



**Southern Wake Academy**  
**A Tuition-Free Public Charter School**  
**Employee Handbook 2022-2023**

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# Southern Wake Academy

## Mission, Vision and Values



### MISSION AND VISION STATEMENT

**Mission:** In partnership with parents and the community Southern Wake Academy faculty and staff will promote academic excellence among our students through a dynamic curriculum, nurturing relationships, and involvement in the community.

**Vision:** Southern Wake Academy is a school where all students will obtain academic excellence so that they can become lifelong learners who succeed in school and throughout the world.

## INTRODUCTION/DISCLAIMER

This Employee Handbook (hereafter “Handbook”) applies to all faculty, staff and all other employees of Southern Wake Academy and is designed to acquaint you with Southern Wake Academy 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 Southern Wake Academy. Please read it with care; it is your responsibility to be in compliance with the policies and procedures it describes. It details many of your responsibilities as an employee and outlines the programs developed by Southern Wake Academy 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 Southern Wake Academy continues to grow, the need may arise, and thus Southern Wake Academy 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. Southern Wake Academy 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 Southern Wake Academy are employed at will. Southern Wake Academy 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 Southern Wake Academy Board of Directors, and signed by the Chair of the Board of Directors and Superintendent, employment at Southern Wake Academy 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 Southern Wake Academy’s at-will policy.

This Handbook summarizes the policies and procedures that are currently in effect. 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 to remain employed by Southern Wake Academy. 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 at the discretion of Southern Wake Academy. 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.

## EQUAL EMPLOYMENT

It is Southern Wake Academy's policy to provide equal employment opportunities for all applicants and employees. Southern Wake Academy 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.

Southern Wake Academy 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.

In addition, SWA complies with Title IX, which 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 Southern Wake Academy that students should not be subjected to forms of unlawful discrimination or harassment, while at Southern Wake Academy or Southern Wake Academy-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 Southern Wake Academy regarding the identification, prevention, intervention, and reporting of such antisocial acts. Southern Wake Academy acknowledges the dignity and worth of all students and strives to create a safe, orderly, caring and inviting Southern Wake Academy environment to facilitate student learning and achievement. Southern Wake Academy strives to model an inclusive environment and prohibits discrimination and harassment on the basis of gender or sex, including sexual orientation and LGBTQ+ identification. Southern Wake Academy 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.

Therefore, our programs, activities, and practices shall be free from unlawful discrimination. And, SWA provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type based on actual or perceived race, color, religion, age (40 years or older), sex (including pregnancy), national origin, ancestry, disability status, ethnic group identification, genetic information, protected veteran status, military obligations, pregnancy, marital or parental status, political affiliation, work-related injury, sexual orientation, gender, gender identity or expression, or any other characteristic protected by federal, state or local laws or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.

This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, furlough, transfer, leaves of absence, compensation, retention, training, assignments, and professional development as well as the use of the School's facilities and participation in all school-sponsored activities. The policy of equal employment opportunity includes a prohibition against any and all unlawful discrimination including but not limited to, harassment, including sexual harassment, or retaliation.

If you believe you have been discriminated against, please follow SWA's Title VII or Title IX procedures which are found in Exhibit A or B and immediately contact the Superintendent or the school's Human Resources

representative. If the Superintendent is involved in your discrimination claim, please immediately contact the Human Resources representative or anyone on the Board of Directors you feel comfortable with. In addition, SWA's non-Title VII and non-Title IX bullying and harassment policy can be found in Exhibit C.

#### DISABILITY ACCOMMODATIONS

Southern Wake Academy is committed to providing equal employment opportunities to individuals with disabilities, those regarded as having disabilities and those associated with individuals with disabilities. Accordingly, Southern Wake Academy 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 employment. Southern Wake Academy 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

Southern Wake Academy 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 Southern Wake Academy, 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 Southern Wake Academy 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 Southern Wake Academy can make a lawful and reasonable decision in regard to continued employment. Individuals who are active illegal drug users are excluded from coverage under Southern Wake Academy'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.

#### ADA PROCESS AND COMPLAINTS

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 Human Resources at SWA, in person or via email, 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.

#### GENETIC INFORMATION

Southern Wake Academy 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 Southern Wake Academy for any reason.

## WORKPLACE SAFETY AND HEALTH

### DRUGS AND ALCOHOL

Southern Wake Academy is committed to a safe and healthy work environment, free of the presence of alcoholic beverages or unlawful controlled substances. Southern Wake Academy 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 Southern Wake Academy hours, (b) while on any property owned or leased by Southern Wake Academy, (c) at any time during which employees, independent contractors, or business associates are acting in the course and scope of employment with Southern Wake Academy, (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.

To protect the interests of Southern Wake Academy, its students, its employees, and the public, Southern Wake Academy may take reasonable measures to ensure that the Southern Wake Academy 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. Southern Wake Academy 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. Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy's property. Factors which may raise reasonable suspicion include, but are not limited to:
    - i. Excessive absenteeism or tardiness
    - ii. Deterioration of job performance
    - iii. Significant changes in personality, dramatic mood swings, abusive behavior, or

insubordination

- iv. Reliable reports from employees or other credible sources
  - v. Unexplained, frequent absences from normal work area
  - vi. Unusual, irrational or erratic behavior
  - vii. Difficulty in motor coordination, poor muscle control, unsteady walking, nervousness, slurred speech
  - viii. Direct observation of drug or alcohol use or discovery of evidence of drug or alcohol possession or use in the employee's vicinity
  - ix. Impaired short-term memory or logical thinking
- b. Post-accident testing – Southern Wake Academy 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 Southern Wake Academy grounds or during working hours.
  - c. Periodic or random testing – Southern Wake Academy 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 Southern Wake Academy bus driver or other commercial motor vehicle operator employed by Southern Wake Academy.

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.

#### VIOLENCE AND WEAPONS

##### THREATS AND VIOLENCE

Southern Wake Academy strives to maintain a work 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 Southern Wake Academy 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.

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. Employees who are aware of any threats of physical violence on campus or toward any students must be immediately reported to a supervisor or Superintendent. Complaints will be promptly investigated. Based upon the results, disciplinary action, up to and including termination, may be taken.

## WEAPONS BAN

Southern Wake Academy prohibits **unlawful carry of firearms and other** weapons (or replicas of weapons) on Southern Wake Academy property, in Southern Wake Academy vehicles and at Southern Wake Academy-sponsored activities on or off Southern Wake Academy property. Weapons and replicas of weapons 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 gasses or any other tool or instrument capable of inflicting bodily injury as determined by Southern Wake Academy administration.

Students who violate this policy will be subject to disciplinary action, up to and including expulsion. The assigned Principal or 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 Handbook for additional information.

Employees who violate this policy will be subject to disciplinary action up to, and including termination. The Principal or 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 student acts of violence and unlawful 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 Principal or Superintendent is required to report immediately to the appropriate local law enforcement agency whenever the Principal or Superintendent has personal knowledge or actual notice from Southern Wake Academy personnel that any of the following acts has occurred on Southern Wake Academy 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 Southern Wake Academy property, which includes any public-Southern Wake Academy building, bus, campus, grounds, recreational area or athletic field.

## TOBACCO-FREE CAMPUS

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

## WORKPLACE INJURY AND ILLNESS

Southern Wake Academy 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. Southern Wake Academy strives to maintain working conditions which afford all employees a reasonable degree of comfort and protection from injury or dangerous situations while ensuring 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 Southern Wake Academy 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 appropriate Principal or 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.

#### COVID-19 AND COMMUNICABLE DISEASES (SPECIFICALLY COVID-19 FOR THE 2022-2023 ACADEMIC YEAR)

An employee shall not be allowed to work on campus if the employee:

- Has been diagnosed with COVID-19/a communicable disease and is still experiencing symptoms.
- Is showing any of the following symptoms, including:
  - Fever of 100.7 or greater
  - Shortness of breath or difficulty breathing
  - New loss of taste or smell
  - Vomiting or diarrhea
  - Chills

In addition to the foregoing, Southern Wake Academy may implement additional policies or procedures, including requiring employees to undergo a health screening each day prior to working on campus, or any other measures the Southern Wake Academy may require consistent with local, state, and federal law or regulations.

#### BLOODBORNE PATHOGENS

It is the policy of SWA to comply with Federal Occupational Safety and Health Act (29 U.S.C. 651) and with the Occupational Safety and Health Act of North Carolina (N.C. Gen. Stat. 95-126) and all rules and regulations promulgated thereunder. Specifically, it is the policy of the school to minimize and to prevent, when possible, the exposure of its employees to bloodborne pathogens i.e., disease-causing microorganisms transmitted through human blood.

#### OSHA REQUIREMENTS

The Occupational Safety and Health Act (OSHA) addresses health and safety issues in the workplace. Any occupational injury or illness should be reported to the Superintendent immediately after occurrence. All occupational injuries and illnesses should be reported using incident report forms available from the school. Selected employees, based on job responsibilities, may be required to receive additional OSHA training.

## PERSONNEL POLICIES

### AT-WILL EMPLOYMENT

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

### IMMIGRATION LAW COMPLIANCE

Southern Wake Academy is committed to employing only individuals who are authorized to work in the United States as required by the Immigration Reform and Control Act (IRCA) 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. Southern Wake Academy 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.

### STAFF CRIMINAL BACKGROUND CHECKS

Southern Wake Academy's Board of Directors believes that every attempt should be made to provide safe and secure learning and working environments for all students and staff. The Board also believes that employees should be role models for students. Criminal convictions against, or pleas of guilty or no contest, by an applicant may have an impact upon those goals and will be considered in hiring and dismissal decisions. Accordingly, all prospective employees, including substitute teachers, and independent contractors who are considered for duties with substantial contact with students must successfully pass criminal records checks as required by the Board.

School personnel positions are defined as all positions based in school including, but not limited to, the following positions: administrators, school staff, teaching staff, teaching assistants, substitute teachers, site managers and contracted personnel.

Applicants shall answer completely and accurately all questions on their employment application regarding previous criminal history. Failure to do so may preclude the applicant from being hired and subject a current employee to dismissal. Applicants shall consent in writing to a preliminary criminal records check and post-employment criminal records check and to provide fingerprints and other identifying information required to complete such checks. Failure to do so may result in rejection of an applicant or dismissal of a current employee.

The following shall apply with respect to criminal record checks:

- a. State checks will be performed for all applicants or conditional employees, in all states where the applicant or conditional employee has resided and worked.
- b. The applicant or conditional employee will not be permanently employed if the criminal record check and supporting records, upon confirmation, reveal a “criminal history,” defined as the conviction of a crime, whether misdemeanor or felony, that indicates the employee (1) poses a threat to the physical safety of students or personnel or (2) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as a school employee.
- c. Conviction of a crime, as stated in this policy, includes the entry of (1) a plea of guilty, no contest, or the equivalent, (2) a verdict or finding of guilt in a court of law or military tribunal or (3) a plea for judgment to be continued. The school shall consult with legal counsel or obtain a certified copy of the applicant’s conditional employee’s conviction notice prior to making any final employment decision based on criminal history.
- d. If the school considers criminal history in rejecting an applicant or dismissing a conditional employee, the Superintendent or their designee shall prepare a written statement with regard to how such information was used.
- e. The Superintendent or their designee shall provide to the state board of education information on where to obtain the record of conviction, including the person’s name, criminal case number, and the county of conviction for a person who is licensed or certified by the state board of education.
- f. If a criminal record check reveals that an applicant or conditional employee was charged but not convicted with a crime, whether misdemeanor or felony, and such charge indicates that the employee may not meet the Board’s employment standards, the Superintendent may conduct further investigations into a person’s conduct and the circumstances surrounding the charge.
- g. Applicants and current employees shall notify the Superintendent if they are charged with or convicted of a criminal offense (including entering a plea of guilty, no contest, or equivalent) except for minor traffic violations.
- h. Information obtained because of a criminal record check shall be kept confidential as required by state law and regulations. The school shall retain only hard copy records from a criminal history check conducted through the North Carolina Department of Justice. These records shall be kept in a locked, secure place, separate from the individual’s personnel file.
- i. If the school conducts criminal record checks that are subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.

