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Trinity Charter Schools

EMPLOYEE HANDBOOK

2020-2021

Welcome to Trinity Charter Schools!

Dear Employee:

This Employee Handbook (“Handbook”) contains information about Trinity Charter Schools’ (“TCS” or the “School”) 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 TCS. 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. TCS 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 the Human Resource Generalist.

Please sign the acknowledgement form agreeing to read and abide by the policies and procedures outlined in this Handbook and return it to Human Resources. This acknowledgement will also provide TCS 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,

A handwritten signature in black ink that reads "Kellie Ragland". The signature is written in a cursive style with a long, sweeping underline.

Kellie Ragland
Superintendent

Acknowledgment of Receipt of Employee Handbook

Employee Name: _____

Campus/Department: _____

Welcome to Trinity Charter Schools! This purpose of this Employee Handbook is to provide information that will help with questions and pave the way for a successful year at TCS. Not all school or Board policies and procedures are included, and TCS information, policies, and benefits described herein 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 the Human Resource Generalist, and that a paper copy of the Handbook is located in the main office. Only the Board of Directors can 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 TCS 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 herein and in my employment agreement, the information, policies, and benefits described in the employment agreement shall control.

I have received my copy of the TCS School Employee Handbook on the date listed below. By signing the Acknowledgment of Receipt 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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Section 1: Introductory Matters

1.1 Mission Statement

Trinity Charter Schools educates and empowers STUDENTS to transform and reclaim their lives.

1.2 About Trinity Charter Schools

TCS is a Texas open-enrollment charter school that provides educational opportunities to students (grades K–12) within eight Texas residential facilities. The New Life Campus is located within the New Life Children’s Treatment Center located in Canyon Lake, Texas and serves girls, grades 4 to 12. The Krause Campus is located within the Krause Children’s Center located in Katy, Texas and serves girls 6th to 12th grade. The Pegasus campus located in Lockhart, Texas educates boys from 3rd to 12th grade. Big Sandy campus is located in Big Sandy educating grades 6 through 12. Willowbend is located in Tyler and educates boys in Kindergarten through 12th grade. We have additional campuses located in the Houston area, as well as Brenham and Fort Worth Texas.

At TCS, children are afforded the opportunity to achieve academic success and learn appropriate social skills in a safe, structured, therapeutic learning environment. TCS’s 21st century classrooms make use of interactive white boards, computers, and other technology that make the learning experience exciting and highly interactive for students. Although some students are only enrolled for a few days, they are able to participate in the many opportunities the campus offers, including those that involve visual and performing arts, sports, computer-assisted tutoring, science fairs, and numerous recreational activities.

1.3 Trinity Charter Schools’ Vision

Students will be engaged in a transformation process that begins with behavior modification, and utilizes challenging curriculum, includes individualized and engaging instruction, provides ongoing assessment and feedback of student progress, and occurs in a safe, structured and caring environment.

When the mission of TCS is implemented. . .

1. Information will be shared horizontally and vertically across the district to facilitate the exchange of data and best practices.
2. Teachers will be working together to analyze data and collaborate on instruction.
3. Classrooms will be clean and organized to promote a safe, learner-centered environment.
4. Students will show ownership of education and will be active learners who drive their own instruction.
5. When students leave, they will add to and continue successful habits to garner high achievement throughout their lives.

In driving the vision of our shared mission, the TCS administration will provide structure and support for:

- Continued cross-campus communication and collaboration.
- Opportunities for professional growth.
- Repositories and transparent access to district and campus data.
- Programs and tools for curriculum and instruction.

- Safe, clean and appropriate facilities and environments.

All structures, supports, and initiatives will be continually evaluated to best serve the needs of our students and faculty.

TCS teachers plan instructional context and learning goals based on Texas State Standards. Students at TCS are engaged in intellectually demanding tasks that require higher order and critical thinking skills. TCS Staff uses multiple sources of data from formative and summative assessments to target instruction and measure program effectiveness. The learning environment at TCS is caring, inviting, and safe. It is achieved as staff members model the way for students, for each other, and for the community.

Section 2: Equal Opportunity Employment Practices

2.1 Non-Discriminatory Statement/Equal Employment Opportunity

TCS does not discriminate against any employee or applicant for employee 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, TCS 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 are made on the basis of each individual’s job qualifications, experience and abilities, the needs of TCS, 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 TCS administrator, or the Title VII/Title IX, ADA, or ADEA Coordinator.

As required by Title IX, TCS 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 TCS. Inquiries into issues related to Title IX may be referred to TCS’s Title IX Coordinator (identified below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

TCS has designated the following person as the Title VII/Title IX Coordinator, who is responsible for receiving and investigating complaints of alleged discrimination or harassment on the basis of race, color, national origin, religion, or sex (including sexual harassment): **Jenny Peterson**, 8305 Cross Park Drive, Austin, Texas 78754, (512) 459-1000, jenny.peterson@trinitycharterschools.org.

TCS 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: **Jenny Peterson**, 8305 Cross Park Drive, Austin, Texas 78754, (512) 459-1000, jenny.peterson@trinitycharterschools.org.

TCS has designated the following person as the ADEA Coordinator, who is responsible for receiving and

investigating complaints of alleged discrimination or harassment on the basis of age: **Jenny Peterson**, 8305 Cross Park Drive, Austin, Texas 78754, (512) 459-1000, jenny.peterson@trinitycharterschools.org.

All other complaints regarding equal employment opportunity may be directed to **Jenny Peterson**, 8305 Cross Park Drive, Austin, Texas 78754, 512.459.1000, jenny.peterson@trinitycharterschools.org.

2.2 Americans with Disabilities Act (ADA)

TCS 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.

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

2.3 Federal and State Worksite Postings

Required state and federal postings are found at each TCS 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; Unemployment & Payday Law; Notice to Employees Concerning Workers' Compensation in Texas; and the Texas Hazard Communication Act Notice to Employees. Postings are in both English and Spanish for all employees to read.

2.4 Immigration Law Compliance

TCS 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 the HR Generalist. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

2.5 Nondiscrimination Based on Genetic Information (GINA)

TCS 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.

2.6 Nondiscrimination Based on Military Service

TCS 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.

TCS 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").

2.7 Nondiscrimination Based on Religion

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

Section 3: Employment Practices

3.1 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 approved by the Board of Directors and/or the Superintendent, no additional financial compensation is provided for additional or supplemental duties. The Superintendent's criteria for approval of campus appointments and 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, a candidate's qualifications, experience, and abilities, and applicable state and federal law. TCS reserves the right to select candidates from outside TCS.

3.2 At-Will Employment

Employment with TCS 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 TCS 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 TCS 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 has the authority on behalf of TCS 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.

3.3 Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This section establishes only the framework within which TCS wishes to operate. This 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 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 the Human Resource Office for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of TCS's business dealings and operations.

No "presumption of guilt" is created by the mere existence of a relationship with an employee, contractor or vendor that may be a potential conflict of interest. However, if employees have any influence on transactions involving purchases, contracts or leases, it is imperative that they disclose to their immediate supervisor or Business Manager as soon as possible, the existence of any actual or potential conflict of interest, so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which TCS does business, but also when an employee or relative receives any benefit, including but not limited to a kick-back, bribe, substantial gift, or special consideration, as a result of any transaction or business dealings involving TCS.

An employee with reason to believe that an actual or potential conflict of interest exists must bring that concern to the attention of that employee's immediate supervisor or to the Superintendent.

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

Employment of Relatives and Fraternization

TCS is committed to providing equal employment opportunities to its employees. Intimate relationships have the potential to interfere with TCS'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, TCS 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 be employed by TCS 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, TCS 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.

TCS 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 TCS’s formal complaint procedures found in Section 3.6 of 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. TCS will, at its discretion, attempt to identify other available positions, and allow one or both of such employees to apply for reassignment, or TCS may reassign the employees at its discretion. If no alternate position is available, TCS 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 TCS. 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		
<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 TCS. 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 TCS 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 Texas Public Information Act, Chapter 552 of the Texas Government Code, or other applicable federal or state law.

Outside Employment

All employees must recognize that they owe a duty of loyalty to TCS. At all times when on duty, without regard to time or place, employees should devote their full attention to school 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 TCS. TCS prohibits the performance of non-school work while on the job or while using school equipment and/or supplies.

3.4 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 TCS shall be considered the property of TCS. 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 TCS, including any copyright, patent or trademark or application thereof. Employees hereby assign and transfer to TCS 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 TCS’s opinion may be necessary or desirable to secure TCS’s full enjoyment of all right, title interest and properties herein assigned. Employees agree to not charge TCS for use of their copyrighted, trademarked and patented material.

3.5 Criminal History Records

TCS will obtain criminal history records from a law enforcement or criminal justice agency for all prospective volunteers and applicants for employment 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 be obtained and reviewed prior to the employment of any driver for student transportation either directly or through a commercial service. Criminal history checks of a bus monitor or bus aide employed through a commercial service must be obtained and reviewed 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 included in this Handbook.

Prohibition Against Employing Individuals Convicted of Certain Offenses

TCS 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).

TCS 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 TCS 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 a person employed by TCS as of that date; or
 - b. The date the person's employment will begin, in the case of a person applying for employment with TCS after June 15, 2007; and
2. The employee or applicant for employment satisfied all terms of the court order entered on conviction,

TCS may make employment decisions in accordance with its policy regarding employment of personnel

with criminal histories (or arrested or charged with a criminal offense). TCS’s policy regarding employment of personnel with criminal history is as follows:

As allowed by Commissioner of Education rule, a person may not serve as a TCS 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).

TCS also 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.

TCS 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 TCS or the State Board of Educator Certification (“SBEC”).

Except as required by state or federal law or as determined by TCS to be in the best interest of student and employee safety (as in accordance with applicable law), TCS 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. TCS 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, TCS reviews these circumstances on a case-by-case basis.

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

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 school vehicle or other mobile equipment. Failure to timely report an arrest, indictment, charge, plea, conviction or adjudication may result in disciplinary action, up to and including termination.

A criminal history after employment begins may not be an automatic basis for termination, unless the incident makes an employee ineligible for employment in a Texas public school. TCS shall consider the following factors in determining what action, if any, should be taken against an employee who is convicted of a crime during employment with the school:

- 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 TCS and its students.

Fingerprinting

In accordance with state law, TCS requires all employees and substitutes to complete the fingerprinting process implemented by the SBEC/Texas DPS Clearinghouse prior to employment.

3.6 General Employee Complaint Process

Purpose

The purpose of the general employee complaint process is to provide employees an orderly process for the prompt and equitable resolution of complaints. TCS intends that, whenever feasible, complaints 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

TCS encourages employees to discuss their concerns with a supervisor, the Principal, or other appropriate administrator who has authority to address the concern. 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 complaint 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 TCS nor any School employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

Guidelines for General Employee Complaint Process

Definitions

For purposes of understanding the General Employee Complaint 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 based on 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 adverse personnel action in retaliation for reporting to an appropriate law enforcement authority of a violation of a law by a TCS employee, director, or officer.

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 e-mail 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

TCS will make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, TCS 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 grievant 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 an employee in the complaint process. An employee may designate a representative through written notice to TCS 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 TCS before a scheduled conference or hearing, TCS may reschedule the conference or hearing to a later date, if desired, in order to include the school’s counsel. TCS 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, TCS 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 TCS.

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 re-filing 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 concerns or complaints to the Board, 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 TCS 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 TCS, 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 TCS, 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 TCS, 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 considered 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 TCS 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 take action or no action. If the Board of Directors takes action, 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 make a decision 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.

3.7 Employment Reference Checks

To ensure that individuals who join TCS are well-qualified and have a strong potential to be productive and successful, it is our policy to check the employment references of all applicants.

3.8 Employee References

TCS does not provide information on former or present employees without the written approval of that individual. Requests for referrals or requests/inquiries about former or present employees should be referred directly to the Human Resources Department and HR Generalist.

3.9 Employment Applications

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

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

3.10 Fair Credit Reporting Act

TCS may utilize consumer reports – e.g., credit, criminal, employment references and Department of Public Safety reports to assist us in making employment decisions. In addition, we may conduct annual driving record checks to verify that the licenses and driving records of those employees required to drive TCS-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 TCS. Continued employment is also expressly conditioned on satisfactory results from legally authorized or required record and background checks.

In the event TCS 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 – TCS 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 – 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 TCS as to what action is taken.

3.11 Health Requirements, First Aid, CPR, and AED Certification

TCS may require that an employee undergo a physical examination if, at any time, his/her ability to perform assigned work is in question.

