfortable with face-to-face interaction may write down their complaints in a memo, and submit the memo to their immediate supervisor and/or the designated Compliance Coordinator.
- Any UME Preparatory Academy employee who receives a report of suspected harassment or discrimination is expected to immediately contact the designated Compliance Coordinator.
- Complaints will be handled in a timely manner.

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair UME Preparatory Academy’s ability to investigate and address the prohibited conduct.

Any supervisor who receives a report of discrimination or harassment shall immediately notify the appropriate Compliance Coordinator, and take any other steps required by UME Preparatory Academy.

After receiving a report, the Compliance Coordinator shall determine whether the allegations, if proven, would constitute prohibited discrimination or harassment. If so, UME Preparatory Academy shall immediately authorize or undertake an investigation. If appropriate, UME Preparatory Academy shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

UME Preparatory Academy’s investigation may be conducted by the Compliance Coordinator or designee, or by a third party designated by UME Preparatory Academy, such as an attorney. When appropriate, the Principal or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

After completing an investigation, the investigator shall prepare a written report summarizing the outcome of the investigation.

If the results of an investigation indicate that prohibited conduct occurred, UME Preparatory Academy shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address



the conduct. UME Preparatory Academy may also take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

To the greatest extent possible, UME Preparatory Academy shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. The purpose of this provision is to maintain impartiality and confidentiality to the extent possible. Both the reporting individual, victim and the accused have equal privacy rights under the law, and UME Preparatory Academy must respond accordingly. However, limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

An employee who is dissatisfied with the outcome of the investigation may appeal through the “Process for General Employee Complaints and Grievances” process described in this Handbook.

UME Preparatory Academy prohibits retaliation against an employee who, in good faith, makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

In addition to using UME Preparatory Academy’s complaint process, an employee may file a formal complaint with the Equal Employment Opportunity Commission (“EEOC”) or Texas Workforce Commission (“TWC”). Additional information may be found by visiting <http://www.eeoc.gov/employees/charge.cfm>.

7.11 Sexual Harassment Prohibited

UME Preparatory Academy prohibits discrimination on the basis of sex, including sexual harassment, by an employee, volunteer, or student.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. A school employee conditioning the provision of aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to UME Preparatory Academy’s educational programs or activities;
3. Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

Examples of sexual harassment may include, but are not limited to, touching private body parts or coercing physical contact that is sexual in nature; sexual advances; jokes or conversations of a sexual nature; sexually-motivated physical, verbal, or nonverbal conduct; or other sexually motivated conduct, communications, or contact.

Romantic or inappropriate social relationships between students and school employees are prohibited. Any sexual relationship between a student and a school employee is always prohibited, even if consensual.



General Definitions

A “complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

A “respondent” means an individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.

A “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that UME Preparatory Academy investigate the allegation of sexual harassment.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered appropriate and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to UME Preparatory Academy’s educational program or activity without unreasonably burdening either party, including measures designed to protect the safety of all parties or UME Preparatory Academy’s educational environment, or deter sexual harassment. Examples of supportive measures include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of class schedules, mutual restrictions on contact between the parties, and other similar measures.

Reporting Sexual Harassment

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator in this Handbook, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator.

UME Preparatory Academy’s response to a report of sexual harassment must treat complainants and respondents equitably by offering supportive measures and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

After a report of sexual harassment has been made, the Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

Notice of Allegations

Upon receipt of a formal complaint, UME Preparatory Academy must provide the following written notice to the parties who are known:

- Notice of UME Preparatory Academy’s grievance process, including any informal resolution process.
- Notice of the allegations of sexual harassment, including, to the extent known, the identity of the



parties, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident.

- Notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made known at the conclusion of the grievance process.
- Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- Notice that the parties may inspect and review evidence related to the complaint.
- Notice that UME Preparatory Academy prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during an investigation, UME Preparatory Academy decides to investigate allegations about the complaint or respondent that are not included in the initial notice of the complaint, UME Preparatory Academy must provide notice of the additional allegations to the parties whose identities are known.

Grievance Process

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of UME Preparatory Academy.

The following guidelines apply when UME Preparatory Academy receives a formal complaint of sexual harassment. This process is designed to incorporate due process, principles, treat all parties fairly, and to assist UME Preparatory Academy reach reliable responsibility determinations.

- UME Preparatory Academy will require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.
- Any individual designated by UME Preparatory Academy as a Title IX Coordinator, investigator, decision-maker, or to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. UME Preparatory Academy will ensure that Title IX Coordinators, investigators, decision-makers, and anyone who facilitates an informal resolution process receive appropriate training related to the requirements of Title IX and UME Preparatory Academy’s sexual harassment policy.
- UME Preparatory Academy recognizes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process.
- UME Preparatory Academy shall attempt to complete an investigation of reported sexual harassment within 60 calendar days of receiving a complaint. However, the investigation process may be delayed or extended for a limited time for good cause with written notice to the complainant and the respondent of the delay or extension. Good causes may include considerations such as absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- Students found to have engaged in sexual harassment are subject to disciplinary action as outlined in the Student Code of Conduct.
- UME Preparatory Academy shall employ the preponderance of the evidence or the clear and convincing evidence standard to determine responsibility when reviewing formal complaints.
- UME Preparatory Academy may not require, allow, rely upon, or otherwise use questions of evidence that constitute, or seek disclosure, of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.



Consolidating Formal Complaints

UME Preparatory Academy may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Dismissal of Formal Complaints

UME Preparatory Academy must investigate the allegations in a formal complaint.

UME Preparatory Academy must dismiss a formal complaint if the conduct alleged in the formal complaint:

- Would not constitute sexual harassment, even if proved;
- Did not occur in UME Preparatory Academy's education program or activity; or
- Did not occur against a person in the United States.

UME Preparatory Academy may dismiss a formal complaint or any allegations therein if, at any time during the investigation:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by UME Preparatory Academy; or
- Specific circumstances prevent UME Preparatory Academy from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, UME Preparatory Academy must promptly send simultaneous written notice to the parties of the dismissal and the reason(s) for the dismissal. Dismissal of a formal complaint does not preclude UME Preparatory Academy from taking appropriate action under the Student Code of Conduct or any other school policy that may apply to the alleged conduct.

Investigating Formal Complaints

The following guidelines apply during the investigation of a formal complaint and throughout the grievance process.

- UME Preparatory Academy will ensure the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on UME Preparatory Academy and not on the parties.
- UME Preparatory Academy cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless UME Preparatory Academy receives that party's voluntary, written consent to do so.
- UME Preparatory Academy will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- UME Preparatory Academy will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- UME Preparatory Academy will provide the parties with the same opportunities to have others



present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisory of their choice, and not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding. UME Preparatory Academy may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

- UME Preparatory Academy will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.
- UME Preparatory Academy will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- Prior to completing an investigative report, UME Preparatory Academy must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completing the investigative report.
- UME Preparatory Academy must create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for review and written response.
- After sending the investigative report to the parties and before reaching a determination of responsibility, the decision-maker(s) must afford each party the opportunity to submit written relevant questions that a party wants asked of any witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Determination Regarding Responsibility

The decision-maker(s) making a determination regarding responsibility cannot be the same person(s) as the Title IX Coordinator or the investigator(s). The decision-maker(s) must review the investigation report and make a written determination, based on the preponderance of the evidence or the clear and convincing evidence standard, regarding responsibility. The written determination must include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, or methods used to gather other evidence;
- Findings of fact supporting the determination;
- Conclusions regarding application of UME Preparatory Academy's Code of Conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to UME Preparatory Academy's education



- program or activities will be provided to the complainant; and
- UME Preparatory Academy's procedures and permissible bases for the complainant and respondent to appeal.