#### REGISTERED SEX OFFENDER POLICY

In accordance with G.S. 14-208.18 all persons who are (1) required to register under the Sex Offender and Public Protection Program AND (2) have been convicted of (a) any offense in Article 7A of Chapter 14 of the General Statutes, (b) any federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in Article 7A or (c) any offense in which the victim was under the age of 16 years at the time of the offense, are expressly forbidden to knowingly be present on any property owned or operated by the school, including school buildings, athletic fields, parking lots or other property of any kind or

any reason, including attendance at sporting events or other school-related functions, whether before, during or after school hours. In addition, sex offenders subject to G.S. 14-208.18 may not attend or be present at any student function or field trip on or off school property that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This policy applies to all covered sex offenders, regardless of their relationship to or affiliation with a student in the school.

#### ENFORCEMENT

All school personnel must immediately report to a school administrator the presence or suspected presence of a known or suspected registered sex offender on school property. School administrators and other supervisory personnel shall report to the Superintendent and law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event. School administrators also shall notify the Superintendent or their designee of any known student or parent or guardian of a student at their school who is suspected to be a registered sex offender.

#### EXCEPTIONS

A person who is banned from school property under G.S. 14-208.18 may be on school property only under the following circumstances:

1. Students who are subject to G.S. 14-208.18 and are eligible to vote may be on school property only in accordance with policy 4260, Student Sex Offenders.
2. Parents or Guardians
  - A. An individual who is subject to this policy and is the parent or guardian of a student enrolled in school may be on school property only for the following reasons:
    1. to attend a scheduled conference with school personnel to discuss the child's academic or social progress or
    2. at the request of the Superintendent or their designee for any reason relating to the welfare of his or her child
  - B. For each visit authorized by the Superintendent in accordance with subsection (A) above, the parent or guardian must provide the Superintendent with prior written notice of his or her registration on the Sex Offender Registry and notice of his or her presence at the school. Notice of his or her presence at the school includes the nature and specific times of the visit.
  - C. For each visit authorized by subsection (A) above, the parent or guardian must arrange to meet a staff member at the edge of school property, checking in at the Superintendent's office upon arrival and departure, and always remain under the direct supervision of school personnel. If school personnel are not available to supervise the parent or guardian during any visit, then the parent or guardian will not be permitted to enter or remain on school property.
  - D. For each visit authorized by subsection (A) above, the parent or guardian must comply with all reasonable rules and restrictions placed upon him or her by the Superintendent, including restrictions on the date, time, location and length of meeting.

#### CONTRACTUAL PERSONNEL

To ensure compliance with this policy, each contract executed by the board must include a provision that requires the other party to the contract to conduct an annual check of the State Sex Offender and Public Protection Program and the State Sexually Violent Predator Registration Program on all employees who may be sent to perform tasks on or deliver products to school property. Persons who are subject to section (A) of this policy may not be sent onto school property for any reason. In addition, each time the board enters in to any contract or agreement for contracted services that involves direct interaction with children, the contract must include a provision requiring the other party to the contract to conduct an annual check of the National Sex Offender Registry on all contracted employees who may have direct contact with children. No contractor or employee of a contractor registered with the State Sex Offender and Public Protection Program, the State Sexually Violent Predator Program or the National Sex Offender Registry may have direct interaction with children. This provision applies to contracts with a single individual.

#### UNLAWFUL ACTIVITY/REPORTING OF ARRESTS AND CONVICTIONS

Any employee who is arrested for, charged with, convicted of or pleads guilty to any offense other than a non-moving traffic violation must self-report that offense to the Superintendent within 24 hours. Failure to report an offense may lead to disciplinary action.

#### 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 Southern Wake Academy policy, board policy, law or regulation. Complaints that do not raise an alleged violation of Southern Wake Academy policy, board policy, law or regulation do not raise a grievance issue 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 operations issues, employee discipline or employee reviews unless they violate a specific policy, law or regulation. And, a grievance does not include a complaint of sexual harassment, discrimination or retaliation, which shall be handled pursuant to the Title VII Discrimination, Harassment and Sexual Harassment policy and does not include Title IX allegation, which shall be governed by Southern Wake Academy’s Title IX policy in the Employee Handbook and consistent with state or federal laws. This policy also does not apply to any complaints covered by the School’s non-Title VII and non-Title IX harassment and bullying policy.
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 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 Southern Wake Academy 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 President 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 Southern Wake Academy 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 Southern Wake Academy's bylaws. The Board will consider and discuss the grievance at the meeting in accordance with Open Meetings laws. 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 or conduct an investigation, it may defer its decision until another regularly scheduled board meeting or schedule a special meeting. At the Board's sole discretion, the Board may conduct an investigation or gather additional information regarding the grievance, including interviews or engagement of an investigator, if needed. At the meeting where the board makes a decision on the grievance, the board will give the individual filing the grievance or appeal the opportunity to attend the meeting.

Once the board reaches a decision, the Board will communicate that decision to the individual who filed the grievance within five Southern Wake Academy days. The Board's decision concerning the grievance is final.

SWA recognizes that there are times when the most qualified candidate for a particular vacant position might be related to a current employee. SWA further recognizes that an educational institution functions best when all staff members are free of situations which might encourage conflicts of interest in the supervision and evaluation of employees. The following guidelines shall be established to eliminate the possibilities of conflicts existing in the direct supervision and evaluation of an employee:

Southern Wake Academy will not place any employee under the direct supervision of a member of that employee's immediate family. No employee shall approve a contract with or purchase any goods or services from an immediate family member without disclosure and approval of the Board or its designee.

No member of an immediate family of an employee will be shown preference for employment in either a temporary or permanent position because of that family relationship. No employee or Board of Directors member shall recommend the employment of immediate family without disclosure to the Superintendent and the Board.

The hiring of direct relatives of current Board members should be avoided and is subject to state rules restricting such practices under specific circumstances.

Members of the immediate families of Board of Directors members may be considered for employment in either temporary or permanent positions subject to the Board's Nepotism policy and a Board decision that such employment is in the best interest of the organization. Board of Directors members must disqualify themselves from discussions or votes related to the employment of immediate family members and will be required to comply at all times with the School's Conflict of Interest policy

"Immediate Family" includes the employee's spouse, parents, children, stepchildren, siblings, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law and sister-in-law. In addition, any guardian, or any other relative whether by blood or marriage, living in the same household with the employee, is considered a member of the immediate family.

#### OUTSIDE EMPLOYMENT / CONTRACT OF RELATIVES & NEPOTISM

All employees will present themselves in a professional manner that supports the core values of the school. SWA teachers work under a position of trust when it comes to the academic development of students. All employees are expected to be mindful of the impact their conduct, actions and words may have on the School and its community.

All SWA staff members, full and part-time, will acknowledge any conflict of interest, perceived or real, which may interfere with, impact, or jeopardize their decision-making process while working or conducting school business. Conflict(s) of interest may involve membership in certain organizations that are contrary to the school's core values and can damage the school's reputation. Please see the School's Conflict of Interest Policy for more information.

Responsibilities related to employment with SWA will take precedence over any form of outside employment. Outside employment is not allowed when it prevents the employee from performing responsibilities in an effective manner or when it raises any question of conflict of interest should the employee's position in the school provide access to information or other advantage useful to an outside employer.

No staff member will engage in any type of private business during school time or on school property, or use SWA facilities, equipment or materials in performing work outside the school.

***Goods used by the school:*** No school employee may serve as an agent for any manufacturer, merchant, dealer, publisher, or author of any merchandise to be used at SWA. No school employee may receive any gift, reward, or promise of reward for recommending or procuring the use of any goods by SWA.

***Confidentiality:*** No school employee may use confidential information obtained in the course of employment for pecuniary benefit or allow another employee to do so.

#### INTERNAL INVESTIGATION AND SEARCH POLICY

From time to time, Southern Wake Academy 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, Southern Wake Academy 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 Southern Wake Academy policy or law is being, or has been violated. Southern Wake Academy may provide desks, computers, lockers and other items for the use by Southern Wake Academy's employees. At all times, these items remain the property of Southern Wake Academy. Employees are expected to cooperate with Southern Wake Academy's workplace searches. While Southern Wake Academy 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.

## STAFF EXPECTATIONS

### STANDARDS OF CONDUCT

Southern Wake Academy 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.

Southern Wake Academy 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. If a student needs a ride home, and an employee is willing to assist, the employee should consult with the Superintendent or appropriate supervisor, about how to avoid a one-employee-with-one-student situation in transporting the student home. These examples are not all-inclusive.

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 Southern Wake Academy'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.

### WORKPLACE ATTIRE

Southern Wake Academy 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. Any questions about what is professional dress should be directed to the Superintendent, Principal of the High School or Principal of the Middle School.

### TEACHERS HOURS AND RESPONSIBILITIES

It is vital to the smooth functioning of the school, and to the wellbeing of our students, that their teachers are both on time in the morning and available after school for formal and informal networking with other teaching staff, support staff and administrative staff on a daily basis. Teachers are required to:

Be at school, ready to receive children, no later than 7:30am

Remain at school until 3:30pm

Be in attendance for planned meetings as scheduled

Because teachers are professionals, many elements of their job require the continuation of service beyond the hours described above. Some examples of these elements are:

- The creation of an exciting classroom
- Program development and joint planning
- Professional growth activities
- Faculty meetings
- Parent conferences
- Special help for individual students
- Care of school property and equipment
- School functions that take place during evening or weekend hours, such as our Back to School Nights, and parent conferences

Repeated lateness or early departure, or failure to fulfill professional responsibilities such as those mentioned above, may be cause for non-renewal of a teacher's contract. Please plan accordingly!

#### ATTENDANCE AND PUNCTUALITY

Attendance and punctuality are important factors for your success within our school. We work as a team and this requires that each person be in the right place at the right time.

If you are going to be late for work or absent, notify their supervisor or the Superintendent as far in advance as is feasible under the circumstances, but no later than 7:00 AM on the day of your absence. Personal issues requiring time away from your work, such as doctor's appointments or other matters, should be scheduled during your non-working hours if possible. Failure to timely report an absence may result in disciplinary action.

If you are absent for three days without notifying SWA, it is assumed that you have voluntarily abandoned your position with SWA, your employment with SWA is terminated and you will be removed from the payroll.

#### TARDINESS

Notwithstanding unexpected or personal emergencies, every teacher and staff member is expected to arrive on time for work. Punctuality demonstrates personal commitment, organization, work ethic, and discipline. For every three tardies an employee accrues in a quarter, one day will be deducted from the employee's leave bank. In addition, persistent tardiness will result in other consequences up to and including termination or non-renewal. Be sure to contact your supervisor if something occurs that will result in you being late.