Certain employees (i.e. physical education teachers and coaches) who are involved in physical activities for students must maintain and submit to District Office proof of current certification in first aid, cardiopulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). Certification must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification to District Office at the start of each school year and each time the

employee is re-certified.

3.12 In-Service Training

There is an ongoing in-service education program for all employees. Attendance at in-service training meetings is mandatory. TCS allows two Flexible Professional Development Days per year. These trainings must have prior approval by your campus administrator, must be within your content area and must take place outside of the normal scheduled workday. Documentation showing completion of training sessions must be provided.

3.13 Introductory Period

New employees shall be subject to an introductory period during their first three months of employment. During this Introductory Period, an employee has an opportunity to get acquainted with his or her job, other employees and TCS as an employer. Likewise, TCS has an opportunity to evaluate the employee's job performance and to assist the employee in connecting performance and work standard deficiencies.

During the Introductory Period, the following applies:

- Vacation leave accrues from the date of hire and is available as it accrues. Accrued vacation may be used by the employee during the Introductory Period.
- Sick leave accrues from the date of hire but is not available to be used by the employee until the completion of the Introductory Period.
- Upon completion of the Introductory Period, the employee will be subject to a performance evaluation by his or her supervisor.
- Health Benefits shall begin from the date of hire, subject to any introductory period required by particular benefit plan.

The Introductory Period for any employee may be extended at the discretion of the employee's supervisor and normally such an extension will be from one to three months. The employee will be notified in writing of any extension of the Introductory Period. In such cases, a performance evaluation will be completed at the end of the original Introductory Period and another will be completed at the end of the extension. Employees promoted or transferred to a new position, given additional responsibilities or transferred to a different location (but with the same job title) may also be subject to an Introductory Period similar to new employees, however all benefits shall accrue and be available for use by the employee.

The same disciplinary procedures and termination procedures apply to all employees, regardless of whether or not the employee is within the Introductory Period or not. Completion of an Introductory Period does not mean that employment with TCS is guaranteed for any specific duration nor does it alter the at-will status of any employee.

3.14 Job Vacancy Announcements

Announcements of job vacancies are posted on TCS website by the Human Resource Office.

3.15 Minimum Qualifications for Principals and Teachers, and Notification to Parents

Regarding Teacher Qualifications

TCS 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 TCS.

All professional personnel certified by the State of Texas must hold the proper state or national license and/or certification as required by the job position, and the educational requirements for the job assigned.

A person employed by TCS as a Principal must hold a master's degree with appropriate certification. Teachers must hold a baccalaureate degree and meet any other standards set by state or federal law.

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

3.16 New Hire Orientation

Orientation of new employees and their work assignments is arranged by the Principal and is mandatory. The purpose of the orientation is to acquaint the employees with their jobs and to give a complete explanation of benefits, services, rules, safety training and other information that is helpful to the new employee.

3.17 New Hire Reporting

Federal and state law requires TCS 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.

3.18 Performance Evaluations

The job performance of all employees will be reviewed by the employee's supervisor on a regular basis. 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 or coordinator at least annually according to a schedule developed by the Superintendent. These evaluations provide both the employee and his or her supervisor the opportunity to discuss job performance, identify and correct weaknesses, encourage and recognize strengths, and discuss purposeful approaches for meeting goals. Written evaluations will be completed on forms approved by the Superintendent at least annually. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, have a performance conference with their supervisor or coordinator, and be given an opportunity to respond to the evaluation. Evaluation documents are confidential.

Employees are strongly encouraged to discuss job performance with their supervisor or coordinator on an informal day-to-day basis. Additional formal performance evaluations are conducted to provide employees and their supervisor or coordinator the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting

goals.

Teacher Appraisals

Classroom teachers are subject to annual appraisals. The Superintendent may request additional appraisals as needed and may require official appraisal instruments for personnel evaluation. Informal observations conducted by the teacher's supervisor are also considered valid information for the purpose of employment decisions.

3.19 Personnel Data Changes

Each employee is responsible for ensuring that his or her personal information is accurate and current at all times. Employees must notify the District Office of any changes in personal data, including personal mailing addresses, telephone numbers, names and numbers of dependents, individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports.

3.20 Personnel Records

TCS 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 authorized 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 TCS that relates to the employee, and that is protected from public disclosure by laws intended to protect the employee's privacy interests. TCS 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 Public Information Act. However, TCS may assert, as grounds for denial of access, other provisions of the Public Information Act or other laws that are not intended to protect the employee's privacy interests.

If TCS 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. TCS will release the information to the employee requesting the information in accordance with applicable law.

Employees who wish to review their own file should contact the HR Generalist.

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 Texas Public Information Act, 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 the HR Generalist 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 Texas Public Information Act (“TPIA”). New or terminated employees generally have 14 days after hire or termination to submit a request; otherwise, personal information may 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 the HR Generalist 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, TCS will seek to exempt and protect such documentation from disclosure to the extent permitted by law.

3.21 Pre- and Post-Offer Medical Testing

Applicants and current employees may be required to submit to certain medical tests (including drug testing) in circumstances allowed under applicable law.

3.22 Process for Employee Complaints and Grievances Regarding Harassment and Discrimination

TCS takes allegations of harassment and discrimination very seriously and intends to investigate all official complaints. TCS 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 the 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 School 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 discrimination or harassment shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the school’s ability to investigate and address the alleged 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 TCS.

After receiving a report, the Compliance Coordinator shall determine whether the allegations, if proven, would constitute prohibited discrimination or harassment. If so, TCS shall immediately authorize or

undertake an investigation. If appropriate, TCS shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The school’s investigation may be conducted by the Compliance Coordinator or designee, or by a third party designated by TCS, 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, TCS shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct. TCS 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, TCS 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 TCS 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 “General Employee Complaint Process” described in Section 3.6 of this Handbook, beginning at Level Two.

TCS 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 the school’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>.

3.23 Proprietary Information

Proprietary information includes all information relating in any manner to the business of TCS and its schools, students, parents, consultants, customers, clients, and business associates obtained by TCS employees during the course of their work. Occasionally, in the service of the school’s mission, TCS 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 TCS documents, that employee should direct the request to the Superintendent to obtain approval before disseminating

documents.

3.24 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 Texas Education Agency 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 TCS learned of the criminal record by means other than the criminal history clearinghouse established by the Texas Department of Public Safety.
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 TCS 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 involving evidence that an educator may have engaged in abuse or otherwise committing 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 completion of the investigation. If the educator is arrested and law enforcement requests that TCS 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 Texas 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.

TCS 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.

3.25 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 TCS 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 TCS 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.

3.26 Termination or Resignation

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

All TCS property in the employee's possession must be returned to his or her supervisor upon separation from employment. Failure to return TCS-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 Business Manager 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 TCS, TCS 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.

Reports Concerning Court-Ordered Withholding

TCS 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
- Name and address of new employer, if known.

Termination Grievances (General Complaints)

A terminated employee may request a review of a termination decision. Termination grievances must be submitted in writing to Human Resources within five calendar days of notice of termination. A Human Resources designee 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 Complaint Process” described in Section 3.6 of this Handbook, beginning at Level Two. Termination decisions will not be deferred pending the outcome of an appeal.

3.27 Textbook and Materials Acquisition

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

Any TCS officer, administrator, or teacher who accepts a gift, favor, or service given to the person, or to TCS, 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.

3.28 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 manager is responsible for forwarding the transfer request to the HR Generalist by the designated deadline.

Principals or hiring managers may request an interview and/or sample teaching lesson before a transfer request is approved. Employees selected for a transfer will receive notification from the campus Principal.

Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the campus Principal and must be approved by the sending and receiving hiring manager.

3.29 Verification of Employment Eligibility

Prior to the start of employment, TCS 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 TCS within a timeframe established by Human Resources (generally 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.

3.30 Whistleblower Complaints

The Texas Whistleblower Act (“TWA”) protects employees who make good faith reports of violations of law by TCS or another employee to an appropriate law enforcement authority. TCS 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 Complaint Process” described in Section 3.6 of this Handbook, beginning at Level Three.

TCS 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 school’s 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.

Section 4: Compensation and Pay Schedules

4.1 Authorized Check Pick Up

TCS 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 Payroll prior to any paycheck being released.

4.2 Direct Deposit

All faculty and staff are strongly encouraged to take advantage of direct deposit because of the many advantages it offers. In addition to being efficient and convenient, direct deposit is the most reliable method of receiving pay. Every full-time employee participating in the program must sign a Direct Deposit Authorization Agreement form. **A notification period of one pay period is necessary to activate this**

service. Terminated employees with direct deposit will receive a paper check for their final paycheck within six calendar days of termination in accordance with the Texas Payday Act.

4.3 Employee Reimbursement

It is the policy of TCS to provide procedures for the authorization and reimbursement of employee business related travel and lodging expenses while on official corporate or facility business. Procedures regarding official employee travel and/or lodging are as follows:

Authorization

All business travel and/or lodging must be incurred at the direction of an employee's direct supervisor (Principal), the Superintendent, and/or the Chief Executive Officer. Authorization to travel and to incur business travel expenses will be documented via Travel/Training request form. Each expense report submitted to reimburse employees for business related travel and/or lodging expenses requires the employee's principal and/or the Superintendent to review and approve the expenses for reimbursement. Compensation will not be available unless the employee completes the form prior to travel. The form will need to be approved by the campus Principal and Superintendent to be an authorized travel.

Limit of Expenses

Each area of official employee travel and lodging are reimbursable at the following rates. Should actual expenses exceed the approved limits, the employee shall be responsible for payment of any excess amounts.

- Rental Vehicles: Employees who expect to travel more than 100 miles of business mileage in a day (roundtrip) are eligible to use the Corporate Enterprise Account. If an employee wishes to use his or her own vehicle for business trips, approval must be obtained from the employee's Principal or the Superintendent.
- Business Mileage: Employees who expect to travel less than 100 miles of business mileage in a day (roundtrip) will be reimbursed by TCS at the rate approved by the Board of Directors. If an employee drives directly to a location from home (regardless of business purpose), he or she must reduce the mileage claimed by the normal commuting mileage (round-trip home to office), as this mileage is considered personal mileage and is not reimbursable. Mileage reimbursement requests cannot be made for an employee that is leaving the workplace for an offsite lunch; this mileage is also considered personal mileage and is not reimbursable.

Travelers are required to calculate mileage by one of the following two methods:

1. Odometer reading (point-to-point method)
 2. Electronic mapping source (such as that on www.mapquest.com or any other online mapping service). If this method is chosen, the traveler/employee must print out the driving directions and attach them to the Employee Expense Report.
- Lodging: Business class lodging will be reimbursed via the expense reimbursement process. The link below provides lodging rates for each city in the state of Texas. Please contact the central office for help with this process: <https://www.gsa.gov/portal/category/100120> (choose "Texas" icon on map). Please contact the central office for any out-state-trips.
 - Personal Meals: Out of pocket meal expenses for all out-of-town, overnight travel shall be

reimbursed while traveling on official school business via the expense reimbursement process. Meals and incidental expenses will be reimbursed in the amounts listed at <https://www.gsa.gov/portal/category/100120> (choose “Texas” icon on map). The requirement for reimbursement is to document the actual expense incurred with an original itemized receipt. We do not reimburse for tax or gratuity.

- **Parking:** School business related parking expenditures shall be reimbursed at the actual cost of such parking via the expense reimbursement process. An itemized receipt is required in order to receive the proper reimbursement.
- **Air Travel:** The actual cost of the school business related airline tickets shall be reimbursed via the expense reimbursement process. In some circumstances, the employee may be able to use the Travel Card authorized by the Superintendent.

If two or more employees travel on the same dates with the same itinerary, for the same or similar business purposes, they must coordinate their travel to help reduce costs.

Travel Request and Employee Reimbursement

It is the responsibility of the traveling employee to initiate and accurately maintain proof of travel approval and Request for Travel Reimbursement form (required itemized receipts attached) in order to document all aspects of reimbursable TCS travel. The receipts must be legible. If the central office staff cannot read the receipts, they may ask for the originals to be mailed. This documentation is an important part of our end of the year auditing process.

Employee Expense Report – The Employee Expense Report form should be submitted to the principal and then sent to the central office Business Manager on a weekly basis. Approved reports with all necessary documentation, itemized receipts, and expenses within school district guidelines, will be paid with the employee’s next paycheck.

Employee Expense Reports must be submitted within 10 days of the expenditure date. Expense reports submitted after 10 days of the expenditure date will not be reimbursed.

Any employee who knowingly misapplies and misappropriates School funds for their intended purpose and/or knowingly falsifies information regarding the Travel Request or Employee Reimbursement Forms shall be subject to discretionary disciplinary action to include immediate termination and will reimburse TCS for any amounts due and payable using their final paycheck.

