

Appendix T: Employee Handbook

EMPLOYEE HANDBOOK



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INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with Nova Meridian Academy and to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. Our objective is to provide a work environment that is conducive to both personal and professional growth.

These policies are intended to be guidelines rather than expressed or implied contracts with employees. No employee handbook can anticipate every circumstance or question about policy. As Nova Meridian Academy ("NMA") continues to grow, the need may arise, and the Governing Board reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes to the handbook as they occur.

1.0 ABOUT NOVA MERIDIAN ACADEMY

1.01 ABOUT WHO WE ARE

Nova Meridian Academy (NMA) is a California Public Charter High School approved by the Colton Joint Unified School District. NMA is a group of teachers, community members, administrators, parents, and students that want to provide a powerful vision for the Inland Empire by implementing a world class education.

1.02 ABOUT OUR LOCATION

NMA is located in the community of Cooley Ranch which is in the City of Colton. Cooley Ranch is a business professional community nestled between the prestigious Cities of Grand Terrace and Loma Linda and adjacent to Reche Canyon. NMA is currently leasing suites from a church which is located in an attractive business plaza. The dream of NMA is to secure land and build a state-of-the-art campus in the near future.

1.03 OUR VISION AND MISSION STATEMENTS

MISSION STATEMENT

We the students, teachers, administrators, staff and parents of NMA will build a model 21st Century Academy and an academic culture of scholastic success through leadership, education, and technology.

VISION STATEMENT

NMA passionately envisions the creation of a positive student-centered learning environment and a culture of new excellence. This will be accomplished by providing opportunities for all students to become successful self-motivated lifelong learners and leaders in education through mastery of literacy, critical thinking, and self-determination within a diverse society. We at NMA propose to pledge our resources to create a school where all students are actively engaged in the process of learning in a multicultural and multifaceted setting. The NMA educational community will form a union for educational excellence.

1.04 OUR GOALS

The deep philosophical, ontological, academic, and community purposes of NMA nurtures a vision. Our students will become cosmopolitan educators using technology to lead our civilization in the 21st century. Our purpose at NMA is to help prepare, guide, and send students into higher educational institutions.

All students will aspire to apply and attain admission to an institute of higher education to implement the new excellence learned at Nova Meridian Academy as cosmopolitan educators using technology to lead education and community in the 21st century.

Our goals of developing academic standards and opportunities on campus while operating economically and efficiently will:

- Respond to the needs of our student body and parents.
- Reward excellence in instruction.
- Rise to the technology and the times in which we live.
- Promote character and leadership in our students.

We wish to create an environment that: reflects cultural diversity and innovation; responds to special needs; is safe and interactive; and emphasizes service and leadership among students, staff, and parents.

2.0 EMPLOYMENT

2.01 NATURE OF EMPLOYMENT

Nova Meridian Academy is an at will employer. The employer or employee may terminate the At Will Employment Agreement, at any time, with or without cause, and with or without advance notice. Upon such termination, no further compensation or other benefits or severance shall be due or owing by Employer to Employee, except for compensation and benefits accrued and owing at the time of termination. Compensation upon termination shall be less all applicable withholdings and deductions.

Upon receipt of notice of Employee's intent to terminate employment, Employer, in its sole and unreviewable discretion, may immediately relieve employee of Employee's duties and terminate the employment relationship by tendering a check in an amount equal to compensation owing, less all applicable withholding and deductions.

2.02 EQUAL OPPORTUNITY EMPLOYER

NMA abides by state and federal laws dealing with equal employment opportunity. Therefore, in order to provide equal employment and advancement opportunities to all individuals, employment decisions at NMA will be based on merit, qualifications, and abilities. NMA does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, age, disability, sexual orientation, or any other characteristic protected by law.

NMA will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship that state and federal laws recognize as just. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the Principal or the Governing Board. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including release from at-will employment.

2.03 EMPLOYEE'S INABILITY TO CONTRACT FOR EMPLOYER

Employee shall not have the right to make any contracts or commitments for or on behalf of Employer without first obtaining the express written consent of Employer.

2.04 TUBERCULOSIS TEST

Every newly hired employee must submit evidence that they have passed a tuberculin skin test prior to beginning employment. Documentation must certify that the employee

is free of tuberculosis in a transmissible form and be signed by a licensed physician or health care professional.

2.05 EMPLOYEE BACKGROUND CHECKS

Nova Meridian Academy believes that the safety of children is a fundamental responsibility of any family, community, or government. Background checks serve to ascertain that the minimum standards of character as published in applicable federal and state law are adhered to and in force.

Criminal Background Checks are required for all NMA positions and are a condition of employment for new-hires and re-hires. Individual employees are responsible for any associated fees. Records and related information shall be privileged and shall not be disclosed to unauthorized personnel or individuals.

Employees can request further information on background check requirements and procedures from the Principal or the Administration Office.

2.06 CONFLICT OF INTEREST

All Employees must avoid situations involving actual or potential conflicts of interest.

An Employee involved in any relationships or situations which may constitute a conflict of interest should immediately and fully disclose the relevant circumstances to his or her immediate supervisor, or the board of directors, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, NMA may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action.

3.0 EMPLOYMENT STATUS & RECORDS

3.01 BEST EFFORTS BY EMPLOYEE

The Nova Meridian Academy Employee will perform faithfully, industriously, and to the best of Employee's ability, experience, and talents, all of the duties that are required according to the job description, to the reasonable satisfaction of Employer. Employees shall not engage in activities or outside employment that would interfere with the performance of Employee's duties or compete with Employer's business during the term of this agreement, unless Employee receives prior written consent from Employer.

3.02 PROFESSIONAL STANDARDS

1. Professional Ethical Conduct, Practices, and Performance

Standard 1.1 NMA staff shall not knowingly engage in deceptive practices regarding official policies of NMA.

Standard 1.2 NMA staff shall not knowingly misappropriate, divert, or use NMA monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3 NMA staff shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4 NMA staff shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5 NMA staff shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service.

Standard 1.6 NMA staff shall not falsify records, or direct or coerce others to do so.

Standard 1.7 NMA staff shall comply with state regulations, written local school board policies, and other applicable state and federal laws.

