

# **Uwharrie Charter Academy**

## **Employee Policy Handbook (Section 400)**



**2023-2024**

UCA Established 2013

**Approved August 10, 2023**



# Uwharrie Charter Academy Employee Policy Handbook

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## **SECTION 400 ~ EMPLOYEE POLICY HANDBOOK**

### **401 ~ MISSION STATEMENT**

Uwharrie Charter Academy (hereafter “Academy” or “UCA”) exists to provide a truly rigorous pathway to college and career readiness and to afford students the benefit of a small learning community to promote strong relationships with students and individualized support for learning. UCA imbeds the curriculum with STEAM-focused content through problem-based learning, historical developments in technology, hands-on math, and inquiry science that requires engineering and ingenuity. UCA promotes hands-on, project-based learning in all courses and supports the development of 21st century skills integrating the use of technology. UCA partners with parents so that they understand their role in their child’s education. UCA builds relationships with local institutions to provide real-world connections and opportunities for applied learning.

### **402 ~ INTRODUCTION/DISCLAIMER**

This Employee Policy Handbook (hereafter “Handbook”) applies to all Education Partners (faculty) and all other employees and staff of UCA and is designed to acquaint you with UCA and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. We trust this Handbook will serve as a useful reference document throughout your employment with UCA. Please read it with care; it is your responsibility to be in compliance with the policies and procedures it describes. It describes many of your responsibilities as an employee and outlines the programs developed by UCA to benefit employees. You must sign an acknowledgment that you have received and reviewed the Handbook and that you understand the information included herein.

No employee handbook can anticipate every circumstance or question about policy. As UCA continues to grow, the need may arise, and UCA reserves the right to revise, supplement, or rescind any policies or portions of the Handbook from time to time as it deems appropriate, in its sole and absolute discretion. UCA will make every effort to notify employees of changes to the Handbook as they occur. Subsequent changes will supersede any prior policies regarding information provided therein. This Handbook supersedes all existing policies and practices relating to the matters addressed herein.

**THIS HANDBOOK IS NOT A CONTRACT AND DOES NOT GUARANTEE EMPLOYMENT FOR ANY PERIOD OR GUARANTEE ANY SPECIFIC TERMS OF EMPLOYMENT. EMPLOYEES OF UCA ARE EMPLOYED AT WILL. UCA AND ITS EMPLOYEES MUTUALLY RETAIN THE RIGHT TO TERMINATE THEIR EMPLOYMENT AT ANY TIME WITH OR WITHOUT NOTICE AND WITH OR WITHOUT A REASON NOT OTHERWISE PROHIBITED BY LAW. UNLESS SET FORTH IN WRITING, APPROVED BY THE UCA BOARD OF DIRECTORS, AND SIGNED BY THE CHAIR OF THE UCA BOARD OF DIRECTORS AND SUPERINTENDENT, EMPLOYMENT AT UCA IS FOR NO SPECIFIC PERIOD OF TIME, AND ANY STATEMENT INCONSISTENT WITH THIS POLICY IS UNAUTHORIZED.**

Throughout this manual, policies are stated regarding specific actions, which may result in discipline up to and including termination of employment. These policies in no way limit or alter UCA’s “At Will” policy. This Handbook summarizes the policies and procedures that are in effect as of July 1, 2020. None of the benefits or policies in this manual are intended, by reason of their publication, to confer any rights or privileges or to entitle the employee to be or remain employed by UCA. The contents of this manual are presented as a matter of information only. The plans, policies, and procedures described herein do not constitute a contract of employment and are subject to change by UCA. Any benefits outlined in this manual are for general guidance, the specifics of any such benefits, including eligibility, are controlled by



the plan documents and should there be any inconsistencies between this manual and the plan document, the plan documents will control. Please consult those documents directly.

If you are uncertain about any policies or procedures, whether or not they are referred to in this manual, please direct your questions to the Superintendent or if related to a benefits plan, contact the plan directly.

### **403 ~ EQUAL EMPLOYMENT**

It is UCA's policy to provide equal employment opportunities for all applicants and employees. UCA does not unlawfully discriminate on the basis of race, color, gender (including pregnancy, childbirth, or related medical conditions), gender identity, religious creed, marital status, age, national origin, ancestry, physical or mental disability, genetic information, legally protected medical condition, family care or medical leave status, veteran status, sexual orientation, or on any other basis made unlawful by federal, state or local laws. This policy governs all aspects of employment, including hiring, job assignment, compensation, promotion, discipline, termination, and access to employee benefits and training. It is the responsibility of every supervisor and employee to conscientiously follow this policy.

UCA also makes reasonable accommodations required by law, including accommodations for disabled employees and accommodations for women with pregnancy-related disabilities who request an accommodation for pregnancy, childbirth, or related medical conditions.

#### **403.1 ~ POLICY AGAINST SEXUAL HARASSMENT, DISCRIMINATION AND RETALIATION**

UCA is committed to having a community in which every individual is treated with sensitivity and respect, and in which each student and teacher has an equal opportunity to work, learn, and develop to his or her full potential in an atmosphere free from all forms of unlawful discrimination and harassment, including sexual harassment. To that end, the UCA prohibits any form of harassment or discrimination (including sexual harassment) on the basis of age, race, color, national origin, religion, disability, sex, sexual orientation or other protected characteristic, whether by a supervisor, administrator, co-worker, volunteer, contractor, student, or non-employee. The purpose of this policy is not to regulate our employees' personal morality. It is to assure that in the workplace, each employee is able to accomplish his or her job without being subjected to harassment.

While it is not easy to define precisely what harassment or discrimination is, it certainly includes verbal, nonverbal, or physical conduct that denigrates, belittles, or puts down an individual or shows hostility, distaste, or aversion toward that individual based on that individual's race, color, national origin, religion, gender, sexual orientation, age, disability, veteran status, any other protected class or participation in a protected activity

Discrimination involves intentionally treating anyone in an unequal or disparate manner because of that person's inherent or natural personal characteristics, including race, color, national origin, religion, gender, sexual orientation, age, disability, veteran status, any other protected class or participation in a protected activity, when such treatment causes the victim to suffer adverse educational, employment, or other school-related consequences.



Harassment is any unwelcome offensive verbal, nonverbal or physical conduct that is sufficiently severe, persistent or pervasive as to significantly affect the conditions of one's employment or a student's learning. Harassment includes, but is not limited to the following: slurs, epithets, threats, derogatory comments, unwelcome or abusive jokes, insults, name calling, threats, bullying or intimidation, unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct such as uninvited touching or sexually-related comments or the exchange of benefits for performance of sexual or other favors. Other conduct that can be unlawful harassment includes verbal, nonverbal, or physical conduct that shows aversion, denigration, or hostility because of race, color, religion, national origin, gender, age, disability, sexual orientation or other protected classification and that:

- Creates an intimidating, hostile, or offensive working environment;
- Unreasonably interferes with an individual's work; or
- Adversely affects an individual's employment opportunities.

### **Sexual Harassment**

Of the various types of harassment, sexual harassment is worthy of special considerations beyond those applicable under UCA's general policies. No employee, student, volunteer, or contractor shall engage in sexual harassment against any other student, employee, volunteer, or contractor or another person in the UCA community.

### **Definition**

Sexual harassment is a form of discrimination involving unwelcome sexual, or sex-based conduct that interferes with the employment of others. Sexual harassment is any unwanted or unwelcomed verbal or physical advances, sexually explicit derogatory statements, requests for sexual favors, or sexually discriminatory remarks made by someone in the workplace which is offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation or which interferes with the recipient's job performance. Harassing behaviors can be verbal, non-verbal, or physical, range from subtle innuendo of a sexual nature to coerced sexual activity, and other inappropriate verbal, written, or physical conduct of a sexual nature that usually takes place under the following circumstances:

- When submission to such conduct is made, explicitly or implicitly, a term or condition of instruction, participation in school activities, or employment;
- When submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions or benefits; or
- When such conduct has the purpose or effect of substantially interfering with an individual's academic, extracurricular, or work performance, or creating an intimidating, hostile, or offensive school environment or working environment

### **Examples of Sexual Harassment**

Workplace behavior that is sexually harassing includes but is not limited to:

- Unwanted sexual remarks or inferences;
- Offensive comments about sex or gender-specific traits;
- Unwelcome sexual propositions, threats, bribes, written notes, or phone calls;
- Unwelcome gestures or sounds or the display of sexually suggestive objects, signals, or pictures;
- Unwanted physical contact of a sexual nature (e.g. touching, pinching, kissing, holding);
- Promise of promotion, favorable performance evaluations, etc. in return for sexual favors, known as "quid pro quo" or "this for that";





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- Threatening or insinuating, whether explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment;
- Pressure for sexual activity, continued or repeated offensive sexual flirtations, advances, or propositions;
- Continued or repeated verbal remarks about an individual's body; or
- Sexually degrading words used toward, or in the presence of, an individual or to describe an individual.

A hostile environment exists if the conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit a person's ability to participate in or benefit from the educational program or creates a hostile or abusive educational or work environment.

Romantic or sexual advances toward students by employees or romantic or sexual relationships between school employees and students are always prohibited in all circumstances. Academy employees are prohibited from engaging in romantic or other inappropriate relationships with students and are required to report such relationships or reasonable suspicions thereof, to the Superintendent or any other administrator/principal with whom they feel comfortable. Procedures established by UCA for reporting suspected sexual harassment shall be followed in any instances involving such conduct.

### **Application**

Either men or women can be sexually harassed by someone of the same or opposite sex, and the law protects both sexes equally from this discrimination. This policy applies to sexual harassment by staff, students, volunteers, vendors, and service providers of either gender against someone of the same or opposite gender.

### **Retaliation**

UCA prohibits reprisal or retaliation against any person who reports an act of discrimination or harassment or who participates in an investigation as a witness or in any other capacity. Employees should report any such retaliation to the Superintendent or to any other administrator/principal with whom they feel comfortable. This policy, however, shall not be used to bring frivolous or malicious complaints.

### **Procedure for Complaints of Harassment, Discrimination and Retaliation**

- Any person who believes he or she has been the victim of harassment, sexual harassment, discrimination or retaliation should immediately discuss and report to his or her direct supervisor, the Superintendent, or any other supervisor with whom the person feels comfortable. While the person should report sexual harassment to a supervisor or the Superintendent, there is no requirement that the person report sexual harassment, discrimination or retaliation to a particular supervisor.
- Any supervisor receiving a complaint of harassment, sexual harassment, discrimination or retaliation shall report such complaint to the Superintendent. If the Superintendent is the subject of such complaint then the supervisor shall report to the Chair of the Board of Directors or to any other Board member that the supervisor believes is appropriate.
- Any complaint made under this policy will be investigated thoroughly and promptly. To the maximum extent possible, UCA will protect the privacy of the parties involved.





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- Any attempt to interfere with or influence the investigation of a harassment, sexual harassment, discrimination or retaliation complaint is strictly prohibited, and will result in disciplinary action, up to and including immediate termination.
- There will be no adverse action against an employee who acts in good faith and reports an incident, or who participates in or cooperates with an investigation of an alleged incident.

### **Disciplinary Action**

Any individual found to have engaged in harassment, sexual harassment, discrimination or retaliation will be subject to disciplinary action up to and including immediate termination. In addition, some forms of sexual harassment, such as sexual relations between an adult and minor, may violate criminal laws. UCA will cooperate with local authorities in the investigation of any alleged criminal activity.

### **Confidentiality of Records**

UCA will make every effort to maintain confidentiality and protect the privacy of the parties involved in the investigation of a sexual harassment, discrimination and retaliation complaint. All written materials related to the investigation of allegations of harassment will be placed in confidential files, which are separate from student and personnel records. Reasonable efforts will be taken to ensure that access to these records is limited to those persons with a need to know. However, UCA will comply with any state or federal law that requires disclosure.

### **Sexual and Other Types of Unlawful Harassment/Discrimination on School Grounds by Contractors, Volunteers or Individuals Who Are Not School Employees**

The policies contained in this section, including the reporting procedures and no retaliation policy, regarding harassment, sexual harassment and discrimination, shall also apply to contractors, volunteers or individuals who are not employees of UCA when such individuals are on school property or during school events.

### **Implementation: Information and Education/Training**

This policy will be distributed to all employees and will be discussed as part of the staff orientation at the beginning of each school year. The Superintendent is authorized to establish training and administrative procedures to help eliminate discrimination and harassment, and to foster an environment of understanding and respect for all individuals.

### **Helpful Contact Information for Reports/Questions - UCA Team Members:**

Superintendent	Dr. Sharon Castelli	sharon_castelli@uwharriecharter.org
Assistant Superintendent	Mr. Chris Wheat	chris_wheat@uwharriecharter.org
High School Principal	Mrs. Beth Kearns	beth_kearns@uwharriecharter.org
Middle School Principal	Mrs. Kristy Priest	kristy_priest@uwharriecharter.org
Elementary School Principal	Mrs. Lauren O'Brien	lauren_o'brien@uwharriecharter.org

### **403.2 ~ DISABILITY ACCOMMODATION**

UCA is committed to providing equal employment opportunities to individuals with disabilities, those regarded as having disabilities and those associated with individuals with disabilities. Accordingly, UCA does not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or any other terms, conditions and privileges of



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employment. UCA complies with all federal and state laws concerning the employment of persons with disabilities including the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAA) and acts in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

### **Eligibility**

UCA will engage in an interactive process to find reasonable accommodations for qualified individuals with a disability to enable them to perform the essential functions of a job, unless doing so causes an undue hardship to the School, or a direct threat to these individuals or others in the workplace, and the threat cannot be eliminated by reasonable accommodation.

When an individual with a disability is requesting accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other employee or applicant.

All employees are required to comply with UCA standards. Current employees who pose a direct threat to the health and safety of themselves or other individuals in the workplace will be placed on appropriate leave until UCA can make a lawful and reasonable decision in regard to continued employment. Individuals who are active illegal drug users are excluded from coverage under UCA's Americans with Disabilities Act (ADA) policy.

Applicants and employees are assured that all information regarding a disability shall be kept confidential except that:

- Appropriate supervisors may be informed regarding restrictions on the work or duties of disabled employees and any accommodations that have been made; and
- Government officials investigating compliance with federal laws may be informed.

All employees with responsibilities, which may require knowledge of disabilities, are advised that they are to treat the knowledge with confidentiality.

### **Procedures**

The Superintendent or his/her designee is responsible for implementing this policy, including requests for and resolution of reasonable accommodations, safety and direct threat determinations, and undue hardship issues. All requests for reasonable accommodations should be presented to the Human Resources Coordinator at UCA, in person or via email, and request such an accommodation. Such applicant or employee may also contact the Superintendent directly and request such an accommodation.

Any employee or job applicant who believes that he or she has been discriminated against on the basis of disability should immediately bring the problem to the attention of their supervisor/administrator, or any other supervisor/administrator with whom the individual feels comfortable, including the Superintendent or the Board of Directors. No applicant or employee will be subject to coercion, intimidation, interference, discrimination or retaliation for registering a complaint or for assisting in an investigation of any alleged violation of laws prohibiting discrimination on the basis of disability.



#### **403.3 ~ GENETIC INFORMATION**

UCA prohibits discrimination against employees based on genetic information. It does not seek to collect genetic information through any of its policies or programs, and employees should not provide genetic information including family medical history to UCA for any reason.

### **404 ~ WORKPLACE SAFETY AND HEALTH**

#### **404.1 ~ DRUG AND ALCOHOL-FREE SCHOOL**

Uwharrie Charter Academy (UCA) is committed to a safe and healthy work environment, free of the presence of alcoholic beverages or unlawful controlled substances. UCA prohibits employees, independent contractors, or business associates from possessing, using, manufacturing, dispensing, selling, distributing, or being under the influence of illegal drugs, and from the use, sale, distribution or possession of drug paraphernalia. Employees, independent contractors, or business associates are also prohibited from unlawfully possessing, using, manufacturing, dispensing, selling, distributing or being under the influence of alcohol. This policy is in effect: (a) during school hours, (b) while on any property owned or leased by UCA, (c) at any time during which employees, independent contractors, or business associates are acting in the course and scope of employment with UCA, (d) while driving, and/or (e) at any other time that violating this policy has a direct and adverse effect upon job performance. This policy does not include the lawful and proper use of drugs prescribed by a doctor or over-the-counter medications; however, employees, independent contractors, or business associates shall not report to work or engage in normal duties, if drugs prescribed by a doctor or over-the-counter medications visibly and/or knowingly cause impairment. Failure to observe this policy may result in disciplinary action up to and including dismissal.

In order to protect the interests of UCA, its students, its employees, and the public, the School may take reasonable measures to ensure that the school property remains free of illegal drugs, the illegal use of legal drugs, and alcohol at all times. The measures taken may include, at the discretion of management, but shall not be limited to, the following:

1. Testing of Applicants. The School reserves the right, as a condition of employment, to implement a drug testing procedure as a routine part of the pre-employment application process for all job applicants who have otherwise been approved for employment, but before hire. If an applicant refuses to submit to a drug test or tests positive for drugs, he or she will not be considered for employment.
2. Testing of Employees. The School reserves the right, as a condition of continued employment, to require any employee to submit to a breathalyzer test, urinalysis or other drug and/or alcohol test in any one or more of the following circumstances:
  - a. Reasonable suspicion testing – Any employee of the School may be required to submit to a drug and/or alcohol test when a supervisor or other management employee has reasonable suspicion to believe that the employee is under the influence of alcohol or illegal drugs or is abusing prescription drugs during working hours or while on the School's property. Factors which may raise reasonable suspicion include, but are not limited to:
    - Excessive absenteeism or tardiness
    - Deterioration of job performance



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- Significant changes in personality, dramatic mood swings, abusive behavior, or insubordination
  - Reliable reports from employees or other credible sources
  - Unexplained, frequent absences from normal work area
  - Unusual, irrational or erratic behavior
  - Difficulty in motor coordination, poor muscle control, unsteady walking, nervousness, slurred speech
  - Direct observation of drug or alcohol use or discovery of evidence of drug or alcohol possession or use in the employee's vicinity
  - Impaired short-term memory or logical thinking
- b. Post-accident testing – The School may require a drug and alcohol test of any employee involved in an injury, accident or near accident (one in which safety procedures were violated and/or unusually careless acts were performed) on school grounds or during working hours.
- c. Periodic or random testing – The School may require employees to submit to drug and alcohol testing as a follow-up upon returning to work after illness or injury, after a positive test result, or on a random basis if the employee is a school bus driver or other commercial motor vehicle operator employed by the School.

All positive test results will be confirmed by a second test. Employees have the right to retest a confirmed positive sample at the same or another approved laboratory, at their own expense. If an employee refuses to participate in a requested test, or tests positive for drugs or alcohol, the employee will be subject to disciplinary action, up to and including termination of employment.

Alcohol is prohibited everywhere on campus.

This policy is intended to comply with all state and federal laws, including anti-discrimination laws and procedures for conducting drug and alcohol testing.

### **404.2 ~ WEAPONS BAN AND THREAT/VIOLENCE POLICY**

#### **Weapons Ban**

UCA prohibits weapons (or replicas of weapons) on School property, in school vehicles and at school-sponsored activities on or off school property. Weapons are generally defined as guns, knives and other objects universally considered a weapon by the vast majority of society. A "weapon" can also be any object which would do harm to another when used as such. UCA shall deem any such object used to do harm a "weapon" for the purpose of enforcing this policy. Weapons and replicas of weapons also constitute any item (regardless of its nature) used to threaten or cause actual harm, including but not limited to: firearms, knives, metal knuckles, chains, razors, explosives, poisonous or noxious gases or any other tool or instrument capable of inflicting bodily injury as determined by school administration. On-duty Law Enforcement Officers (LEO) or School Resource Officers (SRO) are the only approved individuals to carry weapons on school property or at other school-sponsored activities on or off school property.



**Possession of weapons is prohibited while on duty performing business at any location.**

Students who violate this policy will be subject to disciplinary action, up to and including expulsion from school. The Superintendent will review each alleged violation of this policy and will exercise discretion for expulsion on a case-by-case basis in compliance with North Carolina law and regulations governing student discipline. **See Student and Parent Handbook.**

Employees who violate this policy will be subject to disciplinary action up to, and including termination. The Superintendent will review each alleged violation of this policy and will exercise discretion for disciplinary action on a case-by-case basis.