Supplies Reimbursement

TCS requires its staff to utilize the direct bill process for all purchases. If there is no direct bill set up with the vendor, and an employee purchases something for TCS, they may be reimbursed for the item. This will require prior approval from the Principal. Detailed procedures are listed below:

Eligibility: All teachers and Principals or exempt employees, may receive an employee reimbursement if prior approval is received.

Authorization:

1. All principals can request a reimbursement by submitting the following items to the central office.
 - a. An original receipt

- b. Employee Reimbursement Form
 - c. Superintendent MUST sign all principal related expense reimbursements
 - d. The expense should not be older than 10 days
2. All central staff can request a reimbursement by submitting the following items to the Business Manager.
 - a. An original receipt
 - b. Employee Reimbursement Form

4.4 Fair Labor Standards Act (FLSA)

Employment Categories

It is the intent of TCS 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 TCS.

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 TCS, 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 Fair Labor Standards Act ("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 pro-rated daily rate.

Non-exempt positions are those positions that are not exempt from the FLSA. Non-exempt positions require TCS 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 as 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 Wage and Hour laws.

TCS's positions are reviewed and assigned an FLSA (exempt or non-exempt) status that is maintained on a master record. Employees may obtain this information from the Business Manager.

Timekeeping

Federal and state laws require TCS 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, as well as the beginning and ending time of each meal period. 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 expressed, prior authorization from the Executive Director.

Exempt employees should use a timecard to document days worked. Sick or personal leave must be clearly marked, as should days off without pay.

Employees sign their timecards to certify the accuracy of all time recorded. The Principal will review and then sign the timecard before submitting it for payroll.

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

TCS 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 the school's work needs, employees may be requested to work overtime. 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.

4.5 Lost/Stolen Paychecks

Lost or stolen paychecks should be reported to the Business Manager immediately. The Business Manager will issue a stop payment on the lost or stolen check. Only after the financial institution has notified the Business Manager that payment of the check has been stopped can Payroll issue a new check.

4.6 Pay Deductions and Setoffs

TCS 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. Optional deductions must be authorized by the employee in writing.

If you have questions why deductions were made from your paycheck or how they were calculated, notify the Business Manager.

Administrative Pay Corrections

In the event of an error in payment, the employee should contact his/her supervisor as soon as possible. The supervisor will then contact the Business Manager and send the necessary paperwork to correct the matter. Any questions concerning how or when corrections will be made should be directed to the appropriate supervisor and/or Business Manager.

Overpayments

Employees must inform the Business Manager of known overpayments on any paychecks received. TCS will pursue all legal means necessary to recover overpayments.

4.7 Payroll

TCS follows all Texas Payday Laws. All employees will be paid bi-weekly. Pay dates are posted in the main office. The method of pay may be changed at any time, with or without advance notice. Paychecks will either be directly deposited into the employee's financial institution of choice, hand delivered at school, or mailed to the employee's home address. No advanced pay of any kind is authorized. Pay will not be released to any person other than the employee to whom pay is due, without the employee's prior written authorization.

Each paycheck 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 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. If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return to work.

TCS pays all exempt 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 bi-weekly 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.

4.8 Salaries and Wages

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 the Business Manager for further information concerning their own salary.

4.9 Service Records

Employees who have worked for any of the following school systems listed below must request a service record from the last school district in which they were employed. The service record should be provided directly to the Human Resource Generalist, who should then review the information on the service record for accuracy. Following this review, the employee should submit an original service record for TCS to review.

The school systems eligible for credit include:

- Texas Private Schools
- Out of State Public or Private Schools
- Texas and Out of State colleges and Universities
- Texas Public Schools
- Texas Charter Schools
- State Regional Education Service Centers
- State Department of Education
- Overseas schools operated by the U.S. Government
- Texas non-public special education contract schools
- U.S. Service Academies
- U.S. Department of Labor’s Job Corps Program

Please note: The original service record is needed to determine service year salary credit. If TCS does not have a service record at the time of an employee’s start date, TCS will pay the employee at 0 years of experience according to the salary schedule adopted by the TCS Board of Directors until the work history is verified.

4.10 Unclaimed Payroll Checks

If an employee fails to pick up his/her paycheck, the supervisor will immediately return the paycheck to the Business Manager. The Business Manager will attempt to contact the employee to forward payment. In the event the employee does not collect the check within 90 days, the Accounts Payable/Payroll Liaison will cancel the paycheck, but the wages will still be recorded. The employee will be required to present proper identification to TCS before the check will be reissued. In the event that the unclaimed paycheck is not claimed for a period of one year from its date of issuance, the paycheck 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.

4.11 Wage and Tax Statements

All employees will receive a Wage and Tax Statement (Form W-2) from TCS 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 Region 20 and distributed on or before January 31st of each year.

Section 5: Benefits

The benefits information in this Handbook is only a summary of benefit plans offered by TCS. 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. TCS 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 the school, please contact the Human Resource Office.

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 TCS's benefit plans.

5.1 Available Benefit Offerings

TCS currently offers the following benefit programs to eligible employees in the manner prescribed by law:

- Teacher Retirement
- Health Coverage Benefit
- COBRA

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

5.2 Benefits Continuation – COBRA

Employees will be notified of their benefit continuation rights under COBRA upon separation from employment.

5.3 Health Coverage Benefits

TCS offers medical coverage through TRS-Active Care, the statewide public-school health insurance program to all eligible employees. Employees may access the TRS website at <https://www.trsactivecareatna.com/>.

TCS's medical coverage plan(s) is/are approved annually by the Board of Directors. The school's annual contribution to the plan(s) is/are also approved on an annual basis by the Board of Directors. Details regarding the TCS health coverage benefit may be obtained from the Human Resource Generalist.

5.4 Other Benefits

From time to time, TCS 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.

5.5 Teacher Retirement System ("TRS") -Covered Employment

Employment that makes one eligible for membership in TRS is:

- Regular employment with TCS that is expected to last for a period of four and one-half months or

more;

- For one-half or more of the standard full-time workload; and
- With compensation paid at a rate comparable to the rate of compensation for other persons employed in similar positions.

TCS employees meet these requirements if their customary employment is for 20 hours or more each week and for four and one-half months or more in one school year.

Full-time service is employment that is usually 40 clock hours per week.

If TCS has established a lesser requirement for full-time employment for certain positions, full-time service includes employment in those positions. In no event may full-time employment require less than 30 hours per week for TRS eligibility purposes.

All new TRS Eligible employees are eligible for benefits on the first day of the month following the first day worked, or the date they become eligible for benefits. At no time will employees be eligible for coverage before the first day worked by the employee. If an employee does not enroll within 31 days of eligibility, that employee will be eligible to enroll during the next open enrollment opportunity.

Exceptions to TRS membership include but are not limited to:

- A substitute, as defined by TRS Rules (To be considered a substitute, the individual must be serving in a position currently held by another employee and paid at a rate of pay that does not exceed the rate for substitute work established by the employer.);
- A person employed on a temporary (less than four and one-half months), part-time (less than one-half time), seasonal, or on an irregular basis.

Substitutes not receiving TRS service retirement benefits that work at least 90 days a year may also be eligible for TRS membership and to purchase one year of creditable service. TRS provides members with an annual statement of their accounts showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

TCS will make all required contributions for employees eligible for TRS benefits on a timely basis. Individuals who are planning retirement and retirees who are considering employment after retirement should contact the Human Resource Generalist 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.

5.6 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 the Human Resource Generalist.

5.7 Workplace Employee Injury Plan

TCS offers accident insurance benefits to employees who suffer a work-related illness or personal injury due to accidents arising out of their employment with TCS. Such benefits are provided in accordance with the plan documents. All information regarding the employee injury plan with TCS, to include the plan document, summary plan, new hire and arbitration information can be found at the TCS district office. Please reach out to the Business Manager or designated administrator.

Except as required under the temporary disability law, an employee cleared to return to work shall be considered for a position for which the employee is qualified, provided such a position is available. If no position for which the employee is qualified is available at the time the employee requests reinstatement, the employee shall be considered for a subsequent vacancy. Failure of an employee to report to TCS upon release from accident leave within three days, or refusal to accept an offered position, shall constitute a resignation.

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.

Section 6: Employee Attendance and Leave

TCS 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 the Human Resource Office for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with TCS.

6.1 Attendance and Punctuality

To maintain a safe and productive work environment, TCS expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on TCS.

Work hours for most employees are 7:30a.m. to 3:30p.m.; however, there may be exceptions to this requirement based on the employee's role at TCS. Your supervisor will provide you with your actual work schedule if it varies from the above.

Teachers are expected to be in their classrooms by 7:45a.m. However, on many occasions, it will be necessary to meet with colleagues and administrators before or after regular school hours and possibly during evenings and weekends.

Late Arrival or Absence

Absence is defined as an employee's failure to report to work during their scheduled work hours. All employees are encouraged to show up for work during their normal scheduled work hours. In the event that an employee will be absent from work or late, the employee must notify their correct supervisor no later than 60 minutes before the employee's scheduled starting time on the same day to avoid disciplinary actions. If the employee cannot call within the allotted time due to an illness or an emergency, the

employee should have someone else make the call for the employee.

Excessive Absenteeism or Tardiness

Excessive absenteeism, tardiness, and leaving work prior to the designated time may result in grounds for any of the following disciplinary actions:

- Denial of pending or future promotion.
- Disciplinary probation.
- 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

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 within the first working hour each day of the absence. Notification to an employee other than the appropriate supervisor and/or Principal is insufficient.

Failure to Give Notice of Absence, Voluntary Resignation and Job Abandonment

Failure to report to work without supervisor approval and/or to provide notification of an absence to a supervisor for two workdays (unless prevented by circumstances beyond the employee’s control) may be considered to be job abandonment and/or voluntary resignation as of the last day worked, in accordance with applicable federal and state law. TCS will process the work separation as a voluntary resignation on the employee’s part.

In the event of job abandonment or voluntary resignation, all School-owned property (e.g., keys, uniforms, etc.) must be returned immediately.

No payment will be made for sick leave or any other type of paid leave upon separation for failure to give notice of absence.

Notice of Voluntary Resignation

An employee voluntarily resigning from employment is requested to provide notice of resignation to their correct supervisor as follows:

- One (1) Month Advance Notice of Termination by Teachers and Other Exempt Employees
- Two (2) Weeks Advance Notice of Termination by Non-Exempt Employees.

An employee who provides the appropriate notice of resignation above shall be paid for any accrued but unused personal leave up to the date of the last day of employment provided in such notice. Employees who do not give appropriate notice will not be paid for any accrued but unused personal leave. 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.

Exit Interview/Questionnaire

An exit interview may be conducted with each employee that voluntarily resigns from employment with TCS and the employee may be asked to complete an Exit Questionnaire Form.

6.2 Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (“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 TCS 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 foreign deployment of a military member who is the employee’s spouse, child, or parent.

An eligible employee who is a covered servicemember’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 servicemember 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

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

- A “rolling” 12-month period measured backward from the date an employee uses any FMLA leave. Under the “rolling” 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

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. TCS 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 TCS 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 exigency, an employee may take leave intermittently or on a reduced schedule. TCS 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, TCS 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 TCS 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, TCS may require the employee to reimburse the school’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 TCS, the school may not require the employee to reimburse the school's share of premiums paid.

Contact

Employees that require FMLA leave or have questions should contact the HR Generalist for details on eligibility, requirements, and limitations.

6.3 Holiday Leave

Each year, the Board of Directors (in consultation with school administrators) will establish a school calendar indicating school holidays and closures. This calendar is distributed to each school employee.

*Please refer to calendars listed on TCS's official website.

6.4 Jury Duty and Grand Jury Service

TCS 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.

6.5 Military Leave of Absence

TCS is committed to protecting the rights of employees absent on military leave. In accordance with federal and state law, it is the school's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in, or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights hereunder. 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.

Temporary (Two-Week) Military Leave

In addition to the rights and benefits provided to employees taking Extended Military Leave (as described in the section below), eligible employees who must be absent from their job for a period of not more than ten working days each year in order to participate in temporary military duty are entitled to as many as ten days unpaid military leave. All benefits will continue during an employee's temporary military leave.

All Other (Extended) Military Leave

Employees directed to participate in extended military duties in the U. S. Armed Forces that exceed ten working days will be placed on an unpaid military leave of absence status for a period of as long as five years, except as otherwise required by USERRA, and the employee will be entitled to the rights and

benefits described in this Handbook and in accordance with the school’s policies and procedures.