2. Ethical Conduct toward Professional Colleagues

Standard 2.1 NMA staff shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

- Standard 2.2** NMA staff shall not harm others by knowingly making false statements about a colleague or the academy.
- Standard 2.3** NMA staff shall adhere to NMA governing board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
- Standard 2.4** NMA staff shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.
- Standard 2.5** NMA staff shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, sex, disability, or family status.
- Standard 2.6** NMA staff shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

3. Ethical Conduct toward Students

- Standard 3.1** NMA staff shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- Standard 3.2** NMA staff shall not knowingly treat a student in a manner that adversely affects the student's learning, physical health, mental health, or safety. NMA staff shall not conduct themselves in the presence of students in a manner considered inappropriate or unprofessional.
- Standard 3.3** NMA staff shall not deliberately or knowingly misrepresent facts regarding a student.
- Standard 3.4** NMA staff shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, sex, disability, national origin, religion, or family status.
- Standard 3.5** NMA staff shall not engage in physical mistreatment of a student.
- Standard 3.6** NMA staff shall not solicit or engage in sexual conduct or a romantic relationship with a student.
- Standard 3.7** NMA staff shall not furnish alcohol or illegal/unauthorized drugs to any student or knowingly allow any student to consume alcohol or illegal/unauthorized drugs in the presence of NMA staff.

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3.03 PERFORMANCE REVIEWS FOR TEACHING STAFF

All teachers shall be reviewed at least twice per school year by the Principal/Director. The purpose of these reviews is to identify strengths (noting particularly good work), recognize OFI's (Opportunities for Improvement), encourage growth, and develop strategies within a supportive team. Formal evaluations will be conducted using the California Standards for the Teaching Profession which are:

1. Engaging and Supporting All Students in Learning
2. Creating and Maintaining Effective Environments for Student Learning
3. Understanding and Organizing Subject Matter for Student Learning
4. Planning Instruction and Designing Learning Experiences for all Students
5. Assessing Student Learning
6. Developing as a Professional Educator

Members of the Governing Board, the Principal, and other staff shall be permitted to conduct informal observations of teaching staff and other staff at any time. Parents and visitors may conduct informal observations of teaching staff by appointment. Teachers shall be provided notice of formal observations prior to the evaluation as a part of the evaluation process.

3.04 PERFORMANCE REVIEWS FOR ADMINISTRATIVE & CLASSIFIED STAFF

All Administrative and Classified Employees shall be reviewed at least twice per school year by the Principal or a representative of the Governing Board. The purpose of these reviews is to identify strengths (noting particularly good work), recognize OFI's (Opportunities for Improvement), encourage growth, and develop strategies within a supportive team. Formal evaluations will be conducted using the Malcolm Baldrige Performance Standards of Excellence which are:

1. Leadership (Communication & Ethical Behavior)
2. Strategic Development (How goals and objectives are met)
3. Student/Stakeholder Focus (Identifying the requirements, needs expectations, and preferences of students and stakeholders. How those needs are met.
4. Management of Information (Organizational skills)
5. Office Environment (Creating an effective working environment that will promote success.)
6. Process Management (The process or system that is in place to deliver quality and value to students and stakeholders.)
7. Results (Assessment, Student learning outcomes.)

3.05 ACCESS TO PERSONNEL FILES

Nova Meridian Academy maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of NMA, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the school who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Principal or the Office Manager and schedule a mutually agreeable time to review their files. Employees may review their own personnel files in NMA' administrative offices and in the presence of an individual appointed to maintain NMA files or the Principal's designee.

3.06 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify Nova Meridian Academy of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, each employee shall have the duty to notify the Administration Office.

3.07 REIMBURSEMENT FOR EXPENSES

NMA will reimburse the Employee for "out-of-pocket" expenses related to the performance of his/her job duties including, but not limited to, travel and basic school supply expenses, however, approval must be given by administration prior to the expenditure.

To receive reimbursement on approved expenses, the Employee is to fill out an Employee Expense Report (see attached copy) with copies of the receipts attached. The expense report must be submitted to the school Principal for signature and processing.

3.08 ATTENDANCE AND TARDINESS

To maintain a safe and productive work environment, NMA expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on NMA. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify the school administrator as soon as possible but no later than 24 hours in advance of the anticipated tardiness or absence, but no later than 1 or 2 hours before start of school.

Poor attendance and excessive tardiness are disruptive to the School's educational program and to our students. Either may lead to disciplinary action, up to and including release from at-will employment.

3.09 RETURN OF PROPERTY

Upon termination of employment, the Employee shall deliver all property (including keys, records, passwords, notes, data, memoranda, models, and equipment) that is in the Employee's possession or under the Employee's control, which is Employer's property or related to Employer's business.

3.10 WORK SCHEDULE

TEACHERS:

School hours for full-time teachers are 7:30 AM to 4:00 PM during normal school days.

In addition, teachers are expected to participate in Nova Meridian Academy programs which may be held outside school hours. These include, but are not limited to, staff meetings, parent-teacher-student conferences, parent meetings, field trips and open house nights. A teacher representative is encouraged to participate in one Board of Directors meeting per month in order to ensure on-going communication between the Board of Directors and teaching staff.

ADMINISTRATIVE & CLASSIFIED EMPLOYEES:

Staff will determine the work schedules for Administrative & Classified Staff.

3.11 MEAL PERIODS

Non-exempt employees are provided with a thirty minute meal period, to be taken approximately in the middle of the workday. An Employee's supervisor should be aware of and approve your scheduled meal and rest periods.

Employees are expected to observe assigned working hours and the time allowed for meal and rest periods. Employees are not to leave the premises during rest periods and must not take more than ten (10) minutes for each rest period. Employees may leave the premises during the meal period.

4.0 COMPENSATION AND BENEFITS

4.01 COMPENSATION

Salaries of Teaching, Administrative and Classified Employees are determined by the Governing Board of Nova Meridian Academy and are not tied to the Colton Unified School District. As compensation for the services provided by the Employee, NMA will pay the employee the set amount in his or her At-Will Employment Agreement, less applicable state and federal withholdings and deductions, payable monthly on the last day of each month. Upon termination of employment, payments shall cease; provided, however, that the Employee shall be entitled to payments for periods or partial periods that occurred prior to the date of termination and for which the Employee had not yet been paid.