UME Preparatory Academy must provide the written determination to the parties simultaneously. The determination becomes final either on the date UME Preparatory Academy provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeals

UME Preparatory Academy will offer both parties an appeal from a determination regarding responsibility, and from UME Preparatory Academy's dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

As to appeals, UME Preparatory Academy will ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, or the investigator(s), or the Title IX Coordinator. UME Preparatory Academy will provide both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker(s) for the appeal will issue a written decision, based on the preponderance of the evidence or the clear and convincing evidence standard, describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

A party who is dissatisfied with the appeal decision may file an appeal to the Board of Directors through the process outlined in UME Preparatory Academy's grievance procedures.

Emergency Removals

UME Preparatory Academy is able to remove a respondent from UME Preparatory Academy's education program on an emergency basis, provided that UME Preparatory Academy undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. UME Preparatory Academy's ability to do so may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504, or the Americans with Disabilities Act.

Informal Resolution

At any time prior to reaching a determination regarding responsibility, UME Preparatory Academy may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. However, UME Preparatory Academy may not require as a condition of enrollment or



continuing enrollment, or employment or continued employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints. Additionally, UME Preparatory Academy may not require the parties to participate in an informal process and may not offer an informal resolution process unless a formal complaint is filed.

Prior to facilitating an informal resolution process, UME Preparatory Academy must:

- Provide to the parties a written notice disclosing the allegations and the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations. The notice must also inform that, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, as well as of any consequence resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- Obtain the parties' voluntary, written consent to the informal resolution process.

UME Preparatory Academy may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Retaliation Prohibited

Neither UME Preparatory Academy nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this policy.

Examples of retaliation may include, but are not limited to, intimidation, threats, coercion, or discrimination.

Complaints alleging retaliation may be filed according to the grievance procedure described above.

Confidentiality

UME Preparatory Academy must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by FERPA or as required by law, or for purposes related to the conduct of any investigation, hearing, or judicial proceeding arising under the Title IX regulations.

Non-Sexual Harassment Sex Discrimination

The formal complaint investigation and resolution process outlined above in this handbook applies only to formal complaints alleging sexual harassment as defined by Title IX, but not to complaints alleging sex discrimination that do not constitute sexual harassment. Complaints of non-sexual harassment sex discrimination may be filed with the Title IX Coordinator and will be handled under the process described in this Handbook.

7.12 Student Discrimination/Harassment

Discrimination and harassment of students by employees are forms of discrimination and are prohibited by



law. Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the Principal or other appropriate UME Preparatory Academy official. All allegations of prohibited harassment of a student by an employee or adult will be promptly investigated. An employee who knows of or suspects child abuse or neglect must also report his or her knowledge or suspicion to the appropriate authorities, as required by law.

UME Preparatory Academy shall take appropriate disciplinary action against employees who have engaged in discrimination or harassment of students, up to and including termination of employment.

Retaliation against anyone involved in the complaint process is a violation of UME Preparatory Academy policy and acts of retaliation may result in disciplinary action, up to and including termination.

Sexual Harassment of Students

Sexual harassment of students includes any unwelcome verbal or physical sexual advances, including but not limited to engaging in sexually oriented conversations; making comments about a student's potential sexual performance; requesting details of a student's sexual history; requesting a date, sexual contact, or any activity intended for the sexual gratification of the employee; engaging in conversations regarding the sexual problems, preferences, or fantasies of either party; inappropriate hugging, kissing, or excessive touching; suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; telephoning or texting students at home or elsewhere to solicit unwelcome social relationships; physical contact that would reasonably be construed as sexual in nature; threatening or enticing students to engage in sexual behavior in exchange for grades or other school-related benefit; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct when the conduct affects the student's ability to participate in or benefit from a program or activity; or conduct of a sexual nature that creates an intimidating, threatening, hostile or offensive educational environment.

Sexual harassment of students by employees is always a violation of law and will result in appropriate disciplinary action up to and including termination from employment and referral to appropriate law enforcement authorities.

UME Preparatory Academy employees are generally encouraged to report an action or suspected action that is illegal or in violation of any adopted Board policy. Good faith reports may be made without fear of reprisal.

Any sexual or romantic relationship between a student and a UME Preparatory Academy employee is always prohibited, even if consensual.

7.13 Fraud, Dishonesty and False Statements

No employee or applicant may ever falsify any application, medical history record, student paperwork, employee paperwork, time sheet, timecard, investigative questionnaires or any other document. Any employee found to have engaged in résumé fraud, or who made material misrepresentations or omissions on their employment application, will be subject to immediate termination of employment. Violations of this policy should be immediately reported to the appropriate supervisor.

7.14 Insubordination

All employees have duties to perform. It is against UME Preparatory Academy policy for an employee to



refuse to follow the directions of a supervisor or other school official. Employees must cooperate fully with investigations into potential misconduct. Refusal to disclose information during the course of an investigation constitutes insubordination and is subject to possible disciplinary action, up to and including termination.

In the event a supervisor directs an employee to perform an illegal or immoral act/task, the employee should immediately notify the Principal or designee.

7.15 Growth Plan/Disciplinary Action

Employment with UME Preparatory Academy is based on mutual consent and both the employee and UME Preparatory Academy have the right to terminate employment at-will, with or without cause or advance notice. UME Preparatory Academy may use progressive discipline at its discretion.

Disciplinary action may include, but is not limited to, any of the following:

1. Verbal warning.
2. Conference with a supervisor and/or the Principal.
3. Written warning.
4. Imposition of an employee growth plan / performance improvement plan.
5. Suspension with or without pay.
6. Termination of employment.

The progression of these steps depends upon the severity of the problem and the number of occurrences. There may also be circumstances when one or more steps are bypassed.

7.16 Social Media

Employees have a right to participate in social networking sites, blogs, forums, etc. as individuals in the community. However, employees should not post anything that would violate student confidentiality or the professionalism and ethical conduct of UME Preparatory Academy employees. Employees are encouraged to adhere to the following guidelines when engaging in activity on social media:

1. Be respectful of the privacy and dignity of your co-workers, and do not post student photographs without appropriate authority.
2. Do not “friend” students on your personal social media page unless you have an appropriate out-of-school relationship with the student such as relatives, church, scouts, or other activity that would be appropriate for such informal communication.
3. Do not create a link from your blog, website, or other social networking site to a UME Preparatory Academy website without identifying yourself as a school employee.
4. Do not infringe on UME Preparatory Academy’s logos, taglines, slogans, trademarks, or other symbols.
5. Harassing, obscene, defamatory, threatening, or other offensive content must be avoided.
6. Maintain the confidentiality of UME Preparatory Academy trade secrets and private or confidential information concerning school employees, students, and/or agents that is obtained from UME Preparatory Academy’s files or records in the course of employment. Do not post internal reports or other business-related confidential communications.
7. Respect all copyright and other intellectual property laws. For UME Preparatory Academy’s



protection, as well as your own, it is critical that you show proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks, and other intellectual property, including UME Preparatory Academy's own copyrights, trademarks, and brands.

8. The employee may not set up or update the employee's personal social network page(s) using UME Preparatory Academy computers, network, or equipment.
9. The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct school business.

If an employee's use of social media violates state or federal law or UME Preparatory Academy policy, or interferes with the employee's ability to effectively perform his or her job duties or adversely impacts UME Preparatory Academy and its service to students and parents (as solely determined by UME Preparatory Academy), the employee is subject to disciplinary action, up to and including termination of employment.

7.17 Sales and Solicitations

In the interest of maintaining an efficient, safe, orderly and productive work environment, UME Preparatory Academy's general policy is to prohibit solicitations of products or services by anyone on the premises. Under no circumstances may an employee disturb the work of others to solicit or distribute literature to other employees during working time.