### **STUDENT SUPERVISION**

Students attending public schools are under the supervision of the Superintendent and teachers who have a legal responsibility for the whereabouts and wellbeing of those students. Thus, students should never be unsupervised at school or be permitted to leave the school without their parent or guardian or after having submitted a satisfactory written request from their parents. SWA has an alternating schedule for supervising students during all-school recess, which allows for teacher planning periods.

### **FIELD TRIPS**

Field trips need prior approval from the Superintendent.

### **TRANSPORTING STUDENTS**

Staff shall not transport students at any time without express written permission from the Superintendent and the parent/guardian of the student(s) and only in exceptional circumstances.

### **STUDENT DISCIPLINE**

The middle school principal and the high school principal are the first points of contact for student discipline. All disciplinary meetings must be documented appropriately (this includes any staff contacts with parents and/or students prior to the referral being made to the appropriate Principal or the Superintendent). Discipline data (including In School Suspension and Out of School Suspension) must be documented in PowerSchool in a timely manner. All staff are required to cooperate with any disciplinary investigations as requested by the principals or the superintendent.

### **STUDENT / FAMILY INFORMATION**

Teachers are responsible for maintaining current emergency information on their students and knowing how to reach responsible caregivers during the day and evening. Teachers should work with parents and/or parent representatives to make sure emergency information is up to date.

## TECHNOLOGY

### ELECTRONIC COMMUNICATIONS

Southern Wake Academy provides computers, electronic data storage, Internet services, electronic mail (“email”) and voice mail communications systems (collectively “the Southern Wake Academy’s communication systems”) as important tools to support the Southern Wake Academy’s business and assist employees in performing their job responsibilities. It is the responsibility of every employee to ensure the Southern Wake Academy’s communication systems are used for authorized Southern Wake Academy purposes only and in a fashion that does not improperly disclose confidential, sensitive or proprietary information to unauthorized individuals.

Any communications, in which Southern Wake Academy’s communications systems are used, including correspondence such as e-mail, constitute Southern Wake Academy property. Southern Wake Academy’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 Southern Wake Academy’s communication systems is strictly prohibited. Unauthorized use includes, but is not limited to:

- Any communications or use which violates the Southern Wake Academy’s equal employment opportunity, harassment, or non-retaliation policies or any other Southern Wake Academy policy or procedure.
- Utilizing or accessing the Southern Wake Academy’s communication systems without proper authorization.
- Disabling or otherwise interfering with the Southern Wake Academy’s communication security or data protection systems.
- Using the Southern Wake Academy’s communication system to disclose confidential, sensitive, or proprietary information to unauthorized individuals.

Southern Wake Academy 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 Southern Wake Academy’s communications systems as private.

During employment with Southern Wake Academy, employees may be provided with passwords, entry codes and/or access to the Southern Wake Academy’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 Southern Wake Academy’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.

### ACCEPTABLE USE OF PROPERTY AND TECHNOLOGY

For the purposes of this policy, “technology” refers to all Southern Wake Academy 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, digital cameras, and video recorders.

The property of Southern Wake Academy refers to objects owned and housed on Southern Wake Academy 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 Southern Wake Academy.

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

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

Staff and students who use Southern Wake Academy technology resources must do so responsibly, and are required to comply with all state and federal laws, the policies of Southern Wake Academy, and with standards of professional and personal courtesy and conduct. When using Southern Wake Academy property, staff and students are expected to exercise care, perform required maintenance where assigned, and follow all operating instructions, safety standards, and Handbook policies. Staff and students may not use any Southern Wake Academy 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 Superintendent.

Southern Wake Academy’s technology resources are to be used for Southern Wake Academy 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 Southern Wake Academy policies, break local, state, or federal law, result in any monetary cost to Southern Wake Academy, 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.

Southern Wake Academy does not support the storage and installation of personal hardware or software and related data on Southern Wake Academy technology resources. Therefore, Southern Wake Academy 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.

Southern Wake Academy reserves the right in its sole discretion to determine when personal use of technology resources or other Southern Wake Academy 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 the Southern Wake Academy technology resources:

- Attempting to gain unauthorized access to Southern Wake Academy 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 Southern Wake Academy policy or that Southern Wake Academy deems inappropriate

It is understood that accidents happen, but staff are encouraged to take the best possible care of all Southern Wake Academy property and technology resources. If equipment or items sustain physical damage or are stolen, notify the Director of Strategic Operations immediately so that he or she can address the problem.

#### PRIVACY

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

Southern Wake Academy 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. The Southern Wake Academy community members have no right of privacy with respect to any messages or information created, maintained, received or stored on Southern Wake Academy's technology resources, even if those devices require a personal password to use or access or if the information has been deleted.

Southern Wake Academy reserves the right to advise appropriate legal authorities of any incident involving technology resources where it reasonably believes a Southern Wake Academy staff member may have violated the law. All passwords used to access technology resources must be made available to Southern Wake Academy, upon request. Southern Wake Academy also reserves the right to inspect all other property of Southern Wake Academy, 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 Southern Wake Academy. Such inspection can occur at any time, with or without advance notice or consent.

#### RETURN OF SOUTHERN WAKE ACADEMY PROPERTY AND TECHNOLOGY

Southern Wake Academy staff members who are issued Southern Wake Academy property or technology resources must return the items when requested by Southern Wake Academy or upon separation from the Southern Wake Academy. Staff members will face disciplinary action, up to and including dismissal, if any Southern Wake Academy property or technology resource issued to him or her is lost, damaged, misused or not returned upon request. Southern Wake Academy reserves the right to require staff members to sign an agreement allowing the Southern Wake Academy to recover the value of its property or technology resources from a staff member to the full extent authorized by law.

#### FUNCTIONALITY AND ACCURACY

Southern Wake Academy's network and systems administrators will make a good faith effort to keep the system and its available information accurate; however, Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy's technology resources and property viable, effective, and user friendly, all staff must work cooperatively and responsibly.

## RELATIONSHIPS WITH STUDENTS

Southern Wake Academy believes that creating and maintaining a positive relationship between students and staff is an integral component of a child's education. The school expects all employees to maintain the highest professional, moral, and ethical standards in their interactions with students. The staff has the responsibility to provide an atmosphere conducive to learning and to motivate each student to perform to his or her capacity. The staff is expected to model the behavior expected of students in staff-student relationships.

The interactions and relationships between staff and students must be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students inside and outside of the educational setting. Employees are expected to demonstrate good judgment and to avoid the appearance of impropriety in their interactions with students. Employees must consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other school policy.

For the purposes of this policy, the term "employees" includes independent contractors and school safety officers but does not include student employees.

### A. Romantic Relationships and Sexual Contact Prohibited

All employees are prohibited from dating, courting, or entering into a romantic relationship or having sexual contact with any student enrolled in the school regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action. Further, school personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

### B. Reporting Inappropriate or Criminal Misconduct

1. Reporting by Employees - Any employee who has reason to believe any of the following shall immediately report that information to the superintendent or designee:

- a. that another employee is involved in a romantic or other inappropriate relationship or has had sexual contact with a student;
- b. that another employee has engaged in other behavior prohibited by this policy; or
- c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid purpose.

***An employee who fails to inform the superintendent or designee as provided in this section may be subject to disciplinary action, up to and including dismissal.***

2. Reporting by Students - Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, or school counselor.

3. Report of Criminal Misconduct - Any principal who has reason to believe that a student has been the victim of criminal conduct that violates this policy shall immediately report the incident.

4. Report to State Superintendent of Public Instruction - Any administrator, including the superintendent, a deputy/associate/assistant superintendent, a personnel administrator, or a principal, who knows or has reason to believe that a licensed employee has engaged in conduct which involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public

Instruction within five working days of any disciplinary action, dismissal, or resignation based on the conduct. For purposes of this section, physical abuse is the infliction of physical injury other than by accidental means or in self-defense, and sexual abuse is the commission of any sexual act upon a child or causing a child to commit a sexual act, regardless of consent and the age of the child. Failure to report such conduct may result in the suspension or revocation of an administrator's license by the State Board of Education.

*This reporting requirement applies in addition to any duty to report suspected child abuse.*

## SOCIAL MEDIA POLICY

*This policy applies to all persons who work, contract or volunteer for Southern Wake Academy.*

Southern Wake Academy recognizes the importance of incorporating current technology tools, including new methods of electronic communication, into the classroom to enhance student learning. It further recognizes the importance of employees, students and parents engaging, learning, collaborating and sharing in digital environments as part of 21st Century learning. Southern Wake Academy strives to ensure that electronic communication tools incorporated into the school curriculum are used responsibly and safely. As practicable, Southern Wake Academy will provide access to secure social media tools and board approved technologies for use during instructional time and for school-sponsored activities.

Southern Wake Academy acknowledges that school employees may engage in the use of social media during their personal time. School employees who use social media for personal purposes must be mindful that they are responsible for their public conduct even when not acting in their capacities as school system employees. All school employees, including student teachers and independent contractors shall comply with the requirements of this policy when using electronic social media for personal purposes.

For the purposes of this policy, “social media” includes, but is not limited to: personal websites, web logs (blogs), wikis, social network sites, online forums, virtual worlds, video-sharing websites and any other social media generally available to the public or consumers that does not fall within the school’s technologies network (e.g., Web 2.0 tools, MySpace, Facebook, Twitter, LinkedIn, Flickr, YouTube).

### A. SOCIAL MEDIA COMMUNICATIONS INVOLVING STUDENTS

Employees are to always maintain professional relationships with students. All electronic communications with students who are currently enrolled in the school must be school-related and within the scope of the employees’ professional responsibilities, unless otherwise authorized by this policy. School personnel may use only school-controlled technological resources and social media tools to communicate directly with students or to comment on student matters through use of the Internet. The Superintendent will develop a list of approved social media sites. An employee seeking to utilize and/or establish other non-school-controlled social media websites for instructional or other school-related purposes must have prior written approval from the superintendent or designee and principal.

The use of electronic media for communicating with students and parents is an extension of the employee’s workplace responsibilities. Accordingly, the school expects employees to use professional judgment when using social media or other electronic communications.

Employees are prohibited from knowingly communicating with current students through a personal social network page. An internet posting on a personal social media website intended for a particular student will be considered a form of direct communication with that student in violation of this policy. However, an employee may communicate with a student using personal social media networks to the extent the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee’s child, or a member or participant in the same civic, social, recreational, sport or religious organization.

## B. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA

The school respects the right of employees to use social media as a medium of self-expression on their personal time. As role models for the school system's students, however, employees are responsible for their public conduct even when they are not performing their job duties as employees of the school system. Employees will be held to the same professional standards in their public use of social media and other electronic communications as they are for any other public conduct. Further, school employees remain subject to applicable state and federal laws, board policies, and the Code of Ethics for North Carolina Educators, even if communicating with others concerning personal and private matters. If an employee's use of social media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Employees are responsible for the content on their social media sites, including content added by the employee, the employee's friends or members of the public who can access the employee's site, and for Web links on the employee's site. Employees shall take reasonable precautions, such as using available security settings, to restrict students from viewing their personal information on social media websites and to prevent students from accessing materials that are not age appropriate.

School employees are prohibited from accessing social networking websites for personal use during instructional time or with school system technological resources.