4.02 OVERTIME PAY

Whether an employee is exempt from or subject to overtime pay will be determined on a case-by-case basis and will be indicated in the employee's job description. Generally, teachers and administrators are exempt. Non-exempt employees may be required to work beyond the regularly scheduled workday or workweek as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime for non-exempt employees. NMA will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by the Employee's supervisor. NMA provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

For employees subject to overtime, all hours worked in excess of eight (8) hours in one workday or forty (40) hours in one workweek shall be treated as overtime. Compensation for hours in excess of forty (40) for the workweek or in excess of eight (8) and not more than twelve (12) for the workday, and for the first eight (8) hours on the seventh consecutive day in one workweek, shall be paid at a rate of one and one-half times the employee's regular rate of pay. Compensation for hours in excess of twelve (12) in one workday and an excess of eight (8) on the seventh consecutive workday of the workweek shall be paid at double the regular rate of pay.

Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to these exempt employees.

4.03 RETIREMENT PLAN

Credentialed employees are eligible to participate in the State Teachers Retirement System (STRS). STRS reporting will be made through the county according to established guidelines from the State Teachers Retirement System at an employee rate at 8% and employer matched rate of 8.25%.

Classified staff may be eligible to participate in a 401K plan upon one year of employment.

4.04 MEDICAL INSURANCE

NMA will provide to full time employees (i.e. 30 hours or more per week) standard health insurance benefits which includes medical, dental, vision, and life insurance. NMA will pay the cost of such coverage for full-time employees, however, NMA will not pay health insurance costs for family members but employees may add family members at their own expense.

4.05 COBRA

Should an employee's medical benefits terminate, he or she will be offered the option of continuing coverage for the time periods as provided for under the Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under NMA'S health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage at NMA's group rate plus an administration fee.

4.06 WORKERS' COMPENSATION INSURANCE

Nova Meridian Academy provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither NMA nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by NMA. Nor shall NMA or the insurance carrier be liable for payment of workers' compensation in the event that the injury to the employee was occasioned by the intoxication and/or impairment of the employee or willfully suffered by the employee or intentionally inflicted by the employee.

4.07 VACATIONS

TEACHING STAFF:

Apart from school breaks and holidays, Teachers will not accrue vacation time.

ADMINISTRATIVE & CLASSIFIED EMPLOYEES:

Vacation time off with pay is available to Full-time Administrative and Classified Staff providing opportunities for rest, relaxation, and personal pursuits. NMA Administrators and Classified Employees are entitled to 5 vacation days each year, accrued monthly at the rate of 3.33 hours. Paid vacation time can be used in minimum increments of one day. To take vacation time off, employees should request advance approval from their Director. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives and bonuses.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

4.08 HOLIDAYS

Teachers shall be entitled to holidays as set forth in the School Calendar as follows:

- Veteran's Day
- Thanksgiving Recess (1 Week)
- Winter Recess (3 Weeks)
- Martin Luther King Day
- President's Day
- Spring Recess (1 Week)
- Memorial Day
- Summer Break

Administrative & Classified Staff shall be entitled to holidays as follows:

- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day and Friday
- Winter Recess (2 Weeks) - dates to be set by administration

When a holiday falls on a Saturday, the preceding Friday will be celebrated as the holiday; if it falls on Sunday, the following Monday will be celebrated as the holiday.

4.09 SICK LEAVE

Employees who work thirty hours or more a week shall earn 1 day paid sick leave on the first of each month of employment during the school year not to exceed 10 days. Sick leave benefits may not be converted into cash compensation and unused sick leave shall not be paid upon termination.

Paid sick leave can be used in minimum increments of one day. An eligible employee may use sick leave benefits for an absence due to his or her own illness or injury, or that of a child, parent, or spouse of the employee. Employees may use their sick time for personal time off with prior approval from the Principal.

Employees who are unable to report to work due to illness or injury should notify the school principal or the administrator at least 1 OR 2 hours before the scheduled start of their workday. The principal or administrator must also be contacted on each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, NMA may require a physician's statement verifying the illness or injury and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

4.10 FAMILY AND MEDICAL LEAVE ACT/CALIFORNIA FAMILY RIGHTS ACT LEAVE

This policy explains how NMA complies with the federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA"), both of which require NMA to permit each eligible employee to take up to 12 workweeks of FMLA leave in any 12-month period for the birth/adoption of a child, the employee's own serious illness or to care for certain family members who have a serious illness. For purposes of this policy, all leave taken under FMLA or CFRA will be referred to as "FMLA leave."

- Employee Eligibility Criteria

To be eligible for FMLA leave, the employee must have been employed by NMA for the last 12 months and must have worked at least 1,250 hours during the 12-month period immediately preceding commencement of the FMLA leave.

- Events That May Entitle An Employee To FMLA Leave

The 12-week FMLA allowance includes any time taken (with or without pay) for any of the following reasons:

1. To care for the employee's newborn child or a child placed with the employee for adoption or foster care.

Leaves for this purpose must conclude 12 months after the birth, adoption, or placement. If both parents are employed by NMA, they will be entitled to a combined total of 12 weeks of leave for this purpose.

2. Because of the employee's own serious health condition (including a serious health condition resulting from an on-the-job illness or injury) that makes the employee unable to perform any one or more of the essential functions of his or her job (other than a disability caused by pregnancy, childbirth, or related medical conditions, which is covered by NMA's separate pregnancy disability policy).

3. To care for a spouse, child, or parent with a serious health condition.

4. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or (2) continuing treatment by a health care provider.

- Amount of FMLA Leave Which May Be Taken

1. FMLA leave can be taken in one or more periods, but may not exceed 12 workweeks total for any purpose in any 12-month period, as described below, for any one, or combination of the above-described situations. "Twelve workweeks" means the equivalent of twelve of the employee's normally scheduled workweeks. For a full-time employee who works five eight-hour days per week, "twelve workweeks" means 60 working and/or paid eight-hour days.