To request a temporary or extended military leave of absence the employee should, unless prevented from doing so by military necessity, notify Human Resources and complete and submit the appropriate form. An employee on temporary or extended military leave may elect, at his or her option, to use paid leave (vacation, sick or personal) available; the remainder of military leave will be unpaid.

6.6 Personal and Sick Leave

TCS offers personal leave to all full-time employees. All full-time employees will be entitled to five days of personal leave per year. This leave is available to employees at the beginning of employment. Any additional personal leave given to TCS employees based on their work schedule will be accrued during the fiscal year. TCS employees will not accrue personal leave while on any unpaid leave. TCS employees may carry-over personal leave to the next fiscal year according to their workday schedule listed below. For employees who begin work after the school year starts, personal leave will be allocated on a pro-rated basis.

All use of personal leave requires approval. A written request should be submitted to the employee’s correct supervisor at least one week in advance. In the event that the request for personal leave is approved, arrangements will need to be made to cover the workload, instruction or classes. Although personal leave may be taken at the employees’ discretion, 190 day and 206-day employees are restricted from taking leave on the day before or the day after a school break. Teachers and Behavior Support Specialists are restricted to use personal leave on the day before and/or the day after testing and breaks in the school calendar. Approval for use of personal leave is based on the needs of the students and the campus. Should a supervisor reject or deny leave and the employee believes the leave should be approved, the employee should appeal the decision based on policy PG-4.6 Grievances in the TCS Policy Manual.

TCS school does not pay personal leave balances to any terminated employee.

Maximum annual accrual amounts of personal leave are as follows:

Number of Workdays	Days of Personal Leave
190 Days	5 days of personal leave
206-220 Days	7 days of personal leave
250 Days	15 days of personal leave (1 st year of employment) 20 days of personal leave (2 nd year of employment and beyond)

Carry-Over of Personal Leave

All employees may carry over accrued, available unused personal leave to the next school year as follows:

- For 190-day employees, a maximum of 5 carry-over days.
- For 206-day employees, a maximum of 7 carry-over days.
- For 250-day employees, (1st year of employment) a maximum of 15 carry-over days.
- For 250-day employees, (2nd year and beyond) a maximum of 20 carry-over days.

Leave Non-Transferrable Among Texas Public Schools

As an open-enrollment charter school, TCS does not offer traditional “state leave” earned under Chapter 22 of the Texas Education Code. This leave is generally transferrable among school districts and may be rolled over from year to year. TCS employees **will not** earn state leave days that are transferrable among Texas public schools, as the state leave program does not apply to charter schools. **For this reason, any leave earned during service with TCS may not transfer to another charter school or school district if an employee leaves service with TCS.**

Sick Leave

TCS offers sick leave to all full-time employees. TCS employees will have five days of sick leave available to them at the beginning of employment. Any additional sick leave given to TCS employees based on their work schedule will be accrued during the fiscal year. TCS employee will not accrue sick leave while on any unpaid leave. For employees who begin work after the school year starts, sick leave will be allocated on a pro-rated basis.

Any employee who becomes sick or ill before their regular work scheduled day should notify their correct supervisor immediately. In the event that the employee is not able to notify their correct supervisor, the employee should have a family and/or friend call on their behalf. In the event that an employee does not notify or show up to their job during their regular work scheduled day due to a sickness or illness for three consecutive days should refer to TCS policy on Failure to Give Notice of Absence.

Employees who become ill during their work scheduled day should communicate with their correct supervisor immediately in order for arrangements to be made on their behalf. When an employee is sick or ill and has given proper notice to their correct supervisor on their regular work scheduled days but is sick or ill for three consecutive days, an employee must provide a certified doctor’s note certifying the need for sick leave upon returning to work in order for them to be excused. Sick leave is not to be abused in any kind of manner. If TCS believes that an employee is abusing their sick leave grounds for disciplinary action will take effect.

Maximum annual accrual amounts are as follows:

Total Number of Workdays	Maximum Sick Leave
190-day employee	5 days
206-220 day employee	7 days
250-day employee	10 days

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, except for those employees who provide appropriate notice of resignation as discussed in the “Notice of Voluntary Resignation” provisions in Section 6.1 of this Handbook.

If an employee leaves TCS 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.

Bereavement Leave

Full-time and part-time employees may be absent, without loss of pay in the event of a death. Temporary employees, substitutes, or employees classified on an “as-needed” basis are not eligible for bereavement leave. Employees may use up to five workdays per occurrence for the death of an immediate family member. Bereavement leave will need to be reported to the correct supervisor in a timely manner. Any other relation to the deceased will need to be approved at the District Office level. If the death occurs during a weekend (Saturday and Sunday) or on a national holiday in which the employee is not scheduled to work, the bereavement leave will begin on the next scheduled working day. This excludes any breaks in the school work calendar that has more than two days off for break (i.e. Thanksgiving break, winter break and spring break)

Immediate family is defined as the following:

- Spouse;
- Son, daughter, step-son, step-daughter, including biological, adopted, foster child, a current son-in-law, daughter-in-law, or a legal ward;
- Parent, step parent, current father-in-law, mother-in-law, or other individuals who stands as a parent to the employee;
- Sibling, current step-sibling, current brother-in-law, sister-in-law;
- Grandparent, grandchild, spouse’s grandparent
- Any person residing in employee’s household.

Emergency Leave

Employees may be granted up to two days of emergency leave without loss of pay or accumulated personal leave for destruction of their home or domicile due to flood, fire, or storm, other natural disasters or force majeure. Such leave is subject to the approval of the campus Principal or Superintendent or designee. Any further leave granted will result in a deduction of accumulated personal leave, a deduction of the daily rate of pay, or unpaid leave, unless otherwise provided by the School.

Limitations on Leaves of Absence

With the exception of leaves of absence for military duty or approved leave under the Family and Medical Leave Act, if an employee accumulates more than **three 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 TCS may have under the Americans with Disabilities Act (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.

6.7 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.

Section 7: Employee Conduct

7.1 Conduct in General

The successful operation and reputation of TCS 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.

TCS 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 nor any TCS 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, the Human Resource Generalist.

Every employee is responsible for complying with TCS'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 Employee Appearance

Dress, grooming, and personal appearance standards contribute to the morale of all employees and affect the professional image presented to students, parents, and visitors. All staff will be neatly and professionally attired and groomed at all times. Campus principals/supervisors will offer employees additional guidance on matters of professional dress, if needed. Final judgment regarding any professional dress will rest with the Superintendent.

Appropriate Dress

- Suits, dresses, blouses, dress slacks, dress jeans, dress capris, cardigans, polo shirts, button up shirts, and dress shirts.
- Spirit shirts may be worn on Fridays or significant campus days with administrator approval. Spirit shirts must be in good condition.
- Dress top must cover the entire area.
- Skirts and dresses must be knee length.
- Blouses or dress tops must cover the midriff and undergarments must not be visible.
- Clothing should not be revealing and should not be excessively tight.
- Appropriate undergarments must be worn at all times.

Appropriate Shoes

- Loafers, boots, tennis shoes, and dress sandals are appropriate.
 - Flip flops are not considered professional dress.

Appropriate Hair, Jewelry and Tattoos

- Hair must be neat and clean.
- Facial hair is allowed but must be trimmed.
- Jewelry should be appropriate. No face jewelry or body piercing other than ears should be visible. Any piercings outside of ear piercings should be removed, unless entirely covered by clothing, for safety reasons.
- Tattoos should be covered by clothing.
- All of the above should not be distracting to students.

At TCS'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.

Employees should comply with the standards of conduct set out in this policy and with any other policies, and guidelines that impose duties, requirements, or standards attendant to their status as district employees.

7.3 Employee Involvement

All staff members are encouraged to attend TCS 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 ARD meetings. As part of TCS's planning and decision-making process, employees may either be asked or elected to serve on advisory committees.

7.4 Faculty/Staff Meetings

Employees are expected to attend regularly scheduled meetings whenever deemed necessary. Any absence from a meeting must have prior approval. An absent employee is expected to contact their supervisor for meeting details.

7.5 General Standards of Employee Conduct

All employees are expected to work together in a cooperative spirit to serve the best interests of TCS 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 TCS 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 TCS time, funds, and property for authorized school business and activities only.

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

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

TCS 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. Employees, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all coworkers. 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. TCS 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

- A. Standard 1.1. An employee shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of TCS, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.
- B. 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.
- C. Standard 1.3. An employee shall not submit fraudulent requests for reimbursement, expenses, or pay.
- D. Standard 1.4. An employee shall not use institutional or professional privileges for personal or partisan advantage.
- E. 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.
- F. Standard 1.6. An employee shall not falsify records, or direct or coerce others to do so.
- G. Standard 1.7. An employee shall comply with state regulations, written local Board policies, and

other state and federal laws.

- H. Standard 1.8. An employee shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.
- I. Standard 1.9. An employee shall not make threats of violence against other TCS employees, Board members, students, or parents of students.
- J. 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.
- K. 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.
- L. Standard 1.12. An employee shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.
- M. Standard 1.13. A TCS employee shall not be under the influence of alcohol or consume alcoholic beverages on TCS property or during school activities when students are present.

Ethical Conduct Toward Professional Colleagues

- A. 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.
- B. Standard 2.2. An employee shall not harm others by knowingly making false statements about a colleague or the TCS system.
- C. Standard 2.3. An employee shall adhere to written local Board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
- D. Standard 2.4. An employee shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.
- E. 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.
- F. Standard 2.6. An employee shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
- G. 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 or proceeding in accordance with applicable laws or regulations.
- H. Standard 2.8. An employee shall not intentionally or knowingly subject a colleague to sexual harassment.

Ethical Conduct Toward Students.

- A. Standard 3.1. An employee shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- B. 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.
- C. Standard 3.3. An employee shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.
- D. 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.
- E. Standard 3.5. An employee shall not intentionally, knowingly, or recklessly engage in physical

mistreatment, neglect, or abuse of a student or minor.

- F. Standard 3.6. An employee shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.
- G. 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 employee.
- H. Standard 3.8. An employee shall maintain appropriate professional employee-student relationships and boundaries based on a reasonably prudent employee standard.
- I. 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:
 - (i) the nature, purpose, timing, and amount of the communication;
 - (ii) the subject matter of the communication;
 - (iii) whether the communication was made openly, or the employee attempted to conceal the communication;
 - (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
 - (v) whether the communication was sexually explicit; and
 - (vi) 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.

Any employee who violates TCS's Code of Ethics is subject to discipline, up to and including immediate termination from employment and, when circumstances warrant, referral to appropriate law enforcement or regulatory authorities.

Financial Ethics

TCS 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 TCS.

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 TCS, except as otherwise permitted by law or TCS policy.
- Failure to disclose conflicts of interest as required by law or TCS.
- 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 TCS.
- Impropriety in the handling of money or reporting of TCS's financial transactions.
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
- Misappropriation of funds, securities, supplies, or other TCS assets, including employee time.
- Profiteering as a result of insider knowledge of TCS information or activities.
- Unauthorized disclosure of confidential or proprietary information to outside parties.
- Unauthorized disclosure of investment activities engaged in or contemplated by TCS.

- Any other dishonest act regarding the finances of the school.

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.

TCS 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 so as not to interfere with the investigation process.

Neither the Board of Directors nor any TCS 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 Chief Operating Officer or designee 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.

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.

Insubordination

All employees have duties to perform. It is against TCS policy for an employee to refuse to follow the directions of a supervisor or other TCS 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 Superintendent or designee.

7.6 Prohibition of Discrimination, Harassment, and Retaliation

TCS 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.

Prohibited discrimination or harassment is defined as unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information. Harassment becomes 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

TCS 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 TCS investigation regarding harassment or discrimination is subject to appropriate discipline, up to and including termination.

Reporting Procedures

An employee who believes that he or she has experienced prohibited discrimination or harassment, retaliation, or believes that another employee has experienced such prohibited conduct, should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or Principal, or to the appropriate Compliance Coordinator designated in Section 2.1 of this Handbook.

Reports of prohibited discrimination or harassment shall be made as soon as possible after the alleged act or knowledge of the alleged act. Failure to promptly report may impair TCS's ability to investigate and address the prohibited conduct.

Any supervisor who receives a report of prohibited discrimination or harassment shall immediately notify the appropriate Compliance Coordinator listed above, and take any other steps required by TCS policy.

TCS's procedure for reporting and investigating sexual harassment or potential violations of Title IX is found in Section 7.7 of this Handbook.

Conducting the Investigation

TCS recognizes all official complaints as a serious matter and will follow through with an appropriate and timely investigation of the allegations. All complaints will be investigated. The investigation may be conducted by the Compliance Coordinator or designee, or by a third party designated by TCS, such as an attorney. At no time will employees who file a complaint be required or allowed to handle the problem themselves.

