MOUNT UNION AREA SCHOOL DISTRICT

2026-2027

ANNUAL NOTICES AND UPDATES

Mount Union Area School District

October 2026

We are pleased to provide employees with this Human Resources Information Booklet. The booklet contains important policy and regulation notifications, updates, and general employment information intended to serve as a helpful resource throughout the school year.

We have created this booklet to provide employees with annual notices, highlight new information and changes, and offer guidance regarding employment-related matters within the District. We encourage all employees to review the contents carefully and refer to this resource as needed during the year.

This booklet is intended for informational and reference purposes only. It does not create contractual rights and does not supersede applicable federal or Pennsylvania laws, Board policies, administrative regulations, individual employment agreements, or the provisions of any collective bargaining agreement.

The District values employee feedback regarding the content and usefulness of this booklet. Suggestions for improvements are welcomed and may be incorporated into future revisions as determined by the District. The information contained herein is subject to change at any time, with or without notice.

We are always open for discussion with any employee. We will do our very best to assist you with any specific questions and/or concerns you may have.

We hope you have a GREAT year!

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Annual Notifications

A. Maintaining Professional Adult/Student Boundaries

In accordance with board policy *No 824-Maintaining Professional Adult/Student Boundaries*, all adults shall be expected to maintain professional, moral and ethical relationships with district students that are conducive to an effective, safe learning environment. Policy No. 824 addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that can lead to more egregious misconduct. Adults shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by this policy or that creates the appearance of prohibited behavior. Employees will be subject to disciplinary actions for violation of this policy.

B. Reporting Child Abuse or Neglect

All employees of Mount Union Area School District who have reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected, or has reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect will occur, shall immediately contact make a written report of suspected child abuse using electronic technologies **(www.compass.state.pa.us/cwis)** or an oral report via the statewide toll-free telephone number **(1-800-932-0313)**. A person making an initial oral report of suspected child abuse must also submit a written electronic report within forty-eight (48) hours after the oral report. Upon receipt of an electronic report, the electronic reporting system will automatically respond with a confirmation, providing the district with a written record of the report. All employees who make a report of suspected child abuse shall immediately, after making the initial report, notify the school principal and if the initial report was made electronically, also provide the principal with a copy of the report confirmation. The school principal shall then immediately notify the Superintendent or designee that a child abuse report has been made and if the initial report was made electronically, also provide a copy of the report confirmation. The person making an initial oral report is responsible for making the follow-up written electronic report within forty-eight (48) hours, and shall provide the school principal with a copy of the report confirmation promptly after the written electronic report has been filed. The principal shall in turn provide a copy of the report confirmation to the Superintendent or designee. District employees must complete appropriate training within six (6) months of initial hiring and at least every five years thereafter. No district employee shall be disciplined for making a child abuse or neglect report. State law guarantees immunity from civil or criminal liability that may result from making such a report and protects the identity of the reporting individual. Failure to report suspected cases of child abuse or neglect is punishable by a fine and/or jail sentence.

Act 126 Mandates and Scheduled Training

Act 126 requires professional development for all school entities in four specific areas:
The recognition and reporting of child abuse, the Pennsylvania Educator Misconduct Act and the maintenance of professional relationships with students. All employees of a school district who have direct contact with children must be trained. This training shall be a minimum of three hours every five (5) years.

If you have not completed this training **OR** are **NEW** to the district and have not provided a certification of completion for ACT 126, you are required to complete the training outside of your normal work day. Free online training is available through the Pennsylvania Child Welfare Resource Center at www.reportabusepa.pitt.edu. Upon completion of the course you will be

prompted to print out the Mandated Reporter Training Certificate. Please send a copy of the certificate to the Human Resources office within 30 days of your hire date or recertification date.

C. Unlawful Harassment and Workplace Responsibility

In accordance with board policy *No 104-Discrimination/Harassment Affecting Staff*, the district prohibits all forms of unlawful harassment of employees and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The board encourages employees and third parties who have been harassed to promptly report such incidents to the building principal or Title IX Coordinator. No reprisals or retaliation shall occur as a result of good faith charges of harassment.

Responsibility to Report: It is the responsibility of each and every employee to immediately report to his/her immediate Supervisor any and all health and safety issues, discriminatory, harassing or retaliatory conduct which may relate to the work environment whether it occurs on or off the job. Such conduct includes conduct by employees toward other employees, by employees toward students and by members of the public toward employees which relates to their work.

Definition of Protected Class: State and Federal law prohibits discrimination and harassment based on any protected class including age, race, color, creed, disability, religion, sex, national origin, ancestry, arrest record, conviction record, marital status, sexual orientation, genetic testing, membership in the national guard, state defense force or any other reserve component of the military forces, for use or non-use of lawful products off the employer's premises during non-working hours. Definition of Harassment and Acts of Discrimination: Harassment and acts of discrimination to be reported by employees can include:

1. Unsolicited and repeated derogatory epithets, derogatory statements or gestures made to a person because of his/her protected status.
2. Any attempt to penalize or punish a person because of his/her protected status.
3. Creating an offensive and hostile working environment for a person because of his/her protected status, including sexual harassment.

Reports and allegations of workplace harassment and/or discrimination will be subject to investigation by the Supervisor as soon as reasonably possible. If an employee is found to be responsible for harassment or other discriminatory conduct, then appropriate disciplinary action may be taken, up to and including a termination from employment. However, such action cannot be taken if the Supervisor is not first made aware of the complaint.

An employee who has a harassment, discrimination or retaliation complaint should immediately report it to his/her immediate supervisor. The report may be made verbally or in writing. The allegations should provide sufficient information and detail so that the supervisor can thoroughly investigate the complaint. If the supervisor is the object of the complaint, then the employee should report directly to the District Administrator. If the District Administrator is the object of the complaint, then the employee should report directly to the Board of Education. Upon receiving an employee report of harassment, discrimination or retaliation, the District Administrator will take appropriate steps to investigate the complainant's allegations.

An investigation may include interviewing other employees, speaking with the complainant, interviewing members of the public and reviewing documents such as e-mails, letters or memos. Based upon the investigation's outcome, the Supervisor will take appropriate action to resolve the complaint. A resolution may or may not result in disciplinary action being taken by the employer.

Any unsafe practice or condition, affecting persons, property or equipment, must be reported immediately to your immediate supervisor. Should a hazardous situation exist, safety concerns always take precedence over continuing operations. Any employee who identifies new ways to increase workplace safety, should make these recommendations known to their immediate supervisor.

D. Sexual Harassment

In accordance with board policy No 103 Discrimination/Harassment Affecting Students & No 104 Discrimination/Harassment Affecting Staff - The district is committed to providing and promoting an atmosphere where employees and students can engage fully in the workplace and in the learning process. All staff and students of the district must understand that sexual harassment, sexual discrimination, sexual exploitation of the student/professional educator relationship and sexual exploitation of professional relationships violate district policy and will not be tolerated. The district will take every step to resolve complaints in a prompt manner consistent with its obligations to comply with Title IX and its implementing regulations.

The Mount Union Area School District does not discriminate on the basis of sex in the education program or activity that it operates and is required by Title IX to not discriminate in such manner. This requirement extends to employment. Any inquiries about the application of Title IX may be referred to the district Title IX Coordinators, to the Office for Civil Rights Assistant Secretary, or both.

Employee Responsibility for Reporting

Any employee who has direct knowledge of sexual harassment or receives a report of the same is ***obligated to immediately*** inform the district's Title IX Coordinator. Failure to do so may result in serious consequences for the district and may be considered grounds for disciplinary action up to and including termination from employment.

E. Conduct/Disciplinary Procedures

In accordance with board policy *No. 317 Conduct/Disciplinary Procedures*, all employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior. Effective operations of Mount Union Area School District require the cooperation of all employees working together and complying with a system of board policies, administrative regulations, rules and procedures, applied fairly and consistently. All employees are required to maintain professional, moral and ethical relationships with student at all times. All employees must comply with state and federal laws and regulations, board policies, administrative regulations, rules and procedures. District employees shall endeavor to maintain order, perform assigned job functions and carry out directives issued by supervisors.

F. Confidentiality

All employees of the Mount Union Area School District must protect the confidentiality of personally identifiable information of students and other staff members. It is important for you to know that information regarding students, their medical history, their grades, their discipline records, their interactions with peers and teachers may be part of a student record and are thus protected by a Federal Law known as the Family Educational Rights and Privacy Act (FERPA). Disclosure of this information without prior informed, written consent of the parent or eligible child is a violation of FERPA and any employee found to violate this law will be subject to disciplinary action. Information regarding staff members' medical history, discipline matters and interactions with others is protected information that should not be shared with others. The exception to this pertains to "mandated reporting" under Act 126. Medical information is protected under HIPPA.

G. Contracts and Conflict of Interest

No employee may negotiate or bid for, or enter into a contract in which the employee has a private pecuniary interest, direct or indirect, if at the same time the employee is authorized or required by law to participate in the employee's capacity as an employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on the employee's part. No employee may, in the employee's capacity as an employee, participate in the making of a contract in which the employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the employee's part.

Board Policy No 827 – Conflict of Interest, affirms standards of conduct established to ensure that Board members and employees avoid potential and actual conflicts of interest, as well as the perception of a conflict of interest.

H. Outside Activities

In accordance with board *policy No. 319, Outside Activities*, employees do have the right to private lives and associations with others outside of school. However, the district has a responsibility to evaluate employees' effectiveness in discharging assigned duties and responsibilities. Therefore, when non-school activities directly impact upon an employee's effectiveness within the school district, the Board reserves the right to evaluate the effect of such activities on the individual's completion of responsibilities and assignment. Employees must ensure that their business conduct is ethical and cannot be interpreted as in contravention of the laws and regulations governing district operations. Employees cannot utilize school materials for personal gain or use school property or time to conduct outside activities. The Board does not endorse, support, nor assume liability for any district staff member who conducts non-school, outside activities in which district students or employees may participate. Violations of *policy No. 319* will subject an employee to disciplinary action.

I. Substance Abuse, including Alcohol

Per board policy *No. 351-Drug and Substance Abuse*, the Board recognizes that the misuse of drugs by employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by drug use by district employees, especially as the use relates to an employee's safety, efficiency and productivity. The primary purpose and justification for any district action will be for the protection of the health, safety and welfare of students, staff and school property.

No employee shall report to work or be under the influence of alcohol or illegal drugs during working hours. This policy includes any paid or unpaid breaks or lunch periods as well as training sessions and the working hours of conferences. Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on all school property. Violations of this policy will result in disciplinary actions against the employee. Furthermore, any employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.

The district reserves the right to have any employee tested for drug and substance abuse if reasonable suspicion exists while on school property. Any such test will be at the cost of the district. Appropriate disciplinary actions will be taken against any employee who tests positive.

J. Mandatory Report Form (PDE-6004)

Please be reminded, as required by the PA School Code section 24 P.S. 1-111, **ALL** current and prospective employees MUST complete and submit to the Human Resources office the Arrest/Conviction Report and Certification Form-6004 (under Act 24 of 2011, and Act 82 of 2012) within seventy-two (72) hours after a subsequent arrest or conviction for an offence under 24 P.S. 1-111 (e) or (f.1). The form can be found on the district and PDE websites. Failure to accurately report such occurrences may subject the employee to disciplinary action up to and including termination and criminal prosecution. A copy of this form can be downloaded from the district's website at www.muasd.org or PDE's website at www.education.pa.gov.

K. Title IX Section 504 Statement

The Mount Union Area School District is an equal opportunity educational institution and will not discriminate on the basis of race, color, national origin, sex, age or handicap/disability in its activities, educational programs or employment practices as required by Title VI, Title IX, and Section 504. Publication of this statement is in accordance with state and federal laws including Title IX of the Educational Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. Information regarding civil rights or grievance procedures or inquiries regarding compliance with Title IX or Section 504 of the Rehabilitation Act of 1973 may be directed to the Director of Pupil Services, Title IX Coordinator (Students) at 814-542-2518 Ext. 162 or the Director of Curriculum, Instruction and Assessment (Staff) at 814-542-8631 Ext. 195 at Mount Union Area School District, 603 N. Industrial Drive, Mount Union, PA 17066.

L. Tax Sheltered Annuity 403(b)

The district offers a tax-sheltered annuity plan 403(b) and 457(b) for ***ALL*** employees - a tax-deferred investment and savings program for school district employees. If you need more information or are interested in starting a tax-sheltered annuity, please contact one of the districts approved companies listed below.