Visitors or volunteers who violate this policy will be subject to local law enforcement action.

Any employee who is aware that a student, volunteer, parent or employee is carrying a weapon must report the infraction to their supervisor or an administrator immediately.

All acts of violence and possession of weapons as defined in this policy shall be reported to parents of the violator, appropriate law enforcement agency and any other government agency as required by law.

The Superintendent is required to report immediately to the appropriate local law enforcement agency whenever the Superintendent has personal knowledge or actual notice from school personnel that any of the following acts has occurred on school property:

- assault involving the use of a weapon
- unlawful possession of a firearm
- unlawful possession of a weapon

This reporting requirement applies regardless of the age or status of the person thought to have committed the act. The report to law enforcement is only required if the act occurs on School property, which includes any public-school building, bus, campus, grounds, recreational area or athletic field.

**Violence and Threats**

UCA strives to maintain a work and school environment that is free from intimidation, threats or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons of any kind onto school property, or any other act, which, in management's opinion, is inappropriate to the workplace. In addition, jokes or offensive comments regarding violent events will not be tolerated and may result in disciplinary measures, up to and including termination.

UCA does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors provides examples of conduct that is prohibited:

- Causing physical injury to another person.
- Making threatening remarks.
- Displaying aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging employer property or property of another.



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- Committing acts motivated by, or related to, sexual harassment, discrimination or domestic violence.

### **Monitoring**

UCA shall take all reasonable steps to see that this policy is followed by all employees and supervisors.

### **Complaint Procedure and Investigation**

If you believe an employee is in violation of this policy you should report the issue to your supervisor or the Superintendent immediately. Employees who feel they have been subjected to any of the behaviors listed above are requested to immediately report the incident to a supervisor they feel comfortable with or the Superintendent. Complaints will be promptly investigated. Based upon the results, disciplinary action, up to and including termination, may be taken.

All complaints will be promptly investigated and shall be handled as confidentially as possible. The investigator will resolve complaints involving violations of this policy and recommend the appropriate action.

### **Discipline**

Any employee found to have violated this policy shall be subject to appropriate disciplinary action, up to and including termination, pending the findings of the complaint investigation.

### **Retaliation**

Any employee bringing a complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment, or discriminated against or discharged because of the complaint. Complaints of such retaliation will be promptly investigated.

### **404.3 ~ TOBACCO-FREE CAMPUS**

UCA is a tobacco-free campus. The use of tobacco products in and around UCA's premises is strictly forbidden.

### **404.4 ~ WORKPLACE INJURY AND ILLNESS**

UCA has an established policy of providing a safe workplace for all employees based on current federal, state and local standards as well as proven "common sense" safety practices. UCA strives to maintain working conditions which afford all employees a reasonable degree of comfort and protection from injury or dangerous situations while assuring orderly and efficient performance of duties. However, it is only through the combined efforts and interest of all employees that we can continue to make UCA a safe place in which to work. Employees are expected to work safely, observe safety regulations, and report unsafe conditions. Any unsafe condition must immediately be reported to the Superintendent. Employees must immediately report to the appropriate Principal any workplace injuries and illnesses, regardless of how serious. Incident reports should be completed and returned to the Principal.

### **404.5 ~ SCHOOL SAFETY**

UCA has a Crisis Management Team that will create and manage the following procedures by outlining the actions and responsibilities of staff and administration in addressing the following issues:

- Evacuation Fire
- Evacuation Non-Fire





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- Hazardous Materials
- Lockdown-Perimeter
- Lockdown-Full
- Serious Medical Emergency
- Severe Weather (tornado; hurricane; etc.)
- Public Health Emergency
- Student in Crisis

The Superintendent oversees the Crisis Management Team and it is the responsibility of the Superintendent to ensure that the procedures are current and applicable and that all applicable parties are aware of the procedures.

The Superintendent is also responsible for making sure that drills occur on a regular basis. These procedures will be reviewed annually by the Crisis Management Team and any changes or revisions will be made by the Superintendent. The Superintendent is responsible for communicating these procedures to the Board of Directors.

### **405 ~ PERSONNEL POLICIES**

#### **405.1 ~ AT-WILL EMPLOYMENT**

Except as UCA has otherwise expressly agreed to in writing, approved by the UCA Board of Directors, and signed by the Chair of the UCA Board and the Superintendent, employment is at-will and may be terminated by the employee or by UCA at any time, for any reason, not unlawful, with or without notice.

#### **405.2 ~ IMMIGRATION LAW COMPLIANCE**

UCA is committed to employing only individuals who are authorized to work in the United States as required by the Immigration Reform and Control Act of 1986. In compliance with that law, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Anyone submitting false documentation shall be immediately terminated. UCA reaffirms its commitment to comply with both state and federal non-discrimination laws and does not unlawfully discriminate on the basis of citizenship or national origin. Employees may raise questions or complaints about immigration law compliance without fear of reprisal. Any questions concerning IRCA and the required documentation should be directed to the Superintendent.

#### **405.3 ~ STAFF CRIMINAL BACKGROUND CHECKS**

Except as otherwise provided in this policy, applicants must notify the Superintendent immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the director of human resources no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing to the assistant superintendent of human resources no later than the next business day following adjudication.





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A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy. Special requirements are described below for criminal history checks of candidates for certain positions working with preschool children or working in after school or developmental day programs.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted (including entering a plea of guilty or *nolo contendere*) of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. Prior to recommending any individual for hiring who has a criminal history that includes a felony, a crime of violence or drug-related crime to the Board of Directors, the Superintendent shall consult with legal counsel and disclose such criminal history to the Board. The requirements of this paragraph do not apply to a child care provider who is determined to be disqualified by the Division of Child Development and Early Education on the basis of a criminal history check conducted pursuant to G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43. (See Section D of this policy).

The board has determined that every position with the school system, regardless of whether the position is located in a school or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender subject to the Registered Sex Offenders Policy, will be hired for any position with the school system.

In addition, each contract executed by the board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries.

All applicants for employment will be required to submit to Background check screen through Background Investigation Services (BIB.com) or ClearChecks (clearchecks.com) and/or fingerprinting

- All potential UCA employees must pass a comprehensive background check.
- UCA will be fingerprinting potential employees, as well as updating background checks as needed for current employees.
- Background Investigation Services ([BIB.com](http://BIB.com)) was selected as the UCA background check resource. BIB serves a large number of school districts in North Carolina. BIB screens candidates through over 450 million unique records from over 3,200 public agencies.
- ClearChecks (ClearChecks.com) was also selected as an alternative UCA background check resource.



#### **405.4 ~ REGISTERED SEX OFFENDER POLICY**

Pursuant to Session Law 2008-117, *The Jessica Lunsford Act for North Carolina* (the "Act"), the General Assembly of North Carolina has recognized that sex offenders often pose a high risk of engaging in sex offenses after being released from incarceration or commitment and that the protection of students from sex offenders while on School property and at School-sponsored activities serves an important governmental interest.

UCA is committed to the following

1. Sex offenders are banned from all School property and School events  
In accordance with G.S. 14-208.18, all persons who (1) are required to register under the Sex Offender and Public Protection Program AND (2) have been convicted of certain sexually violent offenses or any offense where the victim was under the age of 16 years at the time of the offense ("Prohibited Persons") are expressly forbidden to be present on any property owned or operated by the School system, including School buildings, athletic fields, playgrounds, parking lots, School buses, activity buses or other property of any kind for any reason, including attendance at sporting events or other School-related functions, whether before, during or after School hours. In addition, Prohibited Persons may not attend or be present at any student function or field trip on or off of School property which is 1) School-sponsored or 2) otherwise under the official supervision or control of School personnel. This policy applies to all Prohibited Persons regardless of their relationship to, or affiliation with, a student in the School system (i.e. stepparents, aunts, uncles, grandparents, etc.).
  - A. Prohibited persons. The Superintendent or designee shall insure that administration is familiar with the criminal offenses that qualify an individual as a Prohibited Person under this policy. The Superintendent will also subscribe to electronic notification of Registered Sex Offenders and access the state database as needed.
  - B. No special permission. There shall be no "special permission" given for Prohibited Persons to be on Schools grounds or attend events or activities in violation of this policy.
  - C. Possible exceptions for students. Students who meet the definition of a Prohibited Person may be on School property only in accordance with state law.
  - D. Limited exception for prohibited persons who are parents / legal guardians of a student
    - a. A Prohibited Person who is the Parent/Legal Guardian of a student may be on School property only for the following reason:
      1. To attend a previously scheduled School conference with School personnel to discuss their child's academic or social progress; or
      2. At the request of the Superintendent/designee, for any other reason relating to the welfare or transportation of their child.
    - b. The procedure for making a request is as follows:
      1. For each visit authorized by subsection (a)(1) above, the Parent/Legal Guardian must provide the Superintendent with prior written notice of their registration on the Sex Offender Registry.
      2. A request for presence at the School must be submitted to the Superintendent in writing, minimally 72 hours in advance.
      3. The request must include the nature and specific times requested.
      4. The Superintendent or designee will respond within 48 hours either authorizing or denying the request.
      5. The decision of the Superintendent or designee is final.



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6. The Superintendent will notify the Board of any such requests and the decision.
    - c. For each visit authorized by subsection (c) above, the Parent/Legal Guardian must check in at the front office upon arrival and departure. In addition, during each and every visit, the Parent/Legal Guardian must be under the direct supervision of School personnel at all times. If personnel are not available to supervise the Parent/Legal Guardian during any visit then they shall not be permitted on the School property.
    - d. For each visit authorized by subsection (c) above, the Parent/Legal Guardian shall comply with all reasonable rules and restrictions placed upon them by the Superintendent, including any restrictions on the date, time, location and length of meetings.
2. **Enforcement**  
Any suspected violation of this policy shall be reported by a School administrator to the Superintendent and to law enforcement for immediate investigation. All School personnel should report the presence or suspected presence of a Prohibited Person to a School administrator and take appropriate action. The Superintendent shall immediately notify the UCA Board Chair of any known or suspected Prohibited Person who is a student, or a parent or legal guardian of a student, at their School.
3. **Applicability**  
This policy shall supersede any conflicting provisions in all other UCA Board policies regarding School safety, parental involvement, School field trips, School visitors, School volunteers and student transportation.

### **405.5 ~ GRIEVANCE POLICY**

This policy is in place to respond to a grievance by an employee or volunteer (herein after “employee”). It is expected that any employee with an issue should try to resolve the issue by using open communication with their supervisor. If an employee feels that their issue is still a concern after speaking to their supervisor and that the issue has risen to the level of a grievance then the employee may initiate the grievance procedures as described below. The goal of filing a formal grievance would be to use the process to come to an equitable solution.

1. **Definition of a grievance:** a grievance is defined as a formal written complaint by an employee stating that a specific action has violated a School policy, board policy, law or regulation, including a violation of Title IX. Complaints that do not raise an alleged violation of School policy, board policy, law or regulation do not raise grievance issues and are not subject to these procedures. In addition, a grievance does not include: the non-renewal or termination of employment, disagreements on day-to-day operation issue, employee discipline or employee reviews unless a specific violation of law or policy is alleged. And, a grievance does not include a Title IX complaint or a complaint of sexual harassment, discrimination or retaliation, which shall be handled pursuant to the Discrimination, Harassment and Sexual Harassment policy and Title IX policy in the Employee Handbook and consistent with state or federal laws.
2. **Time Limits:** A grievance will only be heard if the complaint has been filed within fifteen calendar days of the act that is being reported or fifteen days from the date the issue was brought to the

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attention of a supervisor, whichever is shorter. The fifteen-day deadline may be extended at the discretion of the Superintendent.

### 3. **The grievance process is as follows:**

Step 1: To file a grievance, an employee must submit a letter in writing (email accepted) stating the School policy, board policy or law/regulation that was violated including details of the actions and the place, date and time of the violation. The employee should make all efforts to include any details about the event that may be helpful in the decision making process. The written letter should be submitted to the Superintendent. If the Superintendent is implicated in the grievance, the grievance should be submitted to the Chair or Vice Chair of the Board of Directors or to any other Board member with whom the individual(s) feel comfortable disclosing the information.

Step 2: In response to the formal grievance, the Superintendent shall have up to five business days from the time they receive the formal grievance to respond to the grievance in writing. If the employee is satisfied with the decision after they receive the response from the Superintendent, the issue is considered resolved. The employee shall submit their satisfaction to the Superintendent in written form such as email.

Step 3: If the employee is not satisfied with the response from the Superintendent, the employee may file an appeal by submitting a letter in writing (email accepted) stating the School policy, board policy or law that was violated including details of the actions and the place, date and time of the violation. The employee should make all efforts to include any details about the event that may be helpful in the decision making process to the Board of Directors. This must be done within five business days of the initial response from the Superintendent.

Step 4: Where the grievance is filed directly with the Board as set forth above or after receiving the appeal letter, the appeal shall be considered by the Board at its next regularly scheduled board meeting provided such meeting is more than seven days after the filing, or the Chair of the Board of Directors may call a special meeting of the Board to consider the appeal in accordance with the School's bylaws. The Board will consider and discuss the grievance at the meeting in accordance with Open Meetings laws. Prior to the meeting, at the Board's sole discretion, the Board may conduct an investigation or gather additional information regarding the grievance, including interviews, if needed. The individual filing the grievance or appeal will be given the opportunity to attend the meeting. At that meeting the Board of Directors will make a decision on how to handle the grievance. If the board decides that it needs additional time to consider the grievance or gather information, it may defer its decision until the next regularly scheduled board meeting or schedule a special meeting. Once the board reaches a decision, the Board will communicate that decision to the individual who filed the grievance within five school days. The Board's decision concerning the grievance is final.

### **405.6 ~ NEPOTISM**

The employment of immediate family (defined below) can cause various problems including but not limited to charges of favoritism, conflicts of interest, family discord and scheduling conflicts that may work to the disadvantage of both the School and its employees. It is UCA's goal to avoid creating or maintaining circumstances in which the appearance or possibility of favoritism, conflicts or management disruptions exist.



For the purposes of this policy, the term "immediate family member" is set forth in N.C.G.S. Section 115C-12.2 and means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. The term also includes domestic partners (a person with whom the employee's life is interdependent and who shares a common residence) and, a daughter or son of an employee's domestic partner.

The School may allow existing personal relationships to be maintained or employ individuals with personal relationships to current employees under the following circumstances:

- No voting members of the Board shall be an employee of UCA that provides substantial services to the School for a fee;
- No employee of UCA shall be immediate family to any member of the board of directors;
- No employee of UCA shall be a voting member of the Board of directors;
- No employee that is immediate family of the Superintendent shall be hired without the Board of Directors evaluating their credentials, establishing a structure to prevent conflicts of interest, approving such contract or hire, and, where required, notifying the Department of Public Instruction, with evidence, that this process has occurred;
- They may not create a supervisor/subordinate relationship with an immediate family member;
- They may not vote on any Board action in regards to immediate family member;
- They may not supervise or evaluate a family member;
- The relationship will not create an adverse impact on work productivity or performance;
- The relationship may not create an actual or perceived conflict-of-interest;
- They may not audit or review in any manner the individual's work; and
- They may not be employed if a member of the employee's immediate family (spouse, children, parents, grandparents, brothers, sisters, step family members, in-law family members) serves on UCA's Board or any Committee, which has authority to review or order personnel actions or wage and salary adjustments, which could affect his/her job.

No personal employee relationship covered by this policy will be allowed to be maintained, regardless of the positions involved, if it creates a disruption or potential disruption in the work environment, creates an actual or perceived conflict of interest or is prohibited by any legal or regulatory mandate.

This policy must be considered when electing, hiring, promoting or transferring any employee. Should relationships addressed within this policy be identified with either candidates for employment or current employees, the matter should be immediately reported to the Superintendent and/or Board of Directors and the following policies and procedures will be followed:

1. A determination will be made whether the relationship is subject to UCA's Nepotism policy based on the conditions described above.
2. If the relationship is determined to fall within one or more of the conditions described in this policy the Superintendent in consultation with the affected employees and the Board of Directors, will attempt will to resolve the situation through the transfer of one employee to a new position or identifying some other action (e.g., supervisory reassignment) which will correct the conflict or issue identified. If accommodations are not feasible then, with affected employee suggestions, the Superintendent in consultation with the School's Board of Directors shall determine which employee must resign in order to resolve the situation.





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UCA reserves the right to exercise appropriate managerial judgment to take such actions as may be necessary to achieve this intent of this policy. UCA reserves the right to vary from the guidelines outlined in this policy to address unusual circumstances on a case-by-case basis.

The burden of disclosure of such personal relationships covered in this policy shall be on the applicable Board member or employee with supervisory authority. If the requirements of this policy are complied with, UCA may employ the immediate family of any member of the Board or an UCA employee with supervisory authority consistent with this policy and applicable law.

Every employee is responsible for identifying and communicating to the Superintendent or the Board of Directors any potential or existing personal relationship, which falls under the definitions provided in this policy. Employees who fail to disclose personal relationships covered by this policy will be subject to disciplinary action up to and including the termination of employment.

### **405.7 ~ INTERNAL INVESTIGATION AND SEARCH POLICY**

From time to time, the School may conduct internal investigations pertaining to security, auditing or work-related matters. Employees are required to cooperate fully with and assist in these investigations if requested to do so.

Whenever necessary, UCA reserves the right to search without notice work areas (i.e., desks, file cabinets, computers, etc.) and personal belongings (i.e., backpacks, purses, vehicles, etc.) if there is a reasonable suspicion to believe that any School policy or law is being, or has been violated. The School may provide desks, computers, lockers and other items for the use by the School's employees. At all times, these items remain the property of the School. Employees are expected to cooperate with the School's workplace searches. While the School will generally try to obtain an employee's consent before conducting a search of work areas or personal belongings, it may not always do so.

Any employee who refuses to submit to a search or is found in possession of prohibited articles will be subject to disciplinary action up to and including termination. Employees with questions regarding this policy should contact the Superintendent.

### **405.8 ~ DRIVING QUALIFICATIONS AND RECORDS SCHOOL BUS AND ACTIVITY BUS DRIVERS**

To operate a school bus in North Carolina, an individual must be at least 18 years old, have at least six months of driving experience, have a School Bus Driver's Certificate and hold a commercial driver license with both "S" (school bus) and "P" (passenger) endorsements.

The requirements for the driver of a school activity bus are the same except a School Bus Driver's Certificate is not required.

The Director of Transportation will keep records of all driver requirements in a locked cabinet in their office.

#### **Driving Record**

- An individual must certify at the time of application that they do not hold more than

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- one driver license and that their license is not suspended, disqualified or revoked.
- Some convictions will make a driver ineligible to operate a school bus.
- All drivers will be required to provide a certified copy of their Motor Vehicle Records upon hire and each subsequent year.
- Driving records will be reviewed on at least an annual basis by the Director of Transportation.

### Medical & Physical

- School bus drivers must meet federal qualifications to be certified as being physically and mentally competent to operate a school bus.
- All drivers will be required to provide a copy of medical certification from an accredited provider upon hire, and annually or bi-annually upon the expiration of such document.

### Training & Testing

- School bus drivers must:
- Successfully complete the required three-day school bus driver training class
- Pass up to four different knowledge tests with a score of 80 percent or better on each test
- Successfully complete the required behind-the-wheel training with a driver education program specialist
- Pass a skills test
- All drivers must provide proof that they have successfully passed this training.

### Suspensions & Revocations

In addition to the rules that apply to the driving public, commercial driver license holders are required to follow rules specific to commercial motor vehicle drivers and comply with the Commercial Motor Vehicle Safety Act to maintain their commercial driver license and keep their school-bus driver certification.

If at any time the driver's license is suspended or revoked, the driver must inform the Director of Transportation and the Superintendent IMMEDIATELY.