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.

To the greatest extent possible, TCS will respect the confidentiality of the complainant, persons against whom a report is filed, and witnesses. The purpose of this is to maintain impartiality to the extent possible. Both the complaining individual and the alleged harasser have equal privacy rights under the law. However, limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Corrective Action

TCS will take prompt, effective action to end any harassment and to deter future harassment. After all the circumstances of the complaint, including responses of the alleged perpetrator and witnesses, have been documented, a determination will be made as to whether or not discrimination or harassment has occurred. Prompt corrective action, if warranted, will follow immediately. This may include discipline or termination of the perpetrator or the complainant in the case that a falsified and malicious complaint was discovered and substantiated. The complainant and other persons directly involved will be provided notice of TCS's disposition in the matter.

Either the complaining employee or the alleged harasser has the right to appeal the determination of the investigation to the Board of Directors if he or she indicates so in writing and delivers the appeal to the Superintendent within ten calendar days of the determination.

TCS accepts no liability for harassment of one employee by another employee.

7.7 Sexual Harassment Prohibited

TCS prohibits discrimination on the basis of sex, including sexual harassment, of a student by an employee, volunteer, or another 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 a student'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 TCS'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 TCS 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 TCS’s educational program or activity without unreasonably burdening either party, including measures designed to protect the safety of all parties or TCS’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 Section 1.4 of 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.

TCS’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, TCS must provide the following written notice to the parties who are known:

- Notice of TCS’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 TCS prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during an investigation, TCS decides to investigate allegations about the complaint or respondent that are not included in the initial notice of the complaint, TCS 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 TCS.

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

- TCS 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 TCS 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 responsible. TCS 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 TCS’s sexual harassment policy.
- TCS 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.
- TCS shall attempt to complete an investigation of reported sexual harassment within 45 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 cause 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.
- TCS shall employ the preponderance of the evidence or the clear and convincing evidence standard to determine responsibility when reviewing formal complaints.
- TCS 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

TCS 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

TCS must investigate the allegations in a formal complaint.

TCS 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 TCS’s education program or activity; or
- Did not occur against a person in the United States.

TCS 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 TCS; or
- Specific circumstances prevent TCS from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, TCS 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 TCS 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.

- TCS will ensure the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on TCS and not on the parties.
- TCS 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 TCS receives that party's voluntary, written consent to do so.

- TCS will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- TCS will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- TCS 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. TCS 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.
- TCS 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.
- TCS 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, TCS 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.
- TCS 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 TCS’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 TCS’s education program or activities will be provided to the complainant; and
- TCS’s procedures and permissible bases for the complainant and respondent to appeal.

TCS must provide the written determination to the parties simultaneously. The determination becomes final either on the date TCS 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

TCS will offer both parties an appeal from a determination regarding responsibility, and from TCS’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, TCS 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. TCS 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 TCS’s grievance procedures.

Emergency Removals

TCS is able to remove a respondent from TCS's education program on an emergency basis, provided that TCS 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. TCS'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, TCS may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. However, TCS 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, TCS 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, TCS 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.

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

Retaliation Prohibited

Neither TCS 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

TCS 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.

7.8 Prohibition of 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 TCS 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.

TCS 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 TCS 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; request 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.

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

7.9 Public Relations/Media

The Board of Directors has designated the Superintendent/CEO as the official spokesperson for media questions and public relations. Any official statements from TCS to the media are to be handled through the Superintendent or designee only.

7.10 Sales and Solicitations

In the interest of maintaining an efficient, safe, orderly and productively work environment, TCS’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. Non-employees are absolutely prohibited anywhere on the premises for the purpose of selling products or services, soliciting employees or distributing literature. No one may sell investment products under any voluntary retirement plan on TCS property during hours of operation, including staff meetings. Commercial advertisements or sales for personal profit or non-school related activities are prohibited. Any attempts to conduct such selling or solicitation should be reported immediately to Superintendent.

7.11 Social Media and Personal Electronic Devices

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 TCS 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 TCS website without identifying yourself as a TCS employee.
4. Do not infringe on TCS’s logos, taglines, slogans, trademarks, or other symbols.
5. Do not set up or update personal social network page(s) using TCS’s computers, network, or equipment.
6. Harassing, obscene, defamatory, threatening, or other offensive content must be avoided.
7. Limit use of personal electronic communication devices (including personal cell phones) to send or receive calls, text messages, etc. 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.
8. Maintain the confidentiality of TCS trade secrets and private or confidential information concerning TCS employees, students, and/or agents that is obtained from TCS files or records in the course of employment. Do not post internal reports or other business-related confidential communications.
9. Respect all copyright and other intellectual property laws. For TCS’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 TCS’s own copyrights, trademarks, and brands.

If an employee’s use of social media violates state or federal law or TCS policy or 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.

Electronic Communications with Students

“Electronic Communication” includes any communication facilitated by the use of any electronic device, including a cellular telephone, computer, computer network, personal data assistant, or pager, and includes e-mail, text message, instant message, and any communication made through an internet website, including a social media website or social networking website.

Employees shall not engage in inappropriate electronic communications with students. Employees are encouraged to not “friend” students on their personal social media pages unless they 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. Employees may elect to not disclose to a student the employee’s personal telephone number or e-mail address.

Employees shall immediately notify the Principal or other appropriate school administrators concerning an incident in which a student engages in improper communications with an employee.

Personal Use of Technology

TCS’s technology resources, including its network, computer systems, e-mail 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 may be permitted if the use:

- Imposes no tangible cost to TCS.
- Does not unduly burden TCS’s technology resources.
- Has no adverse effect on job performance or a student’s academic performance.

Employee access to TCS’s technology resources will terminate upon the last day of employment with TCS. Employees with questions about technology resources may contact the Help Desk at IThelpdesk@upbring.org, through the ticketing system or 512-705-7570.

7.12 Unacceptable Employee Conduct

Employees are expected to follow all laws, policies, regulations, terms and conditions of employment and directives of the school. TCS 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 at-will employment relationship between employees and TCS.

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 TCS.
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 TCS and/or alteration of TCS 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 TCS 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.
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 dating, romantic, sexual, or inappropriate social relationship with a student. Any sexual relationship between a student and a TCS employee is always prohibited, even if consensual.
12. Engaging in rudeness, disrespectful, or unprofessional behavior toward parents and TCS contractors or vendors.
13. Excessive absence or tardiness.
14. Failure to account for TCS or school-related activity funds.
15. Failure to cooperate with a TCS investigation.
16. Failure to perform duty assignments in a satisfactory, safe, or efficient manner.
17. Failure to report child abuse or neglect as required by Chapter 261 of the Texas Family Code.
18. Fighting or threatening violence toward anyone on school property or when representing TCS, including “horseplay” or provoking a fight between others, or engaging in physical assault or violence.
19. Giving to other schools, organizations, or persons information made confidential by law and/or proprietary TCS information that is obtained from the school’s files or records in the course of employment.
20. Giving to other schools, organizations, or persons information relating to school employees and/or students that is obtained from the school’s files or records in the course of employment.
21. Insubordination or other disrespectful conduct (including refusal to follow the lawful directives of a supervisor or the Superintendent).
22. Negligence or any careless action that endangers the life or safety of another person, or damages or destroys property of TCS.
23. Penal Code violations.
24. Possession of firearms, weapons, explosives, or hazardous substances on TCS property, while on duty, or while representing TCS.
25. Smoking in prohibited areas, including the use of “vaping” devices.
26. Theft of TCS-owned property or the property of fellow employees, students, contractors or visitors.
27. Threatening, intimidating or coercing fellow employees on or off TCS premises, at any time, for any reason will not be tolerated.
28. Unauthorized absence or tardiness, including unauthorized absence from an employee’s workstation.
29. Unauthorized possession or removal of any school property, including documents, from the premises without prior permission from a supervisor;
30. Unauthorized use of TCS computer software or hardware.
31. Unauthorized use of TCS equipment or property, including using TCS equipment for personal use or profit.
32. Unsatisfactory performance or conduct.
33. Use, possession, sale of, or being under the influence of a controlled substance, alcohol, or

tobacco as further described in Sections 8.2 and 8.10 of this Handbook, or abusing a prescription drug, while at work or otherwise representing TCS.

34. Violation of the school’s expectations for employee conduct, including but not limited to those set out in Section 7 of this Handbook, or as otherwise distributed to employees by TCS.
35. Violation of the rules affecting the health and safety of students and the efforts of TCS to operate efficiently and effectively.

Employee Discipline

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

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

1. Verbal warning.
2. Conference with a supervisor and/or the Superintendent.
3. Written warning.
4. Implementation of performance plan / employee growth 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.

Section 8: Employee Health and Safety

8.1 Accident Reporting

Employees shall report any on-the-job injury or accident immediately to their supervisor. Supervisors must notify the Director of Human Resources for Lutheran Social Services, Inc. within 24 hours of notification of an occurrence. If an employee fails to report the accident within 30 days of the incident, the claim may be denied by TCS’s workplace injury insurance provider. The employee’s supervisor and/or the appropriate management personnel shall conduct a thorough investigation, involving the employee and any witnesses that observed the 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.

Reporting Serious Injuries

TCS is required to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of any eye. A fatality must be reported within eight hours, and an in-patient hospitalization, amputation, or eye loss must be reported within 24 hours.

TCS will utilize the required OSHA 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.

8.2 Alcohol- and Drug-Abuse Prevention

TCS 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 TCS may be dismissed. The school’s policy regarding employee alcohol and/or drug use is as follows:

DRUG-FREE WORKPLACE NOTICE

TCS explicitly prohibits:

- The unlawful manufacture, distribution, dispensation, possession, or use of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on TCS 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 TCS 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 TCS’s reputation.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from TCS 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 TCS’s reputation.
- The presence of any detectable amount of prohibited substances in the employee’s system while at work, on TCS 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 TCS, each employee shall abide by the terms of the requirements and prohibitions set out in this statement and shall notify TCS 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, TCS 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, TCS will conduct drug and/or alcohol testing under any of the following circumstances:

- *For-Cause Testing:* TCS may ask an employee to submit to a drug and/or alcohol test at any time it feels 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:* TCS may perform pre-employment drug or alcohol testing after an offer of employment is made and accepted.

All reports by TCS 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 Department/Title.

8.3 Asbestos Management Plan

The Asbestos Hazardous Emergency Response Act created by the Environmental Protection Agency requires TCS to develop and maintain an Asbestos Management Plan. A copy of the complete management plan is located RTC CEO's office. If you have any questions regarding TCS's Asbestos Management Plan, please contact the Superintendent.

8.4 Communicable Diseases

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

The term "body fluids" includes: blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions and saliva. Contact with body 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 body fluids of unrecognized carriers than from contact with fluids from diagnosed individuals, because simple precautions are not always carried out.

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

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

8.5 Hazard Communication Act

TCS is concerned about the safety of all employees, and therefore will perform the following duties in compliance with the Texas Hazard Communication Act:

- 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 Occupational Safety and Health Administration (“OSHA”) Statement

TCS wants to reduce dangers to health and safety by creating and maintaining improved working conditions, free from recognized hazards that might cause serious physical injury.

In accordance with the Occupational Safety and Health Act (“OSHA”), TCS maintains a log of all occupational injuries and illnesses, and asks that employees report such injuries and illnesses within 48 hours so that TCS may report these occurrences within a lawful period of time to the nearest OSHA office.

As Employees of TCS:

- You have the right to notify TCS or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by TCS for making safety and health complaints, or for exercising your rights under the OSHA Act.
- You have a right to see OSHA citations issued to TCS. TCS must post the citations at or near the place of the alleged violation.
- TCS 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.
- TCS must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the OSHA Act that apply to your own actions and conduct on the job.

As your employer:

- TCS must furnish all employees a place of employment free from recognized hazards.
- TCS must comply with the occupational safety and health standards issued under OSHA.

If you would like more information regarding your OSHA rights or additional information, visit www.osha.gov or call 1-800-321-OSHA.

8.7 Pest Control Treatment

Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior

approval from the campus facility supervisor. Any application of pesticide or herbicide must be done in a manner prescribed by law and TCS's integrated pest management program.

Notices of planned pest control treatment will be posted in TCS facilities 48 hours before the treatment begins. Individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written or electronic means. Pest control information sheets are available from the Central Office.

Employees should immediately report any evidence of pest activity to campus administrators or the Superintendent.

8.8 Safety Committees

Each TCS location will have a safety committee with meetings held on a monthly basis. The chairperson of each committee will be appointed by the Education Director. The Safety Director will oversee and work with the committee to help improve safety awareness.