Approved Investment Providers This 403(b) TSA Plan

	Contacts	Phone
AMERIPRISE FINANCIAL	Zachary Stere, Jason Miller	814-644-6776
BRIGHTHOUSE LIFE INS CO	N/A	800-638-5433
FIDELITY INVESTMENTS	N/A	800-343-0860
HORACE MANN LIFE INS CO	Robert Leidy	814-234-7425

KADES-MARGOLIS CORPORATION	C. Kevin Feath	800-433-1828 X 108
METLIFE INSURANCE CO	Doug Kifoll	814-237-1957
SECURITY BENEFIT GROUP	C. Kevin Feath	800-433-1828 X 108
	Megan Dietz	717-363-4023
SYMETRA FINANCIAL (existing clients only)	C. Kevin Feath	800-433-1828 X 108
VANGUARD INVESTMENTS	N/A	800-569-4903

You can also follow the link provided for more information regarding our Authorized Investment Providers: https://www.tsacg.com/individual/plan-sponsor/pennsylvania/mount-union-area-school-district/

The representative will provide you with all of the forms and documentation needed to start, add, change or cancel your 403(b)/457(b) account. Once completed, the payroll reduction needs to be sent to the payroll office.

M. Worker's Compensation

Mount Union Area School District has provided for the payment of benefits under the Pennsylvania Workers' Compensation Act. Injuries of any nature to school personnel in the line of duty must be reported immediately to your immediate supervisor and HR. Procedures concerning Workers' Compensation Insurance coverage as well as Physicians Panel can be obtained from the HR/Payroll office or your building nurse's office.

Below is a summary of the steps to be taken in the event of a work-related injury.

Any employee who is injured at work should report said injury, within 24 hours, to the HR/Payroll Coordinator to complete insurance forms, and your supervisor to complete an accident report.

What to do if you are injured at work:

1. Report the incident to your supervisor and Human Resources Office.
2. If you need to see a doctor, choose from the list of panel of physicians. **You MUST treat with a doctor in the panel for the first 90-days.**
3. Meet with the nurse and your supervisor and complete the accident investigation and injury report.
4. The doctor will treat your injury and bill the workers' compensation carrier for the service.
5. **Never just call off work due to a work-related injury.** The worker's compensation panel doctor must first evaluate your medical situation and make a determination as to what work you can or cannot do. The School District will then make a decision regarding modified duty for those who may be temporarily limited to the work they can perform.

N. Updates to Address/Telephone Number

Employees are to report any change of address or telephone number to the HR/Payroll Office in a timely manner. You can also report the change through the staff portal when changing your address you must complete the Certificate of Residence form and submit it.

O. Medicare Part D Prescription Drug Annual Notice

Important Notice from Mount Union Area School District About Your Prescription Drug Coverage and Medicare

Please read this notice carefully and keep it where you can find it. This notice has information about your current prescription drug coverage with Mount Union Area School District and about your options under Medicare's prescription drug coverage. This information can help you decide whether or not you want to join a Medicare drug plan. If you are considering joining, you should compare your current coverage, including which drugs are covered at what cost, with the coverage and costs of the plans offering Medicare prescription drug coverage in your area. Information about where you can get help to make decisions about your prescription drug coverage is at the end of this notice.

There are two important things you need to know about your current coverage and Medicare's prescription drug coverage:

1. Medicare prescription drug coverage became available in 2006 to everyone with Medicare. You can get this coverage if you join a Medicare Prescription Drug Plan or join a Medicare Advantage Plan (like an HMO or PPO) that offers prescription drug coverage. All Medicare drug plans provide at least a standard level of coverage set by Medicare. Some plans may also offer more coverage for a higher monthly premium.

2. Mount Union Area School District has determined that the prescription drug coverage offered by the Mount Union Insurance Plan is, on average for all plan participants, expected to pay out as much as standard Medicare prescription drug coverage pays and is therefore considered Creditable Coverage. Because your existing coverage is Creditable Coverage, you can keep this coverage and not pay a higher premium (a penalty) if you later decide to join a Medicare drug plan.

When Can You Join a Medicare Drug Plan?

You can join a Medicare drug plan when you first become eligible for Medicare and each year from October 15th to December 7th.

However, if you lose your current creditable prescription drug coverage, through no fault of your own, you will also be eligible for a two (2) month Special Enrollment Period (SEP) to join a Medicare drug plan.

What Happens To Your Current Coverage If You Decide to Join A Medicare Drug Plan?

If you decide to join a Medicare drug plan, your current Mount Union Area School District coverage will not be affected. You can keep this coverage if you elect part D and this plan will coordinate with Part D coverage. If you do decide to join a Medicare drug plan and drop your current Mount Union Area School District coverage, be aware that you and your dependents may not be able to get this coverage back.

When Will You Pay A Higher Premium (Penalty) To Join A Medicare Drug Plan?

You should also know that if you drop or lose your current coverage with Mount Union Area School District and don't join a Medicare drug plan within 63 continuous days after your current coverage ends, you may pay a higher premium (a penalty) to join a Medicare drug plan later. If you go 63

continuous days or longer without creditable prescription drug coverage, your monthly premium may go up by at least 1% of the Medicare base beneficiary premium per month for every month that you did not have that coverage. For example, if you go nineteen months without creditable coverage, your premium may consistently be at least 19% higher than the Medicare base beneficiary premium. You may have to pay this higher premium (a penalty) as long as you have Medicare prescription drug coverage. In addition, you may have to wait until the following October to join.

For More Information About This Notice or Your Current Prescription Drug Coverage...

Contact the person listed below for further information. NOTE: You'll get this notice each year. You will also get it before the next period you can join a Medicare drug plan, and if this coverage through Mount Union Area School District changes. You also may request a copy of this notice at any time.

For More Information About Your Options Under Medicare Prescription Drug Coverage...

More detailed information about Medicare plans that offer prescription drug coverage is in the "Medicare & You" handbook. You'll get a copy of the handbook in the mail every year from Medicare. You may also be contacted directly by Medicare drug plans. For more information about Medicare prescription drug coverage: Visit www.medicare.gov Call your State Health Insurance Assistance Program (see the inside back cover of your copy of the "Medicare & You" handbook for their telephone number) for personalized help Call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.

If you have limited income and resources, extra help paying for Medicare prescription drug coverage is available. For information about this extra help, visit Social Security on the web at www.socialsecurity.gov, or call them at 1-800-772-1213 (TTY 1-800-325-0778).

Remember: Keep this Creditable Coverage notice. If you decide to join one of the Medicare drug plans, you may be required to provide a copy of this notice when you join to show whether or not you have maintained creditable coverage and, therefore, whether or not you are required to pay a higher premium (a penalty).

Mount Union Area School District
Catherine Dixon, HR/Payroll Coordinator
814-542-8631 Ext. 197

P. Other Benefit Annual Notices

Medicare Part D Prescription Drug Notice
Notifies a Medicare-eligible plan participant whether a health plan's prescription drug feature is creditable or non-
creditable. See information on previous pages.

General Notice of COBRA Rights
Health plan sponsors subject to COBRA's Continuation Coverage provisions must include information on the right
to continue coverage. Notice - attached.

Notice of Privacy Practices (for Covered Entities under the Health Insurance Portability and Accountability Act of 1996 (HIPAA))
The HIPAA Privacy Rule gives individuals a fundamental new right to be informed of the privacy practices of their health plans and of most of their health care providers, as well as to be informed of their privacy rights with respect to their personal health information. Notice - attached.

Premium Assistance Under Medicaid and the Children's Health Insurance Program (CHIP)
If you or your children are eligible for Medicaid or CHIP and you're eligible for health coverage from your employer, your state may have a premium assistance program that can help pay for coverage, using funds from their Medicaid or CHIP programs.
http://www.dhs.pa.gov/provider/medicalassistance/healthinsurancepremiumpaymenthippprogram/index.html

Health Insurance Exchange Notice
Notice regarding the health insurance exchange
https://www.dol.gov/sites/default/files/ebsa/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/model-notice-for-employers-who-offer-a-health-plan-to-some-or-all-employees.pdf

Various Notices: Special Enrollment Rights; Newborns' and Mothers' Health Protection Act Notice; Women's Health and Cancer Rights Act (WHCRA)– Notices Attached

Updates

A. District Safety Plan and Steps

Photo IDs, Key Swipes/FOBs

The District has provided employees with an employee identification badge and a key swipe or fob. Employee identification badges are an important part of employee work attire. They allow students, parents, coworkers, vendors and the public to know who employees are. They are an important part of providing a secure environment for our students. Employees **must** wear their employee identification badges in a visible spot during their contracted work time. You will also be provided with key swipe or FOB to access your work location and should always be protected by you. In the event of a loss, please alert your supervisor and the technology department immediately to ensure the safety and security of our students, staff and property.

Emergency Operations Plan and Preparedness

Board policy *No. 805-Emergency Evacuation of Schools* sets and establishes certain safeguards for the health and welfare of employees and students. The district's safety committee has developed a comprehensive "Emergency Operations Plan" which provides information on how to respond to emergency incidents by outlining the responsibilities and duties of Mount Union Area School District and its employees. Developing, maintaining, and exercising the plan empowers employees to act quickly and knowledgably. The plan educates staff, faculty, students, and other key stakeholders on their roles and responsibilities before, during, and after an incident. This plan provides parents and other members of the community with assurances that Mount Union Area School District has established guidelines and procedures to respond to incidents/hazards in an effective way. Staff shall familiarize themselves with their building's plans, be prepared to activate them immediately and perform any emergency-related duties to which they may be assigned. Periodic drills shall be conducted to enhance the safety of the students.

Employment Benefits

Information and forms regarding employment benefits and payroll deductions/reductions can be obtained by calling Catherine Dixon, HR/Payroll Coordinator at 814-542-8631 Ext. 197.

A. Credit Reimbursement

The district will provide a tuition credit reimbursement benefit to eligible employees. The credit reimbursement benefit is dependent upon your job classification and contract or agreement. Please refer to your respective contract or agreement for specific benefit details and requirements.

B. Employee Portal

The district utilizes an "employee portal" to provide staff members access to various resources, forms and payroll related items. Employees can access the portal at https://fis4.csiu-technology.org/MTUN/Account/LogOn using your district-issued credentials. Contact the HR/Payroll Coordinator if you need help logging in.

C. Family and Medical Leave Act (FMLA)

In accordance with *board policy No. 335-Family and Medical Leaves*, the district shall provide eligible employees with unpaid leaves of absence in accordance with the Family and Medical

Leave Act. All requests for FMLA shall be processed in accordance with law, board policy and administration regulations. Please refer to ***Appendix A*** for employee's rights notice.

D. Health Insurance

The Mount Union Area School District offers health insurance to eligible full-time employees. The employee's coverage plan is driven by their respective collective bargaining contract or agreement. Summary grids are available upon request from the HR/Payroll Coordinator.

Open Enrollment
Other than at the time of initial employment in the district, or with the occurrence of a "life event" (i.e., death, birth, marriage, divorce, loss of coverage) the option to enroll in or opt out of dependent coverage under the insurance plans shall be limited to the open enrollment period of May 1st – May 31st each fiscal year with an effective date of July 1st.

Employee Responsibilities
The employee is responsible for initiating this coverage through the Human Resources Office and for modifying the coverage when necessary. Failure to modify coverage will result in the employee paying the excess premium for which the employee was not eligible.

Dependent Eligibility Rules
Dependents are covered until age 26.

Health Benefit Buyout, (If provided by your CBA)
An Insurance Opt-Out provision is available to those that turn in applicable documentation by June 1st each year.

Flexible Spending Account
The district provides all employees with the option of enrolling in a Flexible Spending Account which will allow participants the option of deferring salary on a pre-tax basis to pay for, Dependent Care includes day care and Health Care which includes medical co-pays and deductibles, prescription drugs, dental care, eye care, and other qualifying expenses of said plan. This benefit will be consistent with and meet all requirements of Section 125 of the Internal Revenue Code as amended and all applicable laws.

E. Life Insurance

The district will provide group term life insurance for eligible full-time employees. The amount of coverage is dependent upon your job classification. Please refer to your respective contract or agreement for level of coverage.

H. Vision Insurance

The district provides vision insurance coverage for eligible full-time employees through Vision Benefits of America (VBA). The employee's coverage plan is driven by their respective collective bargaining contract or agreement.

I. Dental Insurance

The district provides dental insurance coverage for eligible full-time employees through Delta Dental. The employee's coverage plan is driven by their respective collective bargaining contract or agreement.

J. Other Insurance(s) and Benefits, at Employee's Full Cost

The district provides other insurance and benefit options for all eligible employees. They are identified below and are the cost to the employee.

AFLAC Insurance

Aflac provides supplemental insurance to help pay benefits your major medical insurance may not cover or help you pay your bills if you are unable to work. This voluntary optional insurance plan is available to all full-time employees via payroll deduction. There are several policies available through Aflac, such as, short term disability, accident, cancer, critical illness, and life insurance. The dedicated Aflac representative for the district is Danielle Wareham. Her contact number is 814-442-2124 or you can email her at danielle_wareham@us.aflac.com.