## C. POSTING TO SOCIAL MEDIA SITES

Employees who use social media for personal purposes must be aware that the content they post may be viewed by anyone, including students, parents and community members. Employees shall observe the following principles when communicating through social media:

1. Employees shall not post confidential information about students, employees, or school system business.
2. Employees shall not accept current students as "friends" or "followers" or otherwise connect with students on social media sites (except as authorized in Section A).
3. Employees shall not knowingly allow students access to their personal social media sites that discuss or portray sex, nudity, alcohol or drug use or other behaviors associated with the employees' private lives that would be inappropriate to discuss with a student at school.
4. Employees may not knowingly grant students access to any portions of their personal social media sites that are not accessible to the general public (except as authorized in Section A).
5. Employees shall be professional in all internet postings related to or referencing the school system, students and other employees.
6. Employees shall not use profane, pornographic, obscene, indecent, lewd, vulgar or sexually offensive language, pictures or graphics or other communication that could reasonably be anticipated to cause a substantial disruption to the school environment.

7. Employees shall not use the school system's logo or other copyrighted material of the system without express, written consent from the board.
8. Employees shall not post identifiable images of a student or student's family without permission from the student and the student's parent or legal guardian (except as authorized in Section A).
9. Employees shall not use internet postings to libel or defame the board, individual board members, students or other school employees.
10. Employees shall not use internet postings to harass, bully or intimidate other employees or students.
11. Employees shall not post inappropriate content that negatively impacts their ability to perform their jobs.
12. Employees shall not use internet postings to engage in any other conduct that violates board policy and administrative procedures or state and federal laws.

#### D. CONSEQUENCES

School system personnel shall monitor online activities of employees who access the Internet using school technological resources. Additionally, the superintendent or designee may periodically conduct public internet searches to determine if an employee has engaged in conduct that violates this policy. Any employee who has been found by the superintendent to have violated this policy may be subject to disciplinary action, up to and including dismissal.

#### 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 Southern Wake Academy functions, whether or not conducted on Southern Wake Academy 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. Southern Wake Academy reserves the right to post pictures and images of current and former students on its website, official Facebook page or for any other Southern Wake Academy purpose. Parents who do not wish to allow SWA 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

Southern Wake Academy 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 operating in an investigation will be subject to disciplinary action, up to and including termination.

#### EMAIL AND INTERNET USAGE AND EQUIPMENT RESPONSIBILITY

While the Southern Wake Academy 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 Southern Wake Academy's network devices, Internet access, email, voicemail systems or other technological resources owned or issued by Southern Wake Academy, whether the resources are used at Southern Wake Academy or elsewhere, and even if the use is for personal purposes. These resources should be used primarily for job-related purposes consistent with Southern Wake Academy's legitimate business interests. Southern Wake Academy 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.

Southern Wake Academy 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 Southern Wake Academy's computers, without prior approval, and Southern Wake Academy licensed software may not be installed onto an employee's personal computer without prior authorization from the Technology Director.

In addition, Southern Wake Academy attempts to provide all staff with the equipment and supplies needed to do their job. This comes at great expense to our Southern Wake Academy 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 Handbooks, 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 Southern Wake Academy, 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.

## MEDIA POLICY

Employees and volunteers should not speak to the media on Southern Wake Academy 's behalf. Only authorized individuals may speak on behalf of the Southern Wake Academy to any media outlet. All media inquiries should be directed to the Superintendent.

### Media contacts

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

## CONTACT WITH THE MEDIA AND OUTSIDE AGENCIES

All inquiries by the media and outside agencies regarding SWA and its operations must be referred to the Superintendent and/or President of the Board of Directors. Only the Superintendent and/or Board of Directors or a person designated by the Superintendent, is authorized to make or approve public statements pertaining to SWA or its operations. No employees, unless specifically designated by the Superintendent and/or Board of Directors, are authorized to make those statements. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of SWA must first obtain approval from the Superintendent and/or Board of Directors before publication.

Employees may not contract with an outside agency for field trips, presentations or other school business without the written permission of the Superintendent. All media utilizing SWA's name or brand (e.g. Logo, mascot, etc.) must have approval by the SWA Board of Directors and shall be linked to SWA's official websites.

## ADVERTISEMENTS AND SALES ADVERTISEMENTS

All SWA employees are prohibited from distributing or posting non-school related material, including brochures and business cards without the prior approval of the Superintendent or the Board of Directors. The Board has the final authority to approve any material.

## SALES

No person or group may sell products or services to students while they are under the jurisdiction of the school, except in the cases of school pictures, and other items selected by a school group for fund-raising or to promote the purposes of the group or the school. The integrity of the instructional day must be protected. Therefore, no sales shall occur during instructional time. This provision does not apply to sale of products from school stores. The Superintendent may give permission for salespersons to meet with employees before and after school for the purpose of promoting and selling a product or service, provided that the product or service may be useful to the work of the school or in improving the conditions of employment; however, participation by an employee must be strictly voluntary.

## POLITICAL ACTIVITIES AND CLASSROOM DISPLAYS

Employees may exercise their right to participate fully in affairs of public interest on a local, county, state and national level on the same basis as any community member in a comparable position in public or private employment and within the law.

All school employees are privileged within the limitations imposed by state and federal laws and regulations to choose any side of a particular issue and to support their viewpoints as they desire by vote, discussion or persuading others. Such discussion and persuasion, however, will not be carried on during the performance of school duties, except in open discussion during classroom lessons that consider various candidates for a particular office or various sides of a particular political or civil issue.

On all controversial issues, employees must designate that the viewpoints they represent on the issues are personal and are not to be interpreted as the school's official viewpoint.

No employee will use school facilities, equipment or supplies in connection with his/her political activities, nor will he/she use any time during the workday for such political activities.

### ENSURING A LEARNING ENVIRONMENT

Subject to the exceptions set forth below, no school employee shall, while acting within the scope of their employment, either during school hours, or inside their physical area of responsibility at a school (such as a classroom, meeting room, desk area) hang, post, erect, or otherwise display ( hereafter "display") any posters, signs, flags, banners, pictures or other digital or physical image that depicts support or opposition relating to a political, quasi- political, or controversial topic.

For purposes of this policy a controversial topic shall be defined as one that a professional educator could reasonably understand to have students on more than one side of said issue. For purposes of this policy a political or quasi political topic includes contemporary issues being debated in the local, state or national political climate.

- **Exceptions:**

- \* This policy does not apply to the offices of the superintendent, principals, school counselors, social workers, psychologists, or other mental health staff. Caution is urged to ensure any displays in these offices reflect acceptance and inclusivity to all.

- \*This policy does not restrict in any way students' First Amendment rights.

- \* This policy does not restrict in any way School employees First Amendment rights when not speaking in their official capacity, nor while not on the job or if they are not using a forum provided exclusively to them as an employee, or otherwise speaking on behalf of the School.

- \* This policy does not limit, nor apply to communications, nor the free exchange of ideas during classroom discussions, the course of approved educational events or exploration of approved curriculum.

\* This policy does not apply to temporary displays used for purposes of classroom discussion, approved educational events or exploration of approved curriculum.

\* The flags of the United States of America, the State of North Carolina, of any other States in the United States, of other Countries or Municipalities are not prohibited by this policy.

#### PARTICIPATION IN POLITICAL ACTIVITY

SWA believes that employees have the right and obligation to be informed and politically active citizens, including the right to register, the right to vote, the right to be active members of the political party of their choice, the right to campaign for candidates and the right to seek, campaign for, and serve in public office provided there is no local, state or federal law prohibiting them from seeking a certain political office. No employee's position will be in jeopardy due to his or her political activities as long as the employee adheres to the terms of this policy.

No person employed by SWA shall engage in partisan political activity during the employee's working hours or at any time the employee is performing his or her job duties. No employee may use school equipment at any time for partisan political activity.

#### CONFIDENTIALITY

Respecting the privacy of our students, donors, staff, and volunteers of SWA itself is a basic value of SWA. Confidential information should not be disclosed or discussed with anyone without permission or authorization from the Board of Directors. Care shall also be taken to ensure that unauthorized individuals do not overhear any discussion of confidential information and that documents containing confidential information are not left in the open or inadvertently shared.

Employees, volunteers and board members of SWA may be exposed to information, which is confidential and/or privileged and proprietary in nature. It is the policy of SWA that such information must be kept confidential both during and after employment or volunteer service. Staff and volunteers, including board members, are expected to return materials containing privileged or confidential information at the time of separation from employment or expiration of service.

Unauthorized disclosure of confidential or privileged information is a serious violation of this policy and will subject the person(s) who made the unauthorized disclosure to appropriate discipline, including removal/dismissal.

#### PUBLIC RECORDS

Users are advised that all material in any form in SWA's network, including emails, may be considered a public record as defined by Chapter 132 of the General Statutes of North Carolina, the Public Records Act. Under the Public Records Act, certain material is considered the property of the people of the State of North Carolina which may be inspected, copied, used, republished, and otherwise made public. Users are further advised that public records may not be destroyed, altered, defaced, or mutilated.

#### GIFTS

All SWA staff employees are not allowed to accept gifts (tokens of appreciation) from any parent, person, company, school, or other government official with a value (or equivalent) of more than \$50.00. In general, gifts are considered tangible or intangible items (e.g., stock certificates), including rebates for merchandise,

merchandise gift cards, gratuities, and quid pro quo services. Any gift(s) which exceed this amount must be returned to the originator, and the Superintendent and Board of Directors must be notified. The high ethical standards of the school must be maintained in order to avoid conflicts of interest, perceived or real, in the local and education communities.

#### **PET AND VISITING ANIMAL POLICY**

Classroom pets provide excellent opportunities for an array of educational activities and can add to the positive environment in a classroom. Teachers should ensure that any pet brought to school will not be a health hazard or nuisance to any colleagues or students. All class pets should be approved in writing by the Superintendent and have necessary vaccinations up to date, with such documentation on file at the school.

It is expected that teachers will see to proper sanitation and containment, as well as to the maintenance and feeding of the animal(s), both routinely and over weekends and longer breaks. In the case of pet visits, teachers should confirm that necessary vaccinations are current, inform the Superintendent in writing of any such visits, and be sensitive to any allergies, fears or concerns people might have.

#### **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 Director of Teacher Development. Copies provided to the Southern Wake Academy are for Southern Wake Academy 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.

- [https://vo.licensure.ncpublicSouthern Wake Academys.gov/datamart/loginNCDPI.do;jsessionid=4CF95A9508CE39818232861FC6424BDE.i-3f4de6c0](https://vo.licensure.ncpublicSouthernWakeAcademy.gov/datamart/loginNCDPI.do;jsessionid=4CF95A9508CE39818232861FC6424BDE.i-3f4de6c0)
- NCDPI Online Licensure System

## EMPLOYEE MISCONDUCT AND CONSEQUENCES

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 instruct or associate with students;
3. Dishonesty;
4. Falsifying, tampering, or concealing information on an employment record (including a resume or time sheet) or other Southern Wake Academy record;
5. Willfully, maliciously or negligently making false statements regarding any co-worker or Southern Wake Academy, 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 Southern Wake Academy property, or the property of Southern Wake Academy employees, students or anyone on Southern Wake Academy property; or unauthorized removal of Southern Wake Academy property, records, or documents;
7. Unauthorized use, possession, alteration or transfer of Southern Wake Academy supplies or resources;
8. Refusal/failure to comply with any federal or state regulation or law; refusal/failure to comply with any Southern Wake Academy rule, policy or procedure, including but not limited to safety, health, and security policies and rules, Southern Wake Academy's Policy Against Harassment, Southern Wake Academy's Policy Concerning Violence in The Workplace and Southern Wake Academy'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 Southern Wake Academy benefits;
13. Knowingly permitting unauthorized persons to be in Southern Wake Academy facilities or on Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy administrator license;
31. Failure to maintain one's license or certifications in current status; and
32. Three or more days of consecutive, unauthorized absences.