2. The "12 month period" in which 12 weeks of FMLA leave may be taken is the 12 month period immediately preceding the commencement of any FMLA Leave.

- Pay During FMLA Leave

1. An employee on FMLA leave because of his or her own serious health condition must use all accrued paid sick leave and may use any or all accrued paid vacation time at the beginning of any otherwise unpaid FMLA leave period.

2. An employee on FMLA leave for child care or to care for a spouse, parent, or child with a serious health condition may use any or all accrued paid vacation at the beginning of any otherwise unpaid FMLA leave.

3. All other FMLA leaves are unpaid leaves.

4. The receipt of vacation pay, sick leave pay, or State Disability Insurance benefits will not extend the length of the FMLA leave. Vacation pay and sick pay accrues during any period of unpaid FMLA leave only until the end of the month in which unpaid leave began.

- Health Benefits

The provisions of NMA's various employee benefit plans govern continuing eligibility during FMLA leave, and these provisions may change from time to time. The health benefits of employees on FMLA leave will be paid by NMA during the leave at the same level and under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period. When a request for FMLA leave is granted, NMA will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

- Seniority

An employee on FMLA leave remains an employee and the leave will not constitute a break in service. An employee who returns from FMLA leave will return with the same seniority he or she had when the leave commenced.

- Medical Certifications

1. An employee requesting FMLA leave because of his or her own or a relative's serious health condition must provide medical certification from the appropriate health care provider on a form supplied by NMA. Failure to provide the required certification in a timely manner (within 15 days of the leave request) may result in denial of the leave request until such certification is provided.

2. If NMA has reason to doubt the medical certification supporting a leave because of the employee's own serious health condition, NMA may request a second opinion by a health care provider of its choice (paid for by NMA). If the second opinion differs from the first one, NMA will pay for a third, mutually agreeable, health care provider to provide a final and binding opinion.

3. Recertifications are required if leave is sought after expiration of the time estimated by the health care provider. Failure to submit required recertifications can result in termination of the leave.

- Procedures for Requesting and Scheduling FMLA Leave

1. An employee should request FMLA leave by completing a Request for Leave form and submitting it to the Head of School. An employee asking for a Request for Leave form will be given a copy of NMA's then-current FMLA leave policy.

2. Employees should provide not less than 30 days' notice or such shorter notice as is practicable, for foreseeable childbirth, placement, or any planned medical treatment for the employee or his/her spouse, child, or parent. Failure to provide such notice is grounds for denial of a leave request, except if the need for FMLA leave was an emergency or was otherwise unforeseeable.

3. Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt NMA's operations.

4. If FMLA leave is taken because of the employee's own serious health condition or the serious health condition of the employee's spouse, parent or child, the leave may be taken intermittently or on a reduced leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition.

5. If FMLA leave is taken because of the birth of the employee's child or the placement of a child with the employee for adoption or foster care, the minimum duration of leave is two weeks, except that NMA will grant a request for FMLA leave for

this purpose of at least one day but less than two weeks' duration on any two occasions.

6. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, the employee may be transferred temporarily to an available alternative position for which he or she is qualified that has equivalent pay and benefits and that better accommodates recurring periods of leave than the employee's regular position.

7. In most cases, NMA will respond to a FMLA leave request within two days of acquiring knowledge that the leave is being taken for an FMLA-qualifying reason and, in any event, within 10 days of receiving the request. If an FMLA leave request is granted, NMA will notify the employee in writing that the leave will be counted against the employee's FMLA leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

- Return to Work

1. Upon timely return at the expiration of the FMLA leave period, an employee (other than a "key" employee whose reinstatement would cause serious and grievous injury to NMA's operations) is entitled to the same or a comparable position with the same or similar duties and virtually identical pay, benefits, and other terms and conditions of employment unless the same position and any comparable position(s) have ceased to exist because of legitimate business reasons unrelated to the employee's FMLA leave.

2. When a request for FMLA leave is granted to an employee (other than a "key" employee), NMA will give the employee a written guarantee of reinstatement at the termination of the leave (with the limitations explained above).

3. Before an employee will be permitted to return from FMLA leave taken because of his or her own serious health condition, the employee must obtain a certification from his or her health care provider that he or she is able to resume work.

4. If an employee can return to work with limitations, NMA will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, the employee will be medically separated from NMA.

- Limitations on Reinstatement

1. FAME may refuse to reinstate a "key" employee if the refusal is necessary to prevent substantial and grievous injury to NMA's operations. A "key" employee is an exempt salaried employee who is among the highest paid 10% of NMA's employees within 75 miles of the employee's worksite.

2. A "key" employee will be advised in writing at the time of a request for, or if earlier, at the time of commencement of, FMLA leave, that he/she qualifies as a "key" employee and the potential consequences with respect to reinstatement and

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maintenance of health benefits if NMA determines that substantial and grievous injury to NMA's operations will result if the employee is reinstated from FMLA leave. At the time it determines that refusal is necessary, NMA will notify the "key" employee in writing (by certified mail) of its intent to refuse reinstatement and will explain the basis for finding that the employee's reinstatement would cause NMA to suffer substantial and grievous injury. If NMA realizes after the leave has commenced that refusal of reinstatement is necessary, it will give the employee at least ten (10) days to return to work following the notice of its intent to refuse reinstatement.

- **Employment During Leave**

An employee on FMLA leave may not accept employment with any other employer without NMA's written permission. An employee who accepts such employment will be deemed to have resigned from employment at NMA.

4.11 PREGNANCY DISABILITY LEAVE

This policy explains how NMA complies with the California Pregnancy Disability Act, which requires NMA to give each female employee an unpaid leave of absence of up to four (4) months, as needed, for the period(s) of time a woman is actually disabled by pregnancy, childbirth, or related medical conditions.

- **Employee Eligibility Criteria**

To be eligible for pregnancy disability leave, the employee must be disabled by pregnancy, childbirth, or a related medical condition and must provide appropriate medical certification concerning the disability.