Public School Employee's Retirement System (PSERS)

School Districts must report all employees to PSERS. Whether you are a full-time or part-time employee, an account is created for you. Employees should check and verify their credited time in PSERS each year. We encourage you to visit the PSERS website at www.psers.state.pa.us for detailed information on your retirement options.

Statements, Policies, Regulations and Procedures

A. Attendance and Call off Procedures - CSIU

The school district considers regular attendance of all employees seriously. School programs cannot commence and pupils cannot be taught at prescribed times without the punctual and reliable attendance of all staff. The efficient performance of an employee's job duties and responsibilities is the punctual commencement and proper completion of regularly scheduled work hours. Attendance by all District employees is a matter of primary concern to all District stakeholders.

ALL employees must use the district's staff portal, CSIU, to report all absences. Dependent upon the type of leave requested, there may be an approval process involving your supervisors and central administrators. **It is a requirement to enter your absences no later than 6:30 a.m.**

Please be advised that entering your password on the CSIU system serves as a legally binding electronic signature associated with the recorded absence(s). Thus, please be careful not to lose or give your password to another person. You are responsible for every absence logged onto the CSIU system.

B. Certifications and Licensure

Each employee who is required to be licensed or certified by law must provide the district with a copy of the current license or certificate to be maintained in his or her personnel file. Personnel files can be found at the district office. Employees are expected to know the expiration date of their license/certification and meet the requirements for re-licensure or certification in a timely manner.

C. Discipline/Termination

The level of discipline imposed will take into consideration the seriousness of the infraction as well as the employee's performance record. When appropriate, discipline should be corrective in nature. At the employer's sole discretion in accordance with *board policy 317-Conduct/Disciplinary Procedures*, various types of employee discipline may be imposed which include, but are not limited

to, verbal warnings, written warnings, reprimands, suspension, with or without pay, demotion or termination. None of these disciplinary measures are required to be used before discharge from employment occurs nor are the listed disciplinary actions required to be used in any specific order. The district may repeat disciplinary action. All discipline shall be documented with a copy provided to the employee and a copy placed in the employee's personnel file.

D. Dress and Grooming

Appearance is extremely important, because it sets the image of the school district in the eyes of the public. Per board policy *No. 325-Dress and Grooming,* all employees set an example in dress and grooming for students and the school community. Employees' dress should reflect their professional status and encourage respect for authority in order to have a positive influence on the district's programs and operations. When assigned to district duties, employees shall be physically clean, neat, well-groomed and dressed in a manner consistent with assigned job responsibilities.

The Board has the authority to specify reasonable dress and grooming requirements, within law, for all district employees to prevent an adverse impact on the educational programs and district operations.

E. Evaluations

Evaluation is a continuing process in which the employees and the respective supervisors cooperatively identify strengths and weaknesses in an individual's job performance. Employee evaluations shall be used to assess and improve performance, encourage professional growth, promote positive behavior, and facilitate attainment of district goals and objectives. The district will follow board policy *No. 313-Evaluation of Employees*.

Professional employees will be evaluated in accordance with the Pennsylvania Department of Education's guidelines and procedures.

Service employees and other non-certificated employees will be evaluated, at least, one time each fiscal year. The district has the right to conduct evaluation, as needed, if there are noted deficiencies with the employee's job duties and responsibilities. The district will utilize a standard evaluation form for each employee within the job classification.

F. Freedom of Speech

Per *board policy No. 320 Freedom of Speech in a Non-school Setting*, the District acknowledges the right employees as citizens in a democratic society to speak out on issues of public concern. When those issues are related to the school district and its programs, however, the employee's freedom of expression must be balanced against the interests of this district.

G. Gifts

Per board policy *No. 322-Gifts*, the Board considers the acceptance of gifts by administrative, professional and support employees an undesirable practice. It is the policy of the Board that staff members not accept gifts, unless the gift is an unsolicited item of nominal value, as determined by the immediate supervisor. The Superintendent or designee may approve acts of generosity to individual district employees in unusual situations but shall report such instances to the Board on a timely basis.

H. Inclement Weather

Bad Weather Cancellations, Delays and Dismissals

The Mount Union Area School District has a defined procedure to inform employees and the public in the event school will be closed due to snow accumulation or emergencies. The announcement will be made just as soon as practical. In addition, special arrangements have been made with radio and television stations to make official announcements.

In the event of a weather delay or cancellation the following applies to job classification

I. In-Service Days, Act 80 Days and Snow Days

The district will set the school calendar each fiscal year. This calendar may have identified in-service days, Act 80 and possible snow days for staff members. The employee's job classification will denote whether or not you have to report to work.

J. Job Duties and Responsibilities

Job descriptions set forth the minimum qualifications, goals, essential duties and responsibilities, and physical demands for each position in the district. The job descriptions will constitute the basis of evaluating job performance. Job descriptions are not static. They are always subject to review and/or revisions. A job review may be initiated by you or by your supervisor. A request for a job review should be submitted in writing to your immediate supervisor. It should include a copy of the current job description, as well as your specific recommendations for revision.

K. Overtime Procedures

In accordance with federal and state law, board policy *No. 330-Overtime*, and applicable collective bargaining agreement(s), overtime shall be paid for work in excess of forty (40) hours in an established workweek for each classification of support employees. Procedures have been established to clarify all overtime throughout the district. The district shall follow the overtime procedures identified in the applicable collective bargaining agreement(s). No overtime shall be scheduled or worked without prior approval.

L. Pay Periods

The district calculates payroll bi-weekly. Pay stubs are accessible through the employee portal. All employees are required to sign up for direct deposit for payroll purposes. Only under extreme circumstances will a paper check be issued to an employee. Make sure you keep banking changes updated with the Payroll Office to ensure proper deposits. Questions concerning your paycheck should be addressed to the Payroll Office at Ext 197.

M. Penalties for Tardiness

In accordance with board policy *No. 318 Penalties for Tardiness,* all employees are required to report to work within the prescribed report and end times as defined by facilities management. Punctual and reliable attendance by administrative, professional and support employees is essential for the operation of district schools. Therefore, a prerequisite for efficient performance of job functions by employees is the punctual commencement and proper completion of all assigned duties. Employees will be subject to discipline for violations of absence policies and procedures.

N. Physical Exams

In order to certify the fitness of employees to discharge efficiently the job duties and responsibilities they will be performing and to protect the health of students and staff from the transmission of communicable diseases, physical examinations of all district employees shall be required prior to beginning employment. It is understood that the district has the right under school board policy *No. 314-Physicals Examination* and the *PA School Code, section 1418*, to require special medical examination for any school employee at any time. The Board requires that all employees undergo a tuberculosis examination upon initial employment, in accordance with regulations of the Pennsylvania Department of Health.

O. Political Activities

In accordance with *board policy No. 321- Political Activities*, The Board recognizes and encourages the right of administrative, professional and support employees, as citizens, to engage in political activity. However, district time, resources, property or equipment, paid for by taxpayers, may not be used for political purposes by district employees when performing assigned duties.

P. Public Relations

In accordance with *board policy 901- Public Relations Objectives*, all district employees must recognize the importance of communicating and cooperating with the district's students, parents/guardians and community members in order to provide the programs needed to develop students' academic and social skills. All district staff serves as the front line of any public relations efforts. Their attitudes and communications when dealing with students, parents/guardians and community members provide the foundation on which good public relations are built.

The superintendent is the chief communication liaison with all representatives from the local press, radio and TV personnel. Staff members should not give school information or interviews requested by news media representatives without prior approval of the superintendent. In the event you are contacted by someone from the news media, you should contact the superintendent's office immediately.

Q. School Calendars

School calendars will be determined by the Board of Education and the administration with input from staff each fiscal year. Scheduled holidays, *as per board policy No. 343-Paid Holidays* and applicable collective bargaining agreements, will be designated in the school calendar and shall not count as a work day. These calendars will be distributed accordingly and placed on the district's website. Any changes to the calendar will be communicated with staff.

R. Staff Travel

Car travel in the district shall be reimbursed at the latest IRS rate and must have prior administrative approval.

S. Time Sheets and Time Clock Procedures

All employees will report to work as defined by their contract or agreement. Currently there is no time clock system used. Support staff are to use time sheets for all days worked. These are to be turned into the building office on payday or no later than the following Monday. All absences, late arrivals and early dismissal MUST be entered in CSIU and/or communicated with supervisor for approval.

T. Tobacco

Per board policy *No. 323-Tobacco Use*, the Board prohibits tobacco use by employees in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district. The Board also prohibits tobacco use by district employees at school-sponsored activities that are held off school property. Violations of this policy will result in disciplinary actions against the employee.

U. Training Meetings

The district will provide ongoing professional development in accordance with board policy *No. 333-Professional Development* each year for all staff members. Central administration and/or your supervisor/director will provide reasonable advance notice regarding your participation in district trainings.

V. Travel and Expense Reimbursement

In accordance with *board policy No. 331-Job Related Expenses*, the Board shall reimburse administrative, professional and support employees for the actual and necessary expenses, including travel expenses, they incur in the course of performing services for the district, in accordance with Board policy. Actual and necessary expenses incurred when attending functions outside the district shall be reimbursed to an employee if approval has been obtained in advance from the Superintendent. Only those items for which there is itemized documentation may be reimbursed. Authorized travel mileage shall be reimbursed at the current IRS mileage rate. Please contact the business office at 814-542-8631 Ext 194 for official forms and procedures.

W. Video Cameras in Use

Video cameras are used at all times for security purposes in all buildings. Employees are expected to be aware that video recordings may be used as evidence for any discipline or legal action.

X. Violence/Bullying in the Workplace

Violent behavior of any kind or threats of violence, either direct or implied are prohibited on District property and at District sponsored events. The District will not tolerate such conduct in its employees, former employees, contractors, or visitors. An employee who exhibits violent behavior shall be subject to disciplinary action up to and including termination and may also be referred to law enforcement. An employee, who is the victim of violence, believes he/she has been threatened with violence, or witnesses an act or threat of violence towards anyone else shall take the following steps:

1. If an emergency exists and the situation is one of immediate danger, the employee shall contact the local law enforcement by dialing 911 and may take whatever emergency steps are available and appropriate to protect him/her from immediate harm, such as leaving the area.

2. If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or his/her designee as soon as possible.

An employee who has received a restraining order, temporary or permanent, against an individual, who may impact the employee at work (e.g. verbal or physical contact or proximity has been prohibited or restricted), shall immediately supply a copy of the signed order to his/her supervisor. The supervisor shall provide copies to the other appropriate supervisors and inform other

employees on an as-needed basis. The District will investigate all complaints filed and may investigate in other situations where no complaint was filed but was brought to the District's attention. Retaliation against a person who makes a good-faith complaint regarding violent behavior or threats of violence made to him/her is also prohibited. In appropriate circumstances, the District will inform the reporting individual of the results of the investigation. To the extent possible, the District will maintain the confidentiality of the reporting employee and the investigation, but may need to disclose results in appropriate circumstances; (e.g., in order to protect individual safety or to conduct an adequate investigation). The District will not tolerate retaliation against any employee who in good faith reports workplace violence.

Y. Weapons Prohibition

Pennsylvania Code Title 18 – section 912 – Possession of weapon on school property prohibits any person from possessing a weapon in the buildings of, on the grounds of, or in any conveyances providing transportation to or from any elementary or secondary publicly funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.

Firearms and dangerous weapons, including knives, are prohibited on all property of the District. The prohibition includes firearms in vehicles on school property. Licensed school police officers who are serving in their official capacities are the only persons excepted from this prohibition.

Z. Work Schedules and Breaks

Work schedules shall be established for each employee that include clearly stated shift start and end times, break times (as applicable) and lunch time (as applicable). Supervisors may adjust work schedules as needed. Employees are expected to report for work in accordance with their work schedule. Consistently late arrivals or early departures will be addressed with the employee and may lead to disciplinary action. Employees are prohibited from leaving their assigned work locations without authorization and permission.

Employees are prohibited from sleeping, watching TV, using district equipment without authorization, conducting personal business and any other non-job-related activity the district determines is inappropriate while on the job. Employees will be subject to discipline for violations of work schedules and breaks.

Break and Lunch Times

Your principal, supervisor or director will establish the set break and lunch times as noted in the respective contracts or agreements.

Employee Absences

All District employees **must notify their immediate supervisor(s)** and the Human Resources Office when considering a leave of absence that exceeds **three work days**. This is ensuring that all proper documentation is obtained and submitted for approval. Furthermore, it is to communicate the various leave options that may be available to the staff member.