The responsibilities of the Safety Committee will include but are not limited to:

1. Promotion and maintenance of safety interest and awareness.
2. Identifying and evaluating unsafe hazards and work practices.
3. Discussion and analysis of all Accident Reports filed since the last meeting.
4. Discussion and analysis of Accident Investigation Reports.
5. Conduct monthly walkthrough inspections of the facility.
6. Make recommendations on all safety related issues to the Education Director (with a copy to the Safety Director) on a monthly basis.

8.9 Searches

TCS administrative staff 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, TCS administrative staff 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, the school 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 property 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, TCS 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 TCS 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 TCS officials and/or law enforcement authorities.

All TCS 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. TCS 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 TCS will face disciplinary action, up to and possibly including immediate termination of employment.

8.10 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 school property.

8.11 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, parking lot or building on which an activity sponsored by a school is being conducted, or school transportation vehicle. Any violation of this policy by a TCS 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.

8.12 Workplace Safety and Occupational Safety and Health Administration (OSHA) Compliance

To assist in providing a safe and healthy work environment for employees, students, parents, and visitors, TCS has established a workplace safety program. This program is a top priority of the school, and its

success depends on the alertness and personal commitment of all.

TCS 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, fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

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 workplace injury benefit procedures.

8.13 Workplace Violence Prevention

TCS is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, TCS 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.

TCS 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, TCS 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.

8.14 Video Surveillance

TCS is charged with the responsibility of caring for students. Maintaining safe and efficient schools is

critical to fulfilling this responsibility. TCS 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 TCS. No employee shall initiate surveillance of any kind without express approval of the Chief Executive Officer. 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.

Section 9: Miscellaneous Provisions

9.1 Dependent Children in the Workplace

Extended visits in the workplace by dependent children of employees are prohibited. Short visits are acceptable such as when a spouse picks up an employee at the end of the day and the child accompanies the spouse.

9.2 Emergencies and Emergency Closings

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.

Generally, TCS will follow the same policy on closing as the area school (e.g. Katy ISD for Krause, Comal ISD for New Life, Lockhart ISD for Pegasus, Corpus Christi ISD for Bokenkamp and Tyler ISD for Chapel Hill and Willow Bend campuses). The campus dismisses classes for weather-related events on the same days as surrounding local independent school districts. Any closures for weather will be broadcast on local television stations. Principals will set up communication systems to notify staff.

TCS may also need to close during certain emergency situations beyond the control of school officials. The announcement of non-weather related school closings will be broadcast on local television stations as early as possible.

9.3 External Inquiries

Employees should contact the Director of Compliance 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 Equal Employment Opportunity Commission,
- Texas Human Rights Commission, the Austin Human Rights Commission or other agencies;

- Any notice or indication of an audit by the U.S. Department of Labor or notification from the Texas Workforce Commission; or
- 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 Compliance and the superintendent should be notified as soon as possible. No employee other than the 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 Chief Executive Officer as soon as possible.

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. Employers may not reveal this information without the employee’s knowledge and written consent, except as provided by law. Those with access to confidential information must maintain strict confidentiality and privacy, separating this information from employees’ personnel records. Individuals who fail to protect these rights 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 HR Generalist 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 HR Generalist.

9.6 Key/Access Device Security

Key/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 Principal. Employees are required to take all reasonable precautions with the keys issued, and all keys must be accounted for at all times.

9.7 Personal Property

TCS recognizes that employees may desire to display mementos pertaining to their families or bring other personal items to work. The school takes no responsibility for the safekeeping of these items. However, should any such personal property be stolen, employees should report the incident to the Principal. The following guidelines should be observed:

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

9.8 School Property

All employees are responsible for taking proper care of TCS-owned property, including vehicles, buildings, furnishings, equipment, tools and supplies. TCS property must remain on the premises at all times unless approved in advance by the Superintendent. 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 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.

TCS employees shall not use school public property for any purpose not described in the 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 the TCS administration, such does not:

- Result in any direct cost paid with state funds, or the charter holder is reimbursed by the employee within five business days for any direct cost incurred; or
- Impede charter school functions as determined by the 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 TCS's administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees.

9.9 Use of Personal Vehicles

Employees conducting TCS-related business in their personal vehicles are expected to be in compliance

with all state laws related to vehicle insurance coverage requirements. If involved in an accident while on TCS-related business, personal vehicle insurance takes precedence.

9.10 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 TCS premises should immediately direct the person to the building office or contact the administrator in charge.

TCS may establish an electronic database for the purpose of storing information concerning school visitors. Such database may only be used for purposes of school security, and may not be sold or otherwise disseminated to a third party for any purpose. TCS 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 TCS.

Visits to individual classrooms during instructional time shall be permitted only with the Principal's approval, and such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment.

9.11 Student Issues

Administration of Medication

Unless otherwise authorized or described below, TCS 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 to TCS 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, TCS 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.

Bullying

TCS prohibits bullying, 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, and 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 TCS campus; or
4. Infringes on the rights of the victim at school.

Bullying also includes cyberbullying, which means bullying 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.

Applicability of Policy

This 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 (i) interferes with a student's educational opportunities or (ii) substantially disrupts the orderly operation of a classroom, TCS, or a school-sponsored or school-related activity.

Retaliation

TCS prohibits retaliation against any person, including a victim, witness, or another person who, in good faith, provides information concerning an incident of bullying.

Reporting Procedures

Reports of bullying and/or cyberbullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. Reports should generally be made to the Principal, Assistant Principal, school counselor, or to a student's teacher. Failure to immediately report may impair TCS's ability to investigate and address the prohibited conduct.

Any TCS employee who suspects or receives notice that a student or group of students has or may have experienced bullying and/or cyberbullying shall immediately notify the Principal or designee.

A report may be made orally or in writing. The Principal or designee shall reduce any oral reports to written form. The Superintendent or designee shall develop a written form on which incidents of suspected bullying may be reported. The form shall allow for the anonymous submission of reports of suspected

bullying.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a TCS investigation regarding bullying and/or cyberbullying shall be subject to appropriate disciplinary action.

Notice to Parent or Guardian

The Principal or designee shall provide notice of an incident of bullying to:

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

Investigation of Report

The Principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited discrimination and/or harassment, and if so proceed under that 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 the investigation, if appropriate.

Absent extenuating circumstances, the investigation should be completed within ten TCS business days from the date of the initial report. However, the Principal or designee shall take additional time if necessary to complete a thorough investigation.

Following completion of the investigation, the Principal or designee will prepare a written decision regarding the complaint. If the results of an investigation indicate that bullying and/or cyberbullying occurred, TCS shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the Student Code of Conduct. TCS may take action based on the results of an investigation, even if TCS concludes that the conduct did not rise to the level of bullying and/or cyberbullying as defined in this policy.

TCS may not impose disciplinary measures on a student who, after an investigation, is found to be a victim of bullying on the basis of that student's use of reasonable self-defense in response to the bullying.

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.

Confidentiality

To the greatest extent possible, TCS shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeal

A parent or student who is dissatisfied with the outcome of the investigation may appeal TCS's Student and Parent Complaints and Grievances policy.

Assistance from Principal

Any student who feels that he or she may be the victim of bullying should contact the Principal or designee to obtain assistance and intervention in response to the potential bullying.

The Principal or designee shall notify the victim, the student who engaged in bullying, and any student(s) who witnessed the bullying of available counseling options.

Report to Local Law Enforcement

A Principal or the Principal's designee may make a report to local law enforcement officials if, after an investigation is completed, the Principal has reasonable grounds to believe that a student engaged in conduct that constitutes an offense under Section 22.01 (Assault) or 42.07(a)(7) (Harassment) of the Texas Penal Code.

A Principal's designee may include any employee under the supervision of the Principal, other than a school counselor.

A report to local law enforcement officials may include the name and address of each student the Principal or designee believes may have participated in the conduct.

FERPA

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").

Non-Discrimination Statement

TCS 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.

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 has adopted orderly processes for handling parent and student complaints. Parents or students may obtain information on this process from the main office or the Superintendent.

Psychotropic Drugs and Psychiatric Evaluations or Examinations

No TCS 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.

Student Attendance

Teachers and staff should be familiar with the school’s policies and procedures for attendance accounting. Contact the Principal for additional information.

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 TCS. Non-instructional employees with concerns about a particular student’s conduct should contact the student’s classroom teacher or the Superintendent.

Student Transportation

Except in limited emergency situations, TCS employees are not authorized to transport students in the employee’s personal automobile.

Student Welfare: Child Abuse and Neglect Reporting

Any TCS officer, employee, agent or volunteer who has cause to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law.

If a professional (i.e., teachers, nurses, doctors, day-care employees, or other mandatory reporters) has cause to believe that a child has been or may be abused, maltreated or neglected, that person shall make a report within 48 hours after the person first suspects the abuse or neglect. The person may not delegate to or rely on another individual to make the report.

If the suspected abuse or neglect involves a person responsible for the custody, care or welfare of the child, the report must generally be made to the Texas Department of Family and Protective Services (DFPS). All other reports should be made to any local or state law enforcement agency, the DFPS, the Texas Education Agency (if the abuse or neglect occurred at school), another state agency near where the abuse occurred, or any agency designated by a court as responsible for the protection of children.

A report should reflect the reporter’s belief that a child has been or may be abused or neglected or has died of abuse or neglect. The reporter shall identify the following information, if known:

- The name and address of the child;
- The name and address of the person responsible for the care, custody, or welfare of the child; and
- Any other pertinent information concerning the alleged or suspected abuse or neglect.

All reports of abuse shall be reported to the Superintendent or designee contemporaneous to the report mandated by law.

Any person who makes such a report or assists in the investigation of a report of child abuse or neglect in good faith, is immune from any criminal or civil liability that might otherwise be incurred or imposed.

Authorized officials from the above agencies shall be permitted to conduct the required interview with the child at the school with or without the consent of the parent or guardian. TCS will fully cooperate with all official investigations of abuse or neglect.

TCS or its agents may not suspend or terminate the employment of, or otherwise discriminate against, a professional employee who, in good faith:

- Reports child abuse or neglect to:
 - The employee’s supervisor,
 - An administrator of the facility where the employee works,
 - A state regulatory agency, or
 - A law enforcement agency; or
- Initiates or cooperates with a governmental investigation or proceeding relating to an allegation of child abuse or neglect.

A person who reports his or her own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect may be subject to criminal prosecution.

The toll-free number for the Texas Child Abuse Hotline is 1-800-252-5400.

In addition to the duty to report described above, a person or professional shall make a report if he or she has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child. Such a report must be made within 48 hours, and the duty to make a report cannot be delegated.

Employee Training: TCS shall provide training for all new and existing employees on awareness of issues regarding sexual 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.

Student Welfare: Computer Technician Reports of Child Pornography

Any computer technician employed by TCS who, in the course and scope of employment or business with TCS, 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.

Section 10: Employee Acceptable Use Policy

Technology Resources

TCS's technology and information resources, including its networks, computer systems, email accounts, devices connected to its networks, and all TCS-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 TCS;
- Does not unduly burden TCS's technology resources; and
- Has no adverse effect on job performance or on a student's academic performance.

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

TCS 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 TCS computers or accessing the TCS 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 TCS's technology and information resources are required to abide by the provisions of TCS's responsible 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 IThelpdesk@upbring.com or 512-706-7570.

Responsible Use

TCS provides students, staff, volunteers, and Board members access to TCS's electronic network. This network includes Internet access, email accounts, computer services, videoconferencing, computer equipment, and related equipment for educational and school-related purposes. This policy contains the rules and procedures for responsible use of TCS's electronic network. Where the term "user" appears, the policy applies to any network user.

- TCS's electronic network has been established for a limited educational purpose and to allow the transaction of school-related business, and has not been established as a public access service or a public forum. TCS has the right to place reasonable restrictions on material that is accessed or posted throughout the network.
- Access is a privilege – not a right.
- It is presumed that users will honor this policy. TCS is not responsible for the actions of users who violate this policy.
- TCS reserves the right to monitor all activity on its electronic network. Users will indemnify TCS for damage caused by users' inappropriate use of the network.
- Users are expected to follow the same rules, good manners, and common-sense guidelines that are used with other daily school activities, as well as applicable law, in the use of TCS's electronic network.

Unacceptable Behavior

While utilizing any portion of TCS's electronic network, 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, CIO, COO and/or administration. The use of the “all staff” group for other purposes must be approved by the Technology Department, CIO or COO and/or administration 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 the TCS 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 TCS.
- Installation of any programs or software not approved by TCS.
- 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 TCS.
- 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 the TCS 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 TCS equipment, network, or credential to threaten other users, or cause a disruption to the educational program.
- Using TCS 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 TCS’s electronic network for commercial purposes, or offering, providing, or purchasing products or services through the network.
- Using TCS’s electronic network for political lobbying.
- Using speech that is inappropriate in an educational setting or that violates TCS’s standards for employee conduct.