### Drug and Alcohol Use

No driver may:

1. operate any school bus or school activity bus while consuming alcohol or while alcohol remains in the driver's body;
2. use alcohol while performing safety-sensitive functions;
3. perform safety-sensitive functions within four hours after using alcohol;
4. report for or remain on duty requiring the performance of safety-sensitive functions when the driver is impaired by the use of any Schedule I drug or substance;
5. report for or remain on duty requiring the performance of safety-sensitive functions when the driver is impaired by the use of any non-Schedule I drug or substance, unless such use is pursuant to the instruction of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that use of the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.





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Safety-sensitive functions include but are not limited to inspecting, servicing, or conditioning any commercial motor vehicle; operating any commercial motor vehicle; participating in or supervising the loading and unloading of a commercial motor vehicle; or repairing, obtaining assistant, or remaining in attendance upon a disabled vehicle

All Drivers are subject to the Drug and Alcohol Testing Policy 404.1

Any driver found in violation of any part of this policy are subject to disciplinary action up to and including termination.

### **ANY STAFF DRIVING STUDENTS**

Any staff member who is driving a student, even intermittently or 'one off', is subject to the following policy.

#### **Driving Record**

- All drivers will be required to provide a certified copy of their Motor Vehicle Records upon hire and each subsequent year.
- Some convictions will make a driver ineligible to operate a school bus.
- Driving records will be reviewed on at least an annual basis by the Director of Transportation.

#### **Suspensions & Revocations**

If at any time the driver's license is suspended or revoked, the driver must inform the Director of Transportation and the Superintendent IMMEDIATELY.

#### **Drug and Alcohol Use**

No driver may:

1. operate any school bus or school activity bus while consuming alcohol or while alcohol remains in the driver's body;
2. use alcohol while performing safety-sensitive functions;
3. perform safety-sensitive functions within four hours after using alcohol;
4. report for or remain on duty requiring the performance of safety-sensitive functions when the driver is impaired by the use of any Schedule I drug or substance;
5. report for or remain on duty requiring the performance of safety-sensitive functions when the driver is impaired by the use of any non-Schedule I drug or substance, unless such use is pursuant to the instruction of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that use of the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Safety-sensitive functions include but are not limited to inspecting, servicing, or conditioning any commercial motor vehicle; operating any commercial motor vehicle; participating in or supervising the loading and unloading of a commercial motor vehicle; or repairing, obtaining assistant, or remaining in attendance upon a disabled vehicle

All Drivers are subject to the Drug and Alcohol Testing Policy 404.1



Any driver found in violation of any part of this policy are subject to disciplinary action up to and including termination.

#### **406 ~ STAFF EXPECTATIONS**

##### **406.1 ~ STANDARDS OF CONDUCT**

UCA expects all employees to conduct themselves in a professional and ethical manner. An employee should not conduct business that is unprofessional and unethical in any way, nor should an employee influence other employees or students to act unethically.

UCA strictly prohibits all sexual contact between employees and students. Employees shall not engage in sexual innuendo or contact with students and should maintain a professional physical proximity with students that shows sensitivity to avoiding student discomfort. Employees are not only prohibited from engaging in sexual contact or relationships with students, but employees should also avoid the appearance of sexual contact or relationships with students, parents, or other employees. Employees should make every effort to avoid one- adult-with-one-student situations in which others are not present or immediately available. For example, if an employee is tutoring or counseling a student, the employee should move the tutoring to an area where others are present or leave the classroom door open and let other employees know that the tutoring is occurring. This is an example and not all-inclusive.

An employee should report any dishonest activities or damaging conduct to an appropriate supervisor or the Superintendent. Employees shall also report to the Superintendent and to appropriate law enforcement any complaints of sexual or other abuse that are reported by a student. Employees should encourage, not discourage, students to report any abuse that they believe has occurred. If an employee becomes aware of another employee's behavior or actions which are believed to be inappropriate, illegal, or in any way inhibit or affect the former's job performance or UCA's work environment, the employee should discuss such behavior or actions with his or her supervisor or the Superintendent. Employees shall also comply with North Carolina law regarding reporting suspicions of the neglect or abuse of students, and mandatory reporting laws, including child abuse and sex trafficking laws.

##### **406.2 ~ WORKPLACE ATTIRE**

UCA has a professional dress environment. Employees are expected to use good judgment and taste, and to show courtesy to their co-workers, students, and parents by dressing in a fashion that is presentable and appropriate. It is expected that employees dress appropriately for their position. No spandex pants or shirts should be worn. There should be no T-shirts worn Monday through Thursday. Clothing should fit appropriately and should have no holes. Men should wear khakis or dress pants with a collared shirt, nice tennis shoes, or dress shoes. Women are permitted to wear sleeveless dresses or skirts to the knee, and the clothing should have no holes and shouldn't show cleavage or undergarments. Please ask if you have any questions. On Fridays, jeans are permitted unless otherwise specified by administration.

##### **406.3 ~ ELECTRONIC COMMUNICATIONS**

UCA provides computers, electronic data storage, Internet services, electronic mail ("e-mail") and voice mail communications systems (collectively "the school's communication systems") as important tools to support the school's business and assist employees in performing their job responsibilities. It is the



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responsibility of every employee to ensure the school's communication systems are used for authorized school purposes only and in a fashion that does not improperly disclose confidential, sensitive or proprietary information to unauthorized individuals.

Any communications, in which UCA's communications systems are used, including correspondence such as e-mail, constitute school property. UCA's communication systems are generally to be used for business-related purposes only. Limited personal use is permissible on a reasonable basis. Any unauthorized use of the school's communication systems is strictly prohibited. Unauthorized use includes, but is not limited to:

- Any communications or use which violates the school's equal employment opportunity, bullying, harassment, or non-retaliation policies or any other school policy or procedure.
- Utilizing or accessing the school's communication systems without proper authorization.
- Disabling or otherwise interfering with the school's communication security or data protection systems.
- Using the school's communication system to disclose confidential, sensitive, or proprietary information to unauthorized individuals.
- Using the school's communication policy in violation of any laws or threats to violate any laws.

UCA reserves the right to monitor, audit, and access, disclose and/or review any use of its communication system in its sole discretion, in the ordinary course of business, without notice. Employees should not consider the school's communications systems as private.

During employment with UCA, employees may be provided with passwords, entry codes and/or access to the school's communication systems. Employees are strictly prohibited from disclosing these passwords or entry codes to any person without prior written authorization. Employees are also prohibited from accessing the school's communication systems without proper authorization.

Any employee who violates this policy will be subject to immediate disciplinary action up to and including discharge.

Teachers are expected to communicate regularly with parents about academic progress and classroom behavior. Emails from parents should be answered in a timely fashion.

### **406.4 ~ ACCEPTABLE USE OF PROPERTY AND TECHNOLOGY**

For the purposes of this policy, "technology" refers to all UCA electronic devices and systems, software, and means of electronic communication including, but not limited to, the following:

- All computers and workstations, including laptop computers and server computers;
- Computer hardware and peripheral equipment such as disk drives, flash drives, printers, modems, scanners, fax machines, and copiers;
- Supported and designated computer software applications and associated system and user created files and data; and
- Phones (standard and cell), voicemail systems, electronic-mail systems, portable computer devices,

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digital cameras, and video recorders.

The property of UCA refers to objects owned and housed on UCA's premises, including but not limited to: desks, tables, workstations, cabinets, drawers, and shelves, as well as books, textbooks, maps, materials, instruments, tools, machines, and vehicles.

"Acceptable Use" of technology is defined as the collection of individual behavior, interaction, and utilization, with all computing and peripheral equipment, software, and technology services that are procured, implemented, and supported by UCA.

UCA will provide staff and students with access to property and technology as necessary and appropriate to fulfill assigned responsibilities.

UCA will not support the use of personal technology resources to create, store, and communicate organizational information or complete assigned responsibilities. UCA will not support, modify, repair, integrate, or perform work on personal technology resources, such as a teacher's personal cell phones and personal laptops.

UCA staff and students who use UCA technology resources must do so responsibly, and are required to comply with all state and federal laws, the policies of UCA, and with standards of professional and personal courtesy and conduct. When using UCA property, staff and students are expected to exercise care, perform required maintenance where assigned, and follow all operating instructions, safety standards, and guidelines. Staff and students may not use any school technology to access, transmit, save, share, or print sexually-explicit images, messages, or any other medium containing such content.

In addition, staff and students may not access, transmit, save, share, or print materials that contain ethnic slurs, racial epithets, derogatory, defamatory, obscene or offensive statements or images, or any other content that may be construed as harassing based on someone's race, national origin, sex, gender identity, sexual orientation, physical or mental disability, religious beliefs or any other characteristic protected by federal, state or local laws. Exceptions may be made for such content if used solely for specific educational purposes, provided approved in advance by the Principal.

UCA's technology resources are to be used for UCA activities. This policy **does not** prohibit the use of technology resources for reasons of a personal or social nature on non-work time, provided such use does not violate any school policies, break local, state, or federal law, result in any monetary cost to the School, impair intended use and functionality by the addition, removal, or alteration of equipment or software, or detract from the employee's performance of his or her job duties.

UCA does not support the storage and installation of personal hardware or software and related data on UCA technology resources. Therefore, UCA will not repair or backup such data and software. This includes personal music, videos, pictures, and other documents. It is the responsibility of the technology user to back up and protect personal additions to the technology.

UCA reserves the right in its sole discretion to determine when personal use of technology resources or other UCA property is excessive or improper, and may require remediation from a staff member and/or discipline to the staff member when he/she has used the resources excessively or improperly.



The following activities are prohibited while using UCA technology resources:

- Attempting to gain unauthorized access to UCA technology resources, attempts to disrupt it in any way, or attempts to destroy or alter data;
- Plagiarism;
- Using the organization's time and resources for personal gain;
- Sending or posting discriminatory, harassing, or threatening messages or images;
- Using abusive or otherwise objectionable language in either public or private messages;
- Stealing, using, or disclosing someone else's code or password without authorization;
- Attempting to break into the computer system of another organization or person;
- Accessing, saving, transmitting, or printing any pornographic materials;
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities;
- Changing any computer file that does not belong to the user;
- Using another person's password without his or her consent;
- Violating state or federal law;
- Or any other activity that violates any UCA policy or UCA deems inappropriate

It is understood that accidents happen, but staff are encouraged to take the best possible care of all school property and technology resources. If equipment or items sustain physical damage or are stolen, notify the Technology Department and the Superintendent immediately so that they can address the problem.

### **Privacy**

All technology resources are the property of UCA. All Internet traffic and all messages sent and received, including personal messages, Internet browsing traffic, and all data and information stored on UCA's, email, voicemail system, cell phones, or computer systems are the property of UCA, regardless of the content.

UCA reserves the right to access, monitor, and inspect all of its technology resources including its computers, voicemail, email, and any other data storage communications systems, at any time, at its sole discretion. UCA community members have no right of privacy with respect to any messages or information created, maintained, received or stored on UCA's technology resources, even if those devices require a personal password to use or access or if the information has been deleted.

UCA reserves the right to advise appropriate legal authorities of any incident involving technology resources where it reasonably believes a UCA staff member may have violated the law. All passwords used to access technology resources must be made available to UCA, upon request. UCA also reserves the right to inspect all other property of UCA, including but not limited to desks, workstations, cabinets, drawers, closets, and vehicles, as well as any contents, effects, or articles contained in the property of UCA. Such inspection can occur at any time, with or without advance notice or consent.

### **Return of UCA Property and Technology**

UCA staff members who are issued Academy property or technology resources must return the items when requested by UCA or upon separation from UCA. An Academy staff member will face disciplinary action, up to and including dismissal, if any UCA property or technology resource issued to him or her is



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lost, damaged, misused or not returned to UCA upon request. UCA reserves the right to require staff members to sign an agreement allowing UCA to recover the value of its property or technology resources from a staff member to the full extent authorized by law.

### **Functionality and Accuracy**

UCA's network and systems administrators will make a good faith effort to keep the system and its available information accurate; however, UCA makes no warranty of any kind, either express or implied, regarding the accuracy, quality, or validity of any of the data or information available.

### **Violation of Policy**

Any violation or abuse of this Policy is just cause for taking disciplinary action, up to and including termination, removal of all UCA network privileges and accounts, and/or legal action. We anticipate that such actions can be avoided since they cause problems for all concerned. To keep UCA's technology resources and property viable, effective, and user friendly, all staff must work cooperatively and responsibly.

### **406.5 ~ SOCIAL MEDIA POLICY**

At UCA, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

**This policy applies to all persons who work or volunteer for UCA.**

### **Guidelines**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity Website, Web bulletin board or a chat room, whether or not associated or affiliated with the School, as well as any other form of electronic communication.

The same principles and guidelines found in the School policies and these basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow workers or otherwise adversely affects students, parents, suppliers, volunteers, people who work on behalf of School or School's legitimate business/education interests may result in disciplinary action up to and including termination.

### **Know and Follow the Rules**

Carefully read these guidelines, the School's Employee Handbook, including the communications policy, confidentiality policy, the School's non-discrimination and anti-harassment policies, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.





### **Be Respectful**

Always be fair and courteous to fellow teachers or staff, volunteers, students, parents, suppliers or people who work on behalf of the School. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our open-door policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage students, parents, volunteers, staff, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or School policy.

### **Be Honest and Accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the School, board members, fellow workers, students, parents, volunteers, suppliers, and people working on behalf of the School.

### **Post Only Appropriate and Respectful Content**

Maintain the confidentiality of School private or confidential information. Such information may include information regarding the development of systems, processes, know-how and technology. Do not post internal reports, policies, procedures or other internal business/School-related confidential communications. Do not post information about individual students or families and be sure to maintain confidentiality, as is protected and required under state or federal law.

Do not create a link from your blog, website or other social networking site to a School website without identifying yourself as an employee or volunteer of the School.

Express only your personal opinions. Never represent yourself as a spokesperson for School. If the School is a subject of the content you are creating, be clear and open about the fact that you are an employee or volunteer and make it clear that your views do not represent those of the School, fellow workers, parents, students, suppliers or people working on behalf of the School. If you do publish a blog or post online related to the work you do or subjects associated with the School, make it clear that you are not speaking on behalf of the School. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the School."

### **Social Media as a Fundraising Tool**

All staff are prohibited from developing grants, crowdfunding (go-fund-me, donor choice, etc.), or any other fundraising or donation activities without written permission from the Superintendent or their designee.

### **Using Social Media at Work**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your supervisor or consistent with all UCA policies. Do not use School email addresses to register on social networks, blogs or other online tools utilized for personal use.





### **Student Pictures and Information**

Parents, employees and volunteers shall not post any pictures of students on Facebook, Twitter, Instagram or any other form of social media or on the internet unless the Superintendent has approved such posting. This applies to all School functions, whether or not conducted on school property, including field trips. Nothing in this policy shall prohibit a parent from taking and posting pictures of their own child, provided no other students are featured in such pictures. The School reserves the right to post pictures and images of current and former students on its website, official Facebook page or for any other School purpose. Parents who do not wish to allow UCA to use their child's picture or image must fill out the Publicity Consent Form and turn it into the front office.

### **Retaliation is Prohibited**

The School prohibits taking negative action against any employee or volunteer for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee or volunteer who retaliates against another employee or volunteer for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

### **Media Contacts**

Employees and volunteers should not speak to the media on the School's behalf. All media inquiries should be directed to the School's Board or Superintendent.

### **For More Information**

If you have questions or need further guidance, please contact the Superintendent or the Board of Directors.

### **406.6 ~ MEDIA POLICY**

Only authorized individuals may speak on behalf of UCA to any media outlet. All media inquiries should be directed to the Superintendent.

### **406.7 ~ EMAIL AND INTERNET USAGE AND EQUIPMENT RESPONSIBILITY**

While UCA expects and encourages appropriate use of email and the internet, employees should have no expectation of privacy in anything they create, store, send, delete, receive, or display when using UCA's network devices, Internet access, email, voicemail systems or other technological resources owned or issued by UCA, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. These resources should be used primarily for job-related purposes consistent with UCA's legitimate business interests. UCA may, without notice, (1) monitor, track and log network access, communications and use; (2) monitor and allocate file server space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes, and system outputs, such as printouts, for any lawful purpose.

UCA maintains strict compliance with all copyright laws, and our policies prohibit unauthorized copying or transmittal of copyrighted products. Similarly, due to system capabilities and copyright laws, no personal software may be installed on UCA's computers, without prior approval, and Academy licensed software may not be installed onto an employee's personal computer without prior authorization from the The Technology Department.



In addition, UCA attempts to provide all staff with the equipment and supplies needed to do their job. This comes at great expense to our school and we expect that employees will protect and care for all equipment and supplies issued to them. All employees are responsible for the cost of lost, stolen, or broken items issued to them including: keys, cell phones, textbooks and teacher guides, laptops, and any other equipment that may be assigned to them or their classroom. It should also be noted that teachers are responsible for the protection of all desks and furniture in their classroom as well as the room's general appearance and upkeep. The appearance of our school, hallways, and classrooms, greatly influences the opinions of every student, parent, and visitor, and affects the behavior of our students. Employees should make an effort to stop and pick up that small piece of paper on the floor and straighten the row of chairs. This will not only help to keep our facility one in which we can all take pride, but will also model the behavior we expect from our students.

#### **406.8 ~ FUNDRAISING FOR UCA**

In order to foster an environment that is focused on learning and student growth, UCA will only raise funds for purposes directly related to school improvement, school community development or learning enhancement. In order to streamline this process, UCA has created a subgroup of the Finance Committee specifically focused on fundraising with clearly outlined parameters and guidelines.

**Approval:** All fundraisers must be approved by either the school administration or the Board of Directors prior to implementation.

**Purposes of Fundraising:** The following are acceptable fundraising purposes:

- Fundraisers where proceeds go towards enhancing UCA facilities or other budget needs.
- Fundraisers where proceeds reduce field trip costs or other student costs as they pertain to educational opportunities.
- Fundraisers for charities or causes will only be conducted if there is a direct tie to a school service project in which UCA students are involved.

**Restrictions:**

- UCA marketing must be in compliance with the Community Partnership Plan
- Students and parents are prohibited from soliciting UCA staff and other families on school property.
- Students and staff will not be required to participate in selling any type of product in connection with school-approved fundraisers. All involvement in such selling activities by students and staff is voluntary (e.g. book fair, selling of UCA spirit ware, student artwork etc...)

#### **Donors Choose and Internet/Social Media/Crowdsourcing Policy**

All fundraising, grants and monies intended to be raised for UCA, or any classroom, activity, athletics or club or project, through organizations such as Donors Choose or any like organizations or other internet/social media/crowdsourcing must be pre-approved by either the School Administration or Board of Directors. If the project is for technology or equipment, the technology will remain with UCA if and when the teacher leaves. If the project is for items that are not considered technology or equipment, the teacher may request approval prior to submitting the project for the items to go with him/her if they leave UCA to work at another public school.



#### 406.8 ~ CONTINUING EDUCATION

Each professional educator's license holder is responsible for obtaining and satisfying the criteria for their license renewal through the North Carolina Department of Public Instruction (DPI). Each professional educator will maintain their own file of any continuing education credits and certificates and will provide copies to the Academic Director. Copies provided to the school are for UCA audit purposes only. Only the professional educator's self-maintained files are to be used for renewals and licensure changes. All licensure information will be completed electronically via DPI's licensure website by the professional educator by creating and logging into their own account.

- NCDPI Online Licensure System

#### 406.9 ~ LESSON PLANS

An essential quality for effective teaching is preparation. Great teachers prepare in advance. Our expectation here at UCA is that teachers prepare lesson plans at least 5 days in advance. The expectation has a two-fold purpose. First, it provides a destination for the teacher far enough in advance for plans to be modified should a lesson take longer than planned. Next, it provides the principal, building administrator, and the teacher leader a snapshot of the week to come so that observations, walk-throughs, and curriculum clips can be scheduled to see effective lessons taught.

As far as lesson plan templates go, we want to empower teachers to use the format that fits their style of teaching the best. However, we do require that teachers have certain components within their lesson plans. Lesson Plan Characteristics are listed below.