A. Other Leaves

The district shall provide other leaves for eligible employees in accordance with provisions of the applicable collective bargaining agreement. Other leaves include, but are not limited to:

- Child-rearing and Child-bearing Leave
- Family and Medical Leave (FMLA) for a qualifying event
- Medical Leave

B. Leave

Personal Leave

Per *board policy No. 336- Personal Necessity Leave*, Personal leave days with pay shall be granted to district employees in accordance with applicable provisions of the collective bargaining agreement.

Bereavement Leave

Per *board policy No. 336- Personal Necessity Leave*, bereavement leave with pay shall be granted to district employees in accordance with law and any applicable provisions collective bargaining agreement.

Military Leave

Military leave shall be granted to employees in accordance with laws, applicable provisions of, and collective bargaining agreement.

Jury Duty Leave

Per *board policy No. 342 – Jury Duty,* regularly employed staff shall be protected against loss of employment for time served on jury duty. Employees called for jury duty shall normally be permitted to serve and will not be penalized in any way. They shall receive normal pay for the period of jury duty, but any compensation received from jury duty in excess of actual expenses shall be credited against such pay.

Sick Leave

Per *board policy No. 334-Sick Leave* and the applicable collective bargaining agreement provides that eligible employees will receive a certain number of paid sick leave days annually. Unused leave shall be cumulative. The District reserves the right to require any employee claiming sick leave pay to submit sufficient proof, including a physician's certification, of the employee's illness or disability. Misuse of sick leave shall be considered a serious infraction subject to disciplinary action.

C. Vacation

Per board *policy No. 337 Vacation* and the applicable collective bargaining agreement provides for eligible employees will receive a certain number of paid vacation days annually. These days will be approved consistent with the employee's request and convenience while considering the district management and operation's needs. Vacation time shall be granted in accordance with provisions of the applicable collective bargaining agreement. Vacations normally will be scheduled at times when they will not interfere with the normal operation of the school.

Employees are required to follow the procedures set forth in the applicable collective bargaining agreement when requesting vacations.

Miscellaneous provisions

A. Copyrighted Materials

The district and its employees shall abide by current federal copyright laws. Any employee that violates copyright laws shall be liable for his/her actions. Copyright guidelines shall be for video/film/sound recordings, print material, computer software and all emerging technologies.

B. District Property

The District may supply an employee with equipment or supplies to assist the employee in performing his/her job duties. All employees are expected to show reasonable care for any equipment issued and to take precautions against theft. Employees cannot take District property for personal use or gain. Any equipment, unused supplies, or keys issued must be returned prior to the employee's last day of employment, including, but not limited by enumeration: any school issued computer and accessories, keys and key swipe/fob for building entry.

C. District Vehicles and Mobile Equipment

District-owned vehicles are provided to certain groups of employees to be used in the performance of their job duties and responsibilities. All employees who drive or operate a District vehicle or mobile equipment must notify the transportation coordinator immediately of any driving citation or conviction of a traffic violation. Payment for any citations received while driving a District vehicle is the responsibility of the driver. The reporting provision applies to citations or convictions as a result of operating either a District vehicle or personal vehicle while performing duties for the District. In addition to the notice requirements above and pursuant to CDL Requirements, a CDL driver must notify his/her employer, in writing and within 30 days, of a conviction for any traffic violation regardless of the type of vehicle being driven at the time of the violation. All drivers of motor vehicles owned by the District and used for the transportation of pupils shall be under written contract with the Board.

D. Media Relations

The Board of Education recognizes the need for the district to be accessible to the media and charges the Superintendent with the responsibility for the dissemination of information and informational materials to the news media. All news releases affecting the District shall be approved and distributed from the central administrative offices. News releases shall be distributed to appropriate print, radio and television media to adequately communicate with intended clientele in the District.

E. Personal Belongings

Mount Union Area School District is not liable for any personal belongings brought into a school. Use personal belongings at your own risk. If you so choose to use a personal item, such should be discussed with your immediate supervisor.

F. Personal Cleaning Products

Employees are not permitted to bring cleaning and other sanitary products to work unless previously approved.

G. Personnel Records

Per *board policy 324- Personnel Files*, orderly operation of the school district requires maintaining a file for the retention of all records relative to an individual's duties and responsibilities as an administrative, professional or support employee of the district. A personnel file is maintained in the District Office for each employee. Employees who wish to review their own records shall:

1. Request access in writing.

2. Review the record in the presence of the administrator or designee responsible to maintain personnel records.

3. Make no alterations to the record, nor remove any material.

H. Unauthorized Use of School Equipment

The use of Mount Union Area School District equipment and supplies for personal use is prohibited. Telephone use will be limited to emergency calls **ONLY.** Employees will be subject to discipline for violations of unauthorized use of school equipment.

I. Universal Precautions

Universal precautions are intended to prevent transmission of infection, as well as decrease the risk of exposure for school personnel and students by avoiding contact with blood and potentially infectious materials. It is not currently possible to identify all infected individuals thus precautions must be used with everyone. These precautions do not apply to other body fluids and wastes such as saliva, sputum, feces, tears, nasal secretions, vomitus and urine unless blood is visible in the material. These fluids and wastes can be sources of other types of infections. Universal precautions suggest, however, that they should be handled as if they are infectious. Essential techniques of infection control include hand washing, the use of barriers, i.e., gloves, proper disposal of waste products and sharp instruments, and decontamination of spills.

As an employee of the Mount Union Area School District you may be exposed to blood and body fluids. Every day, children end up with scraped knees, bloody noses, and upset stomachs. You need to be aware of the possible danger of the transmission of blood borne pathogens, or diseases carried by the blood. It is important to understand the dangers of infections and the safe procedures to minimize risk. (Refer to board policy *No. 314.1- HIV Infection* for additional information on precautions)

J. Email, Computers and other Devices and Equipment

The district provides staff with access to the district's computers, electronic communication systems and network, which includes Internet access, whether wired or wireless, or by any other means in accordance with board policy *No. 815-Acceptable Use of the Electronic Communications Systems, Devices, Network and Internet*.

The district declares that computer and network use is a privilege, not a right. The district's computer and network resources are the property of the district. Users shall have no expectation of privacy in anything they create, store, send, delete, receive or display on or over the district's Internet, computers or network resources, including personal files or any use of the district's Internet, computers or network resources. The district reserves the right to monitor, track, and log network access and use; monitor file server space utilization by district users; or deny access to prevent unauthorized, inappropriate or illegal activity and may revoke access privileges and/or administer appropriate disciplinary action. The district shall cooperate to the extent legally required

with the Internet Service Provider (ISP), local, state and federal officials in any investigation concerning or related to the misuse of the district's Internet, computers and network resources.

K. Use of Electronic Devices

Unauthorized use of headphones and electronic devices are prohibited during work hours ***unless a legitimate educational/safety reason exists***. If you are using electronic devices during the normal school day and/or in the course of teaching, please inform your principal/supervisor of such use and obtain permission. Uses of electronic devices are permitted during authorized breaks and lunch. Employees will be subject to discipline for violations of unauthorized use of school equipment.

L. Visitors

Employees are not to have visitors during working hours unless it is of an emergency. Employees will be subject to discipline for violations of unauthorized visitors on school property during working hours.

Appendix A —Family and Medical Leave Act

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

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

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, **to request FMLA leave you must**:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

  You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer <u>may</u> request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.
The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your **employer <u>must</u>**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer <u>cannot</u> interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.
After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer <u>must</u> confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer <u>must</u> notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.
If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process**.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

SCAN ME

WH1420 REV 04/23

Appendix B – Board Policy No. 317, Conduct/Disciplinary Procedures

Book	Policy Manual
Section	300 Employees
Title	Conduct/Disciplinary Procedures
Number	317
Status	Active
Adopted	April 25, 2016

Authority

All administrative, professional and support employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior. Effective operation of district schools requires the cooperation of all employees working together and complying with a system of Board policies, administrative regulations, rules and procedures, applied fairly and consistently.

The Board requires employees to maintain professional, moral and ethical relationships with students at all times. [1] [2]

The Board directs that all district employees shall be informed of conduct that is required and is prohibited during work hours and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures. [3][4]

When demotion or dismissal charges are filed against a certificated administrative or professional employee, a hearing shall be provided as required by applicable law. Non-certificated administrative and support employees may be entitled to a Local Agency Law hearing, at the employee's request.[10][11][12][5][6][7][8][9]

Delegation of Responsibility

All district employees shall comply with state and federal laws and regulations, Board policies, administrative regulations, rules and procedures. District employees shall endeavor to maintain order, perform assigned job functions and carry out directives issued by supervisors. [3]

When engaged in assigned duties, district employees shall not participate in activities that include but are not limited to the following:

1. Physical or verbal abuse, or threat of harm, to anyone.
2. Nonprofessional relationships with students. [2]
3. Causing intentional damage to district property, facilities or equipment.
4. Forceful or unauthorized entry to or occupation of district facilities, buildings or grounds.
5. Use, possession, distribution, or sale of alcohol, drugs or other illegal substances. [13]
6. Use of profane or abusive language.

7. Breach of confidential information.

8. Failure to comply with directives of district officials, security officers, or law enforcement officers. [6]

9. Carrying onto or possessing a weapon on school grounds without authorization from the appropriate school administrator.

10. Violation of Board policies, administrative regulations, rules or procedures. [6]

11. Violation of federal, state, or applicable municipal laws or regulations. [6]

12. Conduct that may obstruct, disrupt, or interfere with teaching, research, service, operations, administrative or disciplinary functions of the district, or any activity sponsored or approved by the Board.

The Superintendent or designee shall develop and disseminate disciplinary rules for violations of Board policies, administrative regulations, rules and procedures that provide progressive penalties, including but not limited to verbal warning, written warning, reprimand, suspension, demotion, dismissal and pursuit of civil and criminal sanctions. [14] [6]

Arrest or Conviction Reporting Requirements

Employees shall use the designated form to report to the Superintendent or designee, within seventy-two (72) hours of the occurrence, an arrest or conviction required to be reported by law. [15] [16]

Employees shall also report to the Superintendent or designee, in writing, within seventy-two (72) hours of notification, that the employee has been named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law. [17]

An employee shall be required to submit new criminal history background checks if the Superintendent or designee has a reasonable belief that the employee was arrested or has been convicted of an offense required to be reported by law, and the employee has not notified the Superintendent or designee. [15]

An employee shall be required immediately to submit a new child abuse history certification if the Superintendent or designee has a reasonable belief that the employee was named as a perpetrator in a founded or indicated report or has provided written notice of such occurrence. [17]

Failure to accurately report such occurrences may subject the employee to disciplinary action up to and including termination and criminal prosecution. [15][17]

Appendix C – Board Policy 104 – Discrimination/Harassment Affecting Staff

Book	Policy Manual
Section	100 Programs
Title	Discrimination/Harassment Affecting Staff
Number	104
Status	Active
Adopted	June 2, 2016
Last Revised	November 18, 2024

Authority

The Board declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, religious creed, religion, sex, sexual orientation, gender identity, ancestry, national origin, marital status, genetic information, handicap/disability or pregnancy, childbirth or pregnancy-related medical conditions. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, as well as pregnancy, childbirth and pregnancy-related medical conditions, consistent with the requirements of federal and state laws and regulations.[1][2][3][4][5][6][7][8][9][10][11][12][13]

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sex-based discrimination and harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Office for Civil Rights of the U.S. Department of Education, or both.

Definitions

General Definitions

Complaint shall mean an oral or written request to the district that objectively can be understood as a request to investigate and make a determination about alleged discrimination.[14]

Complainant shall mean an individual who is alleged to have been subject to conduct that could constitute discrimination in accordance with law and this policy.[14]

Pregnancy, childbirth and pregnancy-related medical conditions, as defined in federal law, refers to the pregnancy or childbirth of the specific employee and includes, but is not limited to, current pregnancy; past pregnancy or recovery; termination of pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment and the use of contraception); labor; childbirth; and lactation. Related medical conditions are medical conditions relating to the pregnancy, termination of pregnancy, childbirth or lactation of the specific employee.[14][15]

Pregnancy, as defined in state law, shall include the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.[16]

Respondent shall mean a person who is alleged to have violated the district's prohibition on discrimination in accordance with applicable law and this policy.[14]

Retaliation shall mean intimidation, threats, coercion or discrimination against any person by the district, a student, employee or other person authorized to provide a district aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Board policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the district in accordance with applicable law and this policy and procedures. This term shall not include the district requiring an employee or other individual providing a district aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.[14][17]

Discrimination Other Than Title IX

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, religious creed, religion, sex, gender identity, sexual orientation, genetic information, ancestry, national origin, marital status, handicap/disability, pregnancy, childbirth or pregnancy-related conditions, or based on an individual's association with a person who has a protected classification.