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

Monitored Use; No Expectation of Privacy

TCS email accounts should be used primarily for school-related purposes. Personal use of TCS 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).

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

TCS owns any communication sent via email or that is stored on TCS equipment or its cloud accounts. TCS employees shall have no expectation of privacy in anything they store, send, or receive on TCS’s email system or computer equipment or cloud accounts. All communications sent via email or stored on TCS equipment may also be subject to the Texas Public Information Act. TCS 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 TCS employee may access another employee’s computer, computer files, or email messages without prior authorization from the Technology Department, CIO, COO and/or Superintendent or designee to allow access to email accounts.

System Security

On occasion, TCS 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 TCS’s electronic network, including personal information or messages. TCS 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 TCS’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 TCS’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 TCS 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 TCS-owned equipment.

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

TCS may permit the use of personally owned computing devices on its network, at the discretion of TCS. All “guest” users must comply with administrative regulations governing the use of TCS’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 TCS policy.

Vandalism

Any malicious attempt to harm or destroy data, the TCS network, other network components connected to the network, hardware, or software will result in cancellation of network privileges. Disciplinary measures in compliance with TCS policy will be enforced.

Personal Use of Electronic Media

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 TCS’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 TCS'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, mealtimes, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct TCS business.
- The employee shall not use TCS's logo or other copyrighted material of TCS 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 TCS records, including educator evaluations and private e-mail 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 TCS may communicate through electronic media with students who are currently enrolled in TCS for educational purposes only. All other employees are prohibited from communicating with students who are enrolled in TCS through electronic media.

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.

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 a communication.

An employee uses electronic media to communicate with students shall observe the following:

- 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. Additionally, for each text message addressed to one or more students, the employee must send a copy of the text message to the employee’s TCS email address.
- Employees shall limit communications to matters within the scope of the employee’s professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with extracurricular duties, matters relating to the extracurricular activity).
- Employees are prohibited from knowingly communicating with students through personal social network pages.
- Employees shall not communicate directly with any student between the hours of 10:00pm and 6:00am, except when necessary to notify students about urgent scheduling or transportation issues. Employees may, however, make public posts to a social network site, blog, or similar application at any time.
- Employees do not have an absolute right to privacy with respect to communications with students and parents.
- Employees continue to be subject to applicable state and federal laws, local policies, administrative regulations, and the Professional Code of Ethics and Standard Practices for Professional Educators including:
 - Compliance with FERPA, including retention and confidentiality of student records;
 - Copyright law; and
 - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student.
- Employees shall not solicit or engage in sexual conduct or a romantic relationship with a student.
- Upon request from TCS’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 student.
- Upon written request from a parent or student, an employee shall discontinue communicating with a student through email, text messaging, instant messaging, or any other form of one-to-one electronic communication.
- **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.

Consequences

The guidelines for appropriate use are applicable to all use of TCS 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 TCS’s policies and administrative regulations. Violations may result in:

- Suspension of access to school computers and network resources;
- Revocation of access privileges or user accounts; or
- Other 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.

Appendix - Forms

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Authorization for Background Check

Texas Education Code section 22.083 authorizes an open-enrollment charter school to obtain the criminal history record of every applicant for employment or volunteer services with the school. Therefore, as part of your application process, please read and sign this form in the space provided below. Your written authorization is necessary for completion of the application process.

I, _____, hereby authorize Trinity Charter Schools (“TCS”) to investigate my background and qualifications for purposes of evaluating whether I am qualified for the position for which I am applying. I understand that TCS will utilize an outside firm or firms to assist it in checking such information, and I specifically authorize such an investigation by information services and outside entities of its choice. I also understand that I may withhold my permission and that in such a case, no investigation will be done, and my application for employment will not be processed further.

I understand that TCS is authorized to use any source including, but not limited to, consumer reporting agencies, private investigators, and law enforcement agencies. Furthermore, I authorize any of these agencies to release information to me or to TCS or TCS’s agent(s).

I also hereby acknowledge that I have received a notice that a report may be obtained for employment purposes if applicable. I understand that the information I am providing about age, sex, and ethnicity will not be used to determine my eligibility for employment or volunteer services, but will be used solely for the purpose of obtaining consumer information, including criminal history information. I further understand that information from my consumer report will not be used in violation of applicable Federal or State equal employment opportunity laws.

Signature of Employee

Date

Employee’s Name – Printed

Complete Background Check Form on Next Page

Trinity Charter Schools: Criminal History Background Check Form

Last Name:	
Maiden and/or Other Name:	
First Name:	
Middle Name:	
Driver's License Number:	
State Issuing Driver's License:	
Date of Birth (example 01/23/45):	
Social Security Number:	
Sex:	
Race:	
Current Street Address:	
City:	
State:	
Zip:	

List Where You Have Lived or Worked in the Last Five Years

City/Town	County	State	From	To

Authorization for Prior Employer to Release Information

(Please read the following statements, sign below and return to Human Resources)

I, _____, hereby authorize my prior employer, _____, to release any and all information relating to my employment with them to Trinity Charter Schools (“TCS”). I further release and hold harmless both TCS and my prior employer, _____ from any and all liability that may potentially result from the release and/or use of such information. I understand that any information released by my prior employer will be held in strictest confidence, that it will be viewed only by those involved in the hiring decision, and that neither I nor anyone else not so involved will have the right to see the information.

Signature of Employee

Date

Employee’s Name – Printed

DPS Computerized Criminal History (CCH) Verification

(AGENCY COPY)

I, (Applicant or Employee Name) _____, have been notified that a Computerized Criminal History (CCH) check may be performed by accessing the Texas Department of Public Safety Secure Website and may be based on name and DOB identifiers. (This is not a consent form, but serves as information for the applicant.) Authority for this agency to access an individual's criminal history data may be found in Texas Government Code 411; Subchapter F.

Name-based information is not an exact search and only fingerprint record searches represent true identification to criminal history record information (CHRI), therefore the organization conducting the criminal history check is not allowed to discuss with me any CHRI obtained using the name and DOB method. The agency may request that I also have a fingerprint search performed to clear any misidentification based on the result of the name and DOB search.

In order to complete the fingerprint process I must make an appointment with the Fingerprint Applicant Services of Texas (FAST) as instructed online at [www.txdps.state.tx.us /Crime Records/Review of Personal Criminal History](http://www.txdps.state.tx.us/CrimeRecords/ReviewofPersonalCriminalHistory) or by calling the DPS Program Vendor at 1-888-467-2080, submit a full and complete set of fingerprints, request a copy be sent to the agency listed below, and pay a fee of \$25.00 to the fingerprinting services company.

Once this process is completed the information on my fingerprint criminal history record may be discussed with me.

(This copy must remain on file by this agency. Required for future DPS Audits)

Signature of Applicant

Date

Trinity Charter Schools
Agency Name (Please Print)

Signature of Agency Representative

Date

YES ___ NO ___ _____ initial

Purpose of CCH: _____

Empl ___ Vol/Contractor ___ _____ initial

Date Printed: _____ initial

Destroyed Date: _____ initial

Retain in your files

**Please:
Check and Initial each Applicable Space**

CCH Report Printed:

Disclosure and Authorization for Consumer Reporting Agency Reports

Trinity Charter Schools (“TCS”) may obtain a consumer report (commonly known as a background report) from a consumer reporting agency for employment purposes. The consumer report may include information concerning your employment history, education, qualifications, character, general reputation, personal characteristics, criminal record, motor vehicle record, mode of living and/or credit standing, and indebtedness. This information may be obtained from public and/or private sources.

A consumer report and/or an investigative consumer report may be obtained in processing your application for employment, or at any time during your employment period, as authorized by state law and/or the Fair Credit Reporting Act (FCRA). Should an investigative consumer report (a consumer report in which the above types of information are obtained through personal interviews) be requested, you will have the right to obtain a complete and accurate disclosure of the nature and scope of the investigation requested and a written summary of your rights under the FCRA.

In the event that information from a consumer report obtained about you from a consumer reporting agency is used in whole or in part in making an adverse decision with regard to employment, you will be provided with a copy of the consumer report and a description in writing of your rights under the law.

A summary of your rights under the FCRA is also included with this notice. Individuals may request more information about the nature and scope of any investigative consumer reports by contacting: Brittany Perkins, COO at Brittany.Perkins@TrinityCharterSchools.org.

AUTHORIZATION

I have carefully read and understand this Disclosure and Authorization Form and the attached Summary of Rights under the Fair Credit Reporting Act. I hereby authorize Trinity Charter Schools to obtain and/or its agent(s) to obtain and furnish to Trinity Charter Schools information related to my background to be used for employment purposes. I hereby authorize any law enforcement agency, institution (including learning institution), information service bureau, credit bureau, record/data repository, court, motor vehicle record agency, employer, military, and other individuals and sources contacted by Trinity Charter Schools and/or its agent(s) to furnish the information requested by the consumer reporting agency for employment purposes.

I understand and agree that a facsimile or photographic copy of this authorization will be as valid as the original.

I hereby release Trinity Charter Schools, all its agents and employees, and all other persons, agencies, and entities furnishing information or reports about me from all liability arising out of the request for or release of any of the above-mentioned information or reports.

Applicant/Employee Signature: _____ Date: _____

Printed Name: _____ Date: _____

Summary of Your Rights under the Fair Credit Reporting Act on Next Page

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report

information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

Consumers Have the Right To Obtain a Security Freeze

You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user

of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.

- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
<p>1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>

4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357

Wage Overpayment/Underpayment Policy

Trinity Charter Schools takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck, and that employees are paid promptly on the scheduled paydays.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Supervisor or Business Office so that corrections can be made as quickly as possible. If the employee has been underpaid, Trinity Charter Schools will pay the employee the difference as soon as possible. If the employee has been paid in excess of what he/she has earned, the employee will need to return the overpayment to Trinity Charter Schools as soon as possible. No employee is entitled to retain any pay in excess of the amount he/she has earned according to the agreed-upon rate of pay. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid. Each employee will be expected to sign a wage deduction authorization agreement authorizing such a deduction.

I understand this policy and agree to its terms.

Employee's Signature

Date

Employee's Name – Printed

Drug and/or Alcohol Testing Consent Form and Policy Acknowledgment Form

I hereby agree, upon a request made under the drug/alcohol testing policy of Trinity Charter Schools (“TCS”), to submit to a drug or alcohol test and to furnish a sample of my urine, breath, and/or blood for analysis. I understand and agree that if I at any time refuse to submit to a drug or alcohol test under any TCS policy, or if I otherwise fail to cooperate with the testing procedures, I will be subject to immediate termination. I further authorize and give full permission to have TCS and/or its physician send the specimen or specimens so collected to a laboratory for a screening test for the presence of any prohibited substances under the policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to TCS and/or to any governmental entity involved in a legal proceeding or investigation connected with the test. Finally, I authorize TCS to disclose any documentation relating to such test to any governmental entity involved in a legal proceeding or investigation connected with the test.

I understand that only duly-authorized TCS officers, employees, and agents will have access to information furnished or obtained in connection with the test; that they will maintain and protect the confidentiality of such information to the greatest extent possible; and that they will share such information only to the extent necessary to make employment decisions and to respond to inquiries or notices from government entities.

I will hold harmless TCS, its physician, and any testing laboratory that it might use, meaning that I will not sue or hold responsible such parties for any alleged harm to me that might result from such testing, including loss of employment or any other kind of adverse job action that might arise as a result of the drug or alcohol test, even if a TCS or laboratory representative makes an error in the administration or analysis of the test or the reporting of the results. I will further hold harmless TCS, its company physician, and any testing laboratory that it might use for any alleged harm to me that might result from the release or use of information or documentation relating to the drug or alcohol test, as long as the release or use of the information is within the scope of this policy and the procedures as explained in the paragraph above.

I have had an opportunity to read the Drug-Free Workplace Policy included in the TCS Employee Handbook, and I understand that I may ask my supervisor or Human Resource Department any questions I might have concerning the policy. I accept the terms of the Drug-Free Workplace Policy. I also understand that it is my responsibility to comply with the Drug-Free Workplace Policy, and any revisions made to it. I further agree that if I remain with TCS following any modifications to the policy, I thereby accept and agree to such changes.

This policy and authorization have been explained to me in a language I understand, and I have been told that if I have any questions about the test or the policy, they will be answered.