- **Events That May Entitle An Employee to Pregnancy Disability Leave**

The four-month pregnancy disability leave allowance includes any time taken (with or without pay) for any of the following reasons:

1. The employee is unable to work at all or is unable to perform any one or more of the essential functions of her job without undue risk to herself, the successful completion of her pregnancy, or to other persons because of pregnancy or childbirth, or because of any medically recognized physical or mental condition that is related to pregnancy or childbirth (including severe morning sickness); or

2. The employee needs to take time off for parental care.

- **Duration Of Pregnancy Disability Leave**

Pregnancy disability leave may be taken in one or more periods, but not to exceed four months total. "Four months" means the number of days the employee would normally work within four months. For a full-time employee who works five eight hour days per week, four months means 88 working and/or paid eight hour days of leave entitlement based on an average of 22 working days per month for four months.

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Pregnancy disability leave does not count against the leave which may be available as Family Care and Medical Leave.

- Pay During Pregnancy Disability Leave

1. An employee on pregnancy disability leave must use all accrued paid sick leave and may use any or all accrued vacation time at the beginning of any otherwise unpaid leave period.

2. The receipt of vacation pay, sick leave pay, or state disability insurance benefits will not extend the length of pregnancy disability leave.

3. Vacation pay and sick pay accrues during any period of unpaid pregnancy disability leave only until the end of the month in which the unpaid leave began.

- Health Benefits

The provisions of NMA's various employee benefit plans govern continued eligibility during pregnancy disability leave and these provisions may change from time to time. When a request for pregnancy disability leave is granted, NMA will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

- Seniority

An employee on pregnancy disability leave remains an employee of NMA and a leave will not constitute a break in service. When an employee returns from pregnancy disability leave, he or she will return with the same seniority he or she had when the leave commenced.

- Medical Certifications

1. An employee requesting a pregnancy disability leave must provide medical certification from her healthcare provider on a form supplied by NMA. Failure to provide the required certification in a timely manner (within fifteen (15) days of the leave request) may result in a denial of the leave request until such certification is provided.

2. Recertifications are required if leave is sought after expiration of the time estimated by the healthcare provider. Failure to submit required recertifications can result in termination of the leave.

- Requesting And Scheduling Pregnancy Disability Leave

1. An employee should request pregnancy disability leave by completing a Request for Leave form and submitting it to her supervisor. An employee asking for a Request for Leave form will be referred to NMA's then current pregnancy disability leave policy.

2. Employee should provide not less than thirty (30) days or as short of notice as is practicable, if the need for the leave is foreseeable. Failure to provide such notice is grounds for denial of the leave request, except if the need for pregnancy disability leave was an emergency and was otherwise unforeseeable.

3. Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt NMA's operations.

4. Pregnancy disability leave may be taken intermittently or on a reduced leave schedule when medically advisable, as determined by the employee's healthcare provider.

5. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the employee may be transferred temporarily to an available alternative position for which he or she is qualified that has equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position.

6. In most cases, NMA will respond to a pregnancy disability leave request within two (2) days of acquiring knowledge that the leave qualifies as pregnancy disability and, in any event, within ten (10) days of receiving the request. If a pregnancy disability leave request is granted, NMA will notify the employee in writing and leave will be counted against the employee's pregnancy disability leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

- Return To Work

1. Upon timely return at the expiration of the pregnancy disability leave period, an employee is entitled to the same position unless the employee would not otherwise have been employed in the same position (at the time reinstatement is requested). If the employee is not reinstated to the same position, she must be reinstated to a comparable position unless there is no comparable position available, but filling that position with the returning employee would substantially undermine NMA's ability to operate the business safely and efficiently. A "comparable" position is a position that involves the same or similar duties and responsibilities and is virtually identical to the employee's original position in terms of pay, benefits, and working conditions.

2. When a request for pregnancy disability leave is granted to an employee, NMA will give the employee a written guarantee of reinstatement at the end of the leave (with the limitations explained above).

3. Before an employee will be permitted to return from a pregnancy disability leave of three days or more, the employee must obtain a certification from her healthcare provider that she is able to resume work.

4. If the employee can return to work with limitations, NMA will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, the employee will be medically separated from NMA.

- Employment During Leave

An employee on pregnancy disability leave may not accept employment with any other employer without NMA's written permission. An employee who accepts such employment will be deemed to have resigned from employment.

4.12 BEREAVEMENT

An employee shall be permitted to use not more than 3 days of sick leave when that employee's absence is required due to the death of employee's spouse, domestic partner, parent, child (including the child of a domestic partner), sibling, grandparent, or grandchild. In-laws and step-relatives in the relationships listed also are covered. The provision also covers other persons residing in the employee's household. In addition, an employee shall be permitted to use not more than 1 day of sick leave in any calendar year for bereavement or funeral attendance due to the death of any other person. The employee shall provide prior notice to the immediate supervisor as to the need for and likely length of any such absence.

4.13 JURY DUTY

Upon notification by a court to report for jury duty, the employee shall immediately request from the court jury duty during non-school months. In the event this request is not granted, time off with no loss of salary limited to two (2) weeks will be provided for jury duty required to be served during the school year. Any employee, when advised of his/her notification of jury duty, must immediately inform the Director. NMA encourages staff to request summer jury duty.

4.14 VOTING

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two (2) hours combined. Under these circumstances, an employee will be allowed a maximum of two (2) hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give his or her supervisor at least two (2) days notice.

4.15 UNPAID LEAVE

Employees may request unpaid leave and it may be granted at the sole discretion of the School.

5.0 POLICIES

5.01 SEXUAL HARASSMENT

Policy Statement

NMA is committed to providing and continuing to provide a cooperative and comfortable work environment free of sexual harassment of any kind. This policy is intended to be consistent with, and intended to be, enforced in conformance with the California Fair Employment and Housing Act as well as Title VII of the Civil Rights Act of 1964, which proscribes harassment in the workplace.

The policy of NMA forbids discrimination against any employee, applicant for employment, or student, on the basis of sex. The school will not tolerate sexual harassment activity by any of its employees. This policy similarly applies to parents, non-employee volunteers, independent contractors, or any other individual having contact with the NMA campus.