Harassment is a form of discrimination based on the protected classifications listed in this policy, or association with an individual who has a protected classification, consisting of objectively and subjectively hostile conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes or comments, slurs, stereotypes, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, ostracism, misgendering or denial of access to facilities consistent with an individual's gender identity, or other conduct that affects a term, condition or privilege of employment, and may be harmful or humiliating or interfere with a person's school or school-related work performance, including when:[9]

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or

2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or

3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile or offensive working environment such that it alters the complainant's working conditions or affects a term, condition or privilege of employment.

Examples of harassment based on **race, color, ancestry or national origin** may include but not be limited to harassment regarding traits or characteristics related to an individual's name, cultural dress or diet, accent, linguistic characteristics or manner of speech, or physical characteristics, such as hairstyles or hair texture.

Harassment based on **religion, religious creed, sex, pregnancy or related conditions, or handicap/disability** may include harassment based on a request for or receipt of a reasonable accommodation.

Discrimination or harassment based on **handicap/disability** may also include harassment based on how an individual speaks, looks or moves, as well as discrimination or harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability; has a record or history of a disability, even if the individual does not currently have a disability; or is associated with an individual who has a disability.

Religious creed includes all aspects of religious observance, practice or belief.[18]

Religious beliefs include:[16]

1. Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.

2. The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.

Race includes all of the following:[16][19]

1. Ancestry, national origin or ethnic characteristics.

2. Interracial marriage or association.

3. Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists.

4. Hispanic ancestry, national origin or ethnic characteristics.

5. Persons of any other national origin or ancestry as specified by a complainant or in a complaint.

Sex includes:[16][20]

1. Pregnancy.

2. Sex assigned at birth.

3. Gender, including a person's gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity.

4. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.

5. Differences of sex development, variations of sex characteristics or other intersex characteristics.

Definitions Related to Title IX

Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.[14][21][22]

Title IX sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:[14]

1. ***Quid pro quo harassment -*** a district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

2. ***Hostile environment harassment -*** unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:

    a. The degree to which the conduct affected the complainant's ability to access the district's education program or activity;

    b. The type, frequency and duration of the conduct;

    c. The complainant's and respondent's ages, roles in the district education program or activity, previous interactions and other relevant factors;

    d. The location and context in which the conduct occurred; and

    e. Other sex-based harassment in the district's education program or activity.

3. Sexual assault, dating violence, domestic violence or stalking.

    a. ***Dating violence*** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[23]

        i. Length of relationship.

        ii. Type of relationship.

        iii. Frequency of interaction between the persons involved in the relationship.

    b. ***Domestic violence*** includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or

family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[23]

c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[24]

d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[23]

i. Fear for their safety or the safety of others.

ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sex-based discrimination or harassment under Title IX. This includes conduct that is subject to the district's disciplinary authority. An **education program or activity** includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs or activities of the district. The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States.[22][25][26][27]

Supportive measures shall mean non-disciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent and without fee or charge to the complainant or the respondent in order to:[14][26]

1. Restore or preserve access to the district's education program or activity, including measures designed to protect the safety of the individuals or the district's educational environment; or

2. Provide support during the grievance procedures or during an informal resolution process.

Supportive measures may include, but are not limited to:[26]

1. Counseling or Employee Assistance Program.

2. Extensions of deadlines or other course-related adjustments.

3. Modifications of work or class schedules.

4. Campus escort services.

5. Restrictions on contact applied to one or more parties.

6. Changes in work locations or other activities.

7. Leaves of absence.

8. Increased security.

9. Monitoring of certain areas of the campus.

10. Training and education programs related to sex-based harassment.

11. Assistance from domestic violence or rape crisis programs.

12. Assistance from community health resources, including counseling resources.

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Director of Special Education/Pupil Services (Dr. Dianne Thomas) as the district's Compliance Officer and Title IX Coordinator.[28]

The Compliance Officer/Title IX Coordinator can be contacted at:

Address: 706 North Shaver Street, Mount Union, PA 17066
Email: dthomas@muasd.org
Phone Number: (814)-542-2518; Ext. #162

The Compliance Officer/Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures, to monitor and address barriers to reporting and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate:[26]

1. Review - Review of personnel and hiring practices and actions for discriminatory bias and compliance with laws against discrimination and harassment, to include monitoring and promptly implementing corrective measures when appropriate. This may include, but is not limited to, changes to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, nonrenewal of contracts and proposed employee disciplinary actions up to and including termination; and provision of employee benefits and services.

2. Training - Provide training for supervisors and staff to prevent, identify and alleviate conduct which may constitute discrimination or harassment.

3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to law enforcement, and available supportive measures such as assistance from domestic violence or rape crisis programs, and community health resources, including counseling resources.

4. Reports/Complaints - Monitor and provide technical assistance to individuals involved in managing reports and complaints.

Guidelines

When district programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities, the district shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual's gender identity.[22][29]

Violations of this policy, including acts of retaliation as defined in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures, and in accordance with applicable law and regulations.[27][30][31]

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sex-based discrimination and harassment, in any district education program or activity, to be issued to all students, parents/guardians or other legal representatives of students, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the name or title, office address, phone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator. The district's notice shall provide information on the location of the Board policy and complaint or grievance procedures, how to report information about conduct prohibited by this policy and how to file a complaint.[28]

The Board directs that this notice be included in each staff handbook, on the district website, and in each catalog, announcement, bulletin and application form for applicants and employees. An abbreviated statement of the district's prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and location of the full notice on the district website may be published when necessary due to size or format of publications. A copy of this policy and related attachments shall also be posted to the district's website.[28]

The Board shall engage in the interactive process with qualified employees and provide reasonable accommodations in accordance with applicable law and regulations.[11][12][32]

The district shall not require a qualified employee to take paid or unpaid leave for pregnancy, childbirth or pregnancy-related medical conditions if another reasonable accommodation can be provided to address the employee's known limitations.[33][34][35][36]

Reports of Title IX Sex-Based Discrimination and Harassment and Other Discrimination and Retaliation

The Board encourages employees, applicants and third parties who believe they or others have been subject to Title IX sex-based discrimination and harassment, other discrimination, harassment or retaliation to promptly report such incidents to the building principal or Title IX Coordinator. A person who is not an intended victim or target of discrimination or harassment but is adversely affected by the conduct may file a report of sex-based discrimination.

An employee serving in a supervisory position who suspects or is notified that a district employee may have been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator.

If the Title IX Coordinator is the subject of a complaint, the complainant, building principal or the individual making the report shall direct the report of the incident to the Superintendent or designee.

The complainant or the individual making the report may use the Discrimination/Harassment/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, oral reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, harassment, Title IX sex-based discrimination and harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures and reasonable safety concerns.[26]

The Title IX Coordinator shall conduct an assessment to determine whether the reported conduct meets the definition of Title IX sex-based discrimination or harassment and the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies.[26]

If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, or other discrimination or harassment, the Title IX Coordinator shall take the following steps under applicable law and regulations, this Board policy and procedures:[26]

1. Treat the complainant and respondent equitably.

2. Offer and coordinate supportive measures, as appropriate, for the complainant and respondent.

3. Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate.

4. If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.

5. Initiate the grievance procedures or informal resolution process, if available and appropriate.

6. In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures.

7. If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures.

8. Take other prompt and effective steps to ensure that sex-based discrimination and harassment or other discrimination or harassment does not continue or recur within the district's education programs or activities.

Disciplinary Procedures when Reports Allege Title IX Sex-Based Discrimination or Harassment

When a report alleges Title IX sex-based discrimination or harassment, disciplinary sanctions may not be imposed until the completion of the grievance procedures. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance procedures.[27]

Administrative Leave –

When an employee, based on an individualized safety and risk analysis, poses an imminent and serious threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis. The employee will be provided with notice and provided an opportunity to challenge the emergency removal immediately following the removal.[26][30]

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance procedures, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX sex-based discrimination or harassment, shall be handled in accordance with applicable law, regulations, Board policy and procedures, and the district's legal and investigative obligations to carry out the grievance procedures.[17][27][37][38]

The district shall not disclose personally identifiable information except in the following circumstances:[26][37][38][39][40][41][42]

1. When the district has obtained prior written consent in accordance with law.

2. When student information is disclosed to a parent/guardian as defined in Board policy or other authorized legal representative with the legal right to receive disclosures on behalf of the individual.

3. To carry out the requirements of this policy and the accompanying procedures.

4. As required or permitted by applicable law or regulations or the requirements of grant funding.

Retaliation

The Board prohibits retaliation by the district or any other person against any person for:[17][43]

1. Reporting or making a complaint of conduct that may constitute discrimination or retaliation, including Title IX sex-based discrimination or harassment.

2. Testifying, assisting, participating in any manner or refusing to participate in a related investigation, process or other proceeding or hearing.

3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, harassing, coercing or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if they believe retaliation has occurred. The district shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Board policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process.[17]

Title IX Sex-Based Discrimination and Harassment Training Requirements

The district shall provide training annually to all school employees on:[28]

1. The district's obligation to address sex-based discrimination and harassment in district education programs and activities.

2. The scope of conduct that constitutes sex-based discrimination and harassment, as defined in the law and this policy.

3. Staff responsibility to provide the Title IX Coordinator's contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with Board policy and procedures.[41]

The Compliance Officer and Title IX Coordinator, investigators, decision-makers, or any staff responsible to implement grievance procedures related to Title IX sex-based discrimination or harassment and any staff authorized to modify or terminate supportive measures shall receive the following training annually, as required or appropriate to their specific role:[28]

1. The district's obligations under Title IX, including definitions of sex-based discrimination and harassment.

2. The grievance procedures used to address Title IX complaints.

3. How to conduct an investigation, including examination of evidence, interviewing witnesses, evaluating credibility, drafting reports and determinations, and handling appeals, as applicable.

4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.

5. Issues of relevance in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

6. How to address complaints when the alleged conduct does not qualify as Title IX sex-based discrimination or harassment but could be addressed under another complaint process or Board policy.[30][31][44][45]

Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.[28]

The Title IX Coordinator and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:[28]

1. Specific responsibilities of the Title IX Coordinator, in accordance with law and Board policy and procedures.

2. The district's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations.[40][46]

3. Any other training required to coordinate the district's compliance with Title IX and other applicable laws, regulations and Board policy.

All training materials shall be retained for at least seven (7) years and must be made available for inspection upon request from a member of the public.[28][46][47]

Disciplinary Consequences

An employee who violates this policy, including a determination of sex-based harassment, shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[30][31]

Handling of Reports

Reports of Discrimination –

All reports of discrimination or Title IX sex-based discrimination or harassment shall be handled in accordance with the Grievance Procedures attached to this policy.

Appendix D – Board Policy 824 – Maintaining Professional Adult/Student Boundaries

Book	Policy Manual
Section	800 Operations
Title	Maintaining Professional Adult/Student Boundaries
Number	824
Status	Active
Adopted	December 5, 2016
Last Revised	November 18, 2024

Authority

This policy applies to district employees, volunteers, student teachers and independent contractors and their employees who interact with students or are present on school grounds. For purposes of this policy, such individuals are referred to collectively as **adults**. The term **adults** as used in this policy, does not include district students who perform services on a volunteer or compensated basis.

All adults shall be expected to maintain professional, moral and ethical relationships with district students that are conducive to an effective, safe learning environment. This policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that can lead to more egregious misconduct.

The Board directs that all adults shall be informed of conduct that is prohibited and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.[1]

This policy is not intended to interfere with appropriate pre-existing personal relationships between adults and students and their families that exist independently of the district or to interfere with participation in civic, religious or other outside organizations that include district students.

Definition

For purposes of this policy, **legitimate educational reasons** include matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration or other purposes within the scope of the adult's assigned job duties.

Delegation of Responsibility

The Superintendent or designee shall annually inform students, parents/guardians and all adults regarding the contents of this Board policy through employee and student handbooks, posting on the district website and by other appropriate methods.

The building principal or designee shall be available to answer questions about behaviors or activities that may violate professional boundaries as defined in this policy.

Independent contractors doing business with the district shall ensure that their employees who have interaction with students or are present on school grounds are informed of the provisions of this policy.[2]

Guidelines

Adults shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by this policy or that creates the appearance of prohibited behavior.

Prohibited Conduct

Romantic or Sexual Relationships -

Adults shall be prohibited from dating, courting or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the district, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with adults.[3][4]

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

1. Sexual physical contact.
2. Romantic flirtation, propositions or sexual remarks.
3. Sexual slurs, leering, epithets, sexual or derogatory comments.
4. Personal comments about a student's body.
5. Sexual jokes, notes, stories, drawings, gestures or pictures.
6. Spreading sexual or romantic rumors.
7. Touching a student's body or clothes in a sexual or intimate way.
8. Accepting massages, or offering or giving massages other than in the course of injury care legitimately administered by an athletic trainer, coach or health care provider.
9. Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
10. Displaying or transmitting sexual objects, pictures or depictions.