1. **Common Lesson Plans:** At UCA we will maximize learning by having a common lesson plan framework. The lesson framework integrates content expectations with specific strategies for how students will learn the content successfully. This kind of lesson framework ensures teachers are intentional about their planning and instruction. All teachers are required to submit detailed lesson plans by the times set forth by their Principals .
2. **Standards Driven:** At UCA we will focus on planning lessons from standards. Teachers identify learning goals to ensure that every lesson is standards driven. The lesson plan uses the goals to establish the distribution of instruction, summarizing, practice, and formative assessments throughout lessons.
  - Learning Goals for this Lesson
  - Standards
  - Students Will Know
  - Students Will Be Able To
  - Lesson Essential Question
3. **Focus on Learning Strategies and Content:** Maximum learning occurs when teachers purposefully plan specific learning strategies and practices, and intentionally connect them in all lessons. The top five Learning Strategies are ranked by effectiveness:
  - A. Higher Order Thinking
  - B. Summarizing
  - C. Vocabulary in Context
  - D. Advance Organizers
  - E. Non-Verbal Representations



4. **Collaborative Planning:** Using this planning framework school-wide promotes collaborative planning and reflection that puts the school-wide focus on effective teaching and accelerating learning for all students.
5. **Plan in Advance:** By planning in advance, exemplary schools are able to provide support for students prior to the lesson to support their success in the lesson.
6. **Environmental Literacy:** As a part of our mission and vision here at UCA, environmental literacy is incorporated into lessons to enhance our awareness of our ecological impact.

#### 406.10 ~ PEER OBSERVATION

UCA has an abundance of talented teachers whose strengths lie in a variety of areas. It is important for teachers to observe other teachers within the same school. Collaboration makes us all better and promotes the pedagogical capacity of the UCA. Below are some examples of opportunities for teachers to observe each other. This will be a requirement and for the most part can be accomplished during planning periods throughout the semester.

**Curriculum Clips:** During their planning, a teacher observes another teacher for 15-20 minutes.

**Walk-Throughs:** Teachers with a common planning meet to discuss an area of observation (classroom management, etc.) or a learning strategy, (Graphic Organizers, etc.). They meet beforehand to discuss what they will be observing, (What does it look like? etc.). They observe at least two teachers, then come back together to share their findings and discuss what they have learned from the experience.

**Vertical Learning Experience:** Teachers observe colleagues within a different grade span such as high school teachers observing middle school teachers and vice versa. This is done to better support vertical alignment within UCA. A sub or coverage will be provided to cover the observer's class.

**Formal Observation:** Teachers will be scheduled to formally observe their peers. The observation will be scheduled in advance and a post observation meeting will be conducted between the teacher and the observer.

#### 406.11 ~ PARENT CONTACT LOG

Another essential attribute that great teachers possess is communication. It is necessary that teachers communicate and build rapport with parents/guardians of the students we serve. Communication with parents/guardians can help when students are not performing to their potential or are engaging in inappropriate behavior. It is important to understand that positive communication about students is just as important. Communication can be, but is not limited to phone calls, emails, conferences, etc. with the intent of using multiple forms of communication when needed. For example, don't just use email as the only form of contact. If the situation is serious, schedule a conference or pick up the phone and call. Teachers will be responsible for contacting 10 parents/guardians per week. Google Doc will be provided to log these contacts.

#### 406.12 ~ EMPLOYEE MISCONDUCT

Employees are expected to observe the highest standards of excellence in their job performance and conduct. Any employee whose performance or conduct falls below this standard may be subject to discipline, up to and including termination. In addition, professional employees shall comply with the Code of Ethics for North Carolina Educators adopted by the State Board of Education.



Misconduct that may result in disciplinary action includes, but is not limited to:

1. Failure to meet performance standards;
2. Inability or failure to appropriately provide instruction to students;
3. Dishonesty;
4. Falsifying, tampering, or concealing information on an employment record (including a resume or time sheet) or other UCA record;
5. Willfully, maliciously or negligently making false statements regarding any co-worker or UCA, making threats or using abusive or otherwise inappropriate language toward fellow employees, students, parents, or visitors;
6. Theft or the deliberate or careless damage or destruction of UCA property, or the property of UCA's employees, students or anyone on UCA property; or unauthorized removal of UCA property, records, or documents;
7. Unauthorized use, possession, alteration or transfer of UCA supplies or resources;
8. Refusal/failure to comply with any federal or state regulation or law; refusal/failure to comply with any UCA rule, policy or procedure, including but not limited to safety, health, and security policies and rules, UCA's Policy Against Harassment, UCA's Policy Concerning Violence In The Workplace and UCA's Substance-Free Workplace Policy;
9. Failure to obtain or adequately maintain proper certifications and/or licenses;
10. Behavior, conduct or inaction leading to the endangerment or harm of a child or children, whether physical, emotional, or mental; behavior, conduct or inaction which could have led to the endangerment or harm of a child or children, whether physical, emotional, or mental;
11. Excessive absenteeism or tardiness, unreliable attendance or punctuality;
12. Misrepresentation of information in connection with any leave of absence from work or application for or use of UCA benefits;
13. Knowingly permitting unauthorized persons to be in school facilities or on school property;
14. Failure to return to work upon expiration of authorized leave;
15. Engaging in any type of criminal conduct;
16. Any act or acts which cause UCA to be unable to invest the amount of trust or confidence required to continue employment;
17. Insubordination;
18. Immorality;
19. Neglect of duty;
20. Physical or mental incapacity;
21. Any violation of state or federal law, excluding minor traffic offenses;
22. Failure to comply with school rules, policies, and procedures; or
23. Breach of employment or other negotiated agreements, oral and written.
24. Any violation of state or federal law;
25. Any conduct which endangers or threatens the health, safety or welfare of any student, employee or other person;
26. Release of confidential information without authorization;
27. Violation of the Smoking, Alcohol and Drug-Free Workplace Policies;
28. Fighting;
29. Providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry;
30. Any cause that constitutes grounds for the revocation of an employee's teaching or school administrator license;



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31. Failure to maintain one's license or certifications in current status; and
32. Three or more days of consecutive, unauthorized absences.

### **406.13 ~ DISCIPLINARY ACTION**

When allegations of employee misconduct arise, the Superintendent will investigate the allegations and will confer with the employee in question. The school reserves the right to have other employees with knowledge of the matter also be present at the conference and to have another UCA supervisory employee present. If the Superintendent concludes that misconduct occurred, he or she may discipline the employee. Discipline may include verbal counseling, a written warning, a formal discipline letter, a performance improvement plan or termination. There is no requirement that the Superintendent engage in progressive discipline prior to termination of employment. The Superintendent is authorized to immediately terminate an employee, regardless of whether the employee has been previously disciplined. UCA also reserves the right to place employees on paid or unpaid leave during an investigation into alleged misconduct.

#### **406.13.1 ~ DISCIPLINARY ACTION - POOR PERFORMANCE**

In the case of poor job performance, employees will have documented meetings with their immediate supervisor and may be placed on a modified or action plan to allow for improvement. If job performance continues to be unsatisfactory, the supervisor will recommend non-renewal of their contract. If job performance does improve, the immediate supervisor can revise or remove modified/action plan status with the employee and notify HR of the change.

### **406.14 ~ VOLUNTARY TERMINATION**

UCA will consider employees to have voluntarily terminated their employment if they resign from UCA; fail to return from an approved leave of absence on the specified date without contacting the Superintendent; or fail to report to work for three (3) or more consecutive workdays without contacting the Superintendent.

### **406.15 ~ ADVANCE NOTICE OF RESIGNATION**

Employees planning to resign from their positions must provide written notice of resignation to their direct supervisors at least two (2) weeks in advance of their anticipated departure date (non-certified). Teachers and school staff should notify their Superintendent as soon as possible, ideally at least 30 days before departure (certified). Supervisors must notify the Superintendent immediately if any employee resigns.

### **406.16 ~ RETURN OF PROPERTY AFTER EMPLOYEE TERMINATION**

Upon termination of employment from UCA, the employee must return all supplies, keys, technology equipment, phones, student and family information, and any other property belonging to UCA. The Director of Operations will provide the terminated employee with information regarding any conversion or continuation of rights to UCA benefits as well as documentation explaining the employee's and his or her dependents' rights to continue group medical benefits under COBRA.





#### **406.17 ~ EMPLOYMENT REFERENCE, VERIFICATION AND INQUIRIES**

All references, inquiries, or verifications of employment regarding any current or former employee of the School shall be directed to the School's Superintendent or the Superintendent's designee. No individual employee is authorized to provide reference or answer such inquiries unless approved to do so by the School's Superintendent or the Board of Directors. This includes but is not limited to inquiries and verifications pertaining to employee compensation, terms of service or position. It is the School's policy to provide only the following reference for any current or former employee: dates of employment, position, salary, and whether the individual would be rehired.

#### **406.18 ~ PERSONAL INFORMATION**

It is important that the personal data of all employees and staff, such as address, emergency contacts, telephone numbers, name changes, number of dependents, beneficiaries, and tax withholding information be kept accurate and up to date. Each employee is requested to report any changes to the Director of Operations or Director of Resources as soon as possible. UCA will not release an employee's personal data to anyone who is not employed by UCA or to any outside agency unless specifically authorized by the employee or the disclosure is required by law.

#### **406.19 ~ NON-TITLE IX DISCRIMINATION, HARASSMENT, AND BULLYING**

The UCA takes seriously all complaints of discrimination, harassment, and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against unlawfully, bullied, or harassed in violation of the UCA's Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment, or bullying also should report such violations in the manner provided in this policy. Reports may be made anonymously. This policy does not apply where an individual seeks to assert allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA, such allegations may be raised through the procedures governing such matters. This Policy also does not apply to Title IX complaints, behavior falling within Title IX or Title VII complaints. Please refer to the UCA's policies for Title IX and VII matters.

##### **A. Reporting by Employees or Other Third Parties**

###### **1. Mandatory Reporting by UCA Employees**

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed, or bullied in violation of UCA Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy must report the offense immediately to an appropriate individual designated in subsection B.1., below. An employee who does not promptly report possible discrimination, harassment, or bullying shall be subject to disciplinary action.

###### **2. Reporting by Other Third Parties**





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All members of the UCA community including students, parents, volunteers, and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment, or bullying.

### 3. Anonymous Reporting

Reports of discrimination, harassment, or bullying may be made anonymously, but formal disciplinary action may not be taken solely on the basis of an anonymous report.

### 4. Investigation of Reports

Reports of discrimination, harassment, or bullying under this policy will be investigated sufficiently to determine whether further action under this policy or otherwise is necessary, and UCA officials shall take such action as appropriate under the circumstances. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

## **B. Complaints Brought by Alleged Victims of Discrimination, Harassment, or Bullying**

### 1. Filing a Complaint

Any individual who believes that he or she has been discriminated against, harassed, or bullied in violation of the UCA's Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy is strongly encouraged to file a complaint orally or in writing to the following individuals as applicable:

- a. the UCA counselor, teacher, Principal of students, Superintendent or assistant Superintendent of the UCA for any claim of discrimination, harassment or bullying, including Title VI complaints;
- d. the Title IX coordinator for claims of sex discrimination or sexual harassment;
- c. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or
- d. any member of the Board if the alleged perpetrator is the Superintendent.

### 2. Time Period for Filing a Complaint

A complaint should be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated at the discretion of UCA officials and outside the formal process described in Section C of this policy; however, individuals should recognize that delays in reporting may significantly impair the ability of UCA officials to investigate and respond to such complaints.



### 3. Informal Resolution

The UCA acknowledges that many complaints may be addressed informally through such methods as conferences or mediation. The UCA encourages the use of informal procedures such as mediation to the extent possible; however, mediation or other informal procedures will not be used to resolve complaints alleging sexual assault or sexual violence or complaints by a student of sexual harassment perpetrated by an employee. Informal procedures may be used only if the parties involved voluntarily agree. Any informal process should be completed within a reasonable period of time, not to exceed 30 days unless special circumstances necessitate more time.

## **C. Process for Addressing Complaints of Alleged Incidents of Discrimination, Harassment, or Bullying**

### 1. Initiating the Investigation

- a. Whoever receives a complaint of discrimination, harassment, or bullying pursuant to subsection B.1. shall immediately notify the Superintendent who shall designate an individual to conduct an investigation and respond to the complaint, such individual may be a UCA employee or outside consultant.
- b. As applicable, the investigator shall immediately notify the Title IX , or other relevant coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
- c. The investigator shall explain the process of the investigation to the complainant and the alleged perpetrator.
- d. Written documentation of all formal reports and complaints, as well as the UCA system's response, must be maintained in accordance with the UCA's Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy.
- e. Failure to report, investigate, and/or address claims of discrimination, harassment, or bullying may result in disciplinary action.

### 2. Conducting the Investigation

- a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of the Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); (3) individuals identified as witnesses by the complainant or alleged perpetrator(s); and (4) any other individuals, including other possible victims, deemed likely to have relevant information. The alleged perpetrator shall be notified of the general nature of the allegations. The investigation will include a review of all evidence presented by the complainant and/or alleged perpetrator.



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If the investigator, after receipt of the complaint, an interview with the complainant, and consultation with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination, harassment, or bullying as defined in UCA's Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy, the matter will be treated outside the scope of this policy. Information regarding the investigator's determination and the process for addressing the complaint will be provided to the complainant.

- b. The complaint and investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant for further confidentiality will be evaluated within the context of the legal responsibilities of the UCA system.
- c. The investigator shall review the factual information gathered through the investigation to determine whether, based on a preponderance of the evidence, the alleged conduct constitutes discrimination, harassment, or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age, and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

### 3. Notice to Complainant and Alleged Perpetrator

- a. The investigator shall provide written notification to the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
  - 1) reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment, or bullying, and prevent it from recurring;
  - 2) as needed, reasonable steps to address the effects of the discrimination, harassment, or bullying on the complainant; and
  - 3) as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- b. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).
- c. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as set forth in UCA policy. If the corrective steps involve actions outside the scope of the investigator's authority, the Superintendent or designee will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.



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- d. The alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or UCA policies by his or her actions, and what, if any, disciplinary actions or consequences may be imposed upon the perpetrator in accordance with UCA policy. The perpetrator may appeal any disciplinary action or consequence in accordance with any UCA's policy governing disciplinary action. However, an appeal by the perpetrator of disciplinary action does not preclude UCA officials from taking appropriate action to address the discrimination, harassment, or bullying.

### **4. Appeal**

- a. If the complainant is dissatisfied with the results of the investigation, he or she may appeal the decision to the Superintendent. The appeal must be submitted in writing within ten days of receiving the notice of the results of the investigation. The appeal must state with particularity whether the complainant is appealing (1) the investigator's determination of whether the alleged conduct constitutes discrimination, harassment, or bullying in violation of the UCA's Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy, or (2) the UCA's response to any violation, including the appropriateness of any remedial measures taken by the UCA. If the complainant is appealing pursuant to option (2), he or she must state what additional measures the complainant believes should have been taken by the UCA. The Superintendent or designee may review the documents, conduct any further investigation necessary, or take any other steps the Superintendent or designee determines to be appropriate in order to respond to the complaint. The Superintendent or designee shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed. The Superintendent's decision is final.
- b. If the alleged perpetrator is the Superintendent or the Superintendent declines to hear the appeal and refers it to the Board of Directors, the complainant may appeal the decision in writing within ten days of receipt directly to the Board of Directors. The appeal must state with particularity whether the complainant is appealing the Superintendent's decision with regard to (1) the investigator's determination of whether the alleged conduct constitutes discrimination, harassment, or bullying in violation of UCA's Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy, or (2) the UCA's response to any violation, including the appropriateness of any remedial measures taken by the UCA. If the complainant is appealing pursuant to option (2), he or she must state what additional measures the complainant believes the UCA should have taken. Upon receipt of the appeal, the Board Chair shall appoint a panel of not less than two members of the Board to hear and decide the appeal. The panel shall make reasonable efforts to meet and consider the appeal within twenty days after the chairperson refers the grievance to the panel. The panel shall review the complaint on the record unless it determines that additional information may be presented. No new evidence, written or verbal, may be presented without the prior knowledge and consent of both parties. At the Board Panel's discretion, they may hold a hearing and ask each party to make a brief oral presentation of no more than twenty minutes to summarize his or her position. The panel has the authority to ask questions, extend time limits, exclude extraneous or duplicative information, and otherwise maintain an efficient and fair appeal hearing. If a hearing is held, it will be recorded and shall be held in closed session. The Board panel may affirm, reverse or modify the decision. The Board panel shall



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use the preponderance of the evidence standard in reaching its decision. The Board panel will provide a final written decision within twenty days after the Board hearing unless the panel determines that additional time is needed for further review. The decision of the Board panel shall be final.

### **D. Timeliness of Process**

If any UCA official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay. The UCA official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that interfere with the exercise of any legal rights are not permitted.

Failure by the complainant at any step in the process to appeal to the next step within the specified time or to attend a scheduled meeting or hearing under this policy will be considered acceptance of the results of the investigation and the UCA's response to the complaint, unless the complainant provided notice of the delay and the reason for the delay and the UCA consented in writing to the delay.

### **E. General Requirements**

1. No reprisals or retaliation of any kind will be taken by the Board or by any UCA employee against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy. Disciplinary or other action may be taken against the complainant or other individual if the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The complainant may be represented by an advocate, such as an attorney, at any meeting with the UCA under this policy. Should the complainant choose to be represented by an attorney, an attorney for the UCA may also be present.
4. Nothing in this policy shall prevent the Superintendent or Board from suspending the alleged perpetrator without pay during the course of the investigation or taking any other action deemed appropriate where the alleged perpetrator is an employee.

### **F. Records**

Records will be maintained as required by UCA's Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy.



#### **406.20 ~ TITLE IX POLICY**

Title IX provides that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

It is the policy of UCA that students should not be subjected to forms of unlawful discrimination or harassment, while at school or school-sponsored activities. Furthermore, the policy’s intent is to address the issue in a proactive manner through the establishment of a system for educating students and staff at the School regarding the identification, prevention, intervention, and reporting of such antisocial acts. UCA acknowledges the dignity and worth of all students and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. UCA strives to model an inclusive environment and prohibits discrimination and harassment on the basis of gender or sex, including sexual orientation and LGBTQ+ identification. UCA will not tolerate any form of unlawful discrimination or harassment in any of its educational or employment activities or programs based on such protected classifications.

### **A. PROHIBITED BEHAVIORS AND CONSEQUENCES**

#### **1. Discrimination or Harassment**

Students, employees, contractors, volunteers and visitors are expected to behave in a civil and respectful manner. In accordance with Title IX, UCA expressly prohibits discrimination or harassment, based on sex or gender and prohibits sexual harassment (including sexual violence) and gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome conduct on the basis of sex, requests for sexual favors in exchange for benefits (quid pro quo), and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. In accordance with Title IX, UCA also prohibits gender-based harassment, which is unwelcome conduct based on a student’s sex, harassing conduct based on a student’s failure to conform to sex stereotypes.

Sex-based harassment can be carried out by school employees, other students, and third parties. All students can experience sex-based harassment, including male and female students, LGBTQ+ students, students with disabilities, and students of different races, national origins, and ages. Title IX protects all students from sex-based harassment, regardless of the sex of the parties, including when they are members of the same sex.

#### **2. Retaliation**

UCA prohibits intimidation, threats, coercion, or discrimination 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, proceeding, or hearing under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination,

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or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. As such, UCA prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of reported violations of this policy. After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable laws, policies, and regulations, the Head of School or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under Title IX does not constitute retaliation prohibited under this policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **B. APPLICATION OF POLICY**

This policy prohibits unlawful discrimination or harassment by students, employees, volunteers, contractors, and visitors. This policy is intended to apply to student's vis a via other students, faculty, staff, volunteers/visitors, or contractors. This policy also applies to employees, volunteers/visitors, and contractors. This policy applies to behavior that takes place within UCA's "education program or activity," which includes, but is not necessarily limited to, behavior:

1. in any school building or on any school premises before, during or after school hours;
2. on any bus or other vehicle as part of any school activity;
3. at any bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. at any time or place when the individual is subject to the oversight and authority of school personnel;
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in UCAs; and
7. while using school or personal electronic communications, including employee and student emails, text messaging, instant messaging, chat rooms, blogging, websites and social networking websites (i.e., Snapchat or Instagram).