#### **DISCIPLINARY ACTION**

When allegations of employee misconduct arise, the Principal or Superintendent will investigate the allegations and will confer with the employee in question. The Southern Wake Academy reserves the right to have other employees with knowledge of the matter also be present at the conference and to have another Southern Wake Academy supervisory employee present. If the Principal or 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 Principal or Superintendent engage in progressive discipline prior to termination of employment. The Principal or Superintendent is authorized to immediately terminate an employee, regardless of whether the employee has been previously disciplined. Southern Wake Academy also reserves the right to place employees on paid or unpaid leave during an investigation into alleged misconduct.

#### **VOLUNTARY TERMINATION**

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

#### **ADVANCE NOTICE OF RESIGNATION**

Employees planning to resign from their positions must provide written notice of resignation to their direct supervisors 30 days in advance of their anticipated departure date, including notify the Principal of the High School or the Principal of the Middle School as soon as possible, ideally at least 30 days before departure. Supervisors must notify the Principal of the High School or the Principal of the Middle School immediately if any employee resigns. Any teacher that provides less than 30 days' notice prior to resignation may be reported to the state licensure board.

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

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

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

All references, inquiries, or verifications of employment regarding any current or former employee of Southern Wake Academy shall be directed to Southern Wake Academy's Superintendent or their designee. No individual employee is authorized to provide reference or answer such inquiries unless approved to do so by the Southern Wake Academy'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 Southern Wake Academy'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.

### **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. Southern Wake Academy will not release an employee's personal data to anyone who is not employed by Southern Wake Academy or to any outside agency unless specifically authorized by the employee or the disclosure is required by law.

### **PERSONNEL FILES**

Personnel files are maintained by the Human Resource function for all personnel who work for Southern Wake Academy.

- All complaints, commendations, evaluations made by the supervisor and/or administrative staff, and suggestions for correction or improvement relating to the employee must be placed in his or her file.
- Access to the file of the employee will be limited to the employee, the school officials involved in the supervision and evaluation of the employee, anyone with a need to review such files, anyone to whom the employee has given written consent, or a court of law that has subpoenaed the information.
- An employee may respond in writing to a complaint, commendation, suggestion, or evaluation. This response will also be included in the file.
- If any employee wishes to review his/her personnel file, they should make an appointment to meet with the Human Resource Department.

Non-confidential file information will contain: name, age, date of original employment or appointment, current position title, current salary, date and amount of most recent increase or decrease in salary, date of most recent change in position classification, status, and current assignment. Such information is available to anyone making a public record request.

## OPERATIONS

### STAFF I.D. BADGES

Southern Wake Academy 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 the Southern Wake Academy's Office Manager to order one.

### KEYS, SECURITY CODE, AND INTERCOM SYSTEM

The Southern Wake Academy entrance, classroom, and office keys are issued to employees at the beginning of the Southern Wake Academy 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 a \$250.00 penalty that will be taken from their paycheck 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.

### VISITORS

Only authorized visitors are permitted on Southern Wake Academy's premises. All visitors must report directly to the Southern Wake Academy'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 or face-covering (if applicable to the situation) should notify his or her supervisor immediately or make such other reports, as appropriate.

### PERSONAL PROPERTY

Southern Wake Academy 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 Southern Wake Academy property and do so at their own risk.

### EQUIPMENT INVENTORY

Teachers are issued technology equipment 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 Southern Wake Academy's premises on the final day of each work year and of the employee's employment.

#### MONEY PROCEDURES

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

Each employee or agent of Southern Wake Academy whose duty it is to collect or receive money will turn into the high school or middle school 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.

Southern Wake Academy retains the right at any time to 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.

#### EXPENSE REIMBURSEMENT

It is the official policy of Southern Wake Academy 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 Southern Wake Academy, 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 Southern Wake Academy will not reimburse any unauthorized out-of-pocket expenses.

#### SOUTHERN WAKE ACADEMY CLOSING

Southern Wake Academy follows the local inclement weather reports to make decisions. Employees should check their email and the school website, and monitor Southern Wake Academy text messages for announcements on closings. Staff team leaders, Facebook and Southern Wake Academy website will also provide employees with information on Southern Wake Academy closings.

#### SOLICITATION AND DISTRIBUTION OF LITERATURE ON SOUTHERN WAKE ACADEMY PREMISES

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

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

## PAYROLL AND EMPLOYEE BENEFITS

### EMPLOYEE CATEGORIES

Part-Time Employees Part-time employees regularly work less than a 40-hour workweek.

Full-Time Employees Full-time employees regularly work at least a 40-hour workweek. These employees will be grouped as 10-month, 11-month, and 12-month.

Exempt Employees Exempt employees are not entitled to overtime pay.

Non-Exempt Employees Non-exempt employees are entitled to overtime pay as required by applicable law. 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 expected to record their time and clock in and out.

### WORK WEEK/PAY PERIOD

The work week is normally Monday through Friday from 7:30 a.m. to 3:30 p.m., although employees may be asked to be present for certain activities and events after hours.

All salary employees are paid on the 25th day of each month. When the 25th day of the month falls on a holiday or weekend, employees will be paid the day before the holiday or weekend, if possible. Please refer to Exhibit E for the 2022/2023 Payroll Calendar. 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 Southern Wake Academy to deposit his or her payroll check directly into the employee's bank account.

Southern Wake Academy 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 believe that a deduction has been made from their pay improperly should contact the Human Resources to voice their concerns. Southern Wake Academy 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 Southern Wake Academy 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.

### PAYROLL ERRORS

If you believe that an improper deduction has been made from your predetermined salary or wages, you must notify the Superintendent. The reason for the deduction will be thoroughly investigated and if it is determined that an error was made, you will be reimbursed.

### PAYROLL DEDUCTIONS / GARNISHMENTS

Southern Wake Academy 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. Southern Wake Academy will make other payroll deductions such as those

relating to retirement plan contributions or expenses owed back to Southern Wake Academy, 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 Southern Wake Academy 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.

If you take more time off due to personal reasons or take more sick leave than you have accrued you will have an equal amount of days' pay deducted from your immediate pay period.

#### 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.

#### RETIREMENT

Southern Wake Academy has opted to participate in the North Carolina State Retirement Plan, and the employees and Southern Wake Academy will make contributions as required under that plan, as allowed or required.

#### WORKERS COMPENSATION

Southern Wake Academy provides workers' compensation insurance for all employees as required by law. Please contact our HR department if any information is needed regarding what claims may be covered and the way claims may be made.

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

Neither Southern Wake Academy 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.

#### LEAVE

#### HOLIDAYS

Paid holidays for eligible employees will be determined according to the Southern Wake Academy calendar, which will list all applicable holidays and determined by the type of employee: 10-month, 11-month, or 12-month.

#### PAID TIME OFF

- Ten days of PTO are accrued one day per month September - June for all full-time employees.
- PTO may be taken in full or half day increments only.
- All PTO must be requested and approved via the EZ School App.
- All requests for substitute teachers must be made and approved via the EZ School App. No substitute teachers will be scheduled if the request does not come through the EZ School App.
- Teachers are not permitted to coordinate class coverage with another teacher or staff member in lieu of the EZ School app.
- In the event an employee has exhausted all PTO days, any additional time off will be taken without pay.
- Up to five days of PTO can be rolled over to the following school year.
- No payouts will be given for unused PTO.
- No PTO can be taken or approved once a resignation is submitted to SWA.
- PTO and other paid leave will not be transferred to SWA from another employer, including another district or charter school.
- PTO and other paid leave will not be transferred from SWA to another employer, including another district or charter school.
- The school reserves the right to deny a PTO request that is not made at least one week in advance, does not comply with this policy or would result in an undue burden to the school.

#### HARD BLOCK/CRITICAL DAYS

Defined as periods of school operations where it is critical that all staff be in attendance. Generally, staff will not be allowed to take PTO during these periods. Hard Block / Critical periods will be identified at the beginning of the school year and may vary based on an employee's job description.

The following days are considered critical days for all school-based and instructional employees:

- Teacher professional learning days (including pre-planning and post-planning days).
- First and last five (5) days of school for students each semester.
- Any day prior to or following a holiday or holiday period.
- Any day prior to or following school breaks or other closures.
- All standardized testing periods for students.
- Teacher workdays at beginning and end of the school year.
- The month of May through the end of the school year.
- Any other days designated in advance by the principal or superintendent as days critical for worksite operations.

Critical days for non-instructional employees are designated in advance by the superintendent or other appropriate supervisor.

#### 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, child, sibling), the employee may take up to five (5) consecutive scheduled workdays off with pay, with the approval of the appropriate supervisor. Southern Wake Academy 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, cousins, grandparents, and in-laws, the employee may take up to three (3) consecutive, scheduled work days off with pay, with the approval of Southern Wake Academy. Southern Wake Academy may, at its discretion, approve additional unpaid time off. Once bereavement leave is exhausted, further bereavement leave will be unpaid. Bereavement leave applies only to human family members.

#### FAMILY AND MEDICAL LEAVE

Southern Wake Academy complies with all applicable provisions of FMLA. To be eligible for FMLA, an employee must have worked at Southern Wake Academy 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 Southern Wake Academy. 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, he/she must work 1,250 hours within the next twelve-month period to become eligible for FMLA again. In addition, an employee must have notified Southern Wake Academy 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 Southern Wake Academy or day care facility, and attending certain meetings at a Southern Wake Academy 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;
  - 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 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 Southern Wake Academy regarding scheduling of any planned medical treatment or supervision to minimize disruption to the operation of Southern Wake Academy. Entitlement to FMLA coverage may not be invoked retroactively for previous absences from work.

In requesting leave, employees must provide sufficient information for Southern Wake Academy 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 health care 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. Southern Wake Academy 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 Southern Wake Academy 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. Southern Wake Academy 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 the Southern Wake Academy's operations. Southern Wake Academy 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 Human Resources 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, Southern Wake Academy can recover any health insurance premiums paid by Southern Wake Academy on the employee's behalf during any unpaid periods of leave.

Southern Wake Academy reserves the right to deny leave reinstatement to key employees, defined as salaried employees among the highest-paid 10 percent of all Southern Wake Academy employees, where such denial is necessary to prevent substantial and grievous injury to Southern Wake Academy'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 Southern Wake Academy's written permission. An employee who accepts such employment without Southern Wake Academy permission will be deemed to have resigned from employment at Southern Wake Academy.

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.

#### 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 Principal/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 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 Southern Wake Academy's written permission. An employee who accepts such employment without Southern Wake Academy's permission will be deemed to have resigned from employment at Southern Wake Academy.

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, Southern Wake Academy 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 Southern Wake Academy 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, Southern Wake Academy 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 or childcare facility as defined by G.S. 110-86(3). This leave must be scheduled in advance at a mutually convenient time. Southern Wake Academy reserves the right to request written verification from the Southern Wake Academy of the employee’s attendance.