7.18 Public Relations/Media

The Board of Directors has designated the Operations Officer as the official spokesperson for media questions and public relations. Any official statements from UME Preparatory Academy to the media are to be handled through the Operations Officer or designee only.

7.19 Employee Involvement

All staff members are encouraged to attend UME Preparatory Academy functions. Additionally, appropriate staff members must attend student related meetings and functions including, but not limited to: parent meetings and conferences, open houses, scheduled faculty/staff meetings, and Admission, Review and Dismissal meetings. As part of the school's planning and decision-making process, employees may either be asked or elected to serve on advisory committees.

7.20 Faculty/Staff Meetings

Employees are expected to attend regularly scheduled meetings whenever deemed necessary. Any absence from a meeting must have prior approval and/or may be docked. An absent employee is expected to contact his/her supervisor for meeting details.

PART 8: EMPLOYEE HEALTH AND SAFETY



8.1 Accident Reporting

Employees shall report any on-the-job injury or accident immediately to their Supervisor and or the School Nurse. Supervisors must notify the Human Resources Department within 24 hours of notification of an on-the-job injury or accident. If an employee fails to report the on-the-job injury or accident within 30 days, the claim may be denied by the Texas Department of Insurance – Division of Workers’ Compensation. The employee’s Supervisor and/or the appropriate management personnel shall conduct a thorough investigation, involving the employee and any witnesses that observed the on-the-job injury or accident. The employee’s Supervisor and/or appropriate management personnel will ensure corrective action is taken to avoid a recurrence of the accident.

8.2 Alcohol and Drug-Abuse Prevention

UME Preparatory Academy is committed to maintaining an alcohol-and drug-free environment and will not tolerate the use of alcohol or illegal drugs in the workplace or at school-related or school-sanctioned activities on or off school property. Employees who possess, distribute, use, or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours or while representing UME Preparatory Academy may be dismissed. UME Preparatory Academy’s policy regarding employee alcohol and/or drug use is as follows:

DRUG-FREE WORKPLACE NOTICE

UME Preparatory Academy explicitly prohibits:

- The unlawful manufacture, distribution, dispensation, possession, or use of narcotics or other illegal drugs, alcohol, or prescription medications without a prescription on UME Preparatory Academy premises or while attending a school-sponsored or school-related activity.
- Being impaired or under the influence of legal or illegal drugs or alcohol away from school property, if such impairment or influence adversely affects the employee’s work performance, the safety of the employee or of others, or puts at risk UME Preparatory Academy’s reputation.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from UME Preparatory Academy property, if such activity or involvement adversely affects the employee’s work performance, the safety of the employee or of others, or puts at risk UME Preparatory Academy’s reputation.
- The presence of any detectable amount of prohibited substances in the employee’s system while at work, on UME Preparatory Academy property, or while attending a school-sponsored or school-related activity. “Prohibited substances” include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.

Employees who violate this policy shall be subject to disciplinary sanctions, which may include:

- Referral to drug and alcohol counseling or rehabilitation programs;
- Referral to employee assistance programs;
- Termination from employment; and/or
- Referral to appropriate law enforcement officials for prosecution.

As a condition of employment with UME Preparatory Academy, each employee shall abide by the terms of the requirements and prohibitions set out in this statement and shall notify UME Preparatory Academy



of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Within 30 days of receiving such notice, UME Preparatory Academy shall either (1) take appropriate personnel action against the employee, up to and including termination; or (2) require the employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency.

In addition, UME Preparatory Academy will conduct drug and/or alcohol testing under any of the following circumstances:

- *For-Cause Testing:* UME Preparatory Academy may ask an employee to submit to a drug and/or alcohol test at any time it has reason to suspect that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity; unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol; negative performance patterns; or excessive and unexplained absenteeism or tardiness.
- *Post-Accident Testing:* Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. This includes not only the employee who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way.
- *Pre-Employment Testing:* UME Preparatory Academy may perform pre-employment drug or alcohol testing after an offer of employment is made and accepted.

All reports by UME Preparatory Academy regarding drug or alcohol testing results shall be kept strictly confidential but may be used as the basis for disciplinary action or other action regarding employment status.

If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, or if an employee refuses a request to submit to testing under this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including termination. In such a case, the employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.

Employees with Commercial Driver's License: Any employee whose duties require a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people, counting the driver; drivers of large vehicles; or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements when their duties include driving.

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted at random when reasonable suspicion exists, and as a follow-up measure. Testing will be conducted following accidents. Return-to-duty and follow-up testing will be conducted if an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs is allowed to return to duty.

Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact the Human Resources Department.



8.3 Asbestos Management Plan

UME Preparatory Academy is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for school facilities. A copy of UME Preparatory Academy's management plan is available for inspection during normal business hours by contacting the Operations Officer.

8.4 Communicable Diseases

The following information will provide simple and effective precautions against the transmission of a communicable disease for all students and school personnel who are potentially exposed to the bodily fluids of any person. No distinction is made between bodily fluids from persons with a known disease or those from persons without symptoms or with an undiagnosed disease.

The term "bodily fluids" includes: blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions and saliva. Contact with bodily fluids presents a risk of infection with a variety of germs. In general, however, the risk is very low and dependent on a variety of factors including the type of fluid with which contact is made and the type of contact made with it.

Transmission of communicable disease is more likely to occur from contact with infected bodily fluids of unrecognized carriers than from contact with fluids from diagnosed individuals, because simple precautions are not always carried out.

To avoid contact with bodily fluids, the following precautions should be observed:

- Avoid direct skin contact with bodily fluids. This also includes the mucous membranes (e.g., eyes, nose, and mouth);
- Wear disposable gloves when contact with bodily fluids is anticipated (e.g., when treating bloody noses; open cuts, abrasions and other lesions; handling contaminated clothing; and cleaning up body fluid spills);
- Always practice good personal hygiene through proper hand washing techniques;
- Request assistance from a custodian for proper cleaning of all bodily fluid spills.

8.5 Hazard Communication Act

UME Preparatory Academy is concerned about the safety of all employees, and therefore will perform the following duties in compliance with the THCA:

- Post and maintain the notice promulgated by the Texas Department of State Health Services ("TDSHS") in the workplace.
- Provide an education and training program for employees using or handling hazardous chemicals under normal operating conditions or foreseeable emergencies.
- Maintain the written hazard communication program and a record of each training session to employees, including the date, a roster of the employees who attend, the subjects covered in the training session, and the names of the instructors. Records will be maintained for at least five years.
- Compile and maintain a workplace chemical list that includes required information for each



hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the TDSHS for certain highly toxic or dangerous hazardous chemicals. The list will be readily available to employees and their representatives.

- Update the list as necessary, but at least by December 31 each year, and maintain the list as required by law. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information.
- As required by law, label new or existing stocks of hazardous chemicals with the identity of the chemical and appropriate hazard warnings, if such stocks are not already appropriately labeled.
- Maintain a legible copy of the most current manufacturer’s material safety data sheets (“MSDS”) for each hazardous chemical; request such sheets from the manufacturer if not already provided or otherwise obtain a current MSDS; make such sheets readily available to employees or their representatives on request.
- Provide employees with appropriate personal protective equipment.

The Superintendent shall notify employees of any planned pest control treatment by both of the following methods:

- Posting the sign provided by the certified applicator or technician in an area of common access the employees are likely to check on a regular basis at least 48 hours before each planned treatment.
- Providing the official Structural Pest Control Service Consumer Information Sheet to any individual working in the building, on request.

8.6 Workplace Safety Statement

****NOTE**** UME Preparatory Academy is aware that the Occupational Safety and Health Administration (“OSHA”) has issued findings that a Texas open-enrollment charter school network *was not* a covered employer under the Occupational Safety and Health Act (the “OSH Act”), meaning that OSHA *did not* have jurisdiction to review complaints of unsafe work practices under the OSH Act.