## **C. DEFINITIONS**

For purposes of this policy ONLY, the following definitions apply:

### 1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on the basis of gender or sex (including transgender and LGBTQ+ identification). Discrimination may be intentional or unintentional.



## 2. Harassment

Prohibited harassment, including sexual harassment, under this policy means conduct on the basis of sex/gender that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo)
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 an education program, employment, or activity (i.e., hostile environment)
3. Sexual assault (as defined by Clery Act), or "dating violence," "domestic violence" and "stalking" (as defined by Violence Against Women Act).

For purposes of this policy, "hostile environment" means that the harassment is objectively severe and pervasive enough that a reasonable person would agree that it is harassment and must be based on sex or gender. A hostile environment may be created through pervasive or persistent misbehavior if sufficiently severe.

Examples of behavior that may constitute harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment. Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

Examples of sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, sexual violence, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal, or physical aggression, as well as intimidation or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, as well as intimidation or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

## 3. Conduct Not Covered by This Policy

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Conduct that does not meet the definitions set forth above in this Title IX Policy are not subject to UCA's Title IX Policy or any reporting/grievance procedures that govern Title IX matters. However, such conduct may still constitute a violation of other School policy, including UCA's Code of Conduct, non-discrimination policy, and bullying policy. Please refer to and follow those policies for such conduct.

### **TO REPORT A VIOLATION OF THIS POLICY: PLEASE REFER TO UCA'S TITLE IX REPORTING AND GRIEVANCE POLICY.**

This Policy as it pertains to Title IX shall remain in effect to the extent required by law.

#### **406.21 ~ TITLE IX REPORTING AND GRIEVANCE POLICY**

This Policy sets forth UCA's Notice, Reporting and Grievance policy for Title IX matters and should be read in conjunction with UCA's Title IX policy. This Policy only pertains to Title IX and alleged violations of Title IX. It does not apply to any other type of discrimination, harassment or bullying. Please refer to UCA's other policies, including Non-Discrimination and Harassment Policy, and student conduct policies when Title IX does not apply.

UCA's Title IX Coordinator is: Ms. Michelle Barfield [michelle\\_barfield@uwharriecharter.org](mailto:michelle_barfield@uwharriecharter.org)

### **1. TRAINING AND PROGRAMS**

The designated Title IX Coordinator shall establish training and other programs that are designed to help eliminate unlawful discrimination or harassment and foster an environment of understanding and respect for all members of UCA community. Information about this policy and the related complaint procedure must be included in the training plan. The training or programs should:

- (1) provide examples of behavior that constitutes unlawful discrimination or harassment;
- (2) teach employees to identify groups that may be the target of unlawful discrimination, or harassment; and
- (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones and on the Internet.

In addition, training of Title IX personnel, including the Title IX Coordinator, Investigator(s) and Decision-maker(s), must include training:

1. On the definition of the definitions of prohibited conduct, including sexual harassment;
  1. The scope of UCA's education program or activity;
  2. How to conduct an investigation;
  3. The grievance process including appeals, and informal resolution processes;
  4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
  5. Relevance, including how to apply the rape shield protections provided only for complainants.
- Moreover, training for Title IX personnel, including the Coordinator, Investigator(s), Decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must

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promote impartial investigations and adjudications of sexual harassment. UCA will post materials used to train Title IX personnel on their websites for a minimum of seven (7) years after posted, if any, or make materials available for members of the public to inspect.

## **2. NOTICE**

The designated Title IX Coordinator is responsible for providing effective notice to job applicants, student applicants, students, parents, and employees of the procedures for reporting and investigating complaints of unlawful sex/gender discrimination and harassment. This policy will be posted on UCA's website, and copies of the policy are available at the front office. Notice of this policy will appear in all job applicant information, admissions information, student and employee handbooks, and in any School publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

## **3. TITLE IX COORDINATOR**

The Title IX Coordinator is responsible for monitoring the overall implementation of Title IX for UCA and coordinating the institution's compliance with Title IX in all areas covered by the implementing regulations. The major responsibility is the prevention of sexual harassment and discrimination. Other major monitoring duties include, but are not limited to, the following recruitment and admissions, educational programs and activities, hiring and employment. Other areas of consideration include:

- Participating in the development and implementation of UCA's sexual harassment policy.
- Assisting faculty, counselors and administrators in complying with Title IX, and when a need arises, planning remedial actions.
- Making your presence known in the community by disseminating civil rights information or by speaking at parent-teacher group meetings, social or professional organization meetings, and other community functions.
- Serving as a resource on Title IX/gender issues.
- Monitoring and evaluating UCA's Title IX compliance efforts and making recommendations for any appropriate changes.
- Providing updated information to schools on Title IX implementation and issues.
- Identifying and disseminating information about Title IX educational resources (organizations, individuals, print, internet, and audio-visual)

## **4. EVALUATION**

The Head of School or designee shall evaluate the effectiveness of efforts to correct or prevent unlawful sex/gender discrimination and harassment and shall share these evaluations periodically with UCA's Board.

## **5. CONFIDENTIALITY**

The recipient, whether a School employee, staff member, contractor, or the Title IX Coordinator, 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

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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 the FERPA or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the Title IX grievance procedures.

The Title IX Coordinator shall maintain confidential records of complaints or reports of unlawful discrimination or harassment. The records will identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The Title IX Coordinator also shall maintain records of training conducted and corrective action(s) or other steps taken by UCA to provide an environment free of unlawful discrimination or harassment. The Head of School shall report to the Board all verified cases of unlawful discrimination or harassment under UCA's Title IX Policy.

## **6. REPORTING TITLE IX VIOLATIONS**

1. For Students:
  - a. To report discrimination, harassment, and sexual harassment/misconduct based on sex/gender, students or their parents should contact a trusted teacher or advisor, grade-level Principal, Head of School and/or Title IX coordinator immediately and file a complaint.
  - b. Employees are required to report any actual or suspected violations of this policy. When anyone reports harassment and/or discrimination to a school employee, that employee shall notify the Title IX Coordinator, grade-level Principal, or Head of School, as soon as possible and within 24 hours.
  - c. If the Head of School is involved in the allegation, then another administrator will immediately inform the Chair of the Board of Directors.
2. For Employees: for discrimination, harassment, and sexual harassment complaints based on sex/gender, employees should contact the Title IX coordinator immediately and follow UCA's harassment and discrimination policy as well as its Title IX Reporting and Grievance policy.
3. Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination or harassment based on sex/gender under this policy. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.
4. 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 e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
5. Reporting may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.



## **G. DEFINITIONS**

As used in this and all other Title IX related policies, the following definitions shall apply.

1. "Complainant" is as an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This means that any third party as well as the complainant may report sexual harassment. While parents and guardians do not become complainants (or respondents), parents and guardians have a right to act on behalf of parties (including by filing formal complaints) in Title IX matters.
2. "Respondent" is as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
3. "Formal complaint" is as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that UCA investigate the allegation of sexual harassment and state that at the time of filing a formal complaint, a complainant was participating in or attempting to participate in the education program or activity of UCA with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by UCA.
4. "Document filed by a complainant" means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by UCA) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process, and must comply with requirements for Title IX personnel to be free from conflicts and bias.
5. "Supportive measures" are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. UCA's selection of supportive measures and remedies shall be based on what is not clearly unreasonable in light of the known circumstances.

## **H. MANDATORY RESPONSE AND PROCEDURAL OBLIGATIONS**

UCA is required to respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment or allegations relevant to mandatory reporting laws in North Carolina. Notice to the Title IX Coordinator or to any School employee, board member, or official with authority to institute corrective measures on UCA's behalf, charges UCA with actual knowledge and triggers UCA's response obligations under Title IX.

UCA will respond promptly to Title IX sexual harassment or discrimination in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances. UCA shall also comply with the following mandates:

1. UCA will offer supportive measures to the person alleged to be the victim (referred to as the "complainant").





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2. The Title IX Coordinator will promptly contact the complainant confidentially 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.
3. UCA will follow the grievance process set forth herein before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
4. UCA will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.
5. UCA will investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.
6. A complainant's wishes with respect to whether UCA investigates should be respected unless UCA determines that not pursuing an investigation would be deliberately indifferent (or that pursuing an investigation is necessary for community safety or similar reasons), in which case the Title IX Coordinator may sign complaint even if the complainant does not file a formal complaint (doing so will not be viewed as adversarial toward the respondent).
7. If the allegations in a formal complaint do not meet the definition of sexual harassment as defined in UCA's Title IX policy, or the alleged conduct did not occur in UCA's education program or activity, against a person in the United States, UCA must dismiss such allegations for purposes of Title IX. However, UCA may still address the allegations in any manner UCA deems appropriate under UCA's code of conduct or other policies.
8. Treat complainants equitably by providing remedies any time a respondent is found responsible, and treat respondents equitably by not imposing disciplinary sanctions without following the grievance process set forth herein.
9. Remedies, which are required to be provided to a complainant when a respondent is found responsible, must be designed to maintain the complainant's equal access to education and may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
10. All Title IX personnel (Title IX Coordinators, investigators, decision-makers, people who facilitate any informal resolution process) shall be free from conflicts of interest or bias for or against complainants or respondents.
11. There is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
12. UCA's grievance process shall not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
13. Any provisions, rules, or practices that a school adopts as part of its grievance process for handling formal complaints of sexual harassment must apply equally to both parties (complainant and respondent).
14. The standard of evidence to determine responsibility is the preponderance of the evidence standard for all formal complaints of sexual harassment, whether the respondent is a student or an employee (including faculty member).



## **I. SUPPORTIVE MEASURES, REMEDIES AND DISCIPLINARY SANCTIONS**

Supportive measures include: services, accommodations, and/or other assistance that UCA puts in place for a complainant after receiving notice of alleged sexual misconduct but before any final outcomes – investigatory, disciplinary, or remedial – have been determined. UCA wants students and employees to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational opportunities. We also want students and employees to understand their reporting options and how to access available interim measures.

Upon receiving a report of sexual harassment, UCA will provide the complainant, or their advocate, with a written explanation of the interim measures available at School and through local community resources [insert name of local resources] and shall ask complainants, or their advocates, what measures are sought. Some possible interim measures are listed below, and UCA determines which measures are appropriate for a particular complainant on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep victims safe and ensure their equal access to educational programs and activities. If the complainant or advocate identifies an interim measure that is not already provided by UCA, UCA will consider whether the request can be granted. In those instances where interim measures affect both a complainant and the respondent, UCA will minimize the burden on the complainant wherever appropriate while ensuring that the measures are non-disciplinary and non-punitive prior to reaching a determination regarding responsibility.

A complainant or their advocate may request the interim measures listed below. UCA – after consulting with the complainant and/or their advocate – will determine which measures are appropriate to ensure the complainant's safety and equal access to educational programs and activities:

- Academic accommodations, including change in classes, testing, or assignments;
- Medical and mental health services, including counseling;
- Modifications to extracurricular activities, field trips or on or off-campus activities;
- A “no contact” directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another;
- Providing an escort to ensure that the student can move safely between school programs and activities;
- Transportation accommodations; and
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services.

### Remedies Include:

Depending on the specific nature of the problem, remedies for the complainant may include, but are not limited to:

- Providing an effective escort to ensure that the complainant can move safely between classes and activities;
- Ensuring the complainant and perpetrator do not share classes or extracurricular activities;



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- Moving the perpetrator or complainant (if the complainant requests to be moved) to a different residence hall or, in the case of an elementary or secondary school student, to another school within the district;
- Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;
- Arranging for the complainant to have extra time to complete or retake a class or withdraw from a class without an academic or financial penalty; and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined.

When a respondent is found responsible for sexual harassment, UCA will offer all remedies needed to eliminate the harm to the complainant and UCA community and prevent the recurrence of sexual harassment. Simply sanctioning a respondent found responsible, in some cases, may be insufficient to eliminate a hostile environment. Rather, in addition to sanctions, UCA may consider offering appropriate remedies for the broader student/staff population after the final outcome, including the following:

- Training or retraining school employees on UCA's responsibilities to address allegations of sexual violence and how to conduct Title IX investigations;
- Developing materials on sexual harassment, which should be distributed to all staff and students;
- Conducting bystander intervention and sexual harassment prevention programs with students and/or staff;
- Issuing policy statements or taking other steps that clearly communicate that UCA does not tolerate sexual harassment and will respond to any incidents and to any student who reports such incidents;
- Conducting, in conjunction with student leaders, a School climate check to assess the effectiveness of efforts to ensure that UCA is free from sexual violence, and using that information to inform future proactive steps that UCA will take;
- Targeted training for a group of students if, for example, the sexual harassment created a hostile environment (i.e., on an athletic team);
- When a school is unable to conduct a full investigation into a particular incident (i.e., when it received a general report of sexual violence without any personally identifying information), it should consider remedies for the broader student population in response.

### Disciplinary sanctions include:

- For Students found responsible: verbal warning, written warning, interim suspension, restitution, suspension, required participation in appropriate training, counseling, required completion of a probationary period without additional infractions, or requiring the respondent to stay away from the complainant for a period of time.
- For Employees found responsible: sanctions for violations of Title IX vary depending on severity from formal written warning to dismissal.



## **J. INVESTIGATIONS**

UCA shall investigate the allegations in any formal complaint and send written notice to both parties (complainants and respondents) of the allegations upon receipt of a formal complaint.

UCA, through the Title IX Coordinator or other authorized School official, shall designate an impartial individual to serve as the Investigator and conduct an investigation. The Investigator may be the Title IX Coordinator. However, the Investigator shall not be someone with a conflict of interest or bias. UCA may choose an outside investigator, School employee or contractor to conduct the investigation. During the grievance process and when investigating, the Investigator shall comply with the following:

1. The burden of gathering evidence and the burden of proof must remain on UCA, not on the parties.
2. UCA must provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
3. UCA must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag orders").
4. Parties must have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
5. UCA shall send a written notice to the parties (complainant and respondent) of any investigative interviews, meetings, or hearings.
6. UCA shall send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
7. UCA shall send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
8. UCA shall dismiss allegations of conduct that do not meet the definition of sexual harassment set forth in UCA's Title IX policy or did not occur in a school's education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude UCA from addressing the conduct in any manner UCA deems appropriate.
9. UCA may, in its discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by UCA, or if specific circumstances prevent UCA from gathering sufficient evidence to reach a determination.
10. UCA shall give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
11. UCA may, in its discretion, consolidate formal complaints where the allegations arise out of the same facts.
12. UCA shall protect the privacy of a party's medical, psychological, and similar treatment records and shall not access or use such records unless UCA obtains the party's voluntary, written consent to do so.



## **K. DECISION-MAKER**

UCA, through the Title IX Coordinator or other authorized School official, shall designate a Decision-maker with regard to a Title IX complaint. The Decision-maker shall not be the Title IX Coordinator or Investigator, and shall not be someone with a conflict of interest or bias. The Decision-maker shall comply with the following rules:

1. Start with the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
2. All Complainants are afforded rape shield protections, deeming questions and evidence about a complainant's prior sexual behavior irrelevant, unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.
3. Use the preponderance of the evidence standard in reaching her/his decision.
4. Require objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
5. After sending the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.
6. Issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
7. The written determination must be sent simultaneously to the parties along with information about how to file an appeal.

## **L. GRIEVANCE PROCESS**

**Prompt Filing.** The Complainant must file a formal complaint within a reasonable time, ideally within 10 days of the alleged incident. A complaint will not be disallowed solely because of the passage of time. The Title IX coordinator is charged with ensuring that all such complaints are timely, impartially, and appropriately investigated in accordance with applicable law.

**Confidentiality.** Every effort will be made to ensure the confidentiality of the complainant. There may be times where confidentiality may not be possible for UCA to conduct a thorough investigation. There may also be instances where UCA has a legal obligation to report certain information it receives to state or local authorities or to protect the UCA community.

**Timeline.** While the timeframe for completing an investigation into individual complaints may vary depending on the circumstances, the Title IX coordinator will ensure that timeframes are reasonable and endeavor to complete any investigation, including any decision, within sixty (60) days of the filing of a complaint. The timeline may be extended where appropriate at the discretion of UCA. Include reasonably

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prompt time frames for conclusion of the grievance process, including appeals and informal resolutions, with allowance for short-term, good cause delays or extensions of the time frames.

**Investigation.** The Title IX coordinator or other School official shall designate an impartial Investigator to conduct the investigation. The Investigator shall have full authority to investigate, including the authority to interview witnesses. The Investigator shall follow the guidance/mandates set forth above in this policy in conducting the investigation.

**Decision-Maker.** The Decision-maker shall follow the guidance/mandates set forth above in this policy and shall use the preponderance of the evidence standard in reaching her/his decision. The Decision-maker shall timely provide written notice of the outcome of the complaint to the relevant parties.

**Appeal.** Either party may appeal the Decision-maker's decision to the Board of Directors within 14 days after a decision is made or UCA dismisses a formal complaint in a Title IX proceeding, on the following bases:

1. Procedural irregularity that affected the outcome of the matter,
2. Newly discovered evidence that could affect the outcome of the matter, and/or
1. Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

The Board of Directors will appoint a panel of three board members to serve as the impartial review panel. The review will be conducted in accordance with all applicable laws and the panel may, but is not required to, request information directly from the parties. The three-member review panel will make a decision and will provide written notice of the outcome of the appeal to the parties within fourteen (14) school days, unless circumstances require more time.

### **M. INFORMAL RESOLUTION PROCESS FOR STUDENTS**

After a formal Complaint is filed, UCA may, in its discretion, offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. UCA will not require participation in an informal process. And, 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.

UCA does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Any person who facilitates an informal resolution must be well-trained. UCA will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Finally, UCA may not offer an informal resolution process unless a formal complaint is filed.

### **N. POLICY APPLICATION**

This policy shall remain in effect as long as required by law.

#### **406.22 ~ REQUIREMENTS FOR SCHOOL ACTIVITIES**

All Full-time-Exempt salary employees are expected to work at least Two school events/activities, outside of regular school hours each school year. There will be no additional compensation for working these





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events. However, to encourage and support employee participation UCA is recognizing time worked at school events/activities as compensatory time or "comp-time. Compensatory time can only be used towards the following:

- a) Applies to Full-time Exempt Teachers
- b) Non-Instructional time: Friday Afternoon.
- c) Used within a month from worked events/activities

These events may include but are not limited to: Athletic events, Carnivals, STEAM Nights, Performing Arts, Prom, Graduation, etc. All Full-time, Exempt employees will have an opportunity to choose their events in advance, however, UCA reserves the right to assign individuals to an event in the instance of limited coverage or continual non-participation. All school events, such as Athletics and gate duty will be communicated by the UCA Athletics Department. \*Note: All certified Administration and Directors will also be responsible to serve gate duty. Other school activities such as performing arts, prom, graduation, carnivals, STEAM nights, etc. will be communicated by respective school principals. It is the responsibility of the employee to track and record any volunteered event.

In the event that an employee is unable to fulfill event/activity responsibilities a minimum of 48 hours notice is required in order to provide enough time to find a replacement. It is the responsibility of the employee to communicate any changes (switches/replacements) that are over 48 hrs to the Athletics Department and School Principal. Employees who fail to report to self-selected or designated events/ activities will be handled accordingly by their respective school Principal or immediate supervisor.

### **407 ~ OPERATIONS**

#### **407.1 ~ STAFF I.D. BADGES**

UCA requires every staff member to wear their I.D. badge every day. Please make sure you have one at all times. If you don't have one, please see UCA's Principal to order one.

#### **407.2 ~ KEYS, SECURITY CODE, AND INTERCOM SYSTEM**

UCA entrance, classroom, and office keys are issued to employees at the beginning of UCA each year. Employees are responsible for securely maintaining control of assigned keys and not allowing any unapproved individuals access to such keys. **Do not give students your keys for any reason.** If a staff member loses his or her keys, he or she shall pay \$10.00 fee to have it replaced and, if needed, for the cost of adjusting the security system and issuing new keys and cards to others. Employees should alert expected visitors that they will be expected to use the intercom system to enter the building.