*Other Leave Required by Law:* Southern Wake Academy complies with any other leave required by law.

#### BENEFITS DURING FMLA OR OTHER APPROVED LEAVE

Group medical, dental, vision, short term disability, and long-term disability benefits as well as retirement plan contributions will continue for all qualifying employees during authorized leave on the same terms as if the employee continued to work. Employees whose group medical and/or dental insurance deductions are made through payroll on a pre-tax basis will continue to be responsible for payment of their premiums while on FMLA or unpaid leave, and employees must contact the Finance Manager or her/his designee to make arrangements for premium payments.

SWA may discontinue the employee’s benefits if and when an employee informs SWA of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the authorized leave is exhausted. SWA’s obligation to maintain benefits will also stop if the employee's premium payment is more than 30 days late. SWA shall require reimbursement of the employer-paid share of any premiums if the employee fails to return to work at the expiration of approved leave. In the event that an employee provides at least 30 days’ notice of his/her intent not to return to work at the end of FMLA leave, SWA may waive this repayment obligation in its sole discretion.

#### ACCRUAL OF PAID TIME OFF DURING LEAVE

During any period of leave, accrual of paid time off will discontinue during such leave period unless otherwise required by law.

General Education teachers have access to all IEPs of students assigned to their classroom for the current year only.

General Education teachers are expected to:

- Review IEPs for student functioning levels, academic and behavioral goals, and implications on classroom instruction at which can be to provide accommodations and modifications in accordance with the IEP.
- Collaborate with the special education teacher, related service providers, and other teachers about meeting the student's needs and implementing the IEP, including service delivery times that may include inclusion time in the general education setting and pull-out services throughout the day.
- Attend and remain for the entire length of any IEP meeting to which he or she has been invited. The teacher's availability should be considered when scheduling the meeting with the parent. Exceptions are rare, but the parent must be notified in advance of the meeting and agree in writing (ECATS form) if the Southern Wake Academy requests any team member to be excused from attending the meeting. The written consent from the parent must be received no later than the day before the meeting. If the general education teacher is excused, she or he will provide the parent and IEP Team input into the development of the IEP prior to the meeting. This information must be provided no later than the day before the IEP meeting. Alternate ways of attending an IEP meeting are acceptable such as by phone or an online format.
- In cases of determining eligibility, compile anecdotal records, samples of student work, and other information relevant to determining the student's potential for learning, rate of learning and need for specialized instruction and/or accommodations. The student's case manager can help identify needed information.
- Establish and maintain effective and positive two-way communication with the parent and EC case manager.
- Inform the case manager of the need for an IEP meeting or review based on class performance/parent, etc.
- Identify instructional and classroom management strategies that have been successful with the student. Observe the student's learning in the general classroom. Identify special factors that may impede the student's learning and suggest successful positive intervention strategies used for improving the student's behavior and share with the special education case manager. Communicate the student's participation in classroom activities, use of supplementary aids and services that worked or attempted, use of program accommodations/modifications and supports successfully used for Southern Wake Academy personnel that may be necessary for the student to benefit from specialized instruction.

Teachers have access to narratives that are not limited to brief reports of the student's current performance in relation to the general education curriculum and includes information regarding behavior and attendance patterns. Share information regarding the student's present level of educational performance in the general

education curriculum and classroom environment. Teachers can and will need to talk about a student's behavior and relationships with peers in the general education classroom if that is an area of focus.

#### Accommodation Security:

In order to ensure accommodation security and confidentiality, SWA teaching staff will keep accommodation materials (testing and in-class setting) in a secure place to prevent unauthorized access. All content is confidential and teachers must refrain from sharing information or revealing the content with anyone. At the end of the year, teachers will return all sheets to the case manager to be destroyed. This will be for all classroom and testing accommodations and technology-based assessments.

The list of accommodations can be used when creating lesson plans, tests and quizzes based on the student's IEP. It can also be accessed for reference by a testing lab teacher and stored in a locked secured setting.

Teachers should be provided a release of accommodations form by the Case manager, to ensure that correct accommodations are being provided to students.

General Education teachers will implement accommodations according to the following:

- Abide by all laws and regulations regarding confidentiality, treat the copy of the student's IEP carefully and in such a manner that the student's personally identifying information is always kept secure and privileged. This includes, but is not limited to, not sharing the IEP's contents with other individuals who are not authorized to access information regarding this student;
- Share information during the IEP meeting regarding the effect of accommodations provided for the student in the general education classroom during the previous and current Southern Wake Academy year with ways to look at continuation of the accommodations. This also includes but, not limited to implementation of the IEP.
- List the accommodations required for students in a short form in a lesson plan book for quick reference but secure. The list of accommodations can be used when creating lesson plans, tests and quizzes based on the student's IEP. It can also be accessed for reference by a testing lab teacher and stored in a locked secured setting.

#### Documentation of Accommodations

SWA uses an internal shared file system to track and input data for accommodations at which the staff will have on- going training. Case managers will ensure caseload information matches the current IEP and the same for general education staff will ensure students have access to accommodations at all times.

Teachers will be required to fill out a hard copy of the (SAR) Student Accommodation Refusal sheet and note the refusal in a shared accommodation file. Teachers will be required to keep back-up documentation for accommodations by google doc listed in the following format within the attachment.

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 Southern Wake Academy day or on Southern Wake Academy premises on their own. Southern Wake Academy 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, the Southern Wake Academy designees, are 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 to anaphylactic reactions, or both, may possess and self-administer asthma medication on Southern Wake Academy property during the Southern Wake Academy day, at Southern Wake Academy-sponsored activities, or while in transit to or from Southern Wake Academy or Southern Wake Academy-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 Southern Wake Academy written authorization and permission by school administration 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 Southern Wake Academy property during the Southern Wake Academy day, at Southern Wake Academy sponsored activities, or while in transit to or from Southern Wake Academy or Southern Wake Academy-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 Southern Wake Academy 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 Southern Wake Academy any backup asthma medication that shall be kept at the Southern Wake Academy in a location to which the student has immediate access in the event of an asthma or anaphylactic emergency.

Any information provided to Southern Wake Academy 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, Southern Wake Academy may impose disciplinary action on the student. However, Southern Wake Academy 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 Southern Wake Academy and must be renewed annually.

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

#### INTERNET SAFETY POLICY

It is the policy of Southern Wake Academy to:

- Prevent user access and transmission of inappropriate material via the Internet utilizing Southern Wake Academy'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 Southern Wake Academy community members, including students, teachers, staff, and designated contractual or temporary staff.

#### Technology Protection Measure

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

Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy IT Department.

## Monitoring and Supervision of Online Activities

It will be the responsibility of all members of Southern Wake Academy responsible for allocating Southern Wake Academy technology resources for student use to supervise and monitor appropriate usage of Southern Wake Academy 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 Southern Wake Academy 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

Southern Wake Academy staff responsible for allocating Southern Wake Academy technology resources for student use shall be responsible for providing instruction to students concerning appropriate online behavior utilizing Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy technology resources and property safe, viable, effective, and user friendly, all Southern Wake Academy community members must work cooperatively and responsibly using this policy. Southern Wake Academy reserves the right to update this policy and/or to change the technology protection measure at any time, with or without notice.

## 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 Southern Wake Academy 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.

Southern Wake Academy 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. Southern Wake Academy 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 Southern Wake Academy beyond the high Southern Wake Academy 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 out of Southern Wake Academy, 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 Southern Wake Academy 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 directory information:

student's name

address

telephone listing

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 Southern Wake Academy or education at institution attended by the student; and

pictures or videos taken on buses, Southern Wake Academy grounds, in Southern Wake Academy buildings and at Southern Wake Academy

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 Southern Wake Academy students shall be released, upon request, to military recruiters or institutions of higher learning, whether or not such information is designated directory information by Southern Wake Academy. Students or their parents, however, may request that the student's name, address and telephone number not be released without prior written parental consent. Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy outside of the system, the transferring Southern Wake Academy may send the files to the Address Confidentiality Program participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program.

#### INCIDENT REPORT

Any serious accidents that occur at the Southern Wake Academy will be documented in an Incident Report by the responsible adult present at the time of injury. The usual bumps and scrapes requiring a band aid and/or a bit of sympathy do not generate Incident Reports. Accidents that require parent notification will generate an Incident Report, which will be sent home with the child. Any incident that might show a pattern of inappropriate behavior should be documented. A phone call to the parents will be made to notify them that a written document is coming home.

#### 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 Southern Wake Academy 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 school in a safe, locked storage area that is separate from the student's other records. The school 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 Southern Wake Academy, transfers to another Southern Wake Academy, is suspended for the remainder of the Southern Wake Academy 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 Southern Wake Academy to which the student is transferring.

#### MANAGEMENT AND PROTECTION OF STUDENT RECORDS

##### Application Management and Administration

Specific data sources such as electronic file records, databases, and applications such as student information 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 Southern Wake Academy 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 Southern Wake Academy-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 Handbook 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 Southern Wake Academy 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 Southern Wake Academy resources and property viable, effective, and user friendly, all staff must work cooperatively and responsibly.

## SURVEYS / EVALUATIONS

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).

## CHILD ABUSE REPORTING

All staff must follow state policies on reporting suspected child abuse or neglect. All Southern Wake Academy employees must report to the Department of Social Services, in the student's county of residence, 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.

If a Southern Wake Academy employee suspects child abuse or neglect, the Southern Wake Academy employee should communicate with the School Social Worker/School Counselor regarding the suspicion. The School Social Worker/School 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 School Counselor may make the call independently or may request the Southern Wake Academy employee to assist in making the call, as will be determined on a case-by-case basis.

## CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING POLICY

Southern Wake Academy 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 Southern Wake Academy 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. Southern Wake Academy personnel – Teachers, instructional support personnel, Principals, and the Superintendent. This term may also include, at the discretion of the employing entity, other Southern

Wake Academy 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 Southern Wake Academy 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 expertise in these areas, local law enforcement officers, or other officers of the court. All Southern Wake Academy 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 Southern Wake Academy personnel beginning with the 2020-2021 Southern Wake Academy year. Southern Wake Academy program under this policy shall be conducted in accordance with North Carolina law and supervised by the high school administrator.

## EXHIBIT A: DISCRIMINATION, HARASSMENT AND RETALIATION UNDER TITLE VII

SWA 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 School 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 the School's general Discrimination, Harassment and Bullying Policy. No employee, student, volunteer or contractor shall engage in sexual harassment against any other student, employee, or another person in the School 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"
- 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
- 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. School 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 Executive Director or other administrator. Procedures established by the School 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**

SWA 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 Executive Director. This policy, however, shall not be used to bring frivolous or malicious complaints.

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

1. 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 Executive Director, or any other supervisor with whom the person feels comfortable. While the person should report sexual harassment to a supervisor or the Executive Director, there is no requirement that the person report sexual harassment, discrimination or retaliation to a particular supervisor.
2. Any supervisor receiving a complaint of harassment, sexual harassment, discrimination or retaliation shall report such complaint to the Executive Director. If the Executive Director is the subject of such a complaint, then the supervisor shall report to the Chair of the Board of Trustees or to any other Board member that the supervisor believes is appropriate.
3. Any complaint made under this policy will be investigated thoroughly and promptly. To the maximum extent possible, the School will protect the privacy of the parties involved.
4. 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.
5. 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. The School will cooperate with local authorities in the investigation of any alleged criminal activity.