A. Definitions

1. Conduct of a Sexual Nature - Conduct of a sexual nature may include, but is not limited to, verbal, visual or physical sexual advances, including subtle pressure for sexual activity; touching, staring, looking up and down, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; sexually-oriented "kidding," "teasing," double-entendres, explicit or suggestive messages, cartoons, pictures and jokes, and any harassing conduct to which an employee would not be subjected to but for such employee's sex.
2. Unwelcome Conduct of a Sexual Nature.
 - (a) Verbal, visual or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.
 - (b) An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.
 - (c) The Nova Meridian Academy Charter School prohibits any conduct of a sexual nature directed toward students by teachers or others to whom this policy applies, and shall presume that any such conduct is unwelcome.

B. Sexual Harassment Prohibited

1. For the purposes of this policy, unwelcome sexual advances or requests for sexual favors, and other unwelcome conduct of a sexual nature constitute prohibited sexual harassment if:

- (a) submission to the conduct is made either an explicit or implicit condition of employment (as an illustration, and not as a limitation, where a person's continued employment is conditioned upon or impacted by prohibited sexual-based factors);
- (b) submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; and
- (c) the conduct substantially interferes with an employee's student's performance, or creates an intimidating, hostile, or offensive work or school environment, regardless of whether the employee's continued employment or compensation is affected).

2. Specific Prohibitions - Administrators and Supervisors.

- (1) It is sexual harassment for a manager or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
- (2)
 - a. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.
 - b. Non-managerial and Non-supervisory Employees - It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.
 - c. Employees and Students - It is sexual harassment for an employee to subject a student to any conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions.

C. Reporting, Investigation, and Sanctions

1. It is the express policy of the Nova Meridian Academy Charter School to encourage individuals to report conduct they believe may constitute sexual harassment. The School understands that victims of harassment are often embarrassed and reluctant to report acts of harassment for fear of being blamed, concern about being retaliated against, or because it is difficult to discuss sexual matters openly with others. However, no employee of the School should have to endure harassing conduct, and therefore the School encourages everyone to promptly report any incidents of harassment so that corrective action can be taken as necessary. This may be done through the employee grievance

resolution procedure or by reporting such matters to the onsite Administrator/Director/Principal.

- (a) Employees who feel that their superiors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon agreement to unwelcome conduct of a sexual nature, are encouraged to report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the offending person, the report shall be made to the next higher level of authority or to the Board.
- (b) Employees are also urged to report any unwelcome conduct of a sexual nature by superiors or fellow employees if such conduct interferes with the individual's work performance, or creates a hostile or offensive working environment.

Every reported complaint of harassment will be investigated promptly and thoroughly by School staff. Typically the investigation will include interviewing the complainant, anyone who may have knowledge of the alleged harassment, and the alleged harasser. Once the investigation is completed, the School will notify the complainant of the results of the investigation. The School will make every effort to handle the investigation in as confidential a manner as possible consistent with a thorough, fair and proper investigation. It should be understood that the School will not tolerate reprisals or retaliation against anyone as a result of the good-faith reporting of charges of sexual harassment. If you feel you have been subject to retaliation in any form, you should report it to your supervisor or the appropriate school administrator.

- (c) Students are urged to report any conduct of a sexual nature by school employees, or others to whom this policy applies, to a school counselor or administrator.
2. In determining whether alleged conduct constitutes sexual harassment the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred have to be investigated. The Nova Meridian Academy Charter School has a responsibility to investigate and resolve complaints of sexual harassment.
 3. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements. Conduct of a sexual nature directed toward students shall be reported as child abuse for investigation by appropriate authorities.

5.02 PREVENTING SEXUAL ABUSE POLICY

I. Screening and Selection for Work with Students

*All programs must adhere to screening and selection criteria required by licensing boards. In addition, the following steps must be completed before an applicant is released to work with students in a **paid or unpaid position**.*

A. New Personnel

1. All applicants for personnel positions regularly working with or around students are required to complete the following, without exception:
 - a. **A standard application** that includes a release of information to conduct background checks.
 - b. **Criminal records check** in any state where the applicant has resided during the past 7 years.
 - c. **Sexual offender registry** check in any area where the applicant has resided during the past 7 years.
2. For paid and unpaid positions with repeated contact with students, applicants must have individual interviews and reference checks.
3. Applicant records will be documented in a personnel file which is to be kept in Nova Meridian Academy (NMA) office.

B. Existing Personnel

For personnel who have worked at the school for six months or more, the application, criminal records check, and sexual offender registry check will complete their screening process.

1. For personnel who have worked in the program for six months or less, a face to face interview and reference checks must also be documented in the file.
2. Criminal records check will be conducted every 5 years of a personnel's paid or unpaid position.
3. Personnel who transfer within the NMA are required to request in writing for their personnel files to be transferred to the new program or location.
4. All personnel will have a clear job description.

II. Training Requirements

A. General Training Requirements

1. All personnel are required to complete a basic orientation prior to contact with students. New personnel are required to review this policy and agree to comply with the school Code of Ethics.
2. All personnel are required to complete basic abuse prevention training within 30 days of beginning work with students.
3. All personnel are required to complete additional abuse prevention training every two years.
4. Documentation of training is maintained in personnel files.

B. Additional Training Requirements

1. Personnel who are responsible for screening and selecting personnel to work with students are required to complete specialized training in screening and selection.
2. Personnel in supervisory positions are required to complete training in monitoring, supervision and responding to concerns.

III. Conduct with Students

The following guidelines are intended to assist personnel in making decisions about interactions with students in NMA. For clarification of any guideline or to inquire about behaviors not addressed here, contact the Principal of NMA.