Social Interactions -

In order to maintain professional boundaries, adults shall ensure that their interactions with students are appropriate.

Examples of prohibited conduct that violates professional boundaries include, but are not limited to:

1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students.

2. Exchanging notes, emails or other communications of a personal nature with a student.

3. Giving personal gifts, cards or letters to a student without written approval from the building principal.

4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction or appropriate music instruction).

5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.

6. Taking a student out of class without a legitimate educational reason.

7. Being alone with a student behind closed doors without a legitimate educational reason.

8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.

9. Sending or accompanying a student on personal errands.

10. Inviting a student to the adult's home.

11. Going to a student's home without a legitimate educational reason.

12. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.

13. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.

14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names or otherwise in an overly familiar manner.

15. Telling a student personal secrets, sharing personal secrets with a student or asking students to keep any conversation, gift or activity a secret.

16. For adults who are not guidance/counseling staff, psychologists, social workers or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate

school resource.

17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.

18. Engaging in harassing or discriminatory conduct prohibited by other district policies or by state or federal law and regulations.[5][6]

Electronic Communications -

For purposes of this policy, **electronic communication** shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages and communications made by means of an Internet website, including social media and other networking websites.

As with other forms of communication, when communicating electronically, adults shall maintain professional boundaries with students.

Electronic communication with students shall be for legitimate educational reasons only.

When available, district-provided email or other district-provided communication devices or platforms shall be used when communicating electronically with students. The use of district-provided email or other district-provided communication devices or platforms shall be in accordance with district policies and procedures.[7]

All electronic communications from coaches and advisors to team or club members shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communications will be copied to the building principal. In the case of sports teams under the direction of the Athletic Director, such medical or academic communications shall also be copied to the Athletic Director.

Adults shall not follow or send or accept requests for current students to be friends or connections on personal social networking sites and shall not create any networking site for communication with students other than those provided by the district for this purpose, without the prior written approval of the building principal.

Exceptions

An emergency situation or a legitimate educational reason may justify deviation from the rules regarding communication or methods for maintaining professional boundaries set out in this policy. The adult shall be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that they have maintained an appropriate relationship with the student.

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this policy.

There will be circumstances where personal relationships develop between an adult and a student's family, e.g. when their children become friends. This policy is not intended to interfere with such relationships or to limit activities that are consistent with such

relationships. Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

It is understood that many adults are involved in various other roles in the community through nondistrict-related civic, religious, athletic, scouting or other organizations and programs whose participants may include district students. Such community involvement is commendable, and this policy is not intended to interfere with or restrict an adult's ability to serve in those roles; however, adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Reporting Inappropriate or Suspicious Conduct

Any person, including a student, who has concerns about or is uncomfortable with a relationship or interaction between an adult and a student, shall promptly notify the building principal or Title IX Coordinator. Reports may be made using the Discrimination/Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general report orally or in writing. Upon receipt of a report, school staff shall promptly notify the Title IX Coordinator.[5][8]

All district employees, independent contractors and volunteers who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy.[9][10]

An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent, Title IX Coordinator and immediate supervisor, *promptly, but not later than* fifteen (15) days following discovery of such misconduct.[5][8][11][12]

If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Child Protective Services Law, the Educator Discipline Act or the school safety and security provisions of School Code, the Superintendent or designee shall make a report, in accordance with applicable law, regulations and Board policy.[9][10][11][12][13][14][15][16][17]

It is a violation of Board policy to retaliate against any person for reporting any action pursuant to this policy or for participating as a witness in any related investigation or hearing.[5][8]

Investigation

The Title IX Coordinator shall promptly assess and address allegations of inappropriate conduct in accordance with the procedures for reports of discrimination/harassment.[5][8]

It is understood that some reports made pursuant to this policy will be based on rumors or misunderstandings; the mere fact that the reported adult is cleared of any wrongdoing shall not result in disciplinary action against the person making the report or any witnesses. If as the result of an investigation any individual, including the reported adult, the person making the report or a witness is found to have knowingly provided false information in making the report or during the investigation or hearings related to the

report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this policy and other applicable laws, regulations and Board policies. Obstruction includes, but is not limited to, violation of "no contact" orders given to the reported adult, attempting to alter or influence witness testimony and destruction of or hiding evidence.[5][8][12][18][19][20][21]

Disciplinary Action

A district employee who violates this policy may be subject to disciplinary action, up to and including termination, in accordance with all applicable district disciplinary policies and procedures.[8][12][18]

A volunteer, student teacher, or independent contractor or an employee of an independent contractor who violates this policy may be prohibited from working or serving in district schools for an appropriate period of time or permanently, as determined by the Superintendent or designee.

Training

The district shall provide training with respect to the provisions of this policy to current and new district employees, volunteers and student teachers subject to this policy.

The district, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on this policy and related procedures.

Appendix E – Board Policy 815 – Acceptable Use of the Electronic Communications Systems, Devices, Network and Internet

Book	Policy Manual
Section	800 Operations
Title-	Acceptable Use of Internet, Computers and Network Resources
Number	815
Status	Active
Adopted	June 25, 2012

Purpose

Mount Union Area School District (School District) provides employees, students and guests (users) with access to the School District's electronic communications systems and network. This access includes internal Mount Union Area School District hosted applications as well as Internet access, whether wired or wireless, or by any other means.

Computers, electronic devices, network, Internet, electronic communications and information systems (collectively Technology Systems) provide vast, diverse and unique resources. The Board will provide access to the School District's Technology Systems for users in order to access information, research, and collaboration to facilitate learning and teaching to foster the educational purpose and mission of the School District.

Usage

The School District's Technology Systems must be used primarily for education-related purposes and performance of School District job duties. Incidental personal use of School District electronic devices is permitted for users so long as such use does not interfere with educational practices, system operations, or with other system users. Personal use must comply with this policy and all other applicable School District policies, procedures and rules contained in this policy, as well as Internet Service Provider (ISP) rules and regulations, and all applicable local, state and federal laws. Personal use must not damage and/or otherwise impair the School District's Technology Systems.

Users may also be permitted to use personally owned School District approved electronic devices through provided wireless access while on School District property, at School District events and/or in connection with the School District's Technology Systems, but only in strict compliance with this policy, the Acceptable Use of Personal Technology Resources Guidelines and all other applicable School District policies, procedures and rules, as well as ISP rules and regulations and all applicable local, state and federal laws. Use of personal electronic devices must not interfere with educational practices, system operations, or other system users, and/or otherwise damage or impair the School District's Technology Systems.

Security

The School District intends to strictly protect its Technology Systems against numerous outside and internal risks and vulnerabilities. Users are important and critical players in protecting these School District assets and in lessening the risks that can harm these important and critical assets. Consequently, users are required to fully comply with this policy, and to immediately report any violations or suspicious activities to the Technology Director or Building Administrator. Conduct otherwise will result in actions further described in Section 12 (Consequences for Inappropriate, Unauthorized and Illegal Use) of this policy and as provided in other relevant School District policies.

Definitions

1. Access to the Internet - a device shall be considered to have access to the Internet if the device is connected to a network that has access to the Internet, whether by wire, wireless, cable or any other means.

2. Child Pornography - under federal law, any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:[1]

    a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

    b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

    c. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

Under Pennsylvania law, any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of eighteen (18) years engaging in a prohibited sexual act or in the simulation of such act is considered child pornography.[2]

3. Electronic Device - any School District owned, leased or licensed or user owned: personal hardware, software, or other technology used on School District premises or at School District events, connected to the School District Technology Systems, and/or containing School District programs or data. Electronic devices include, but are not limited to, laptops, desktops, cell phones, external media, wireless devices and similar technologies.

4. Electronic Communications Systems - any messaging, collaboration, publishing, broadcast, or distribution system that depends on electronic communications resources to create, send, forward, reply to, transmit, store, hold, copy, download, display, view, read, or print electronic records for purposes of communication across electronic communications network systems between or among individuals or groups, that is either explicitly denoted as a system for electronic communications or is implicitly used for such purposes.

5. Educational Purpose - includes use of the Technology Systems for classroom activities, professional or career development, and to support the School District's curriculum, policy and mission statement.

6. Harmful to Minors - under federal law, any picture, image, graphic image file or other visual depictions that:[3][4]

    a. Taken as a whole, with respect to minors, appeals to the prurient interest in nudity, sex, or excretion;

    b. Depicts, describes, or represents in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual content, actual or simulated normal or perverted sexual acts, or lewd exhibition of the genitals, and

    c. Taken as a whole lacks serious literary, artistic, political, or scientific value as to minors.

Under Pennsylvania law, any depiction or representation in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:[5]

a. Predominantly appeals to the prurient, shameful, or morbid interest of minors;

b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

c. Taken as a whole, lacks serious literary artistic, political, educational or scientific value for minors.

For purposes of this policy, any text or audio depictions of such matters shall be included in this definition.

7. Inappropriate Matter - inappropriate matter includes, but is not limited to, visual, graphic, text and other form of obscene, sexually explicit, child pornographic, or other material that is harmful to minors, hateful, illegal, defamatory, lewd, vulgar, profane, rude, inflammatory, threatening, harassing, discriminatory (as it pertains to race, color, religion, national origin, gender, material status, age, sexual orientation, political beliefs, receipt of financial aid, or disability), violent, bullying, terroristic, and/or advocates the destruction of property.[4]

8. Incidental Personal Use - use of School District Technology Systems by an individual user for occasional personal communications.

9. Minor - for purposes of compliance with the Children's Internet Protection Act (CIPA), an individual who has not yet attained the age of seventeen (17). For other purposes, minor shall mean any person under the age of eighteen (18).[3][4]

10. Network - a system that links two (2) or more electronic devices, including all components necessary to effect the operation.

11. Obscene - under federal and Pennsylvania law, any material if:[5]

    a. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest;

    b. The subject matter depicts or describes in a patently offensive way, sexual conduct described in the law to be obscene; and

    c. The subject matter, taken as a whole, lacks serious artistic, political, educational or scientific value.

12. School District Premises - School District premises shall include all buildings, facilities, parking areas and other grounds, owned or leased by the School District and/or otherwise under the control of the School District, as well as all school buses, school vehicles and other conveyances used to transport School District students. As it relates to School District students attending the Huntington County Career and Technology Center (HCCTC), School District premises shall also include all buildings, facilities, parking areas and other grounds owned or leased by the HCCTC and/or otherwise under the control of HCCTC.

13. Sexual Act and Sexual Contact - as defined at 18 U.S.C. § 2246(2), 18 U.S.C. § 2246(3), and 18 Pa. C.S.A. § 5903.

14. Technology Protection Measure(s) (TPM) - a specific technology that is intended to block or filter access to content that is obscene, child pornography or harmful to minors.[4]

Authority

1. Access to the School District's Technology Systems through school resources is a privilege, not a right. These, as well as the user accounts and information, are the property of the School District, which reserves the right to deny access to prevent further unauthorized, inappropriate or illegal activity, and may revoke those privileges and/or administer appropriate disciplinary action. The School District will cooperate fully with ISP, local, state and federal officials in any investigation concerning or related to the misuse of the Technology Systems.

2. It is often necessary to access user accounts in order to perform routine maintenance and security tasks. System administrators have the right to access user accounts by interception, and by retrieval of stored communication, to maintain the system. Users have no privacy expectation in the contents of their personal files or any of their use of the School District's Technology Systems. The School District reserves the right to monitor, track, log and access Technology Systems use and to monitor and allocate resources.

3. The School District reserves the right to restrict access to any Internet sites or functions it may deem inappropriate through software blocking or general policy. Specifically, the School District operates and enforces technology protection measure(s) that block or filter online activities of users on its electronic devices so as to filter or block inappropriate matter. Measures designed to restrict access to material harmful to students may be disabled to enable staff to access bona fide research or for another lawful purpose.[3][4][6]

4. The School District reserves the right, but not the duty, to monitor, track, log, access and report all use of the School District's Technology Systems and School District electronic devices, as well as use by School District employees and students, of any personal electronic devices on School District premises or at School District events, connected to the School District network, and/or containing School District programs or data (including images, files, and other information), to the fullest extent permitted by law, to ensure compliance with this policy and other School District policies, to protect the School District's resources, and to comply with the law. The School District further reserves the right, but not the duty, to monitor, track, log, access and report all use by Guest of personal electronic devices connected to the District network and/or containing School District programs or data, pursuant to the law, to ensure compliance with this policy, and other School District policies, to protect the School District's resources, and to comply with the law.