#### **407.3 ~ VISITORS**

Only authorized visitors are permitted on UCA's premises. All visitors must report directly to UCA's office for authorization, instructions, and a name badge. Any employee who notices an unauthorized visitor or a visitor not wearing an official name badge should notify his or her supervisor immediately or make such other reports, as appropriate.



#### **407.4 ~ VOLUNTEERS**

The district depends on the generosity of volunteered time. If you know someone who is interested in volunteering at a specific school, please contact the school's office. Reasonable background inquiries and checks are required for all volunteers (interns, student teachers, tutors or similar roles) who may have unsupervised contact with students. It is the responsibility of each school's Principal to ensure all volunteers have a completed volunteer form and completed (passed) Criminal Background Check on file with the Human Resources Department before volunteering. Volunteer forms can be located on the Uwharrie Charter's website under the Human Resources tab. The district's Human Resources Division will review the results and notify the principal and/or volunteer coordinator of the results and recommendations. Individuals who provide false information, may be denied the privilege to volunteer. Approved volunteers expire at the end of each school year. Volunteers who seek to continue volunteering for UCA will have to complete a new Volunteer Form at the beginning of each school year.

All UCA Volunteers are subject to a Criminal History background check that covers the following:

\*Credit Checks will not be performed.

- Comprehensive Criminal Check
- Statewide Criminal Check
- Sex Offender Registry
- Other Criminal Record: SW Security Watch List

#### **407.5 ~ PERSONAL PROPERTY**

UCA does not assume responsibility for any personal property located on its premises. Employees are to use their own discretion when choosing to bring personal property onto school property and do so at their own risk.

#### **407.6 ~ EQUIPMENT INVENTORY**

Teachers are issued laptops at the beginning of the year. It is your responsibility to handle these expensive resources responsibly. Excessive damages will incur repair fees.

Teachers and other employees, if applicable, must submit a completed equipment inventory to an administrator before leaving UCA's premises on the final day of each work year and of the employee's employment.

#### **407.7 ~ MONEY PROCEDURES**

All money collected or received by an employee or agent of UCA will be deposited in accordance with this policy.

Each employee or agent of UCA whose duty it is to collect or receive money will turn into the business office daily. If the money is collected during a time the business department is closed, it is to be turned in immediately the following business day.



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The Chief Finance Officer may at any time audit the accounts of any employee or agent collecting or receiving any taxes or other monies and may prescribe the form and detail of these accounts. The accounts of such an employee or agent will be audited at least annually.

### **407.8 ~ EXPENSE REIMBURSEMENT**

It is the official policy of UCA to use a Purchase Order System, which eliminates the need for any reimbursements. If there is something that is needed for a class or the school, a purchase order request should be filled out completely and submitted to the business department for approval before any item may be ordered. All purchases and payment will be processed through our business department. Please adhere to this process as there will be no exceptions and UCA will not reimburse any unauthorized out-of-pocket expenses.

### **407.9 ~ SCHOOL CLOSING**

UCA follows the local schools' inclement weather policy. Employees must listen to the radio, watch the television, and monitor school text messages for announcements on closings. Staff team leaders, Facebook and the UCA website will also provide employees with information on school closings.

### **407.10 ~ SOLICITATION AND DISTRIBUTION OF LITERATURE ON SCHOOL PREMISES**

To maintain efficient and safe operations and to encourage employees to give their full attention to their jobs, UCA does not allow the solicitation and distribution of literature on School premises. Please help us to insure this by refraining from the following:

- Distribution of literature by employees in work areas on UCA property
- Distribution of literature by employees during working time in non-work areas on UCA property, which in any way interferes with work
- Solicitation by employees on UCA property during working time, which in any way interferes with work
- Solicitation and/or distribution of literature by non-employees on UCA property

### **407.11 ~ TELEWORKING POLICY (SPECIFIC TO 2020-21 SCHOOL YEAR AND ANY NEW CDC CHANGES)**

To maintain efficient and safe operations and to encourage employees to give their full attention to their duties during this unusual time, UCA will allow certain employees the opportunity to telework. Teleworking, or telecommuting, is the concept of working from home or another location on a full- or part-time basis. Teleworking is not a formal, universal employee benefit. Rather, it is an alternative method of meeting UCA's needs during unusual times. Indeed, teleworking, especially for teachers and instructional staff, is not ideal and will not be permitted absent extraordinary circumstances such as the current health crisis. UCA has the right to refuse to make teleworking available to an employee and to terminate a teleworking arrangement at any time in its sole discretion.

### **Compensation and Work Hours**

The employee's compensation, benefits, work status, and work responsibilities, will not change when teleworking unless an employee is notified in writing of such change. The amount of time the employee is expected to work per day or pay period will not change as a result of teleworking. However, schedules and hours may change depending on UCA's needs and expectations.



### **Eligibility**

Successful teleworkers have the support of their supervisors and UCA. Not all employees will be eligible to telecommute. UCA shall provide training and instructions for telecommuting.

### **Equipment/Tools**

UCA may provide specific tools/equipment for the employee to perform his/her current duties. This may include computer hardware, computer software, phone lines, email, voicemail, connectivity to host applications, and other applicable equipment as deemed necessary. The use of equipment, software, data supplies and furniture when provided by UCA for use at the remote work location is limited to authorized persons and for purposes relating to School business. UCA will provide for repairs to company equipment. When the employee uses her/his own equipment, the employee is responsible for maintenance and repair of equipment. A loaner laptop may be provided when available. Loaner computers will vary in performance and configuration. Loaners must be returned upon request.

### **Security**

UCA expects all telecommuting employees to comply with the Guidelines set out in Attachment A regarding technology security.

### **Workspace**

The employees shall designate a workspace within the remote work location for placement and installation of equipment to be used while teleworking. The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment. The workspace shall be professional, appropriate and conducive to audio and visual interactions with students, families and co-workers. Employees are expected to submit three photos of the home workspace to their supervisor prior to implementation of teleworking.

Any School materials taken home should be kept in the designated work area at home and not be made accessible to others. This is particularly important when such materials include student and/or family information or other information that could be deemed confidential. UCA has the right to make on-site visits (with 48 hours advance notice) to the remote work location for purposes of determining that the site is safe and free from hazards, and to maintain, repair, inspect, or retrieve School-owned equipment, software, data or supplies or to ensure that the employee is complying with School policies.

### **Office Supplies**

UCA will provide any needed office supplies. Out-of-pocket expenses for other supplies will not be reimbursed unless prior written approval of UCA in accordance with its fiscal policies.

### **Worker's Compensation**

During work hours and while performing work functions in the designated work area of the home, telecommuters may be covered by worker's compensation.

### **Liability**

UCA is not liable for loss, destruction, or injury that may occur in or to the employee's home. This includes family members, visitors, or others that may become injured within or around the employee's home.



### **Dependent/Child Care**

UCA recognizes the challenges during this difficult time. However, it is important the employees prioritize and perform their work while telecommuting. This means that teleworking is not a substitute for dependent care. During the time you are expected to work, you are expected not to be providing dependent care.

### **Taxes**

It will be the employee's responsibility to determine any income tax implications of maintaining a home office area. UCA will not provide tax guidance nor will UCA assume any additional tax liabilities. Employees are encouraged to consult with a qualified tax professional to discuss income tax implications.

### **Communication**

Employees must be available by phone, teleconference and email during core work hours.

### **Problem-Solving/Policies**

UCA understands that telecommuting may be challenging and UCA will make every effort to support employees during this time. Employees are expected to assist in problem-solving any challenges they have while telecommuting and work with their supervisor and UCA when such issues arise. Please keep in mind that employees remain obligated to comply with all School rules, practices, policies and instructions while telecommuting.

### **Attire/Conduct**

Telecommuting employees are expected to continue to conduct themselves in a professional manner while working for UCA. It is expected that telecommuting employees will be available for audio and video conferences/calls during working hours. Telecommuting employees must also be sure to dress professionally and appropriately as per School policy during work time, especially when conducting classes, meetings or communications using video.

### **Tracked Time Worked**

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using UCA's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance written approval of the Superintendent, Chief Financial Officer and Chief Operations Officer. Failure to comply with this requirement may result in the immediate termination or termination of the telecommuting arrangement.

For exempt telecommuting employees, UCA will set work expectations and accountability measures, which may differ based on position, grade level and subject matter. In addition, exempt employees may be required to track time and productivity.

### **Time off/Leave/Sick Time**

All employees are expected to continue complying with UCA's time off, leave and sick time policies. Reporting expectations under such policies shall continue to remain in effect with any modifications being communicated by your supervisor or UCA's leadership.

Nothing in this policy shall be construed to alter any other term or condition of employment or any other UCA policies, contracts or agreements.



## Attachment A Expectations for Technology Security

Working remotely has its benefits but doing so comes with the added responsibility of taking the appropriate steps to protect your organization's data while being connected online. Keep these tips in mind.

- **Know UCA's telework policies.** This includes when and where it is acceptable to work away from the office as well as any security measures or best practices.
- **Use only devices approved by your organization.** Avoid using personal computers, tablets and cellphones - as well as those shared with others - to work.
- **Use VPN when necessary.** Virtual private networks, which provide secure direct connections to your organization's computer network, might be necessary when accessing files, working with sensitive information or using certain websites.
- **Think before you click.** Avoid downloading or clicking on unknown links in emails. If you aren't sure if you should, call the sender first. Hackers often use fake websites to trick you into giving sensitive information or to install malware onto your device.
- **Guard your devices.** If your organization allows you to work elsewhere from your home, never leave your laptop, tablet or cellphone - including any USB or external storage devices - unattended. Avoid entering passwords where others can see.
- **Connect only to trusted networks or your cellular Wi-Fi connection.** Many public hotspots aren't secure and might not protect your passwords, emails and work.
- **Create strong passwords.** Be sure they include a mix of upper and lowercase letters, numbers and symbols. Make them difficult enough that someone can't guess them.
- **Don't share passwords online.** If you must share log-in information with a coworker, call them with the details instead of sending via email, text, or instant message.
- **Use two-factor authentication.** Although it can be inconvenient, two-factor authentication, if available, provides an extra layer of security to keep hackers from accessing accounts.
- **Encrypt your email.** Some data and information might need to be encrypted before sending electronically. This might also include information that you might otherwise share in a conversation if you were at the office,
- **Contact your IT help desk.** If you need technical support, contact UCA's IT department. Don't try to fix technical issues yourself.

### **408 ~ PAYROLL AND EMPLOYEE BENEFITS**

#### **408.1 ~ EMPLOYEE CATEGORIES AND FLSA**

UCA has established and uses the classifications of employment status for the purpose of the consistent application of terms and conditions of employment. Each UCA employee is designated as either "EXEMPT" or "NON-EXEMPT" from applicable federal and state wage and hour laws.

- EXEMPT employees are generally paid on a salary basis and are not eligible for overtime pay. An exempt employee's salary serves as compensation for all hours worked.
- NON-EXEMPT employees are generally paid on an hourly basis. In accordance with applicable federal and state wage and hour laws, all non-exempt employees are entitled to overtime pay for hours worked over 40 in a given week. Non-exempt employees must obtain written approval before working overtime. Employees who work overtime without written approval may be disciplined up to and including termination. All non-exempt employees are





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expected to record their time and clock in and out.

In addition, each UCA employee is designated within one of the following categories:

- FULL-TIME employees are those regularly scheduled to work 40 hours or more per week. These employees are grouped as 10-month, 11-month or 12-month.
- PART-TIME employees are those regularly scheduled to work less than 40 hours per week.

In addition, each UCA employee is designated within one of the following categories:

- SALARIED- employees are paid on a salary basis, but, if non-exempt, may also be eligible for overtime.
- HOURLY- employees are paid on an hourly basis and are NON-Exempt. In accordance with applicable federal and state wage and hour laws, all hourly employees are entitled to overtime pay for hours worked over 40 in a given week. Hourly employees must obtain written approval before working overtime. Employees who work overtime without written approval may be disciplined up to and including termination. All hourly employees are expected to record their time and clock in and out.

### **Overview/background information on the Fair Labor Standards Act (FLSA)**

The Fair Labor Standards Act (FLSA) and the Federal Wage and Hour law are one in the same. The FLSA (29 U.S.C. General Statute 201 through 219) was adopted in 1938. Schools were not covered in the original Act in 1938, but added in 1966 by an act from Congress. There are four primary requirements of the Act:

- I. Defines Coverage: who is a covered employee under the FLSA.
- II. Determines wage and hour requirements (calculating work time, etc).
- III. Record Keeping Requirements
- IV. Equal Pay Requirements

#### **I. Coverage: Who is A Covered Employee?**

##### **A. “Non-Covered” (Exempt) Employees**

1. “Non-covered or exempt employees are not subject to the requirements of the FLSA and are not entitled to minimum wage protection or overtime compensation. Exempt employees are, however, covered by equal pay and record-keeping provisions of the Fair Labor Standards Act (FLSA).



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2. Public school employees in this category include, superintendents, assistant superintendents, supervisors, directors, principals, assistant principals, teachers and other building-based certified staff.

### **B. “Covered” (Non-Exempt) Employees**

1. All “non-exempt employees” are covered by all provisions and requirements of the FLSA.
2. Non-exempt employees typically employed by public schools are custodians, secretaries, cafeteria workers, hall monitors, clerical support, bus drivers, school nurses (not licensed R. N.), maintenance workers, security workers, laborers, after-care employees (if primary duty is childcare), pre-school employees (if primary duty is childcare), and warehouse workers.

## **II. Wage and Hour Requirements**

### **A. Compensable Time**

#### **1. Hours Worked.**

Hours worked includes all the work an employee is required or permitted to do by the employer based on the job hired to perform, or related to the job.

- Non-exempt employees must be paid for all hours worked.
- The reason the employee works extra hours beyond the required time is not material. It also does not matter if the hours worked were scheduled.
- The time traveled between job sites during a normal workday is considered hours worked.
- Lunch time (must be a minimum of 20 minutes), does not count for hours worked. Note: If an employee is given less than 20 minutes for lunch, the lunch time does count for hours worked.
- If an employee is asked to run errands during lunch, the time counts for hours worked.
- If an employee takes work home to complete, it counts as hours worked.
- If an employee arrives early or stays late voluntarily to perform work duties he/she must be compensated for the extra hours if the employer “suffers or permits” the extra work.
- Coffee breaks or rest periods are considered work hours.
- Training time counts for hours worked if required by the employer as a condition of employment, but not if the training is needed to meet certification. The only other exception is if the following four regulatory criteria is met:

1. Attendance is outside the employee’s regular work hours.

2. Attendance must be voluntary

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3. Training must not be directly related to an employee's job.
4. The employee performs no production work during attendance.

### **B. Overtime.**

- The employer must establish a work week consisting of 7 consecutive 24-hour periods (168 hours). Work week does not have to coincide with the calendar week
- Each work week must stand alone
- Work week hours cannot be averaged
- Employers are not required to pay weekly, but are required by FLSA to set or define the 7 days work week.
- If any work week exceeds 40 hours, overtime compensation must be paid.
- The employer and employee cannot enter into anti-overtime agreements. The employee and employer may not enter into an agreement that sets aside the employee's overtime opportunity. This violates the Fair Labor Standards Act.
- Overtime pay is due to an employee after 40 hours in the work week have been exceeded.
- If an employee works 2 different jobs, the employer may pay a separate rate for each, however, all hours (combined) worked over 40 in a work week count toward overtime.

#### **408.2 ~ WORK WEEK/PAY PERIOD**

The work week is Monday through Sunday, although employees generally work Monday through Friday. All salary employees are paid on the 27<sup>th</sup> of each month. When the 27<sup>th</sup> of the month falls on a holiday or weekend, employees will be paid the day before the holiday or weekend, if possible. Payroll deposits will not be released prior to the set pay schedule for any reason, nor will they be released to anyone other than the employee, unless the employee has authorized UCA to deposit his or her payroll check directly into the employee's bank account.

Working hours for all employees non-exempted under the Fair Labor Standards Act (FLSA), including secretarial, cafeteria, janitorial, and maintenance personnel, will conform to federal and state regulations. The superintendent shall ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors shall make every effort to avoid circumstances that require non-exempt employees to work more than 40 hours each week. For purposes of FLSA Compliance, the workweek for school system employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. A copy of the FLSA and any administrative procedures established by the superintendent will be available to employees in the human resources office.

UCA complies with all federal, state and local laws governing compensation of employees, including but not limited to the Fair Labor Standards Act. Improper deductions from pay are prohibited. Employees who

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believe that a deduction has been made from their pay improperly should contact the Human Resources to voice their concerns. UCA will investigate the matter and decide with respect to the deduction from pay. Employees will be reimbursed for any deduction determined to have been made improperly, and UCA will endeavor not to make the same mistake in the future. No employee shall be disciplined for voicing a concern in good faith regarding an error in the calculation of his/her pay.

### **408.3 ~ PAYROLL DEDUCTIONS/ GARNISHMENTS**

UCA is required by law to withhold certain federal and state taxes from wages paid to employees. The rates at which these deductions are made and the total amount that must be withheld, vary in accordance with applicable law. UCA will make other payroll deductions such as those relating to retirement plan contributions or expenses owed back to UCA, upon authorization by the employee.

At the end of each calendar year, the employee is supplied with his or her Wage and Tax Statement (W-2) form. This statement summarizes the employee's income and deductions for the year.

If UCA receives an order to garnish an employee's wages, it must comply with that order and reduce take home pay by the amount ordered in accordance with applicable law. A wage garnishment can be released only at the direction of the federal, state, or local agency ordering the garnishment.

### **408.4 ~ HEALTH INSURANCE**

Employees, if otherwise eligible, may opt to participate in the North Carolina State Health Plan for Teachers and State Employees. Consult the plan document for specific information.

### **408.5 ~ RETIREMENT**

UCA has opted to participate in the North Carolina State Retirement Plan, and the employees and Academy will make contributions as required under that plan, as allowed or required. Eligible employees contribute 6% of gross salary (pre-tax) to the Retirement System. Uwharrie Charter Academy makes a contribution as established by the North Carolina General Assembly for each permanent full-time employee. Monthly benefits at retirement are based upon the employee's four (4) highest consecutive years of salary, years of state service and/or age at retirement.

#### **1. Employees Hired On or Before July 31, 2011**

After five (5) years of creditable service, an employee hired prior to August 1, 2011 is considered "vested" and may be eligible for benefits from the retirement system. Full, unreduced retirement benefits may be received at age 65 with five years of service; age 60 with 25 years of service, or at any age with 30 years of service. Reduced benefits may be received at age 50 with 20 years of service or age 60 with five years of service.

#### **2. Health Coverage in Retirement STATE HEALTH PLAN**

You may be eligible for State Health Plan coverage under the Retirement Systems. The cost, if any, is determined by two factors: (1) when you began state employment, and (2) which health plan you select.

#### **Noncontributory Coverage (No premium paid by the retiree)**

- Eligible retiree members retiring prior to January 1, 1985.



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- Except as otherwise provided, on and after January 1, 1988, eligible retiree members must have completed at least five years of contributory (membership) retirement service with an employing unit prior to retirement from any state-supported retirement system in order to be eligible for group benefits under this Part as a retired employee or retiree. If you withdraw your service (receive a refund of your contributions) and, at a later date, become reemployed as an employee, this new start date will be considered your first hired date.
- Employees first hired on and after October 1, 2006, and members of the General Assembly first taking office on and after February 1, 2007, must have 20 or more years of retirement service credit.

### Partially Contributory Coverage (Partial premium paid by the retiree)

- Retirees who (i) are employed by an employing unit that elects to be covered by this, (ii) do not qualify for coverage under N.C. Gen. Stat. § 135-48.40(b)(1), and (iii) are determined to be “full-time” by their employing unit in accordance with section 4980H of the Internal Revenue Code and the applicable regulations, as amended. The employing unit shall pay the employer premiums for enrolled retirees enrolled under this section.
- Eligible retiree members retiring prior to January 1, 1985.
- Except as otherwise provided, on and after January 1, 1988, eligible retiree members must have completed at least five years of contributory (membership) retirement service with an employing unit prior to retirement from any state-supported retirement system in order to be eligible for group benefits under this Part as a retired employee or retiree. If you withdraw your service (receive a refund of your contributions) and, at a later date, become reemployed as an employee, this new start date will be considered your first hired date.
- For employees first hired on and after October 1, 2006, and members of the General Assembly first taking office on and after February 1, 2007, must have 20 or more years of retirement service credit.