A. General Conduct

1. Personnel are responsible for releasing students in a custodial care relationship only to parents, legal guardians or other persons designated by parents or legal guardians. In the event that Personnel are uncertain of the propriety of releasing a student, they should locate or contact their immediate supervisor before releasing the student.
2. Personnel will report unmanageable or unusual behavior of students to parents or legal guardians as soon as possible.
3. Personnel are prohibited from the use, possession, distribution, or being under the influence alcohol, tobacco products, or any illegal drugs while in the presence of students.
4. Personnel may occasionally be in a position to provide transportation for students. The following guidelines should be strictly observed when Personnel are involved in the transportation of students:

- a. With the exception of emergency situations or for medical need, students should never be transported without written permission.
 - b. Students should be transported directly to their destination. No unauthorized stops should be made.
 - c. Personnel will avoid unnecessary and/or inappropriate physical contact with students while in vehicles.
 - d. Drivers who are assigned to transport students must be at least 21 years old.
 - e. Transportation logs will be utilized at all times.
 - f. Whenever possible, Personnel should endeavor to utilize two adults when transporting.
5. Personnel will respond to children with respect and consideration and treat all children equally, regardless of sex, race, religion, culture or socio-economic status. Personnel will portray a positive role model for youth by maintaining an attitude of respect, patience and maturity.
 6. Personnel are prohibited from speaking to students in a way that is or could be construed by any observer as harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Personnel are expected to refrain from swearing in the presence of students.
 7. One to one counseling with students will be done in a public place where private conversations are possible but occur in full view of others.
 8. Personnel are cautioned against initiating sexually oriented conversations with students. Staff in a mentoring or counseling relationship may respond to sexually oriented questions or comments from students, but will do so in a manner consistent with school values and the position statements of the NMA. Personnel are not permitted to discuss their own sexual activities with students.
 9. All Personnel, including personnel under the age of 18, will maintain appropriate boundaries when in positions of power with program participants.
 10. Personnel will refrain from intimate displays of affection towards others in the presence of students, parents, and other personnel.

11. Money or gifts will not be given to children or youth, except for within the context of a group gift, given to all participants in celebration of special events or recognition.
12. Personnel will never be rude or inappropriately dressed in presence of students. Personnel must be well groomed and appropriately dressed at all times.
13. Personnel are prohibited from possessing any sexually oriented or otherwise inappropriate printed materials (magazines, cards, videos, films, clothing, etc) on NMA property or in the presence of students.
14. Personnel are prohibited from viewing or downloading any sexually oriented or morally inappropriate internet materials on NMA property or in the presence of students.
15. In the event of the school participating in a field trip, personnel are prohibited from sleeping in the same beds, sleeping bags or small tents with students.
16. Any contact between Personnel and students which takes place outside the context of scheduled activities or job description (phone calls, letters, or face to face conversations) and is unrelated to program sponsored by NMA, will be permitted only with the express approval of the child's parents. Parents must be advised of the nature of the contact, and that such is not part of a NMA activity.

B. Physical Contact

The NMA has implemented a physical contact policy that will promote a positive, nurturing environment while protecting children and Personnel from misunderstandings. The following guidelines are to be carefully followed by all Personnel working with students.

1. Appropriate affection between Personnel and students is to be maintained at all times. The following forms of affection are regarded as appropriate examples for most NMA sponsored and affiliated programs:
 - a) Side Hugs.
 - b) Pats on the shoulder or back.
 - c) Handshakes.
 - d) "High Fives" and hand slapping..
 - e) Verbal praise.
 - f) Touching hands, faces, shoulders and arms of students.
 - g) Arms around shoulders.

- h) Holding hands while walking with small children.
 - i) Sitting beside small children.
 - j) Kneeling or bending down for hugs with small children.
 - k) Pats on the head when culturally appropriate.
2. Some forms of physical affection have been used by adults to initiate inappropriate contact with students. In order to maintain the safest possible environment for students, the following is a non-exhaustive list of examples of affection that are not to be used in NMA sponsored and affiliated programs:
- a) Full body hugs or lengthy embraces.
 - b) Kisses on the mouth.
 - c) Holding students over two years old on the lap.
 - d) Touching bottoms, chests or genital areas.
 - e) Showing affection in isolated areas of the program such as bedrooms, closets, staff only areas, or other private rooms.
 - f) Sleeping in a bed with a child.
 - g) Touching knees or legs of students.
 - h) Wrestling with students.
 - i) Tickling students.
 - j) Piggyback rides.
 - k) Any type of massage given by child or youth to adult.
 - l) Any type of massage given by adult to child or youth.
 - m) Any form of unwanted affection.
 - n) Compliments that relate to physique or body development.

C. Student Discipline Procedures

1. Personnel are prohibited from using physical punishment in any way for behavior management of students. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting or any other physical force as retaliation or correction for inappropriate behaviors by students.
2. Personnel are prohibited from using the following techniques for behavior management under any circumstances:
- a) Isolation, except as needed for the child to gain self-control, and then only under the supervision of an adult, and no longer than 15 minutes.
 - b) Withholding food or water.
 - c) Degrading punishment.
 - d) Work assignments unrelated to a natural or logical consequence.
 - e) Group punishment for one child's behavior.
 - f) Excessive exercise.
 - g) Withholding access to contact with parents or guardians.

- h) Withholding or using medications for punishment.
 - i) Mechanical restraint such as rope or tape to restrict movement.
 - j) Physical restraint.
3. Personnel must use positive techniques of guidance, including redirection, positive reinforcement and encouragement rather than inappropriate competition, comparison and criticism.
 4. Personnel will have age appropriate expectations and guidelines that minimize the need for discipline.

IV Supervision of Programs

A. General Monitoring

- Personnel must never leave a student unsupervised.
- Personnel must avoid being alone with a single student where they cannot be observed by others.
- In special programs that require one to one contact, additional safeguards must be in place. Examples of safeguards include surveying of students, contact with students by supervisors and contact logs which are kept by Personnel.
- A minimum of two screened adults should be available in each program facility.
- The adult-child ratio should meet state guidelines and should be directly related to the goals of the program, the design of the facility, and the use of other community resources. The adult-child ratio should be adjusted for those programs that serve students with special needs.
- Parents and guardians are encouraged to be part of any and all school activities in which their children are involved. Parents have an open invitation to observe activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs are required to complete the volunteer application process.
- NMA office will maintain up to date list of approved NMA sponsored programs for students. The list will include activities, purpose, sponsors or coordinators of the programs, meeting times and locations.

- Personnel are not permitted to develop new activities for children and youth without approval from the Principal. Requests to develop new activities should be submitted in writing.

B. Facility Monitoring

- All unused rooms, storage areas, and closet doors must be kept locked at all times.
- All unused buildings and areas must be designated, posted and enforced as off-limits to children.
- All students are required to remain in facility areas that are easily viewed by Personnel.
- All facilities are required to utilize open doors, open blinds and windows to allow informal monitoring by passerby.