While recognizing that UME Preparatory Academy may not be subject to the OSH Act, we certainly prioritize employee health and safety. Information related to UME Preparatory Academy’s workplace safety is as follows:

To assist in providing a safe and healthy work environment for employees, students, parents, and visitors, UME Preparatory Academy has established a workplace safety program. This program is a top priority of UME Preparatory Academy, and its success depends on the alertness and personal commitment of all.

UME Preparatory Academy provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their immediate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their immediate supervisor. Such reports are necessary to comply



with laws and initiate insurance and workers' compensation benefits procedures.

UME Preparatory Academy strives to reduce dangers to health and safety by creating and maintaining improved working conditions, free from recognized hazards that might cause serious physical injury. UME Preparatory Academy maintains a log of all occupational injuries and illnesses, and asks that employees report such injuries and illnesses within 48 hours so that UME Preparatory Academy may report these occurrences within a lawful period of time to the appropriate authorities.

As UME Preparatory Academy employees UME Preparatory Academy:

- You have the right to notify UME Preparatory Academy or appropriate authorities about workplace hazards. You may ask for appropriate authorities to keep your name confidential.
- You have the right to request an inspection if you believe that there are unsafe and unhealthy conditions in your workplace. In circumstances required by law, you or your representative may participate in that inspection.
- You can file a complaint under applicable law of retaliation or discrimination by UME Preparatory Academy for making safety and health complaints, or for exercising your rights as an employee.
- You have a right to see workplace safety citations issued to UME Preparatory Academy. UME Preparatory Academy must post the citations at or near the place of the alleged violation.
- UME Preparatory Academy must correct workplace hazards by the date indicated on the citation, and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- UME Preparatory Academy must comply with all occupational safety and health standards issued under applicable law that apply to your own actions and conduct on the job.

As your employer:

- UME Preparatory Academy must furnish all employees a place of employment free from recognized hazards.
- UME Preparatory Academy must comply with the occupational safety and health standards issued under applicable law.

<http://www.osha.gov/>

Reporting Serious Injuries

Within eight hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related accident, UME Preparatory Academy will orally report the fatality/multiple hospitalization by telephone or in person to the appropriate authority that is nearest to the site of the incident.

Reporting Procedures

UME Preparatory Academy will utilize the appropriate forms to document and log each recordable injury or illness. This information will be kept current, maintained accurately, and retained for a period of five years.

8.7 Searches

UME Preparatory Academy reserves the right to conduct searches to monitor compliance with rules



concerning safety of employees, security of company and individual property, drugs and alcohol, and possession of other prohibited items. “Prohibited items” include illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, any items of an obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property. “Control” means knowing where a particular item is, having placed an item where it is currently located, or having any influence over its continued placement. In addition to the school’s premises, UME Preparatory Academy may search employees, their work areas, lockers, personal vehicles (if driven or parked on school property), and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and other containers. In requesting a search, UME Preparatory Academy is by no means accusing anyone of theft, some other crime, or any other variety of improper conduct.

There is no general or specific expectation of privacy in the school workplace, either on school or elsewhere while on duty. In general, employees should assume that what they do while on duty or on school premises is not private. All employees and all of the areas listed above are subject to search at any time; if an employee uses a locker or other storage area at work, including a locking desk drawer or locking cabinet, UME Preparatory Academy will either furnish the lock and keep a copy of the key or combination, or else allow the employee to furnish a personal lock, but the employee must give the school a copy of the key or combination. The areas in question may be searched at any time, with or without the employee being present. As a general rule, with the exception of items relating to personal hygiene or health, no employee should ever bring anything to work or store anything at work that he or she would not be prepared to show and possibly turn over to school officials and/or law enforcement authorities.

All UME Preparatory Academy employees are subject to this policy. However, any given search may be restricted to one or more specific individuals, depending upon the situation. Searches may be done on a random basis or based upon reasonable suspicion. “Reasonable suspicion” means circumstances suggesting to a reasonable person that there is a possibility that one or more individuals may be in possession of a prohibited item as defined above. Any search under this policy will be done in a manner protecting employee privacy, confidentiality, and personal dignity to the greatest extent possible. UME Preparatory Academy will respond severely to any unauthorized release of information concerning individual employees.

No employee will ever be physically forced to submit to a search. However, an employee who refuses to submit to a search request by the school will face disciplinary action, up to and possibly including immediate termination.

8.8 Tobacco Products and E-Cigarettes

State law prohibits smoking, using tobacco products, or e-cigarettes on all school-owned property and at school-related or school-sanctioned activities, on or off school property. This includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities. Drivers of school-owned vehicles are prohibited from smoking, using tobacco products, or e-cigarettes while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in the school building. Any violation of this policy may result in immediate termination.

For purposes of this policy, “e-cigarette” means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. This also includes any and all vapors, inhalants,



electronic cigarette devices or other devices or paraphernalia used with vapors, other inhalants or chemicals. All personnel shall enforce this policy on UME Preparatory Academy property.

8.9 Weapon & Firearms Possession

Texas Penal Code section 46.03, prohibits firearms, location-restricted knives, clubs or any prohibited weapon on the physical premises of a school, any grounds or building on which an activity sponsored by a school is being conducted, or school transportation vehicle. Any violation of this policy by a UME Preparatory Academy employee may result in immediate termination. To ensure the safety of all persons, employees who observe or suspect a violation of this prohibition should report it immediately to their supervisor.

8.10 Workplace Violence Prevention

UME Preparatory Academy is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, UME Preparatory Academy has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on school property.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay,” or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are at all times prohibited without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, student, or member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, students, vendors, solicitors, or other members of the public. When reporting a threat of violence, please be specific and as detailed as possible.

All suspicious individuals or activities should be reported as soon as possible to a supervisor. Do not attempt to interfere in a disturbance unless it is reasonably safe to do so.

UME Preparatory Academy will promptly and thoroughly investigate all reports or threats of violence and suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety, and the integrity of its investigation, UME Preparatory Academy may suspend employees, either with or without pay, pending investigation. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

8.11 Video Surveillance

UME Preparatory Academy is charged with the responsibility of caring for students. Maintaining a safe



and efficient school is critical to fulfilling this responsibility. UME Preparatory Academy reserves the right to conduct surveillance in its facilities and offices when such surveillance is in the best interest of the school, its students, or its employees, such as for possible problems with student abuse, theft, drugs, alcohol or other serious misconduct. Therefore, employees are on notice that they should have no expectation of personal privacy while at work and all schools and school facilities are subject to surveillance, including parking lots. Surveillance may be by electronic means or direct human involvement. Surveillance methods may be visible or may be concealed. Periods of surveillance may or may not be announced at the option of UME Preparatory Academy. No employee shall initiate surveillance of any kind without express approval of the Superintendent. Technical assistance with surveillance may be sought from local law enforcement agencies in conducting surveillance and surveillance results may be shared with local law enforcement agencies when possible criminal action is indicated.

PART 9: MISCELLANEOUS PROVISIONS

9.1 Emergencies

All employees should be familiar with the evacuation diagrams posted throughout the school. Fire, tornado, and other emergency drills will be conducted to familiarize employees and students with evacuation procedures. Fire extinguishers are located throughout all school buildings. Employees should know the location of these devices and how to use them.

9.2 External Inquiries

Employees should contact the Human Resources/Payroll Department regarding all employee related legal matters and external inquiries. This includes all inquiries, notices or other communication from attorneys, prospective employers or others regarding employees or former employees, whether verbal or written. It also includes, but is not limited to:

- Any charges of discrimination that may come from the EEOC, Texas Human Rights Commission, or other agencies;
- Any notice or indication of an audit by the DOL or notification from the TWC; and
- Any OSHA complaints or site visits by OSHA staff members.