### One-Half Contributory Coverage (Half premium paid by the retiree\*)

- Eligible retiree members with 10 years but less than 20 years of retirement service credit provided the employees were first hired on or after October 1, 2006, and General Assembly Members first taking office on or after February 1, 2007.

### One-Half Contributory Coverage (Half premium paid by the retiree\*)

- Eligible retiree members with 10 years but less than 20 years of retirement service credit provided the employees were first hired on or after October 1, 2006, and General Assembly Members first taking office on or after February 1, 2007.

NOTE: Members hired on or after January 1, 2021, will not be eligible to receive retiree medical benefits.

<https://files.nc.gov/retire/documents/files/Actives/TSESRHandbook.pdf>

## **3. ORBIT**

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The online retirement system portal is provided by the NC Retirement System. Active employees may register and gain access to current account information as well as perform calculations for retirement planning. Visit [www.myncretirement.com](http://www.myncretirement.com) to register. For more detailed information, refer to the Teachers' and State Employees' Retirement System's Website: [www.myncretirement.com](http://www.myncretirement.com). (Reference: State Board of Education Policy, "Your Retirement Benefits: Teachers' and State Employees' Retirement System of North Carolina")

<https://orbit.myncretirement.com/>

### Sick Leave

Unused sick leave can be converted to additional retirement service credit at the time of your retirement if all of the following conditions are met:

- Your sick leave was earned monthly under a duly adopted sick leave policy.
- You would receive full salary when using the sick leave if absent from work because of illness.
- You have not, and will not, receive any compensation for this sick leave.
- Your last day of service with your last participating TSERS employer is within five years before your TSERS effective date of retirement. When you retire, you are allowed one month of credit for each 20 days of unused sick leave. For any part of 20 days left over, one additional month is allowed provided the remaining portion is at least one hour.

A sick leave "day" is determined by your employer's sick leave accrual policy and may or may not be equal to eight hours. For example, assume John Smith earns one day of sick leave per month under his employer's sick leave accrual policy while working an extended shift of 12 hours per day and he accrues 12 hours of sick leave each month. When his employer certifies his unused sick leave on his retirement application (Form 6), for each 12 hours of eligible unused sick leave, his employer should report one day of unused sick leave, rather than 1.5 days. In another example, assume Mary Brown earns one day of sick leave per month while working 7.5 hours per day and accrues 7.5 hours of sick leave each month. When her employer certifies her unused sick leave on her Form 6, for each 7.5 hours of eligible unused sick leave, her employer should report one day of unused sick leave.

Sick leave is used to increase your creditable service, but it cannot be used to meet the minimum qualifications for a deferred benefit or the Survivor's Alternate Benefit. You may use your sick leave to complete 30 years of service regardless of age, 25 years of service after age 60, and 20 years of service after age 50. Sick leave does not count toward eligibility for State Health Plan coverage under the Retirement Systems.

### **408.6 ~ WORKERS COMPENSATION**

In the event of a medical emergency, call 911.





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UCA provides workers' compensation insurance for all employees as required by law. Please contact the Human Resources Coordinator if any information is needed regarding what claims may be covered and the manner in which claims may be made.

All employees should promptly report to the appropriate supervisor identified on pages 24-25 in the punctuality and attendance section any injuries suffered as a result of employment activity at or on behalf of UCA. Failure to report a work-related injury promptly may result in the loss of benefits.

**Neither UCA nor its insurer will be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of, required by, or an expected part of the employee's work-related duties.**

### **408.7 ~ HOLIDAYS**

All full-time salaried employees are eligible for the following paid holidays:

- Good Friday
- Memorial Day
- July 4<sup>th</sup>
- Labor Day
- Juneteenth
- Thanksgiving
- Winter Break (inclusive of Christmas and New Year's)
- Spring Break
- Fall Break
- Any other school break as designated by the UCA Board of Directors

Additionally, all 12-month employees receive the week of July 4<sup>th</sup> as vacation (unless worked through your immediate supervisor) and salaried-exempt employees will receive an additional 5 days vacation during the summer (days will be worked through immediate supervisor).

### **409 ~ NON-EXEMPT EMPLOYEES**

#### **409.1 ~ NON-EXEMPT EMPLOYEES BREAKS AND LUNCHES**

##### *Rest periods*

All non-exempt employees are permitted a 15-minute paid rest break for each four-hour work period. Breaks are not permitted at either the beginning or end of the workday to offset arrival and departure times. Non-exempt employees who voluntarily work through their rest breaks will not be paid additional compensation. Rest breaks are not guaranteed and are subject to student needs and scheduling. If you are unable to take a rest break, you will not receive any additional compensation.

##### *Meal periods*

All non-exempt employees who work eight or more hours in a day are required to take an unpaid meal break of 30 minutes. Meal breaks are not counted toward hours worked. Non-exempt employees are to be completely relieved from duty during their meal break. While we want to ensure all non-exempt employees receive a Meal Period, there are times that student needs and



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scheduling may prevent that from occurring. If a nonexempt employee is required to perform any work duties while on his or her meal break period, the employee must be compensated for the time spent performing work duties. The time spent working during the meal break will be counted toward the total hours worked.

### *Ensuring Consistency*

Managers are responsible for the scheduling of meals and rest periods. Employees who fail to return on time from breaks or lunch may be subject to disciplinary action.

### **409.2 ~ NON-EXEMPT EMPLOYEES HOLIDAYS**

Uwharrie Charter academy recognizes the following paid holidays for all school full-time non-exempt school employees. Annual holidays are also designated and published on the school calendar at each academic year.

Non-exempt employees will be paid for the listed holidays, even though they do not report to work. Employees must work their scheduled workday before and after the holiday in order to be paid for the holiday. (Holiday pay is calculated as the employee's straight time rate by eight (8) hours.) If eligible non-exempt employees work on a recognized holiday, they will receive time and a half pay for the hours worked. For example, if straight time pay is \$8.00/hr, then time and a half (1.5) would be  $\$8.00/\text{hr} \times 1.5 = \$12/\text{hr}$ . Paid time off for the holidays will not be counted as hours worked for the purpose of determining overtime.

- Good Friday
- Memorial Day
- July 4<sup>th</sup>
- Labor Day
- Juneteenth
- Thanksgiving
- Winter Break (inclusive of Christmas and New Year's)
- Spring Break
- Fall Break

### **410 ~ VACATION / PERSONAL DAYS / SICK DAY ACCRUAL AND JOURNAL ENTRIES**

#### **410.1 ~ VACATION & SICK DAYS**

The following is consistent with the UCA Board of Directors Policy Handbook, Vacation/Personal Days/Sick Day Accrual and Journal Entries Policy.

There is currently no accrued vacation; however, all 12-month employees will receive 5 days of paid vacation (usually on the week of the 4th of July, unless worked through your immediate supervisor) which can only be taken between the last teacher workday of the school year and the first required work day of the next school year. Additionally, salaried-exempt employees will receive an additional 5 days of paid vacation during the summer that will be coordinated by their immediate supervisor. This time is not cumulative and is independent of the number of years of employment with UCA. If employment is terminated by either party (UCA or the employee) prior to the last teacher workday of the school year, the employee will not be entitled to the 5 days of paid vacation. If vacation days are taken at the beginning of



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the 12-month contract term, and employment is terminated prior to the last teacher workday of the school year, the employee must reimburse UCA by the number of vacation days taken.

Employees, who have sick leave or personal leave days, complete a leave slip when they want to use a day. The leave slip is given to the Chief Financial Officer who verifies that personal/sick leave time is available. The Chief Financial Officer gives the leave slip to the Superintendent for approval. A copy of the leave time is kept in the employee's file.

The Chief Financial Officer keeps a spreadsheet of all sick and personal days available (and their value) for all employees.

At the end of each month, the Chief Financial Officer prepares a journal entry to record any used personal or sick time.

The Superintendent reviews the information and initials and dates it, then returns to the Chief Financial Officer to post the entry.

Once approved and posted, the journal entry, with the spreadsheet attached, is filed in the journal entry folder.

At the end of June, the Chief Financial Officer records any unused personal leave and sick time earned during that fiscal year.

Presently, the accrual process is as follows:

- 'Sick Leave (SL)' is earned and accrued at a rate of one day earned per month (pay period) worked.
- Sick days are accrued and may roll into the subsequent fiscal year. However, a maximum of 20 sick days is allowed to be rolled into the subsequent fiscal year. Any amount earned in excess of 20 days is logged by the Chief Financial Officer and that information is retained on file until that employee retires or leaves UCA and wishes to take that time with them to their next school of employment. *Note: This is a policy set forth by UCA; this is not mandated by the NC TSERS, NC Treasurer, NC State Board of Ed., or Local Government Commission (LGC). Accrued but unused sick leave has no monetary value and will not be paid out to the employee upon resignation, termination or non-renewal. According to NCDPI, "traditional" LEAs do NOT have to honor a charter school's sick days.*
- All full-time, salaried employees are given two 'Personal Leave (PL)' days at the beginning of each fiscal year. Those days do not rollover into the next fiscal period if unused by the current fiscal year end, June 30<sup>th</sup>.
- Any leave taken subsequent to the exhaustion of all sick leave and personal leave is treated as 'Leave without Pay (LWOP)'. That amount is calculated by taking their monthly gross salary rate and dividing that rate by 21.5 days to arrive at the daily LWOP rate. That amount is then deducted from their monthly gross rate for each day taken as LWOP.
- As UCA is not legally considered to be a 'governmental entity', it cannot offer nor pay out for any Compensatory Time, per the North Carolina Department of Labor.

In addition to the above, Fridays and the day before and/or after a holiday should not be taken off except in an emergency situation. Attendance on Fridays is especially critical at UCA as they are used for professional development opportunities and in lieu of teacher workdays. If you must be out on a Friday or

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before or after a holiday, a doctor's note is required or that day will be docked without special approval from the Superintendent.

#### **410.2 ~ BEREAVEMENT LEAVE**

All full-time and part-time employees are eligible for bereavement leave. In the event of the death of an employee's immediate family member (spouse, parent, sibling, child, inlaws, or biological grandparent), the employee may take up to five (5) consecutive, scheduled work days off with pay, with the approval of the appropriate supervisor. UCA may, at its discretion, approve additional unpaid time off. In the event of the death of an employee's family member who is not an immediate family member, which includes aunts, uncles, and cousins, the employee may take up to three (3) consecutive, scheduled work days off with pay, with the approval of UCA. UCA may, at its discretion, approve additional unpaid time off. Once bereavement leave is exhausted, employees, further bereavement leave will be unpaid. For exempt employees, after paid leave is exhausted, full-day absences will result in full-day pay deductions. Bereavement leave applies only to human family members.

#### **410.3 ~ FAMILY AND MEDICAL LEAVE**

UCA complies with all applicable provisions of FMLA. To be eligible for FMLA, an employee must have worked at UCA for one (1) year or more; and worked at least 1,250 hours during the previous twelve (12) months from the time he/she began employment with UCA. Because of the requirement to work a minimum of 1,250 hours in a twelve-month period to become eligible for FMLA, when an employee has used the twelve-week leave, s/he must work 1,250 hours within the next twelve-month period to become eligible for FMLA again. In addition, an employee must have notified UCA of the need for leave; and submitted the required medical certification to be considered eligible for FMLA.

All eligible employees will be permitted twelve (12) weeks of unpaid leave in association with the following:

- the birth of a child within the first twelve months of birth,
- the adoption or other legal placement of a child within the first twelve months of the adoption or
- the employee's Serious Health Condition, which means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that prevents the employee from performing the functions of the employee's job. "Serious Health Condition" does not include short-term conditions for which treatment and recovery are very brief.
- to care for an immediate family member who has a Serious Health Condition (as defined above),
- any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status; or
- any other circumstance covered by the FMLA.

Employees on leave under FMLA provisions must use all accrued personal time off, and any other available paid time off during leave. When this time is exhausted, any remaining time off under FMLA will be unpaid.

Additional leave is available in special circumstances for family members of military members as set forth below. Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.



### **Military Caregiver Leave**

Eligible employees may take up to 26 workweeks of unpaid leave during a single 12- month period to care for a spouse, son, daughter, parent, or next of kin who is a covered service member with a serious injury or illness. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or on the temporary disability retired list. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

### **Qualifying Exigency Leave**

Eligible employees may take up to 12 weeks of unpaid leave during a single 12- month period for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call to active duty, in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

Qualifying exigencies include:

- Issues arising from a covered military member's short notice of deployment (i.e., deployment on seven or fewer days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
  - o Any other event that the employee and employer agree is a qualifying exigency.

An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason, including military caregiver leave or leave for qualifying exigencies, during a single 12-month



period, and only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.

### **Notice of Need for Leave and Certification**

Employees must notify their direct supervisor as well as Director of Operations (or direct supervisor for regional and operations team employees) to request leave under this policy. Employees must provide 30 days' advance notice of the need for leave if the need is foreseeable, and must otherwise provide notice as soon as practicable for emergency or unforeseeable needs. Employees must consult with School regarding scheduling of any planned medical treatment or supervision as to minimize disruption to the operation of School. Entitlement to FMLA coverage may not be invoked retroactively for previous absences from work.

In requesting leave, employees must provide sufficient information for the School to reasonably determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a healthcare provider. Employees seeking leave for their own or their family members' serious health conditions will be provided a certification form, which must be completed by a qualified healthcare provider. Failure to submit the proper certification within fifteen (15) calendar days may revoke an employee's entitlement to continued leave. UCA has the right to require the opinion of a second health care provider to determine the validity of the initial certification. If the second opinion differs from the original certification, a third opinion from a health care provider who is approved jointly by UCA and the employee may be required. The third certification will be considered final. When an employee is on leave, subsequent recertification of a medical condition will be required.

In addition to providing the completed certification form, employees requesting FMLA Leave must fill out a Leave Request form.

Employees requesting leave for a qualifying exigency related to a service member must provide a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party. Employees requesting leave to care for a covered service member with a serious injury may provide certification by an authorized health care provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family. During the leave, employees are required to notify their supervisor/manager at least monthly, more frequently if requested, of the status of the leave.

### **Intermittent Leave**

Intermittent or reduced-schedule leave may be taken when a serious health condition, either the employee's or that of a child, spouse, or parent or covered service member, or for qualifying exigencies, makes this schedule necessary. When medically necessary, an employee may take "intermittent" leave (two or more separate leave periods) or "reduced" leave (where an employee continues to work, but for fewer hours per day or per week). In such cases, the total number of hours or days of leave by the employee is limited to the equivalent of twelve (12) workweeks. The School may transfer the employee temporarily to an available alternative position if that position better accommodates recurring periods of leave. Employees must make reasonable efforts to schedule intermittent absences for planned medical





treatment so as not to unduly disrupt UCA's operations. UCA may make deductions from an exempt employee's salary for any hours/time taken as intermittent or reduced FMLA leave within a pay period without affecting the employee's exempt status.

### **Reporting While on Leave**

If an employee takes FMLA leave because of their own serious health condition or to care for a covered relation, the employee must contact their direct supervisor and the Human Resources Coordinator with updates regarding the status of the condition, and their intent to return to work.

### **Return to Work**

A certification from a health care provider may be required at the conclusion of any leave for the employee's own serious health condition that the employee is able to resume his or her duties. At the conclusion of leave covered by FMLA, employees will be reinstated to their former or an equivalent position with the same rights, benefits, pay, and other terms and conditions of employment to the extent that they would be entitled to such continued employment without the FMLA leave. Benefits established on an accrual basis such as personal or other paid leave will not accrue during unpaid FMLA leave. Benefits, which accrued prior to the leave, however, will not be lost. If the employee fails to return from leave, UCA can recover any health insurance premiums paid by UCA on the employee's behalf during any unpaid periods of leave.

UCA reserves the right to deny leave reinstatement to key employees, defined as salaried employees among the highest-paid 10 percent of all School employees, where such denial is necessary to prevent substantial and grievous injury to UCA's operation. These employees will be notified of this decision as soon as it is determined such injury would occur, and will be given a reasonable opportunity to choose to return to work at that point. In the event the employee decides not to return to work when there is no guarantee of the same or equivalent position, s/he may remain on leave for the balance of the FMLA period and then may be terminated.

An employee on leave under this policy may not work for another employer without UCA's written permission. An employee who accepts such employment without UCA's permission will be deemed to have resigned from employment at UCA.

### **Definition of Terms: The definition of all terms applies to FMLA and can be found in the Family and Medical Leave Act, which include:**

- "Immediate Family" refers to a child, parent or spouse of the employee.
- "Child" means biological, adopted, foster or stepchild, or legal ward of the employee.
- "Parent" refers to a biological, adopted, foster or stepparent, or parent-in-law of the employee.
- "Spouse" means the person to whom the employee is married.

### **410.4 ~ OTHER LEAVES OF ABSENCE**

All other requests for leaves of absence for personal reasons will be considered on a case-by-case basis, and the granting of such leave and its terms will be solely within the discretion of the Superintendent. Requests for other leaves of absence should be limited to unusual circumstances requiring an absence of longer than two (2) weeks. Requests for other leaves of absence should be made in writing and include



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an explanation of why the time is needed and the dates requested. An employee granted a leave of absence under this policy may not work for another employer without UCA's written permission. An employee who accepts such employment without UCA's permission will be deemed to have resigned from employment at UCA.

**Jury Duty:** All employees shall be given leave to attend jury duty as required by law. If an employee receives a jury summons, the employee must notify his supervisor immediately. All employees will be paid up to ten (10) working days for jury service, provided that no petition to be excused from such service due to hardship has been granted. No employee shall be compensated for jury leave without written notice of service from the court in which jury service was performed. Requests for jury service leave in excess of ten (10) working days will be considered on a case-by-case basis. Jury duty leave is available to all employees. The employee must report to work on days or parts of days when he/she is not required to report to jury duty. If an employee does not return to work immediately after jury duty ceases, UCA will assume that the employee has resigned.

**Witness Duty:** An employee may be required by law to appear in court as a witness. The employee may be allowed to take unpaid time off for this purpose, but is expected to give UCA reasonable advance notice of the absence and to provide evidence of the required appearance. Witness duty leave is available to all employees.

**Military Duty:** A Military Leave of Absence will be granted to employees who are absent from work because of service in the United States uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA") and other applicable law. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Employees should contact the Superintendent for more information or questions about Military Leave.

**Parental Educational Leave:** In accordance with the North Carolina Parental Leave Law, UCA will grant up to four (4) hours of unpaid leave per year to any employee who is a parent, guardian, or person standing in loco parentis of any school age child so that the employee may attend or otherwise be involved in activities at the child's school, preschool or child care facility as defined by G.S. 110-86(3). This leave must be scheduled in advance at a mutually convenient time. UCA reserves the right to request written verification from UCA of the employee's attendance.

### **410.5 ~ OTHER LEAVE REQUIRED BY LAW**

UCA complies with any other leave required by law.

### **410.6 ~ FMLA LEAVE EXPANSION AND EMERGENCY SICK LEAVE POLICY (CORONAVIRUS) EFFECTIVE APRIL 1, 2020. EXPIRING SEPTEMBER 30, 2021.**

#### **Purpose**

To comply with the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 2, 2020, until December 31, 2020. Our existing FMLA leave policy, if any, still applies to all other reasons for leave outside of this policy.

#### **Expanded FMLA Leave**

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### **Employee Eligibility**

All employees who have been employed with [Organization Name] for at least 30 days.

### **Reason for Leave**

Eligible employees who are unable to work (or telework) due to a need to care for their child when UCA or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is-

- (A) under 18 years of age; or
- (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

- a center-based childcare provider
- a group home childcare provider
- a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
- other licensed provider of childcare services for compensation
- a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

“School” means an elementary or secondary school.