## **Confidentiality of Records**

SWA 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.

## **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 the School 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 Executive Director is authorized and expected to establish training and administrative procedures to help eliminate discrimination and harassment, and to foster an environment of understanding and respect for all individuals.
- This policy will be included in the School's Operation and Board Policy Manual and a summary policy included in the Parent/Student, which is sent to parents and students at the beginning of each school year.

## EXHIBIT B: TITLE IX DISCRIMINATION AND HARASSMENT POLICIES: FOR STUDENTS AND STAFF MEMBERS

### Title IX Notice

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment, which includes sexual assault and other sexual misconduct, is a form of sex discrimination. Under Southern Wake Academy’s Policy, Southern Wake Academy prohibits sexual harassment, sexual assault, sexual exploitation, stalking, and retaliation. Southern Wake Academy complies with Title IX and has appointed Lauren Grant as the Title IX Coordinator with overall responsibility for Title IX compliance.

Any student, employee, or applicant for employment or admission to who believes that he or she has been discriminated against on the basis of sex, in violation of Title IX, or has been a victim of sexual assault, sexual harassment, or other sexual misconduct, may file a complaint with the Title IX Coordinator. The Title IX Coordinator will assist the complainant in identifying the appropriate Southern Wake Academy policy (with its grievance procedure) to resolve the complaint in a prompt and equitable manner. The Title IX Coordinator may consult with other Southern Wake Academy administrators, as needed, to resolve the complaint in the most effective manner.

The Title IX Coordinator is knowledgeable and trained in state and federal laws that apply to matters of sexual assault, sexual harassment, and other sexual misconduct, as well as Southern Wake Academy policy and procedure.

### Title IX Fact Sheet

Title IX requires 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...” As such, Title IX of the Education Amendments of 1972 prohibits discrimination based on the sex of students and employees of educational institutions that receive federal financial assistance. Southern Wake Academy is governed by Title IX. The Title IX Coordinator for Southern Wake Academy is Kate Moynihan. She can be reached: **[kate.moynihan@swake.org](mailto:kate.moynihan@swake.org)**

#### *Who is Covered by Title IX?*

All educational institutions that receive federal financial assistance are affirmatively required to adhere to Title IX regulations. Even if only one of the institution’s programs or activities receives federal funding, all of the programs within the institution must comply with Title IX regulations.

#### *Facts About Title IX*

Athletic departments are not the only component of Southern Wake Academy governed by Title IX. The regulations prohibit sex discrimination with regard to all programs, including:

- Course offerings, classroom access, grading, and other academics
- Student counseling and academic support
- Hiring and retention of employees (staff, faculty, and administration)

- Job-related benefits and leave
- Pregnancy

In addition to sex discrimination, Title IX also prohibits sexual misconduct (which includes sexual harassment, gender-based harassment, and sexual violence). Additional information regarding what behaviors may constitute sexual harassment and other forms of sexual misconduct is available in the Southern Wake Academy's Title IX Policy located on its website and in its student, faculty, and employee handbooks.

Title IX serves to protect the rights of men and women. Title IX requires that males and females receive fair and equal treatment in all educational and employment areas.

Title IX also protects individuals who report sex discrimination and sexual misconduct from retaliation by individuals or by institutions. The reporting of incidents of discrimination is integral to the effective enforcement of Title IX law. Therefore, the protection of complainants, as well as respondents, is important. *Retaliation against any individual who reports or makes a complaint about a Title IX violation will not be tolerated at Southern Wake Academy. Southern Wake Academy will impose appropriate corrective action against any individual found to have engaged in acts or threats of retaliation.*

#### Compliance with Title IX – Who is Responsible?

All employees of the Southern Wake Academy are required to report instances of alleged violations of Title IX. Without exception, if an employee is not sure if a situation warrants reporting, he/she must seek guidance from the Title IX Coordinator. It is essential that institutions receiving federal financial assistance operate in a nondiscriminatory manner. To ensure Southern Wake Academy's compliance with the law, adherence to Title IX regulations is everyone's responsibility. The penalty for failure to comply with Title IX, in the most extreme circumstances, can include the termination of all or part of an institution's federal funding including grants and student loans. It can also result in the termination of a Southern Wake Academy employee or severe consequences for a student.

#### Reporting Complaints Under Title IX

Any member of the Southern Wake Academy community who believes he/she has been the victim of sex discrimination, sexual misconduct, or who has witnessed such conduct, should report such misconduct or file an informal or formal complaint with the Southern Wake Academy's Title IX Coordinator. While there is no required format for making a report, forms for this purpose are available on the Southern Wake Academy's website or from the Title IX Coordinator. Any victim of sexual misconduct who would prefer to speak with someone and have them complete a form on their behalf should contact the Title IX Coordinator.

Students who are, or believe they have been, victims of sex discrimination or sexual harassment, including sexual assault or sexual violence on or off campus, whether by Southern Wake Academy employees, contracted services employees, other students or non-community members, are encouraged to request immediate personal support and assistance from the Title IX Coordinator or any other staff member or administrator with whom they feel comfortable. Student complaints concerning sexual assault, sexual violence, or other sexual misconduct

may be made on an informal or formal basis with the Southern Wake Academy's Title IX or with any staff member or administrator with whom they feel comfortable. All complaints filed with or received by any staff or administrator will be forwarded to the Title IX Coordinator, who will direct that an appropriate investigation be conducted.

Employees who believe they are being harassed or discriminated against on account of their sex or gender should promptly make a report to the Title IX Coordinator, to his/her supervisor, to Human Resources, the Superintendent, or to an administrator with whom the individual feels comfortable. Employees should also follow Southern Wake Academy's harassment and discrimination policy.

### Important Facts

1. The Southern Wake Academy will utilize its best efforts to protect all Southern Wake Academy community members from sex discrimination, gender-based harassment, sexual harassment, sexual assault, and sexual violence.
2. The Southern Wake Academy will take affirmative, corrective (but non-punitive or non-disciplinary, at least prior to a formal disposition regarding responsibility), and supportive action whenever it becomes aware of possible sex discrimination, sexual assault, sexual violence, or other sexual misconduct within the Southern Wake Academy community, whether or not a complaint has been made.
3. In order to meet its Title IX obligations and to the extent possible, every effort will be made to keep the details of complaints confidential if requested to do so by a victim of sexual misconduct and to follow Southern Wake Academy's procedures for conducting an investigation and recommendations. As such, every effort should be made to keep the identity of the involved parties confidential to avoid retaliation. However, the Southern Wake Academy's ability to strictly observe confidentiality may be compromised where the safety of members of the community is judged to be at risk.
4. The safety and security of all members of the Southern Wake Academy community is a priority matter.
5. The internal investigation of a complaint will be conducted, and a decision rendered, no matter the timeline or outcome of case adjudication by external authorities.

Expanded information concerning sex discrimination, sexual harassment, sexual assault/violence, and the Southern Wake Academy's *Title IX Policy and Procedures Governing the Reports and Investigation of Title IX Complaints*, can be found in the Southern Wake Academy's student, faculty and employee handbooks, as well as on the Southern Wake Academy's website.

### Which Federal Agency Enforces Title IX?

The United States Department of Education's Office for Civil Rights (OCR) is in charge of enforcing Title IX. Information regarding OCR can be found at [www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html).

## 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, Southern Wake Academy 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, Southern Wake Academy 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 Southern Wake Academy 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

Southern Wake Academy 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, 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, Southern Wake Academy 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 Superintendent 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 students via 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 Southern Wake Academy's "education program or activity," which includes, but is not necessarily limited to, behavior:

1. in any Southern Wake Academy building or on any Southern Wake Academy premises before, during or after Southern Wake Academy hours;
2. on any bus or other vehicle as part of any Southern Wake Academy activity;
3. at any bus stop;
4. during any Southern Wake Academy-sponsored activity or extracurricular activity;
5. at any time or place when the individual is subject to the oversight and authority of Southern Wake Academy personnel;
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the Southern Wake Academy; and
7. while using Southern Wake Academy 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

Conduct that does not meet the definitions set forth above in this Title IX Policy are not subject to Southern Wake Academy's Title IX Policy or any reporting/grievance procedures that govern Title IX matters. However, such conduct may still constitute a violation of other Southern Wake Academy policy, including Southern Wake Academy'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 the Southern Wake Academy's Title IX Reporting and Grievance Policy.

## **Title IX, Coordinator's Duties, Notice, Reporting, and Grievance Policy**

This Policy sets forth Southern Wake Academy's Notice, Reporting and Grievance policy for Title IX matters and should be read in conjunction with Southern Wake Academy'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 Southern Wake Academy's other policies, including Non-Discrimination and Harassment Policy, and student conduct policies when Title IX does not apply.

### **A. 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 the Southern Wake Academy 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 Southern Wake Academy employees to be alert to locations where such behavior may occur, including locations within Southern Wake Academy buildings, at Southern Wake Academy 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;
2. The scope of the Southern Wake Academy's education program or activity;
3. How to conduct an investigation;
4. The grievance process including appeals, and informal resolution processes;
5. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
6. 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 promote impartial investigations and adjudications of sexual harassment. Southern Wake Academy 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.

### **B. 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 Southern Wake Academy'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 Southern Wake

Academy publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

### C. Title IX Coordinator

The Title IX Coordinator is responsible for monitoring the overall implementation of Title IX for Southern Wake Academy 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 Southern Wake Academy'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 Southern Wake Academy's Title IX compliance efforts and making recommendations for any appropriate changes.
- Providing updated information to Southern Wake Academy's on Title IX implementation and issues.
- Identifying and disseminating information about Title IX educational resources (organizations, individuals, print, internet, and audio-visual)

### D. Evaluation

The Superintendent 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 Southern Wake Academy's Board.

### E. Confidentiality

The recipient, whether a Southern Wake Academy 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 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 Southern Wake Academy to provide an environment

free of unlawful discrimination or harassment. The Superintendent shall report to the Board all verified cases of unlawful discrimination or harassment under Southern Wake Academy's Title IX Policy.

#### F. 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/Principal/Superintendent 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 Southern Wake Academy employee, that employee shall notify the Title IX Coordinator, appropriate Principal, or Superintendent, as soon as possible and within 24 hours.

c. If the Superintendent 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 Southern Wake Academy'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 the Southern Wake Academy 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 Southern Wake Academy 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 the Southern Wake Academy.

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 the Southern Wake Academy) 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. Southern Wake Academy’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

Southern Wake Academy 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 Southern Wake Academy employee, board member, or official with authority to institute corrective measures on Southern Wake Academy’s behalf, charges Southern Wake Academy with actual knowledge and triggers Southern Wake Academy’s response obligations under Title IX.