No response should be given to external inquiries or notifications except how to contact the Director of Human Resources. The Human Resources/Payroll Department should be notified as soon as possible. No employee other than the Director of Human Resources/Assistant Superintendent may be served with legal papers. Employees who become aware of the attempt to serve legal papers should advise the server of the appropriate agent of record for service of process and notify his or her supervisor and/or the Director of Human Resources/Assistant Superintendent as soon as possible.

9.3 Family Educational Rights and Privacy Act

Student records are confidential and protected from unauthorized inspection or use. Employees with access to student information and/or performance data will consistently and uniformly maintain the privacy and confidentiality of this information in accordance with the Family Educational Rights and Privacy Act (“FERPA”).



9.4 HIPAA

The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) established rules for protecting individual Personal Health Information (“PHI”). HIPAA provides individuals certain rights regarding their PHI, and requires employers and other individuals to adhere to restrictions on how PHI is disclosed. Every employee should respect the rights of others and only disclose PHI about themselves and others to those with a need to know. Disclosure of PHI without the written approval of the individual is a violation of federal law.

9.5 HIV-AIDS and Other Life-Threatening Illnesses

Individuals infected with HIV and individuals with life-threatening illnesses have the same rights and opportunities as other individuals.

Employees are not required to reveal their HIV status to employers. All medical information that an HIV-infected employee provides to medical or management personnel is confidential and private. UME Preparatory Academy may not reveal this information without the employee’s knowledge and written consent, except as provided by law. Those with access to protected health information (“PHI”) must maintain strict confidentiality and privacy, separating the PHI from employees’ personnel records. Individuals who fail to protect PHI commit a serious offense, which may be cause for litigation resulting in both civil and criminal penalties and may result in disciplinary action, up to and including termination.

Employees who have concerns of a co-worker or student infected with HIV or a life-threatening illness should contact Human Resources for appropriate information and reference materials. Employees do not have the right to refuse to work with someone who has HIV or AIDS or any disability. An employee who refuses to work with co-workers or students who have a disability shall be subject to disciplinary or corrective action, up to and including termination.

Employees who desire assistance concerning a disability or a life-threatening illness should contact the Human Resources/Payroll Department.

9.6 Limitations on Employee Training

UME Preparatory Academy employees covered under Education Code § 28.002 may not be required to engage in training, orientation, or therapy that presents any form of race or sex stereotyping or blame on the basis of race or sex.

9.7 Key/Access Device Security

Key and access device security is important because of the nature and value of property on campus. Each employee is responsible for keys issued and losses must be reported immediately. Keys or access devices may not be loaned or duplicated without approval from the Operations Officer. Employees are required to take all reasonable precautions with the keys issued, and all keys must be accounted for at all times.

9.8 Personal Property

UME Preparatory Academy recognizes that employees may desire to display mementos pertaining to their families or bring other personal items to work. UME Preparatory Academy takes no responsibility for the



safekeeping of these items. However, should any such personal property be stolen, employees should report the incident to the Operations Officer. The following guidelines should be observed:

- Safety comes first. No object can interfere with job safety as determined by the Supervisor.
- Nothing can be displayed that is derogatory (in the opinion of the Supervisor) to any person or system of beliefs, or that is considered sexually offensive under the reasonable person standard.
- Objects that are inappropriate (in the opinion of the Supervisor) or that hinder work efforts will not be allowed and must be removed upon request.

9.9 Records Retention

Current and former employees are considered temporary custodians of UME Preparatory Academy records. Records include any document, including emails and text messages, created, sent, or received by a current or former employee. Employees do not have a personal or property right to public information created or received while acting in their official work capacity or in the transaction of official school business. This means any public information, even if located on a personal device, must be retained and preserved in accordance with the mandatory retention laws of the State of Texas.

Employees are reminded that the destruction of school records is the sole responsibility of UME Preparatory Academy. If a request for records is received, the employee with possession, custody, or control of public information is required to surrender the information to the school's designated representative no later than the 10th business day after the information is requested. The failure to surrender or return requested documents is grounds for disciplinary action or any other applicable penalties provided by the Texas Public Information Act or other law.

Employees who maintain public information on their personal devices are required to (1) forward the information to their school-issued email account or the school District's server; or (2) preserve and retain the information, in its original form, on the personal device for the legally mandated retention period.

9.10 School Closures

UME Preparatory Academy may be closed because of bad weather or emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of school facilities. When it becomes necessary to open late or to release students early, local media will be informed and every effort will be made to contact all staff and students through UME Preparatory Academy's emergency broadcast system.

9.11 School Property

All employees are responsible for taking proper care of school-owned property, including vehicles, buildings, furnishings, equipment, tools and supplies. School-owned property must remain on the premises at all times unless approved in advance by the Principal or other appropriate administrator. Proper care and maintenance of school-owned vehicles is also required.

The following applies to the usage of any school-owned vehicle: (1) all doors must be locked when the vehicle is unattended, (2) no unauthorized passengers or merchandise are allowed to be transported, (3) no



unauthorized merchandise, and (4) no unauthorized stops may be made.

Employees must return all school-owned property that is in their possession or control in the event of termination of employment, resignation or layoff immediately upon request.

Employees shall not use school's public property for any purpose not described in UME Preparatory Academy's open-enrollment charter, except that employees may use local telephone service, school-issued cellular phones, electronic mail, Internet connections, and similar property for incidental personal use, if, as determined by school administration, such does not:

- Result in any direct cost paid with state funds, or the charter holder is reimbursed by the employee within five (5) business days for any direct cost incurred; or
- Impede charter school functions as determined by the school administration.

Only incidental amounts of employee time, comparable to a five-to-seven-minute coffee break during each day, may be used for personal matters. This does not authorize incidental personal use of public property for private commercial purposes. Any such incidental use of public property is a privilege not a right, and the school administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees.

9.12 Student Issues

Non-Discrimination Statement

UME Preparatory Academy does not discriminate on the basis of race, religion, color, national origin, sex, disability academic, artistic, or athletic ability, sexual orientation, pregnancy, marital status or the district the child would otherwise attend under state law or in providing educational services, activities, and programs, including vocational and career technology programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

Administration of Medication

Unless otherwise authorized or described below, school employees and volunteers are prohibited from administering medications to students, including vitamins and food supplements. Medication should be administered outside of school hours, if possible. If necessary, medication can be administered at school under the following circumstances:

- Nonprescription medication brought to school must be submitted by a parent along with a written request. The medication must also be in the original and properly labeled container.
- Prescription medications administered during school hours must be prescribed by a physician or advanced nurse practitioner ("ANP") and filled by a pharmacist licensed in the State of Texas. Prescriptions ordered or filled in Mexico will not be accepted.
- Prescription medications must be submitted in a labeled container showing the student's name, name of the medication, reason the medication is being given, proper dosage amounts, the time the medication must be taken, and the method used to administer the medication. Medications sent in plastic bags or unlabeled containers will NOT be administered.
- If the substance is herbal or a dietary supplement, it must be provided by the parent and will be administered only if required by the student's Individualized Education Program ("IEP") or Section 504 plan for a student with disabilities.



- Only the amount of medication needed should be delivered to the school, i.e., enough medication to last one day, one week, etc. In cases of prolonged need, send in the amount for a clearly specified period. Extra medication will not be sent home with the student.
- In certain emergency situations, UME Preparatory Academy may administer a nonprescription medication to a student, but only in accordance with the guidelines developed by the school's medical advisor and when the parent has previously provided written consent for emergency treatment.

Psychotropic Drugs and Psychiatric Evaluations or Examinations

No employee may:

- Recommend that a student use a psychotropic drug;
- Suggest any particular diagnosis; or
- Preclude a student from attending class or participating in a school-related activity if the parent refuses to consent to the administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student.