I UNDERSTAND THAT TCS WILL REQUIRE A DRUG SCREEN TEST UNDER THIS POLICY WHENEVER I AM INVOLVED IN AN ON-THE-JOB ACCIDENT OR INJURY UNDER CIRCUMSTANCES THAT SUGGEST POSSIBLE INVOLVEMENT OR INFLUENCE OF DRUGS OR ALCOHOL.

Signature of Employee

Date

Employee’s Name – Printed

Searches

Trinity Charter Schools (“TCS”) 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 TCS premises, TCS may search employees, their work areas, lockers, and personal vehicles if driven or parked on company property, and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and other containers. In requesting a search, TCS 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 TCS workplace, either on school premises, or 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, TCS 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 TCS 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/she would not be prepared to show and possibly turn over to TCS officials and/or law enforcement authorities.

All employees of TCS 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. TCS 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 TCS will face disciplinary action, up to and possibly including immediate termination of employment.

IN ACCORDANCE WITH TCS POLICY REGARDING SEARCHES, I UNDERSTAND THAT ALL DESKS, STORAGE AREAS, LOCKERS, AND ALL VEHICLES OWNED, FINANCED, OR LEASED BY TCS, OR USED BY IT TO TRANSPORT EMPLOYEES, GOODS, AND/OR PRODUCTS ARE SUBJECT TO SEARCH AT ANY TIME WITHOUT MY KNOWLEDGE, PRESENCE, OR PERMISSION. WITH THE EXCEPTION OF MY PERSONAL VEHICLE, I UNDERSTAND I AM PROHIBITED FROM LOCKING OR OTHERWISE SECURING ANY SUCH DESK, STORAGE AREA, LOCKER, OR VEHICLE WITH ANY LOCK OR LOCKING DEVICE NOT SUPPLIED OR APPROVED BY TCS. IF I USE MY OWN LOCK ON ANY SUCH ITEM, I AGREE TO GIVE MY SUPERVISOR A COPY OF THE KEY OR COMBINATION TO THE LOCK SO THAT TCS MAY OPEN THE LOCK AT ANY TIME THAT IT MAY DEEM SUCH ACTION NECESSARY. IN THE EVENT THAT A SEARCH OF MY PERSONAL VEHICLE BECOMES NECESSARY, I AGREE TO ALLOW PERSONNEL DESIGNATED BY TCS TO CONDUCT SUCH A SEARCH AT ANY TIME TCS MAY DIRECT DURING MY DUTY SHIFT.

I FURTHER UNDERSTAND THAT IN ORDER TO PROMOTE THE SAFETY OF EMPLOYEES AND VISITORS OF TCS, AS WELL AS THE SECURITY OF THE FACILITIES AND RESIDENTS OF THE FACILITIES WHERE TCS IS LOCATED, TCS MAY CONDUCT VIDEO SURVEILLANCE OF ANY PORTION OF ITS PREMISES AND OPERATIONS AT ANY TIME, THE ONLY EXCEPTION BEING PRIVATE AREAS OF RESTROOMS, SHOWERS, AND DRESSING ROOMS, AND THAT VIDEO CAMERAS WILL BE POSITIONED IN APPROPRIATE PLACES WITHIN AND AROUND THE FACILITIES AND USED IN ORDER TO HELP PROMOTE THE SAFETY AND SECURITY OF PEOPLE AND PROPERTY. I HEREBY GIVE MY CONSENT TO SUCH VIDEO SURVEILLANCE AT ANY TIME TCS MAY CHOOSE.

I HEREBY RELEASE TCS FROM ALL LIABILITY, INCLUDING LIABILITY FOR NEGLIGENCE, ASSOCIATED WITH THE ENFORCEMENT OF THESE POLICIES AND/OR ANY SEARCHES OR SURVEILLANCE UNDERTAKEN PURSUANT TO THESE POLICIES.

Signature of Employee

Date

Employee's Name – Printed

Trinity Charter Schools Representative

Date

Wage Deduction Authorization Agreement

I understand and agree that my employer, Trinity Charter Schools (“TCS”), may deduct money from my pay from time to time for reasons that fall into the following categories:

1. My share of the premiums for TCS’s group medical/dental plan;
2. Any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by TCS;
3. Installment payments on loans or wage advances given to me by TCS, and if there is a balance remaining when I leave TCS, the balance of such loans or advances;
4. Installment payments on loans based upon store credit that I use for my own personal purchases, including the value of merchandise or services that I purchase or have purchased for personal, non-business reasons using my employee charge account or credit card, an account or credit card assigned to another employee, or a general company account or credit card, regardless of whether such purchase was authorized, and if there is a balance remaining when I leave TCS, the balance of such store credit or charges;
5. If I receive an overpayment of wages for any reason, repayment to TCS of such overpayments (the deduction for such a repayment will equal the entire amount of the overpayment, unless TCS and I agree in writing to a series of smaller deductions in specified amounts);
6. The cost of personal long-distance calls I may make on TCS -owned phones or on its accounts, of personal faxes sent by me using TCS-owned equipment or its accounts, or of non-work related access to the Internet or other computer networks by me using TCS - owned equipment or its accounts;
7. The cost of repairing or replacing any of TCS’s supplies, materials, equipment, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from TCS during my employment (except in the case of misappropriation of money by me, I understand that no such deduction will take my pay below minimum wage, or if I am a salaried exempt employee, reduce my salary below the federal FLSA minimum salary-basis amount);
8. The cost of any uniforms required in my employment with TCS, and of cleaning such uniforms;
9. The reasonable cost or fair value, whichever is less, of meals, lodging, and other facilities furnished to me by TCS in connection with my employment;
10. Administrative fees in connection with court-ordered garnishments or legally-required wage attachments of my pay, limited in extent to the amount or amounts allowed under applicable laws;
11. If I take paid vacation or sick leave in advance of the date I would normally be entitled to it and I separate from TCS before accruing time to cover such advance leave, the value of such leave taken in advance that is not so covered;
12. The value of any time off for absences to which paid leave is not applied (non-exempt salaried employees will have all such unpaid leave deducted from their salary, while exempt salaried employees will experience salary reductions only in units of a full day or

week at a time, depending upon the exact nature of the absence, unless partial-day deductions are specifically allowed under federal law); and

13. If TCS pays any insurance premiums or retirement system contributions (“payments”) on my behalf that I would normally make under any applicable benefit plan offered by TCS during my employment, the amount of such payments made by TCS, such payments being an advance of future wages payable to me.

I agree that TCS may deduct money from my pay under the above circumstances, or if any of the above situations occur. I further understand that TCS has stated its intention to abide by all applicable federal and Texas wage and hour laws, and that if I believe that any such law has not been followed, I have the right to file a wage claim with appropriate Texas and federal agencies.

Signature of Employee

Date

Employee’s Name – Printed

Trinity Charter Schools Representative

Date

**Texas Government Code § 552.024:
Public Access Option Form**

The Public Information Act allows employees, public officials and former employees and officials to elect whether to keep certain information about them confidential. Unless you choose to keep it confidential, the following information about you may be subject to public release if requested under the Texas Public Information Act. Therefore, please indicate whether you wish to allow public release of the following information.

	PUBLIC ACCESS?	
	NO	YES
Home Address		
Home Telephone Number		
Social Security Number		
Emergency Contact Information		
Information that reveals whether you have family members		

Signature of Employee

Date

Employee's Name – Printed

Addendum to Employee Handbook

The following language replaces Section 3.22, Section 7.6, and Section 7.7 of the 2020–2021 Employee Handbook

3.22 Process for Employee Complaints and Grievances Regarding Harassment and Discrimination

****NOTE**** TCS’s process for making formal complaints regarding sexual harassment is discussed in “Freedom from Sexual Harassment,” Section 7.7 of this Handbook.

TCS takes allegations of harassment and discrimination very seriously and intends to investigate all official complaints. TCS 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 the 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 School 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 discrimination or harassment shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the school’s ability to investigate and address the alleged 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 TCS.

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

The school’s investigation may be conducted by the Compliance Coordinator or designee, or by a third party designated by TCS, 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, TCS shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct. TCS 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, TCS 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 TCS 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 “General Employee Complaint Process” described in Section 3.6 of this Handbook, beginning at Level Two.

TCS 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 the school’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>.

7.6 Prohibition of Discrimination, Harassment, and Retaliation

TCS 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.

Prohibited discrimination or harassment is defined as unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information. Harassment becomes 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

TCS 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 TCS investigation regarding harassment or discrimination is subject to appropriate discipline, up to and including termination.

Reporting Procedures

An employee who believes that he or she has experienced prohibited discrimination or harassment, retaliation, or believes that another employee has experienced such prohibited conduct, should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or Principal, or to the appropriate Compliance Coordinator designated in Section 2.1 of this Handbook.

Reports of prohibited discrimination or harassment shall be made as soon as possible after the alleged act or knowledge of the alleged act. Failure to promptly report may impair TCS's ability to investigate and address the prohibited conduct.

Any supervisor who receives a report of prohibited discrimination or harassment shall immediately notify the appropriate Compliance Coordinator listed above, and take any other steps required by TCS policy.

TCS's procedure for reporting and investigating sexual harassment or potential violations of Title IX is found in Section 7.7 of this Handbook.

Conducting the Investigation

TCS recognizes all official complaints as a serious matter and will follow through with an appropriate and timely investigation of the allegations. All complaints will be investigated. The investigation may be conducted by the Compliance Coordinator or designee, or by a third party designated by TCS, such as an attorney. At no time will employees who file a complaint be required or allowed to handle the problem

themselves.

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.

To the greatest extent possible, TCS will respect the confidentiality of the complainant, persons against whom a report is filed, and witnesses. The purpose of this is to maintain impartiality to the extent possible. Both the complaining individual and the alleged harasser have equal privacy rights under the law. However, limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Corrective Action

TCS will take prompt, effective action to end any harassment and to deter future harassment. After all the circumstances of the complaint, including responses of the alleged perpetrator and witnesses, have been documented, a determination will be made as to whether or not discrimination or harassment has occurred. Prompt corrective action, if warranted, will follow immediately. This may include discipline or termination of the perpetrator or the complainant in the case that a falsified and malicious complaint was discovered and substantiated. The complainant and other persons directly involved will be provided notice of TCS's disposition in the matter.

Either the complaining employee or the alleged harasser has the right to appeal the determination of the investigation to the Board of Directors if he or she indicates so in writing, and delivers the appeal to the Superintendent within ten calendar days of the determination.

TCS accepts no liability for harassment of one employee by another employee.

7.7 Sexual Harassment Prohibited

TCS prohibits discrimination on the basis of sex, including sexual harassment, by an employee, volunteer, or another 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 a student'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 TCS'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 TCS 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 TCS’s educational program or activity without unreasonably burdening either party, including measures designed to protect the safety of all parties or TCS’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 Section 1.4 of 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.

TCS’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, TCS must provide the following written notice to the parties who are known:

- Notice of TCS'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 TCS prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during an investigation, TCS decides to investigate allegations about the complaint or respondent that are not included in the initial notice of the complaint, TCS 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 TCS.

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

- TCS 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 TCS 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 responsible. TCS 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 TCS's sexual harassment policy.
- TCS 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.
- TCS shall attempt to complete an investigation of reported sexual harassment within 45 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 cause 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.

- TCS shall employ the **preponderance of the evidence** standard to determine responsibility when reviewing formal complaints.
- TCS 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

TCS 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

TCS must investigate the allegations in a formal complaint.

TCS 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 TCS's education program or activity; or
- Did not occur against a person in the United States.

TCS 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 TCS; or
- Specific circumstances prevent TCS from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, TCS 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 TCS 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.

- TCS will ensure the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on TCS and not on the parties.
- TCS 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 TCS receives that party's voluntary, written consent to do so.

- TCS will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- TCS will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- TCS 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. TCS 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.
- TCS 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.
- TCS 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, TCS 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.
- TCS 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** 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 TCS'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 TCS's education program or activities will be provided to the complainant; and
- TCS's procedures and permissible bases for the complainant and respondent to appeal.

TCS must provide the written determination to the parties simultaneously. The determination becomes final either on the date TCS 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

TCS will offer both parties an appeal from a determination regarding responsibility, and from TCS'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, TCS 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. TCS 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** 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 TCS's grievance procedures.

Emergency Removals

TCS is able to remove a respondent from TCS's education program on an emergency basis, provided that TCS 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. TCS'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, TCS may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. However, TCS 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, TCS 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, TCS 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.

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

Retaliation Prohibited

Neither TCS 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

TCS 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 Section 7.7 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 Section 3.22 and/or Section 7.6 of this Handbook.