5. The School District reserves the right to restrict or limit usage of lower priority Technology Systems and computer uses when network and computing requirements exceed available capacity according to the following priorities:

    a. Highest – uses that directly supports the education of the students.

    b. Medium – uses that indirectly benefit the education of the student.

    c. Lowest – uses that include reasonable and limited educationally-related interpersonal communications and incidental personnel communications.

    d. Forbidden – all activities in violation of this policy.

6. The School District additionally reserves the right to:

    a. Determine which Technology Systems services will be provided through School District resources.

    b. View and monitor network traffic, file server space, processor, and system utilization, and all applications provided through the network and communications systems, including email.

c. Remove excess email or files taking up excessive server resources as determined by the Technology Director. Notice will be provided to remove excess email or files before being purged.

d. Revoke user privileges, remove user accounts, or refer to legal authorities when violation of this and any other applicable School District policies occur or state or federal law is violated, including, but not limited to, those governing network use, copyright, security, privacy, employment, and destruction of School District resources and equipment.[7][8]

Delegation of Responsibility

Due to the nature of the Internet as a global network connecting electronic devices around the world, inappropriate matter can be accessed through the network and electronic communications systems. Because of the nature of the technology that allows the Internet to operate, the School District cannot completely block access to these resources. Accessing these and similar types of resources may be considered an unacceptable use of school resources and will result in actions explained further in Section 12 (Consequences for Inappropriate, Unauthorized and Illegal Use) of this policy and as provided in relevant School District policies.

Users must become proficient in the use of the School District's Technology Systems and software relevant to the use of the School District's Technology Systems; practice proper netiquette and School District ethics; and agree to the requirements of this policy.

1. The Technology Director and/or designee(s) will serve as the coordinator to oversee the School District's Technology Systems and will work with other regional or state organizations as necessary, to educate users, approve activities, provide leadership for proper training in the use of the Technology Systems and the requirements of this policy, establish a system to ensure adequate supervision of the Technology Systems, maintain executed user agreements, and interpret and enforce this policy.

2. The Technology Director and/or designee(s) will establish a process for: setting up individual user, class and service accounts; setting quotas for resource allocation; establishing a retention schedule; and establishing the School District electronic device security/threat protection mechanisms.

3. Unless otherwise denied for cause, student access to the Technology Systems resources shall be through supervision by the professional staff. Administrators, teachers and staff have the responsibility to work together to help students develop the skills and judgment required to make effective and appropriate use of the resources. All users have the responsibility to respect the rights of all other users within the School District and School District's Technology Systems, and to abide by the rules established by the School District, its ISP(s), and local, state and federal laws.

Guidelines

1. Access to the Technology Systems.

   a. Technology Systems user accounts will be used only by authorized owners of the accounts for authorized purposes.

   b. A user account will be made available according to the procedures outlined in the Guidelines for Accounts and Passwords developed by appropriate School District authorities.

   c. Technology Systems: The School District's Acceptable Use of the Electronic Communications Systems, Devices, Network, and Internet policy, as well as other relevant School District policies, will govern use of the School District's Technology Systems for users. Use of the Technology Systems will also be governed by the other relevant School District policies.

   d. Guest Access: Guests may receive individual access to Technology Systems with the approval of the Technology Director and/or designee(s). Guests are considered users and must adhere to all applicable district policies.

   e. Access to all data on, taken from, or compiled using School District electronic devices is subject to inspection and discipline. Users have no right to expect that School District information placed on

users' personal electronic devices, external media, networks, and Internet is beyond the access of the School District. The School District reserves the right to access users' personal equipment for School District information.

f. Students and staff are permitted to connect personal electronic devices in compliance with the Personal Electronics Guidelines as set forth by School District Administration to the School District's Technology Systems. Further, such students or staff shall not be permitted to connect such devices via hardwire to the School District's Technology Systems or through the School District's Technology Systems to outside networks or resources.

2. Parental Notification and Responsibility.

The School District will notify parents/guardians about the policies governing the use of School District Technology Systems and the use of electronic devices on School District premises. This policy contains restrictions on accessing inappropriate material. There is a wide range of material available on the Internet, some of which may not be fitting with the particular values of the families of the students. It is practically impossible for the School District to monitor and enforce a wide range of social values in student use of the Internet. Further, the School District recognizes that parents/guardians bear primary responsibility for transmitting their particular set of family values to their children. The School District will encourage parents/guardians to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through the School District's Technology Systems. Parents/Guardians are responsible for monitoring their children's use of the School District's Technology Systems when they are accessing the systems outside of School District premises.[6][9]

3. School District Limitation of Liability.

The School District makes no warranties of any kind, either expressed or implied, that the functions or the services provided by or through the School District's Technology Systems will be error- free or without defect. The School District does not warrant the effectiveness of Internet filtering. The electronic information available to users does not imply endorsement of the content by the School District, nor is the School District responsible for the accuracy or quality of the information obtained through or stored on the Technology Systems. The School District shall not be responsible for any damage users may suffer, including but not limited to, information or equipment that may be lost, damaged, delayed, mis-delivered, or unavailable when using electronic devices. The School District shall not be responsible for material that is retrieved through the Internet, or the consequences that may result from them. The School District shall not be responsible for any unauthorized financial obligations, charges or fees resulting from or through access to the School District's Technology Systems. In no event shall the School District be liable to the user for any damages whether direct, indirect, special or consequential, arising out the use of the Technology Systems or electronic devices. To the contrary, should a user incur charges, such charges will be the user's responsibility.

4. Prohibitions.

Users are prohibited from using the School District's Technology Systems for illegal, inappropriate, unacceptable, or unethical purposes. Such activities engaged in by users are strictly prohibited and illustrated below. The School District reserves the right to determine if any activity not appearing in the list below constitutes an acceptable or unacceptable use of the Technology Systems.

a. General Prohibitions – Users are prohibited from using Technology Systems to:

i. Communicate about nonwork or nonschool related communications unless the use conforms with this policy's definition of incidental personal use.

ii. Create, access, distribute or transmit material that is harmful to minors and/or users, indecent, obscene, pornographic, child pornographic, terroristic, or advocates the

destruction of property.

iii. Create, access, distribute or transmit material likely to be offensive or objectionable to recipients including, but not limited to, that which may be defamatory, inaccurate, obscene, sexually explicit, lewd, hateful, harassing, discriminatory (as it pertains to race, color, religion, national origin, gender, marital status, age, sexual orientation, political beliefs, receipt of financial aid, or disability), violent, vulgar, rude, inflammatory, threatening, profane, pornographic, offensive, terroristic and/or illegal.

iv. To engage in any form of Cyberbullying.[10][11]

v. Create, access, distribute or transmit material in support of gambling, pools for money, or any other betting or games of chance.

vi. Participate in discussion or news groups that cover inappropriate and/or objectionable topics or materials, including those that conform to the definition of inappropriate matter in this policy.

vii. Create, access, distribute or transmit terroristic threats, hateful mail, harassing communications, discriminatory remarks, and offensive or inflammatory communications.[7]

viii. Participate in unauthorized communications that are not for school-related purposes or required for employees to perform their job duties, except for incidental personal use as allowed under this policy.

ix. Facilitate any illegal activity.

x. Engage in commercial, for-profit, or any business purposes (except where such activities are otherwise permitted or authorized under applicable School District policies); conduct unauthorized fundraising or advertising on behalf of the School District and non-School District organizations; resell of School District computer resources to individuals or organizations; or use the School District's name in any unauthorized manner that would reflect negatively on the School District, its employees, or students.

xi. Create, access, distribute or transmit material in support of political lobbying.

xii. Install, distribute, reproduce or use copyrighted software on School District computers or copy School District software to unauthorized computer systems, intentionally infringing upon the intellectual property rights of others or violating a copyright. See Section 8 Copyright Infringement of this policy.

xiii. Install software, computer hardware, peripheral devices, network hardware or system hardware. The authority to install hardware or devices on School District computers is restricted to the Technology Director or designee(s).

xiv. Encrypt messages or data using encryption software that is not authorized by the School District from any access point on School District equipment or School District property. Users must use School District approved encryption to protect the confidentiality of sensitive or critical information in the School District's approved manner.

xv. Violate the privacy, confidentiality or security of electronic information.

xvi. Use the systems to send any School District information to another party, except in the ordinary course of business as necessary or appropriate for the advancement of the School

District's business or educational interest.

xvii. Send unsolicited commercial electronic mail messages, also known as spam.

xviii. Create personal web pages utilizing School District resources without administrative approval.

b. Access and Security Prohibitions.

Users must immediately notify the Technology Director and/or designee(s) if they have identified a possible security problem. Users must read, understand and comply with this policy that includes network, Internet usage, electronic communications, telecommunications, nondisclosure and physical information security policies. The following activities related to access to the School District's Technology Systems, and information are prohibited:

i. Misrepresentation (including forgery) of the identity of a sender or source of communication.

ii. Acquiring or attempting to acquire passwords of others or giving your password to another. Users will be held responsible for the result of any misuse of their accounts.

iii. Using or attempting to use computer accounts of others. This includes instances where the users' account was left unattended and accessible to others, whether intentionally or through negligence.

iv. Altering a communication originally received from another person or computer with the intent to deceive.

v. Using School District resources to engage in any act, illegal or which may threaten the health, safety or welfare of any person or persons.

vi. Disabling or circumventing any School District security; software or hardware.

vii. Transmitting electronic communications anonymously or under an alias unless authorized by the School District.

c. Operational Prohibitions.

The following operational activities and behaviors are prohibited:

i. Interference with or disruption of the Technology Systems, network accounts, services or equipment or personal electronic devices of others.

ii. Altering or attempting to alter files, system security software/hardware or any Technology Systems without authorization.

iii. Unauthorized scanning of the Technology Systems for security vulnerabilities.

iv. Attempting to alter any School District computing or networking components without authorization or beyond one's level of authorization.

v. Attempting to create unauthorized network connections or any unauthorized extension or retransmission of any computer, electronic communications systems, or network services, whether wired, wireless, or by other means.

vi. Connecting unauthorized hardware and electronic devices to the Technology Systems.

vii. Loading, downloading, or use of unauthorized games, music, video, programs, files, or other electronic media.

viii. Intentionally damaging or destroying the integrity of the School District's electronic information, computer hardware, software or any Technology Systems.

ix. Failing to comply with requests from the Technology Director or designee(s) to discontinue activities that threaten the operation or integrity of the Technology Systems.

5. Content Guidelines.

Information electronically published on the School District's Technology Systems shall be subject to the following guidelines:

a. Published documents containing student information, including but not limited to audio, image and video clips or conferences, must be in compliance with School District policy and administrative guidelines related to web standards.

b. Documents, web pages, electronic communications, or video conferences may not contain objectionable materials or point directly or indirectly to objectionable materials.

c. Documents, web pages and electronic communications, must conform to all School District policies and guidelines, as described in Section 8 Copyright Infringement of this policy.

6. Due Process.

a. The School District will cooperate with the School District's ISP, local, state, and federal officials to the extent legally required in investigations concerning or relating to any illegal activities conducted through the School District's Technology Systems.

b. If users are entitled to due process rights for discipline resulting from the violation of this policy, they will be provided such rights.[7][8][12]

c. The School District may terminate the account privileges with or without providing notice to the user.

7. User's Consent to District Access and Disclosure.

a. Users' violations of this policy, any other School District policy, or the law may be discovered by routine maintenance and monitoring of the School District system, or any method stated in this policy, or pursuant to any legal means. User consents to the School District's disclosure of information related to such violations as determined necessary by the School District to protect the School District's resources and to comply with the law.

b. The School District shall have the right, but not the obligation, to monitor, track, log and access any electronic information or communications relating to use of the School District Technology Systems and electronic devices. Users should not have the expectation of privacy in their use of the School District's Technology Systems, and other School District technology, even when used for personal reasons. Further, the School District shall have the right, but not the obligation, to access any personal electronic device of students and employees brought onto the School District's premises or at School District events, and/or any personal electronic device of any user connected to the School District network or containing School District programs or data, to ensure compliance with this policy and other School District policies, to protect the School District's resources, and to

comply with the law.

c. Users' execution of the User Acknowledgment shall constitute consent to the exercise of the aforesaid rights by the School District, as well as the confiscation of any personal electronic device and/or the disclosure of any information obtained by the School District pursuant to the exercise of the aforesaid rights, as determined necessary by the District to ensure compliance with this policy and other School District policies, to protect the School District's resources and to comply with the law. As it relates to personal electronic devices, such devices may be searched once confiscated where there is reasonable suspicion that they contain information relating to a violation of a School District policy or code of conduct.