“Psychotropic drug” means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Parent and Student Complaints

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the Board of Directors has adopted orderly processes for handling such complaints. Parents or students may obtain information on this process from the main office or the Principal.

Student Conduct and Discipline

Students are expected to follow all classroom and campus rules, and the rules listed in the Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by UME Preparatory Academy. Non-instructional employees with concerns about a particular student's conduct should contact the student's classroom teacher or the Principal.

Student Welfare: Child Abuse and Neglect Reporting

All employees are considered professional reporters and are required by state law to report any suspected child abuse or neglect, as defined by Texas Family Code §261.001, to a law enforcement agency, Child Protective Services (“CPS”), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering the facility) within 48 hours of the event that led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS.

Employees are also required to make a report if they have reasonable cause to believe that an adult was a victim of abuse or neglect as a child and they determine in good faith that the disclosure of the information is necessary to protect the health and safety of another child, elderly person, or person with a disability.

Reports to CPS can be made to local offices, online at <https://www.txabusehotline.org/Login/Default.aspx> or to the Texas Abuse Hotline at (800) 252-5400. State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.



Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, UME Preparatory Academy is prohibited from taking an adverse employment action against an employee who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee's failure to make the required report may result in prosecution as a Class A misdemeanor. The offense of failure to report by a professional may be a state jail felony if it is shown the individual intended to conceal the abuse or neglect. In addition, a certified employee's failure to report may result in disciplinary procedures by SBEC for a violation of the Texas Educators' Code of Ethics.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the Principal. This includes students with disabilities who are no longer minors. *Employees are not required to report their concern to the principal before making a report to the appropriate agency.* In addition, employees must cooperate with investigators of child abuse and neglect.

Reporting the concern to the Principal or another administrator does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with investigators of child abuse and neglect. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

Sexual Abuse and Maltreatment of Children

UME Preparatory Academy has established a plan for addressing sexual abuse, sex trafficking, and other maltreatment of children. As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused, trafficked, or otherwise maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Sex trafficking involves forcing a person, including a child, into sexual abuse, assault, indecency, prostitution, or pornography. Maltreatment is defined as abuse or neglect. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect following the procedures described in "Student Welfare: Child Abuse and Neglect Reporting" above.

Notification to Parents Regarding Qualifications

In schools receiving Title I funds, UME Preparatory Academy is required by the Every Student Succeeds Act ("ESSA") to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. ESSA also requires that parents be notified if their child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements

State law requires that UME Preparatory Academy provide to the parent or guardian of each enrolled student written notice of the professional qualifications of the student's classroom teachers. UME Preparatory Academy will also provide this information upon request from a parent.

Employee Training

UME Preparatory Academy shall provide training for all new and existing employees on awareness of



issues regarding child abuse and reporting, sexual abuse prevention, sex trafficking, bullying and David's law, and other maltreatment of children, including prevention techniques for and recognition of child abuse, sex trafficking, and other maltreatment of children.

Bullying

UME Preparatory Academy prohibits bullying of students, as well as retaliation against anyone involved in the complaint process. Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property,
2. is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student,
3. materially and substantially disrupts the educational process or the orderly operation of a classroom or the school, or
4. infringes on the rights of the victim at school.

The definition of bullying includes "cyberbullying," which means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

UME Preparatory Academy's anti-bullying policy applies to:

1. bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
 - a. interferes with a student's educational opportunities; or
 - b. substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Any employee or student who believes that he or she may have experienced or witnessed bullying should immediately report the alleged acts to the Principal or designee.

The Principal or designee will notify the victim, the student alleged to have engaged in bullying, and any student witnesses of available counseling options.

The Principal or designee will also provide notice of the incident of alleged bullying to:

- A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
- A parent or guardian of the alleged bully within a reasonable amount of time after the incident.



The Principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited discrimination or harassment, and if so, proceed with an investigation under UME Preparatory Academy's anti-discrimination and harassment policy instead. The Principal or designee shall conduct an appropriate investigation based on the allegations in the report, and shall take prompt interim action calculated to prevent bullying during the course of an investigation, if appropriate.

The Principal or designee shall prepare a written report of the investigation, including a determination of whether prohibited bullying occurred. If the results of an investigation indicated that bullying occurred, the school shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the Student Code of Conduct. UME Preparatory Academy may act based on the results of an investigation, even if the school concludes that the conduct did not rise to the level of bullying under this policy.

Discipline for a student who receives special education services for conduct meeting the definition of bullying or cyberbullying must comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.). UME Preparatory Academy may not impose discipline on a student who, after an investigation, is found to be a victim of bullying, based on that student's use of reasonable self-defense in response to the bullying.

Student Attendance

Teachers and staff should be familiar with UME Preparatory Academy's policies and procedures for attendance accounting. Contact the Principal for additional information.

Student Transportation

Except in limited emergency situations, UME Preparatory Academy employees are not authorized to transport students in the employee's personal automobile.

Student Welfare: Computer Technician Reports of Child Pornography

Any computer technician employed by UME Preparatory Academy who, in the course and scope of employment or business with UME Preparatory Academy, views an image on a computer that is or appears to be child pornography must immediately report the discovery to a local or state law enforcement agency or the Cyber Tipline at the National Center for Missing and Exploited Children. The report must include the name and address of the owner or person claiming a right to possession of the computer, if known, and as permitted by federal law.

Except in a case of willful or wanton misconduct, a computer technician may not be civilly liable for reporting or failing to report the discovery of an image. A computer technician who intentionally fails to report an image may be subject to criminal prosecution.

9.13 Use of Personal Vehicles

Employees conducting school-related business in their personal vehicles are expected to comply with all state laws related to vehicle insurance coverage requirements. If involved in an accident while on school-related business, personal vehicle insurance takes precedence.

9.14 Visitors In The Workplace

All visitors are expected to enter any school facility through the main entrance and sign in or report to the



main office. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on UME Preparatory Academy premises should immediately direct him or her to the building office or contact the administrator in charge.

UME Preparatory Academy may establish an electronic database for the purpose of storing information concerning school visitors. Such databases may only be used for purposes of school security, and may not be sold or otherwise disseminated to a third party for any purpose. UME Preparatory Academy may also verify whether any visitor to a campus is a sex offender registered with the computerized central database maintained by the Department of Public Safety, or any other database accessible by UME Preparatory Academy.

PART 10: ELECTRONIC MEDIA, COMMUNICATIONS SYSTEMS, AND TECHNOLOGY RESOURCES ACCEPTABLE USE GUIDELINES

UME Preparatory Academy makes a variety of communications and information technologies available to students and employees. These technologies, when properly used, promote educational excellence in UME Preparatory Academy by facilitating resource sharing, innovation, and communication. Illegal, unethical, or inappropriate use of these technologies can have dramatic consequences, harming UME Preparatory Academy, its students, and its employees.

These acceptable use guidelines are intended to minimize the likelihood of such harm by educating students and employees and setting standards which will serve to protect students and staff. Any attempt to violate the provisions of these guidelines may result in revocation of the user's access to the Network/Internet, regardless of the success or failure of the attempt. In addition, disciplinary action consistent with UME Preparatory Academy's employment policy and/or appropriate legal action, which may include restitution, may be taken. School administrators will make the final determination as to what constitutes inappropriate use. The System Administrator or other administrator may deny, revoke, or suspend Network/Internet/resource access as necessary, pending the outcome of an investigation. The expectations of UME Preparatory Academy are that all network and technology resource users will comply with all policies, procedures, and guidelines outlined below.

Technology Resources

UME Preparatory Academy's technology and information resources, including its networks, computer systems, email accounts, devices connected to its networks, and all school-owned devices used on or off school property, are primarily for administrative and instructional purposes.

Limited personal use is permitted if the use:

- Imposes no tangible cost to UME Preparatory Academy;
- Does not unduly burden UME Preparatory Academy's technology resources;
- Has no adverse effect on job performance or on a student's academic performance; and
- Is not for commercial or political purposes.