Southern Wake Academy 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. Southern Wake Academy shall also comply with the following mandates:

1. Southern Wake Academy will offer supportive measures to the person alleged to be the victim (referred to as the “complainant”).
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. Southern Wake Academy 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. Southern Wake Academy 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. Southern Wake Academy 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 the Southern Wake Academy investigates should be respected unless the Southern Wake Academy 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 Southern Wake Academy's Title IX policy, or the alleged conduct did not occur in Southern Wake Academy's education program or activity, against a person in the United States, Southern Wake Academy must dismiss such allegations for purposes of Title IX. However, Southern Wake Academy may still address the allegations in any manner Southern Wake Academy deems appropriate under the Southern Wake Academy'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. Southern Wake Academy'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 Southern Wake Academy 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 Southern Wake Academy 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. Southern Wake Academy 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, Southern Wake Academy will provide the complainant, or their advocate, with a written explanation of the interim measures available at Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy, Southern Wake Academy will consider whether the request can be granted. In those instances where interim measures affect both a complainant and the respondent, Southern Wake Academy 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. Southern Wake Academy – 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 Southern Wake Academy 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

- 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 Southern Wake Academy student, to another Southern Wake Academy 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 re-take a class or withdraw from a class without an academic or financial penalty
- 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, Southern Wake Academy will offer all remedies needed to eliminate the harm to the complainant and the Southern Wake Academy 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, Southern Wake Academy may consider offering appropriate remedies for the broader student/staff population after the final outcome, including the following:

- Training or retraining Southern Wake Academy employees on the Southern Wake Academy'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 the Southern Wake Academy 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 Southern Wake Academy climate check to assess the effectiveness of efforts to ensure that the Southern Wake Academy is free from sexual violence, and using that information to inform future proactive steps that the Southern Wake Academy 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 Southern Wake Academy 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

Southern Wake Academy 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.

Southern Wake Academy, through the Title IX Coordinator or other authorized Southern Wake Academy 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. Southern Wake Academy may choose an outside investigator, Southern Wake Academy 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 burden of proof must remain on Southern Wake Academy not on the parties.
2. Southern Wake Academy must provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
3. Southern Wake Academy 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. Southern Wake Academy shall send a written notice to the parties (complainant and respondent) of any investigative interviews, meetings, or hearings.
6. Southern Wake Academy 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. Southern Wake Academy 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. Southern Wake Academy dismiss allegations of conduct that do not meet the definition of sexual harassment set forth in Southern Wake Academy’s Title IX policy or did not occur in a Southern Wake Academy’s education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude Southern Wake Academy from addressing the conduct in any manner the Southern Wake Academy deems appropriate.

9. Southern Wake Academy 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 the Southern Wake Academy, or if specific circumstances prevent the Southern Wake Academy from gathering sufficient evidence to reach a determination.
10. Southern Wake Academy shall give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
11. Southern Wake Academy may, in its discretion, consolidate formal complaints where the allegations arise out of the same facts.
12. Southern Wake Academy shall protect the privacy of a party's medical, psychological, and similar treatment records and shall not access or use such records unless Southern Wake Academy obtains the party's voluntary, written consent to do so.

#### K. Decision-Maker

Southern Wake Academy, through the Title IX Coordinator or other authorized Southern Wake Academy 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 Southern Wake Academy to conduct a thorough investigation. There may also be instances where Southern Wake Academy has a legal obligation to report certain information it receives to state or local authorities or to protect Southern Wake Academy 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 Southern Wake Academy. Include reasonably 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 Southern Wake Academy 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 Southern Wake Academy 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
3. 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) Southern Wake Academy days, unless circumstances require more time.

## M. Informal Resolution Process for Students

After a formal Complaint is filed, Southern Wake Academy 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. Southern Wake Academy 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.

Southern Wake Academy 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. Southern Wake Academy will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Finally, Southern Wake Academy may not offer an informal resolution process unless a formal complaint is filed.

#### N. Policy Application

This policy shall remain in effect if required by law.

**EXHIBIT C: NON-TITLE IX AND NON-TITLE VII: DISCRIMINATION, HARASSMENT, AND BULLYING COMPLAINT  
PROCESS**

**SWA** provides equal education opportunities for all students and does not discriminate on the basis of race, gender, sex, disability, nationality, religious affiliation or any other protected class. The School adheres to the legal obligations and requirements under all state and federal laws, including without limitation, section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Act Amendments of 1997, including identification, evaluation, and provision of an appropriate education.

SWA 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 SWA's Equal Education Opportunities 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 and reports do not need to be made in a particular format or on a particular form. This policy applies to all discrimination, harassment or bullying based on race (including Title VI), disability (including Section 504), nationality, religious affiliation or any other protected class.

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 SWA's Title IX policies for Title IX and VII matters.

If you have any questions as to what complaint process to use to address your concern, please contact the Superintendent or Title IX Coordinator, who will direct you to the proper process.

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

**a. Mandatory Reporting by Southern Wake Academy 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 Southern Wake Academy 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.

**b. Reporting by Other Third Parties**

All members of the Southern Wake Academy 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.

**c. 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.

**d. 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 Southern Wake Academy 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

a. Filing a Complaint

Any individual who believes that he or she has been discriminated against, harassed, or bullied in violation of Southern Wake Academy'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:

- i. the Southern Wake Academy counselor, teacher, Superintendent, Principal of the High School or Principal of the Middle School of Southern Wake Academy for any claim of discrimination, harassment or bullying, including Title VI complaints;
- ii. the Title IX coordinator for claims of sex discrimination or sexual harassment;
- iii. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or
- iv. any member of the Board if the alleged perpetrator is the Superintendent..

b. 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 Southern Wake Academy 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 Southern Wake Academy officials to investigate and respond to such complaints.

c. Informal Resolution

Southern Wake Academy acknowledges that many complaints may be addressed informally through such methods as conferences or mediation. Southern Wake Academy 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

a. Initiating the Investigation

- i. 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 Southern Wake Academy employee or outside consultant.
- ii. 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.
- iii. The investigator shall explain the process of the investigation to the complainant and the alleged perpetrator.

- iv. Written documentation of all formal reports and complaints, as well as the Southern Wake Academy system's response, must be maintained in accordance with Southern Wake Academy's Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy.
  - v. Failure to report, investigate, and/or address claims of discrimination, harassment, or bullying may result in disciplinary action.
- b. Conducting the Investigation
- i. 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 or alleged perpetrator.  
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 Southern Wake Academy'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.
  - ii. 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 Southern Wake Academy system.
  - iii. 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.
- c. Notice to Complainant and Alleged Perpetrator
- i. 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.
- ii. 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).
- iii. 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 Southern Wake Academy 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.
- iv. 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 Southern Wake Academy policies by his or her actions, and what, if any, disciplinary actions or consequences may be imposed upon the perpetrator in accordance with Southern Wake Academy policy. The perpetrator may appeal any disciplinary action or consequence in accordance with Southern Wake Academy policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude Southern Wake Academy officials from taking appropriate action to address the discrimination, harassment, or bullying.

d. Appeal

- i. 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 Southern Wake Academy's Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy, or (2) Southern Wake Academy's response to any violation, including the appropriateness of any remedial measures taken by the district. 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 district. 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.
- ii. 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 Southern Wake Academy's Non-Title IX Prohibition Against Discrimination, Harassment, and Bullying Policy, or (2) Southern Wake Academy's response to any violation, including the appropriateness of any remedial measures taken by Southern Wake Academy. If the complainant is appealing pursuant to option (2), he or she must state what additional measures the complainant believes Southern Wake Academy 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 may 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 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 Southern Wake Academy 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 Southern Wake Academy 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 Southern Wake Academy's response to the complaint, unless the complainant provided notice of the delay and the reason for the delay and the district consented in writing to the delay.

#### E. General Requirements

- a. No reprisals or retaliation of any kind will be taken by the Board or by any Southern Wake Academy 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.

- b. All meetings and hearings conducted pursuant to this policy will be private.
- c. The complainant may be represented by an advocate, such as an attorney, at any meeting with Southern Wake Academy under this policy. Should the complainant choose to be represented by an attorney, an attorney for Southern Wake Academy may also be present.
- d. 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.

F. Records

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

## EXHIBIT D: COVID VACCINES, RETURN TO WORK DURING COVID-19 OR OTHER EVENT

At Southern Wake Academy, in person, on campus teaching is essential to our mission and the students and families we serve. As such, all employees are expected to be on campus working or teaching unless instructed by the Superintendent or board of directors otherwise.

Subject to local, state and federal law, regulation and orders, this policy 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 and should be interpreted to comply with all applicable laws.

Following the School's closure for COVID-19 or any other unusual event, employees are expected to return to the workplace when directed to by the Superintendent or board of directors. If an employee believes that they are unable to work, then the employee shall notify the Superintendent immediately. The Superintendent will evaluate the situation in accordance with the School's policies including the FMLA and ADA. If those policies do not apply to an employee's situation, and an employee has exhausted sick/PTO, then the employee is expected to return to work on campus. Failure to return to work on campus when instructed to, may result in disciplinary action up to and including termination.

We recognize and respect that receiving a COVID vaccine is a confidential medical decision involving many factors and we respect employees in making the decision they believe is in their best interest. To that end, we ask that ALL members of the School community respect the privacy of others and refrain from questions or discussions about vaccines. Casual conversations on this topic, inquiries as to whether or not someone has been vaccinated, etc. are strongly discouraged. The School reserves the right to change, modify or eliminate such procedures or mitigation measures at any time.

Any employee that is exposed to COVID as defined by the CDC or NCDHHS or tests positive for COVID shall inform their supervisor immediately in accordance with the procedures set forth in this handbook or otherwise communicated to the employee. The School shall advise the employee on next steps in accordance with the available guidance. Failure to report a positive test or potential or actual exposure, may result in disciplinary action, up to and including termination.

Based on current guidance, vaccinated employees will not be required to quarantine after exposure. While at this time the School is not requiring COVID vaccinations, please be mindful that your personal decisions may have consequences at the School. Non-vaccinated employees that are exposed to COVID will be required to follow the most current CDC, NCDHHS and COVID Task Force guidance and policies. This means that unvaccinated faculty and staff may need to quarantine if exposure to COVID occurs as defined by the CDC and NCDHHS. Those staff and faculty required to quarantine **will not** be permitted to telecommute and will be required to use any available paid time off. Once paid time off is exhausted, any days missed will be unpaid. Should an employee be subject to repeated quarantines, it may result in disciplinary action up to and including termination of employment at the School.

## Southern Wake Academy

### 2022 - 2023 School Calendar

August '22						
Su	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September '22						
Su	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October '22						
Su	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November '22						
Su	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December '22						
Su	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January '23						
Su	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February '23						
Su	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March '23						
Su	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April '23						
Su	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May '23						
Su	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June '23						
Su	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July '23						
Su	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

 Pay Day

Substitute teachers will receive first paycheck September 26<sup>th</sup>. This paycheck will cover time worked from mid-August to mid-September. Subsequent paychecks cover last half of previous month through first half of current month.

**SOUTHERN WAKE ACADEMY EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM**

I acknowledge that I have been given a copy of the Southern Wake Academy Employee Handbook. I understand that I am responsible for reading it and for knowing and complying with the policies set forth in this handbook during my employment with Southern Wake Academy.

I understand that failure to comply with Southern Wake Academy’s rules and regulations may result in disciplinary action, up to and including termination.

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

I also understand that Southern Wake Academy 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 Southern Wake Academy can change any and all policies or practices at any time with or without notice. Southern Wake Academy 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, except for the at-will policy, Southern Wake Academy 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 Southern Wake Academy representative authorized to make such changes.

No one other than the Superintendent together with the Board of Directors of Southern Wake Academy 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 Chairman of Board of Directors of Southern Wake Academy 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 Southern Wake Academy’s Harassment 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:** \_\_\_\_\_ **Date**

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

**cc: Personnel File**