### **Duration of Leave**

Employees will have up to 12 weeks of leave to use from April 2, 2020, through December 31, 2020, for the purposes stated above. This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period.

For example, if an employee has already taken 6 weeks of FMLA leave, that employee would be eligible for another 6 weeks of FMLA leave under this policy.

*[Omit the last two sentences in this section above if the employer has fewer than 50 employees and is not usually covered under the FMLA]*

### **Pay During Leave**

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid vacation, sick or personal leave during this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act, as further explained below. After the first 10 days, leave will be paid at two-thirds of an employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed \$200 per day, and \$10,000 in total. Any unused portion of this pay will not carry over to the next year.



For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

### **Employee Status and Benefits During Leave**

While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make this payment per instructions from the HR Coordinator.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. During any portion of unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

### **Procedure for Requesting Leave**

All employees requesting FMLA leave must provide written notice, where possible, of the need for leave to the HR Coordinator as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. Within five business days after the employee has provided this notice, the HR Coordinator will complete and provide the employee with any Department of Labor (DOL) required notices.

The notice the employee provides should include a brief statement as to the reason for leave, and if possible, the expected duration.

On a basis that does not discriminate against employees on FMLA leave, the company may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **Employee Status After Leave**

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The company may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of his or her status as a key employee.

### **No Further Leave Rights**



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Nothing in this policy shall confer any additional rights to the employee regarding leave beyond those contained in the FFCRA. Specifically, if the [insert organization name] is not otherwise required to provide traditional FMLA, it shall not be required to provide traditional FMLA.

### **Emergency Paid Sick Leave**

#### **Eligibility**

All full- and part-time employees unable to work (or telework) due to one of the following reasons for leave:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if UCA or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is-

- (A) under 18 years of age; or
- (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

#### **Amount of Paid Sick Leave**

All eligible full-time employees will have up to 80 hours of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

#### **Rate of Pay**

Paid emergency sick leave will be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above. Employees taking leave for reasons 4-6 will be compensated at two-thirds their regular rate of pay, or minimum wage, whichever is greater. Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above;
- \$200 per day and \$2,000 in total for leave taken for reasons 4-6 above.

#### **Interaction with Other Paid Leave**

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The employee may use emergency paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Employees on expanded FMLA leave under this policy may use emergency paid sick leave during the first 10 days of normally unpaid FMLA leave.

### **Procedure for Requesting Emergency Paid Sick Leave**

Employees must notify their manager or the HR Coordinator of the need and specific reason for leave under this policy. A form will be provided to all employees on the company intranet and/or in a manner accessible to all. Verbal notification will be accepted until practicable to provide written notice.

Once emergency paid sick leave has begun, the employee and his or her manager must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive paid sick time.

### **Carryover**

Paid emergency sick leave under this policy will not be provided beyond December 31, 2020. Any unused paid sick leave will not carry over to the next year or be paid out to employees.

### **Job Protections**

No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

Please contact the HR Coordinator with any questions.

### **Compliance with State and Federal Laws.**

This policy is intended to comply with state and federal laws and regulations and should be interpreted consistent with those laws and regulations.

### **410.7 RETURN TO WORK DURING COVID-19 OR OTHER EVENT**

At UCA, in person, on campus teaching is essential to our mission and the students and families we serve. As such, employees are expected to be on campus working or teaching unless instructed by the Head of School or board of directors otherwise. Subject to local, state and federal law, regulation and orders, this provision governs return to work following a school closure, or any other significant interruption caused by an act of god, illness, weather event or pandemic. This policy may be modified at any time for any reason. Following a school closure for COVID-19 or any other unusual event, employees are expected to return to the workplace when directed to by the Head of School or board of directors. If an employee believes that they are unable to work and meet the requirements of EFMLA or EPSL (outlined elsewhere in this Handbook), then the employee shall notify the Head of School immediately and follow the EFMLA and/or EPSL policies. If an employee has exhausted EPSL and PTO and is not eligible for or has exhausted EFMLA, then the employee is expected to return to work on campus. If an employee has an underlying health condition(s) that puts them at high risk as defined by the CDC, then the employee should speak with the Head of School, who will review the employee's situation consistent with the ADA. If an employee lives with someone who has an underlying health condition that puts them at high risk as defined by the CDC,





the employee is expected to return to work on campus. Failure to return to work on campus when instructed to by UCA, may result in disciplinary action up to and including termination.

## **411 ~ STUDENT-RELATED POLICIES**

### **411.1 ~ ADMINISTRATION OF MEDICINE**

Except as authorized by law and/or as set forth below, students should not be in possession of any medication, nor take any medications, during the regular school day or on school premises on their own. UCA will only administer drugs and medications, prescribed by a doctor, to students at the written request of the parent. If students require a prescribed medication, UCA designees, Office Managers for each school, as the only people on campus who can administer medicine if 1) There is a written request from the parent which gives explicit written instructions describing the manner in which the drug or medication is to be administered, including the type of medication, dosage, and time of administration, 2) a physician has prescribed the drug or medication for use by the student, and 3) The medicine is in its original packaging with the prescriptive label.

Students with asthma or who are subject anaphylactic reactions, or both, may possess and self-administer asthma medication on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events. "Asthma medication" means a medicine prescribed for the treatment of asthma or anaphylactic reactions and includes prescribed asthma inhalers or epinephrine auto-injectors (epi-pens). The student's parent or guardian must first provide to the school written authorization for the student to possess and self-administer such medication together with a written statement from the student's healthcare provider verifying that the student has asthma or an allergy that could result in an anaphylactic reaction, or both, and that the healthcare provider has prescribed medication for use on school property during the school day, at school sponsored activities, or while in transit to or from school or school-sponsored events. The statement from the healthcare practitioner must include a statement that the student understands and has been instructed in self-administration of the medication, and has demonstrated the skill level necessary to use the medication and any device necessary to administer the medication. The healthcare practitioner will also provide a written treatment plan and written emergency protocol for managing the student's asthma or anaphylaxis episodes and for medication used by the student. The student's parent or guardian must also provide a signed written statement acknowledging that the School and its employees and agents are not liable for any injury arising from a student's possession or self-administration of such medication. The parent or guardian shall also provide to the school any backup asthma medication that shall be kept at the school in a location to which the student has immediate access in the event of an asthma or anaphylactic emergency. Any information provided to the School by the parent or guardian shall be kept on file in a location easily accessible in the event of an asthma or anaphylaxis emergency. If the student uses prescribed medication in a manner other than as prescribed, the School may impose disciplinary action on the student. However, the School may not impose disciplinary action that limits or restricts the student's immediate access to prescribed medication. The permission granted under this section for a student to possess and self-administer asthma medication shall be effective only for 365 calendar days from its receipt by the School and must be renewed annually.

All medicine kept at school for students must be kept in a secure and easily accessible place. Written information maintained by school personnel regarding a student's health and medicinal needs shall remain confidential.



#### **411.2 ~ INTERNET SAFETY POLICY**

It is the policy of UCA to:

- Prevent user access and transmission of inappropriate material via the Internet utilizing UCA's technology resources;
- Prevent unauthorized access and other unlawful online activity;
- Prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
- Comply with the Children's Internet Protection Act [Pub. L. No. 106-554, Title XVII, and 47 USC 254(h)].

This policy applies to all UCA community members, including students, teachers, staff, and designated contractual or temporary staff.

#### **Technology Protection Measure**

UCA shall filter all Internet traffic originating from any UCA location to ensure it is appropriate for minors and in compliance with all local, state and federal mandates. The UCA Operations Department shall maintain the necessary licensing annually to ensure all applicable categories of harmful Internet content is blocked and inaccessible by community members.

UCA shall also provide for the day-to-day administration of this content filter, which includes, but is not limited to:

- Manual blocking and unblocking of sites based on requests with legitimate educational purposes
- Application of appropriate licensing information
- Selection/de-selection of website categories deemed appropriate or inappropriate by the UCA leadership
- Review and analysis of usage and filtering logs
- Communication with the Superintendent concerning data and reports generated through the content filtering system

Procedures for the disabling or otherwise modifying any technology protection measure shall be the responsibility of the UCA IT Department.

#### **Monitoring and Supervision of Online Activities**

It will be the responsibility of all members of UCA staff responsible for allocating UCA technology resources for student use to supervise and monitor appropriate usage of UCA technology resources, especially Internet access, in accordance with the Children's Internet Protection Act. This includes, but is not limited to:

- Logging and reporting of UCA technology resource usage, especially Internet access
- In-classroom monitoring of student use of technology resources
- Follow-up meetings with students and/or parents concerning student use of technology resources

#### **Education of Minors**

School staff responsible for allocating UCA technology resources for student use shall be responsible for providing instruction to students concerning appropriate online behavior utilizing UCA technology resources. Such instruction shall include review of specific inappropriate behavior, the consequences of



such behavior, and an indication of how staff will assist students to be successful with the use of UCA technology resources while avoiding inappropriate content.

### **Violation of Policy**

Any violation or abuse of this Policy is just cause for taking disciplinary action, up to and including dismissal, removal of all UCA network privileges and accounts, and/or legal action. We anticipate that such actions can be avoided since they cause problems for all concerned. To keep the UCA technology resources and property safe, viable, effective, and user friendly, all UCA community members must work cooperatively and responsibly using this policy. UCA reserves the right to update this policy and/or to change the technology protection measure at any time, with or without notice.

### **411.3 ~ FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all educational agencies and institutions that receive funds under any program administered by the Department of Education. The law prohibits a school from disclosing personally identifiable information from students' education records without the consent of a parent or eligible student, unless an exception to FERPA's general consent rule applies.

UCA employees, contractors and volunteers are exposed to confidential information daily. Information concerning children and their families should be treated as confidential information, including personally identifiable information from students' education records. The School staff with access to this information do not have the right to give this information to anyone who does not have a legitimate professional reason for access. Teachers or other staff members can be held liable for the individual release of information. Staff members are not permitted to discuss information about their students in open areas or where parents or other students have access. Anything said in meetings discussing students is considered confidential!

Please do not put a student's name in the subject box of an email. Treat their names as confidential as well.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students." If you have questions regarding FERPA or have received a request for educational records, please contact the Superintendent. See FERPA: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

### **Release of Records to Others**

Student records will be released promptly when a student transfers to another school, and in other circumstances specifically permitted by law. Written permission by a parent, guardian or eligible student is required for the release of a student's records in any other circumstance. Directory information on students may be utilized and released to the public by the School after providing proper notice and the opportunity for the parent, guardian or eligible student to object to the release of their directory information. The following information is considered to be directory information:

- student's name;
- address;
- telephone listing;



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- date and place of birth;
- participation in officially recognized activities and sports;
- weight and height of members of athletic team;
- dates of attendance;
- diplomas, certification and awards received;
- most recent previous school or education at institution attended by the student; and
- pictures or videos taken on buses, school grounds, in school buildings and at school activities unless the picture or video may reveal confidential information about a student.
- Eligibility for driver's license permit under North Carolina General Statutes 20-11(n) and 20-13.2 (c1).

As required by law, the names, addresses and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of high learning, whether or not such information is designated directory information by the School. Students or their parents, however, may request that the student's name, address and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made.

Students with recognized exceptionalities will be accorded all rights in regards to their records as provided by state and federal law, including the Individuals with Disabilities Act.

Records cannot be withheld from a valid request by a parent, eligible student or school for any reason, including in order to collect fines assessed to the parent or student.

### **Address Confidentiality Program**

Notwithstanding any other provision in this notice or Board policy, the actual address and telephone number of a student who is a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes or a student with a parent who is a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes shall be kept confidential from the public and shall not be disclosed except as provided in Chapter 15C of the General Statutes. Records of students participating in the North Carolina Address Confidentiality Program must show only the substitute address provided by the Address Confidentiality Program and must not be released to any third party other than a school to which the student is transferring, or as otherwise provided by law.

When transferring the record of a student participating in the North Carolina Address Confidentiality Program to a school outside of the system, the transferring school may send the files to the Address Confidentiality Program participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program.

### **411.5 ~ JUVENILE RECORDS**

Juvenile records include documentation or information regarding students who are under the jurisdiction of the juvenile court. These records may be received from local law enforcement and/or other local agencies authorized to share information concerning juveniles in accordance with N.C.G.S. Section 7B-3100. These records also may include notice from the sheriff to the School that a student has been required to register with the sheriff because the student has been found to be a danger to the community under G.S. Chapter



14, Part 4. Such documents must not be a part of a student's official records but must be maintained by the Superintendent in a safe, locked storage area that is separate from the student's other records. The Superintendent shall not make a copy of such documents under any circumstances.

Juvenile records will be used only to protect the safety of or to improve the educational opportunities for the student or others. The Superintendent may share juvenile records with individuals who have (a) direct guidance, teaching or supervisory responsibility for the student and (b) a specific need to know in order to protect the safety of the student and others. Persons provided access to juvenile records must indicate in writing that they have read the document(s) and agree to maintain confidentiality of the records.

The Superintendent or designee must destroy juvenile documents if he or she receives notification that a court no longer has jurisdiction over the student or if the court grants the student's petition for expunction of the records. The Superintendent or designee shall destroy all other information received from an examination of juvenile records when he or she finds that the information is no longer needed to protect the safety of or to improve the education opportunities for the student or others. If the student graduates, withdraws from school, transfers to another school, is suspended for the remainder of the school year or is expelled, the Superintendent shall return all documents not destroyed to the juvenile court counselor. If the student is transferring, the Superintendent shall provide the juvenile court counselor with the name and address of the school to which the student is transferring.

#### **411.5 ~ MANAGEMENT AND PROTECTION OF STUDENT RECORDS**

Access to electronic student records shall be managed as follows:

##### **Application Management and Administration**

Specific data sources such as electronic file records, databases, and applications such as student information systems and meal tracking systems shall be appointed an administrator responsible for granting access to the system. These administrators shall grant or deny requests to access the student records. The number of administrators with this capability shall be of quantity greater than two (2), but less than five (5), and UCA shall identify and maintain documentation of the list of administrators at all times.

##### **Network Security Management and Administration**

Access to the network (separate from the above) containing electronic file records, databases, and applications shall also require security and access credentials. A UCA -appointed network administrator/s shall be designated to implement and manage the system granting access to the network, shall define and provide specifications to outside parties concerning access to the network, shall guide the implementation of new technologies into the network in light of FERPA requirements, and shall specify all other requirements concerning activities on the network. It shall be the sole responsibility of these administrators to grant/deny access to the network containing student records, and to specify all requirements and activities concerning this network.

##### **Violation of Policy**

Any violation or abuse of this Policy is just cause for taking disciplinary action, up to and including termination, removal of all UCA network privileges and accounts, and/or legal action. We anticipate that such actions can be avoided since they cause problems for all concerned. To keep the UCA technology resources and property viable, effective, and user friendly, all staff must work cooperatively and responsibly.



### **Surveys, Evaluation**

No student shall be required, as a part of any applicable program, to submit to a survey, analysis or evaluation that reveals information concerning:

- political affiliations;
- mental and psychological problems potentially embarrassing to the student or the student's family;
- sex behavior and attitudes;
- illegal, antisocial, self-incriminating and demeaning behavior;
- critical appraisals of other individuals with whom respondents have close family relationships;
- legally recognized privileged and comparable relationships, such as those of lawyers, physicians and ministers; or
- income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

### **411.6 ~ CHILD ABUSE REPORTING**

All staff must follow state policies on reporting suspected child abuse or neglect. All school employees must report to the County Director of Social Services (DSS), suspected abuse or neglect if they have knowledge of or observe instances of abuse or neglect, or if they know or reasonably suspect abuse or neglect has occurred. Please see the Superintendent if you have any questions or need assistance making a report.

In the event that a school employee suspects child abuse or neglect, the school employee should communicate with the Guidance Counselor regarding the suspicion. The Guidance Counselor will talk with the student or family in question, and will determine whether a report must be made to the County Director of Social Services. The Guidance Counselor may make the call independently, or may request the school employee to assist in making the call, as will be determined on a case-by-case basis.

### **411.7 ~ CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING POLICY**

UCA complies with North Carolina law with respect to child abuse and sex trafficking, including N.C.G.S. 115C-218.75(g). Those laws require that UCA adopt and implement a child sexual abuse and sex trafficking training program in accordance with N.C.G.S. 115C-375.20. Specifically, N.C.G.S. 115C-375.20, states as follows:

(1) School personnel. – Teachers, instructional support personnel, Principals, and assistant Principals. This term may also include, at the discretion of the employing entity, other school employees who work directly with students in grades kindergarten through 12.

- a) Each employing entity shall adopt and implement a child sexual abuse and sex trafficking training program for school personnel who work directly with students in grades kindergarten through 12 that provides education and awareness training related to child sexual abuse and sex trafficking, including, but not limited to, best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. This training may be provided by local nongovernmental organizations with





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- expertise in these areas, local law enforcement officers, or other officers of the court. All school personnel who work with students in grades kindergarten through 12 shall receive two hours of training consistent with this section in even-numbered years beginning in 2020.
- b) No entity required to adopt a child sexual abuse and sex trafficking training program by N.C.G.S. 115C-47(64), 115C-218.75(g), 115C-238.66(14), or 116-239.8(b)(17), or its members, employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused by any act or omission relating to the provision of, participation in, or implementation of any component of a child sexual abuse and sex trafficking training program required by this section, unless that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be construed to impose any specific duty of care or standard of care on an entity required to adopt a child sexual abuse and sex trafficking training program by G.S. 115C-47(64), 115C-218.75(g), 115C-238.66(14), or 116-239.8(b)(17)."

Such a program shall be adopted and implemented by January 1, 2020, and training shall be required for school personnel beginning with the 2020-2021 school year. The UCA program under this policy shall be conducted in accordance with North Carolina law and supervised by the Operations Officer.



**UWHARRIE CHARTER ACADEMY  
EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM**

I acknowledge that I have been given a copy of the UCA Handbook. I understand that I am responsible for reading it and for knowing and complying with the policies set forth in the Handbook during my employment with **UWHARRIE CHARTER ACADEMY**.

I understand that failure to comply with UCA's rules and regulations may result in disciplinary action, up to and including termination.

I understand and agree that I am employed by UCA on an at-will basis, which means that my employment is for no definite period and may be terminated by me or by UCA at any time and for any reason that is not discriminatory or illegal, with or without cause or advance notice.

I also understand that UCA may demote or discipline me or otherwise alter the terms of my employment at any time, at its discretion, but not for any reason that is discriminatory or illegal, with or without cause or advance notice.

I understand that the policies contained in this Handbook are guidelines only and are not intended to create any contractual rights or obligations. I understand that UCA can change any and all policies or practices at any time with or without notice. UCA reserves the right to change my hours, wages and working conditions at any time in accordance with applicable law.

I also understand that in order to retain the necessary flexibility in the administration of policies and procedures, with the exception of the at-will policy, UCA reserves the right to change, revise, supplement or rescind the provisions of this Handbook and the policies or procedures on which they were based. Any changes to this Handbook must be in writing and must be signed by a UCA representative authorized to make such changes.

No one other than the Superintendent together with the UCA Board of Directors has the authority to enter into an agreement altering an employee's at-will employment. Any such agreement must be in writing, approved by the Board of Directors, must be signed by the Superintendent and the UCA Chair of Board of Directors and by the affected employee, and must express a clear and unambiguous intent to alter the at-will nature of the employment relationship.

I acknowledge that I have reviewed a copy of UCA's Harassment and Title IX policy as set forth in this Handbook. I further acknowledge that the policy has been explained to me, that I have had an opportunity to ask any questions I may have and that I understand the terms and provisions.

I understand that this Acknowledgment contains a full and complete statement of the agreements and understandings that it recites and I agree that no one has made any promises or commitments to me contrary to the foregoing. I also understand that this Handbook supersedes all previous handbooks and manuals.

**Employee's Signature:** \_\_\_\_\_

**Employee's Printed Name:** \_\_\_\_\_

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Approved August 10, 2023



**Uwharrie Charter Academy  
Employee Policy Handbook**

**Date:**

cc: Personnel File

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Approved August 10, 2023