Email transmissions and other use of UME Preparatory Academy's technology resources are not confidential and can be monitored at any time to ensure appropriate use.

UME Preparatory Academy may permit remote access to its network from the Internet on a limited basis for authorized staff. Users are expected to maintain the same security standards when operating UME Preparatory Academy computers or accessing the UME Preparatory Academy network remotely. Access procedures and passwords are not to be shared with anyone. All policies and rules regarding network use apply to remote access.

Employees who are authorized to use UME Preparatory Academy's technology and information resources are required to abide by the provisions of UME Preparatory Academy's acceptable use policy and administrative procedures. Failure to do so can result in suspension of access or termination of privileges, and may lead to disciplinary and legal action. Employees with questions about technology and information resources can contact the Technology Department.

Internet Filter

UME Preparatory Academy uses a web filter to manage access to various inappropriate locations. However, even with a filter, there may still be sites accessible via the Internet that contain material that is illegal, defamatory, inaccurate, or controversial. Although UME Preparatory Academy will attempt to limit access to objectionable material by using software, controlling all materials on the Internet is impossible. Employees are expected to monitor student Internet use and to report inappropriate Internet sites not filtered to administration.

Email

Email is a service provided by public funds. Email is for instructional and administrative use. Sending jokes, chain letters, etc. via email is considered an inappropriate use of UME Preparatory Academy equipment. Electronic mail transmissions and other use of the electronic communications system by employees shall not be considered private. Email may be monitored at any time by designated school staff to ensure appropriate use. This monitoring may include activity logging, virus scanning, and content scanning.

Any memo or correspondence sent via email must follow the same UME Preparatory Academy guidelines as is used for other correspondence distribution.

Records retention guidelines apply to email correspondence and must be followed. Email is viewed as a public document. Care should be given to the tone of the email. Also, grammar and spelling should be checked before an email is sent. Be mindful of the unique forwarding properties associated with email.

Electronic Storage

UME Preparatory Academy has provided technology users with access to network storage locations for files. The storage area provides a place where school-related items can be stored from year to year.

To enforce acceptable use guidelines and to maintain the integrity of UME Preparatory Academy's technology resources, shared network space and any UME Preparatory Academy storage space will be monitored by school staff. Inappropriate files such as games, music, inappropriate images, movies, videos, and files that consume storage space will be deleted. External electronic storage devices are subject to monitoring if used or purchased with UME Preparatory Academy resources.



Network Behavior

UME Preparatory Academy Network/Internet users are responsible for their actions in accessing available resources. The following standards will apply to all users of the Network/Internet:

- The user in whose name a system account is issued will be responsible at all times for its proper use. Users may not use another person's account.
- The system may not be used for illegal purposes, in support of illegal activities, or for any other activity prohibited by UME Preparatory Academy policy.
- Users may not redistribute copyrighted programs or data without the written permission of the copyright holder or designee. Such permission must be specified in the document or must be obtained directly from the copyright holder or designee in accordance with applicable copyright laws, UME Preparatory Academy policy, and administrative regulations.
- Computers are joined to either a student or employee domain for management and inventory. Computers should not be removed from these domains.

General Unacceptable Behavior

While utilizing any portion of UME Preparatory Academy's Network/Internet access, unacceptable behaviors include, but are not limited to:

- Abusing network resources, such as sending chain letters or "spamming." Emails sent to "all staff" are reserved for the Technology Department and administration. The use of the "all staff" group for other purposes must be approved by the Technology Department prior to sending.
- Attempting to access non-instructional systems, such as student information systems or business systems, without authorization.
- Attempting to circumvent web filtering through proxies or other means.
- Connecting any networkable device (either wired or wireless) to UME Preparatory Academy's network without authorization. The use of a computer or device brought from home accessing the network in any way not designated as "guest access."
- Displaying, accessing, or sending offensive messages or pictures.
- Engaging in activity that may be considered "cyberbullying," including but not limited to threats of violence, extortion, obscene or harassing messages, harassment, stalking, child pornography, and sexual exploitation.
- Engaging in personal attacks, including prejudicial or discriminatory attacks.
- Gaining unlawful access to information or computer and communication resources.
- Generation, storage, transmission or other use of data or other matter, which is abusive, profane, pornographic, or offensive to a reasonable person.
- Illegal, fraudulent, or malicious activity or activity on behalf of organizations or individuals having no affiliation with UME Preparatory Academy.
- Installation of any programs or software not approved by UME Preparatory Academy.
- Intentional introduction of or experimentation with malicious code including but not limited to computer worms or viruses.
- Knowingly or recklessly posting false information about a person or organization.
- Personal use not related to the conduct of work on behalf of UME Preparatory Academy.
- Posting information that could cause damage or danger of disruption.
- The intentional sending of messages that is likely to harm the recipient's work or system and any other types of use which could cause congestion of UME Preparatory Academy's network or otherwise interfere with the work of others. Prohibited uses include, but are not limited to, peer-to-



peer applications such as LimeWire, Bit Torrent, or any other file sharing applications, as well as large (>5MB) file transfers from Internet sites without prior permission.

- Transmission of material in violation of applicable copyright laws.
- Unauthorized disclosure, use, or dissemination of personal information regarding minors.
- Using criminal speech or speech in the course of committing a crime such as threats against others, instructions on breaking into computer networks, child pornography, drug dealing, purchase of alcohol, gang activities, etc.
- Using obscene, profane, lewd, inflammatory, threatening, or disrespectful language in emails distributed through UME Preparatory Academy email.
- Using UME Preparatory Academy equipment, network, or credential to threaten other users, or cause a disruption to the educational program.
- Using UME Preparatory Academy equipment, network, or credentials to send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Using UME Preparatory Academy's electronic network for commercial purposes, or offering, providing, or purchasing products or services through the network.
- Using UME Preparatory Academy's electronic network for political lobbying.
- Using speech that is inappropriate in an educational setting or that violates UME Preparatory Academy's standards for employee conduct.

Employees who become aware of a user engaging in inappropriate use of UME Preparatory Academy's electronic network or who receive any email containing inappropriate content should report the matter immediately to the Technology Department or designee.

No Expectation of Privacy

UME Preparatory Academy email accounts should be used primarily for school-related purposes. Personal use of UME Preparatory Academy email accounts is only permitted on a limited basis so long as such personal use does not impede school functions, does not result in any direct cost paid with state funds, is not for private commercial purposes, and does not involve more than incidental amounts of employee time (time periods comparable to reasonable coffee breaks during the day).

UME Preparatory Academy owns the rights to all data and files stored on any computer, network, or other information system used at school and to all data and files sent or received using any UME Preparatory Academy system, including email, to the extent that such rights are not superseded by applicable laws relating to intellectual property.

UME Preparatory Academy owns any communication sent via email or that is stored on UME Preparatory Academy equipment or its cloud accounts. Employees shall have no expectation of privacy in anything they store, send, or receive on UME Preparatory Academy's email system or computer equipment or cloud accounts. All communications sent via email or stored on school equipment may also be subject to the TPIA. UME Preparatory Academy reserves the right to access and/or monitor any material in an employee's email account at any time, without prior notice, as well as any computer equipment used to create, view, or access email. Violations of this policy may lead to disciplinary action, up to and including termination, and could also lead to referrals to appropriate law enforcement authorities.

No employee may access another employee's computer, computer files, or email messages without prior authorization from the Technology Department or designed to allow access to email accounts.



System Security

On occasion, UME Preparatory Academy may need to access its technology and information resources including computer files, electronic-mail messages, and voicemail messages. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created or maintained on UME Preparatory Academy's electronic network, including personal information or messages. UME Preparatory Academy may, at its discretion, inspect all files or messages on its electronic network at any time in order to determine compliance with its policies, for purposes of legal proceedings, to investigate allegations of misconduct, to locate information, or for any other business purpose.