V. Reporting of Problems

A. Reporting of *Inappropriate Behaviors* with Students

1. Because NMA is dedicated to maintaining a zero tolerance policy for abuse, it is imperative for every member of this community to participate actively in the protection of children and youth. In the event that Personnel observe any suspicious or inappropriate behaviors on the part of other Personnel, it is their personal responsibility to immediately report their observations. Examples of suspicious or inappropriate behaviors would be policy violations, neglectful supervisions, seeking private time with students, taking students off-premises without adhering to procedures, buying unusual gifts for children and youth, poor roles modeling, swearing or making suggestive comments to students. Inappropriate behaviors or policy violations that relate to interactions with students should be reported to the Confidential Hotline.
2. All reports of suspicious or inappropriate behavior with children and youth will be taken seriously. NMA procedures will be carefully followed to ensure that the rights of all those involved are protected.
3. If at any point in gathering information about suspicious or inappropriate behavior, a concern arises that there is a possibility of abuse, the state authorities will be contacted and a report filed.

4. If at any point, policy violations with students are confirmed, Personnel will be subject to disciplinary action up to and including termination and possible prosecution.

5.03 INTERNAL COMPLAINT POLICY

The purpose of the "Internal Complaint Review Policy" is to afford all employees of the School the opportunity to seek internal resolution of their work-related concerns. All employees have free access to the Director or Board of Directors to express their work-related concerns.

Filing of Complaint

If complaints cannot be resolved informally, employees may file a written complaint with the Director or Board President as soon as possible after the events that give rise to the employee's work-related concerns. The written complaint should set forth in detail the basis for the employee's complaint.

Investigation

An objective and timely investigation of all complaints which cannot be resolved informally will be undertaken. This includes meeting separately with the employee and with others who either are named in the complaint or who may have knowledge of the facts set forth in the complaint.

The School will attempt to treat all internal complaints and their investigation as confidential, recognizing, however, that in the course of investigating and resolving internal complaints some dissemination of information to others may be necessary or appropriate.

Upon completion of the investigation, the Personnel Manager shall report the finding(s) to the employee in writing.

Non-Retaliation

If an employee has filed a complaint in good faith, the employee will not be disciplined or otherwise penalized for lodging the complaint. If an employee believes that he or she is being retaliated against for lodging a complaint, the employee should immediately notify the Director or Board President.

5.04 USE OF E-MAIL, VOICEMAIL AND INTERNET ACCESS

NMA will permit employees to use its electronic mail, voicemail systems and Internet access subject to the following:

1. Minimal personal use as long as it does not interfere with timely job performance and is consistent with law and appropriate protocols.

2. The E-mail system and Internet access is not to be used in any way that may be disruptive, offensive to others, or harmful to morale. For example, sexually explicit images, ethnic slurs, racial epithets, or anything else that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, religious beliefs or political beliefs may not be displayed or transmitted.
3. Employees should not attempt to gain access to another employee's personal file of E-mail or voicemail messages without the latter's express permission.
4. NMA staff will not enter an employee's personal E-mail files or voicemail unless there is a business need to do so. NMA retains a copy of all passwords; passwords unknown to NMA may not be used. System security features, including passwords and delete functions, do not neutralize NMA's ability to access any message at any time. Employees must be aware that the possibility of such access always exists.

6.0 FORMS

SEXUAL HARASSMENT COMPLAINT FORM

It is the policy of NMA that all of its employees be free from sexual harassment. This form is provided for you to report what you believe to be sexual harassment, so that NMA may investigate and take appropriate disciplinary or other action when the facts show that there has been sexual harassment.

If you are an employee of NMA, you may file this form with the Director or Board President.

Please review NMA's policies concerning sexual harassment for a definition of sexual harassment and a description of the types of conduct that are considered to be sexual harassment.

NMA will undertake every effort to handle the investigation of your complaint in a confidential manner. In that regard, NMA will disclose the contents of your complaint only to those persons having a need to know. For example, to conduct its investigation, NMA will need to disclose portions of your factual allegations to potential witnesses, including anyone you have identified as having knowledge of the facts on which you are basing your complaint, as well as the alleged harasser.

In signing this form below, you authorize NMA to disclose to others the information you have provided herein, and information you may provide in the future. Please note that the more detailed information you provide, the more likely it is that NMA will be able to address your complaint to your satisfaction.

Charges of sexual harassment are taken very seriously by NMA both because of the harm caused to the person harassed, and because of the potential sanctions that may be taken against the harasser. It is therefore very important that you report the facts as accurately and completely as possible and that you cooperate fully with the person or persons designated to investigate your complaint.

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you believe sexually harassed you or someone else: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

I acknowledge that I have read and that I understand the above statements. I hereby authorize NMA to disclose the information I have provided as it finds necessary in pursuing its investigation.

I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.

Signature of Complainant

Date: _____

Print Name

Received by: _____

Date: _____

COMPLAINT FORM

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you have a complaint against: _____

List any witnesses that were present:

Where did the incident(s) occur?

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

I hereby authorize NMA to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.

Signature of Complainant

Date: _____

Print Name

Received by: _____

Date: _____

ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL HANDBOOK

PLEASE READ THE EMPLOYEE HANDBOOK AND SUBMIT A SIGNED COPY OF THIS STATEMENT TO THE PERSONNEL MANAGER.

EMPLOYEE NAME: _____

I ACKNOWLEDGE that I have received a copy of the Employee Handbook. I have read and understood the contents of the Handbook, and I agree to abide by its directions and procedures. I have been given the opportunity to ask any questions I might have about the policies in the Handbook. I understand that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Handbook.

I understand that the statements contained in the Handbook are guidelines for employees concerning some of NMA policies and benefits, and are not intended to create any contractual or other legal obligations or to alter the at-will nature of my employment with NMA. In the event I do have an employment contract which expressly alters the at-will relationship, I agree to the foregoing except with reference to an at-will employment status.

I understand that except for employment at-will status, any and all policies or practices can be changed at any time by NMA.

I understand that other than the Board of NMA, no person has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the Board has the authority to make any such agreement and then only in writing signed by the Board President.

Employee's Signature: _____ Date: _____