Users are responsible for their individual accounts and should take all reasonable precautions to prevent others from being able to use them. Users must not provide their password(s) to another person. Users must immediately notify a systems administrator if they have identified a possible security problem. Users should not go looking for security problems, as doing so may be construed as an illegal attempt to gain access.

Users will not attempt to gain unauthorized access to any portion of UME Preparatory Academy's electronic network. This includes attempting to log in through another person's account or accessing another person's folders, work, or files.

Users will not make deliberate attempts to disrupt UME Preparatory Academy's electronic network or computer system, or destroy data by spreading computer viruses or by any other means.

Users will not attempt to access Web sites blocked by UME Preparatory Academy policy, including the use of proxy services, software, or Web sites. Users will not use "sniffing" or remote access technology to monitor the network or other user's activity.

Software and Files

Software is available to users to be used as an educational resource or to conduct school-related business. Users may not install, upload, or download software without permission from the Technology Department or designee. A user's account may be limited or terminated if a user intentionally misuses software on any school-owned equipment.

Files stored on the network are treated in the same manner as other school storage areas. Routine maintenance and monitoring of UME Preparatory Academy's electronic network may lead to discovery that a user has violated this policy. Users should not expect that files stored on school servers are private.

When sharing or storing sensitive information, users must utilize approved network storage devices and applications.

Technology Hardware

Hardware and peripherals are provided as tools to users for educational purposes and for school-related business. Users are not permitted to relocate hardware (except for portable devices), install peripherals, or modify settings to equipment without permission from the Technology Department or designee.

UME Preparatory Academy may permit the use of personally-owned computing devices on its network, at the discretion of UME Preparatory Academy. All "guest" users must comply with administrative regulations governing the use of UME Preparatory Academy's technology resources and agree to allow monitoring of their usage and to comply with the regulations. Non-compliance may result in suspension of access or termination of privileges and other disciplinary actions consistent with UME Preparatory



Academy policy.

Vandalism

- Vandalism and mischief are prohibited. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Network/Internet, or any networks that are connected to the Network/Internet. This includes, but is not limited to, the creation or propagation of computer viruses, spyware, and malware. Any interference with the work of other users, with or without malicious intent, is construed as mischief and is strictly prohibited.
- Deleting, examining, copying, or modifying files and/or data belonging to other users, without their permission, is prohibited.
- Forgery of electronic mail messages is prohibited. Reading, deleting, copying, or modifying the electronic mail of other users without their permission is prohibited, unless permitted by UME Preparatory Academy policy or authorized by the Superintendent or designee.
- Deliberate attempts to exceed, evade, or change resource quotas are prohibited. The deliberate causing of network congestion through mass consumption of system resources is prohibited.
- Unauthorized disclosure, use, and dissemination of personal information regarding students and employees are prohibited.

Transmitting/Storing/Accessing Confidential Information

Teachers, staff, and students may not redistribute or forward confidential information (i.e., educational records, directory information, personnel records, etc.) without proper authorization. Confidential information should never be accessed, transmitted, redistributed, or forwarded to outside individuals who are not expressly authorized to receive the information. Revealing such personal information as home addresses or phone numbers of users or others is prohibited. In order to reduce the loss of confidential information due to theft or misplacement, student/staff confidential information should not be stored on portable devices such as memory sticks or on hard drives or home machines. This information should be stored on the District's drive. Extreme caution should be used if data is stored on cloud storage (Google docs, drop box, etc.). Cloud based storage should not be used for any data that is considered confidential. This storage is not provided by the District and is subject to the acceptable use guidelines of the particular site being used.

Personal Use of Electronic Communications

Employees in a public school system are responsible for modeling and teaching high standards of decency and civic values. Employees must model the character they are expected to teach, both on and off the worksite. This applies to electronic communications.

Electronic media includes all forms of social media, such as text messaging, instant messaging, email, web logs (blogs), electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, Instagram, LinkedIn). Electronic media also includes all forms of telecommunications such as landlines, cell phones, and web-based applications.

As role models for UME Preparatory Academy's students, employees are responsible for their public conduct even when they are not acting as school employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.



If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic media for personal purposes shall observe the following:

- The employee may not set up or update the employee's personal social network page(s) using UME Preparatory Academy's computers, network, or equipment.
- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct school business.
- The employee shall not use UME Preparatory Academy's logo or other copyrighted material of UME Preparatory Academy without express written consent.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
 - Confidentiality of student information, including photos.
 - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law.
 - Confidentiality of UME Preparatory Academy records, including educator evaluations and private email addresses.
 - Copyright law.
 - Prohibition against harming others by knowingly making false statements about a colleague or the school system.

Use of Electronic Media and Electronic Communications with Students

Employees given approval by UME Preparatory Academy may communicate through electronic media with students who are currently enrolled in the school **for educational purposes only**. All other employees are prohibited from communicating with students who are enrolled in UME Preparatory Academy through electronic media.

The following definitions apply for the use of electronic media and electronic communications with students:

- ***Electronic media*** includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and web-based applications.
- ***Communicate*** means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a communication: however, the employee may be subject to regulations on personal electronic communications. Unsolicited contact from a student through electronic means is not communication.



An employee uses electronic media to communicate with students must comply with the following provisions:

- Designated employees may use electronic communication with enrolled students only about matters within the scope of the employee’s professional responsibilities. All other employees are prohibited from using electronic communication directly with students.
- All communication via electronic media by staff with parents and students will be professional and of the appropriate nature, purpose, timing, and amount.
- An employee shall have no expectation of privacy in electronic communications with students.
- An employee shall not use a personal electronic communication platform, application, or account to communicate with enrolled students.
- Employees are prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a student; adversely affects the student’s learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student.
- Personal online social media may not be associated with professional online social media.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative guidelines, and the Code of Ethics and Standard Practices for Texas Educators, including compliance with Family Educational Rights and Privacy Act, copyright laws, open records requests, etc.
- The employee does not have a right to privacy with respect to communication with students and parents.
- Employees should avoid sending text messages to students. Exceptions may apply for a teacher or other employee who has an extracurricular duty, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility. An employee who communicates with a student using text messaging should attempt to include at least one of the student’s parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message.
- Employees shall not communicate directly with any student between the hours of 10:00 pm and 6:00am, except when necessary to notify students about urgent scheduling or transportation issues. Employees may, however, make public posts to a school-related social network site, blog, or similar application at any time.
- **Employees shall refrain from inappropriate communications with students. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:**
 - The nature, purpose, timing, and amount of the communication;
 - The subject matter of the communication;
 - Whether the communication was made openly or the employee attempted to conceal the communication;
 - Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
 - Whether the communication was sexually explicit; and
 - Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the employee or the student.

An employee is not subject to these provisions to the extent the employee has a social or family relationship with a student. For instance, an employee may have a relationship with a niece or nephew, a student who



is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization.

Upon written request from a parent or student, an employee shall discontinue communicating with a student by email, text messaging, instant messaging, or any other form of one-to-one electronic communication.

Upon request from UME Preparatory Academy's administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more current-enrolled students.

Employees are not required to disclose their personal email address or personal phone number to students or parents.

Consequences

The guidelines for appropriate use are applicable to all use of school computers and refer to all information resources, whether individually controlled, shared, stand alone, or networked. Disciplinary action for students, staff, and other users shall be consistent with UME Preparatory Academy policy and administrative regulation. Violations may result in:

- Suspension of access to school computers and network resources;
- Revocation of access privileges or user accounts; or
- Other school disciplinary or legal action, up to and including termination, in accordance with school policies and applicable laws.

Specific disciplinary measures will be determined on a case-by-case basis.