8. Copyright Infringement and Plagiarism.

a. Federal laws, cases, and guidelines pertaining to copyright will govern the use of material accessed through the School District resources. Users will make a standard practice of requesting permission from the holder of the work and complying with license agreements. Employees will instruct students to respect copyrights, request permission when appropriate, and comply with license agreements.[13][14]

b. Violations of copyright law can be a felony and the law allows a court to hold individuals personally responsible for infringing the law. The School District does not permit illegal acts pertaining to copyright law. Therefore, any user violating copyright law does so at their own risk and assumes all liability.

c. The illegal installation of copyrighted software or files for use on the School District's computers is expressly prohibited.

d. School District guidelines on plagiarism will govern use of material accessed through the School District's Technology Systems.

9. Selection of Material.

a. Board policies on the selection of materials will govern use of the School District's Technology Systems.[15][16]

b. When using the Internet for class activities, teachers will select material that is appropriate in light of the age of the students and that is relevant to the course objectives. Teachers will preview the materials and websites they require or recommend students access to determine the appropriateness of the material contained on or accessed through the website. Teachers will provide guidelines and lists of resources to assist their students in channeling their research activities effectively and properly. Teachers will assist their students in developing the critical thinking skills necessary to ascertain the truthfulness of information, distinguish fact from opinion, and engage in discussions about controversial issues while demonstrating tolerance and respect for those who hold divergent views.

10. School District Website.

a. The School District will establish and maintain a website and will develop and modify its web pages that will present information about the School District under the direction of the District Webmaster or designee(s). All web pages posted at the discretion of and by the District Webmaster or a designee(s) shall adhere to the Web Page Guidelines. The Technology Director or their designee(s) will be responsible for the approval of information posted on the website.

b. School District employees may not officially or unofficially represent the school district on nondistrict websites. The Mount Union Area School District is not liable for information posted on

nondistrict sites.

c. Groups associated with the School District as School District curricular, co-curricular, or auxiliary groups, including but not limited to Home & School's, booster clubs, musical associations or other associations representing official school district activities, may only establish or maintain websites representing such School District-affiliated groups upon agreement to comply with Web Page Guidelines.

d. The District shall not place links on its own website, except to the above affiliated groups which are under the direction of the District, and except as specified below.

e. Classes and teachers may establish web pages that comply with this policy, Web Page Guidelines and any administratively created guidelines to present information about the class activities or for other curricular purposes. Teachers are responsible for any content created by their students posted on such sites.

f. Any links occurring on School District web pages must comply with applicable laws and must only link to sites that have an educational purpose. Links may not be identified with sites containing defamatory, slanderous, libelous or inappropriate language. No attempt should be made to misrepresent the location of a link.

g. Only users authorized to do so by the District Webmaster or Technology Director may post information on the authorized School District websites. All websites operated under authority of this policy, and the content therein, are subject to prior approval of and periodic review by the Technology Director or designee(s).

h. The District Webmaster and Technology Director reserve the right to remove any material posted to any of the websites authorized pursuant to this policy.

11. Safety and Privacy.

a. To the extent legally required, users of the School District's Technology Systems will be protected from harassment or commercially unsolicited electronic communication. Any user who receives threatening or unwelcome communications should immediately forward them to the Technology Director or designee(s).

b. A user may not disclose, use or disseminate confidential, electronic or personal information about themselves or other users without appropriate consent, use for educational purpose and in compliance with School District policy.

c. Student users will agree not to physically meet with someone they have only met online unless they have parent/guardian consent.

12. Consequences for Inappropriate, Unauthorized and Illegal Use.

a. General rules for behavior, ethics, and communications apply when using the Technology Systems and information, in addition to the stipulations of this policy. Users must be aware that violations of this policy or other policies, or unlawful use of the Technology Systems may result in loss of Technology Systems access and a variety of other disciplinary actions and/or legal proceedings on a case-by-case basis. This policy incorporates all other relevant School District policies.

b. The user is responsible for damages to the network, equipment, electronic communications systems, and software, including incidental or unintended damage, resulting from willful or deliberate violations of this policy.

c. Violations as described in this policy may be reported to the School District, appropriate legal authorities, whether the ISP, local, state, or federal law enforcement. The School District will cooperate to the extent legally required with authorities in all such investigations.

d. Vandalism may result in cancellation of access to the School District's Technology Systems and resources and is subject to discipline.

13. Internet Safety Programs.

The District administration shall assure that the online activities of students are monitored and that students are provided educational programs regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. Plans for educating students as set forth above shall be periodically reviewed and updated by the District administration.[4][11]

14. User Acknowledgement.

The Board requires that each user or parent/guardian sign a document indicating their understanding of, and agreement and intent to adhere to the terms of this policy.

Appendix F -Board Policy 827 – Conflict of Interest

Book	Policy Manual
Section	800 Operations
Title	Conflict of Interest
Number	827
Status	Active
Adopted	December 5, 2016
Last Revised	July 21, 2025

Purpose

This policy shall affirm standards of conduct established to ensure that Board members and employees avoid potential and actual conflicts of interest, as well as the perception of a conflict of interest.

Definitions

Confidential information shall mean information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.[1]

Conflict or Conflict of interest shall mean use by a Board member or district employee of the authority of his/her office or employment, or any confidential information received through his/her holding public office or employment, for the private pecuniary benefit of him/herself, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated. The term does not include an action having a de minimis economic impact, or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the Board member or district employee, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated.[1]

For federal purposes, a conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of those individuals, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.[2]

De minimis economic impact shall mean an economic consequence which has an insignificant effect.[1]

Financial interest shall mean any financial interest in a legal entity engaged in business for profit which comprises more than five percent (5%) of the equity of the business or more than five percent (5%) of the assets of the economic interest in indebtedness.[1]

Honorarium shall mean payment made in recognition of published works, appearances, speeches and presentations, and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de minimis economic impact.[1]

Immediate family shall mean a parent, parent-in-law, spouse, child, spouse of a child, brother, brother-in-law, sister, sister-in-law, or the domestic partner of a parent, child, brother or sister.[1]

Business partner shall mean a person who, along with another person, plays a significant role in owning, managing, or creating a company in which both individuals have a financial interest in the company.

Delegation of Responsibility

Each employee and Board member shall be responsible to maintain standards of conduct that avoid conflicts of interest. The Board prohibits members of the Board and district employees from engaging in conduct that constitutes a conflict of interest as outlined in this policy.

Guidelines

All Board members and employees shall be provided with a copy of this policy and acknowledge in writing that they have been made aware of it. Additional training shall be provided to designated individuals.

Disclosure of Financial Interests

No Board member shall be allowed to take the oath of office or enter or continue upon his/her duties, nor shall s/he receive compensation from public funds, unless s/he has filed a statement of financial interests as required by law.[3]

The district solicitor and designated district employees shall file a statement of financial interests as required by law and regulations.[4][5]

Standards of Conduct

The district maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees and Board members engaged in the selection, award and administration of contracts.[2]

No employee or Board member may participate in the selection, award or administration of a contract supported by a federal award if s/he has a real or apparent conflict of interest as defined above, as well as any other circumstance in which the employee, Board member, any member of his/her immediate family, his/her business partner, or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.[2]

The district shall not enter into any contract with a Board member or employee, or his/her spouse or child, or any business in which the person or his/her spouse or child is associated valued at $500 or more, nor in which the person or spouse or child or business with which associated is a subcontractor unless the Board has determined it is in the best interests of the district to do so, and the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the Board member or employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.[1]

When advertised formal bidding is not required or used, an open and public process shall include at a minimum:

1. Public notice of the intent to contract for goods or services;

2. A reasonable amount of time for potential contractors to consider whether to offer quotes; and

3. Post-award public disclosure of who made bids or quotes and who was chosen.

Any Board member or employee who in the discharge of his/her official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his/her interest as a public record in a written statement to be attached to the Board minutes.[1]

No Board member or district employee shall accept an honorarium.[1]

Board members and employees may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Gifts of a nominal value may be accepted in accordance with Board policy.[2][6]

Improper Influence

No person shall offer or give to a Board member, employee or nominee or candidate for the Board, or a member of his/her immediate family or a business with which s/he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror's or donor's understanding that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.[1]

No Board member, employee or nominee or candidate for the Board shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that Board member, employee or nominee or candidate that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.[1]

Organizational Conflicts

Organizational conflicts of interest may exist when due to the district's relationship with a subsidiary, affiliated or parent organization that is a candidate for award of a contract in connection with federally funded activities, the district may be unable or appear to be unable to be impartial in conducting a procurement action involving a related organization.[2]

In the event of a potential organizational conflict, the potential conflict shall be reviewed by the Superintendent or designee to determine whether it is likely that the district would be unable or appear to be unable to be impartial in making the award. If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:

1. The organizational relationship shall be disclosed as part of any notices to potential contractors;

2. Any district employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;

3. A competitive bid, quote or other basis of valuation is considered; and

4. The Board has determined that contracting with the related organization is in the best interests of the program involved.

Reporting Conflicts of Interest

Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the Superintendent. If the Superintendent is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Board President.

Any perceived conflict of interest of a Board member that is detected or suspected by any employee or third party shall be reported to the Board President. If the Board President is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Superintendent, who shall report the incident to the solicitor.

No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest. The district shall provide written notification of such protections to district employees.[7]

The Superintendent or designee shall report in writing to the federal awarding agency or pass-through entity any potential conflict of interest related to a federal award, in accordance with federal awarding agency policy.[8]

Investigation

Investigations based on reports of perceived violations of this policy shall comply with state and federal laws and regulations. No person sharing in the potential conflict of interest being investigated shall be involved in conducting the investigation or reviewing its results.

In the event an investigation determines that a violation of this policy has occurred, the violation shall be reported to the federal awarding agency in accordance with that agency's policies.[8]

Disciplinary Actions

If an investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, when not prohibited by law, inform the complainant.

Violations of this policy may result in disciplinary action for employees up to and including discharge, fines and possible imprisonment. Disciplinary actions shall be consistent with Board policies, procedures, applicable collective bargaining agreements and state and federal laws.[9]

Appendix G -Board Policy 103 Discrimination/Harassment Affecting Students

Book	Policy Manual
Section	100 Programs
Title	Discrimination/Harassment Affecting Students
Code	103
Status	Active
Adopted	June 27, 2016
Last Revised	November 18, 2024

Authority

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, age, religious creed, religion, sex, sexual orientation, gender identity, ancestry, national origin, marital status, pregnancy or handicap/disability.[1][2][3][4][5][6][7][8][9][10][11][12][13][14][15][16][17][18]

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sex-based discrimination and harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Office for Civil Rights of the U.S. Department of Education, or both.

The district is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students admission, course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX sex-based discrimination or harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the district and is prohibited at or in the course of district-sponsored programs or activities, including transportation to or from school or school-sponsored activities.

Definitions

General Definitions

Complaint shall mean an oral or written request to the district that objectively can be understood as a request to investigate and make a determination about alleged discrimination.[19]

Complainant shall mean a student who is alleged to have been subjected to conduct that could constitute discrimination in accordance with law and this policy, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination and who was participating or attempting to participate in a district education program or activity at the time of the alleged discrimination.[19]

Pregnancy or related conditions, as defined in federal law, shall mean:[19][20]

1. Pregnancy, childbirth, termination of pregnancy, or lactation;

2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, lactation; or

3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions.

Pregnancy, as defined in state law, shall include the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.[21]

Respondent shall mean a person who is alleged to have violated the district's prohibition on discrimination in accordance with applicable law and this policy.[19]

Retaliation shall mean intimidation, threats, coercion or discrimination against any person by the district, a student, employee or other person authorized to provide a district aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Board policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the district in accordance with applicable law and this policy and procedures. This term shall not include the district requiring an employee or other individual providing a district aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.[19][22]

Discrimination Other Than Title IX

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, religious creed, religion, sex, gender identity, sexual orientation, ancestry, national origin, marital status, pregnancy, or handicap/disability.

Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and

2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

Religious creed includes all aspects of religious observance, practice or belief.[23]

Religious beliefs include:[21]

1. Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.

2. The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.

Race includes all of the following:[21][24]

1. Ancestry, national origin or ethnic characteristics.

2. Interracial marriage or association.

3. Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists.

4. Hispanic ancestry, national origin or ethnic characteristics.

5. Persons of any other national origin or ancestry as specified by a complainant or in a complaint.

Sex includes:[21][25]

1. Pregnancy.

2. Sex assigned at birth.

3. Gender, including a person's gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity.

4. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.

5. Differences of sex development, variations of sex characteristics or other intersex characteristics.

Definitions Related to Title IX

Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.[19][26][27]

Title IX sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:[19]

1. *Quid pro quo harassment* – a district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the

provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

2. *Hostile environment harassment* - unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:

    a. The degree to which the conduct affected the complainant's ability to access the district's education program or activity;

    b. The type, frequency and duration of the conduct;

    c. The complainant's and respondent's ages, roles in the district education program or activity, previous
    interactions and other relevant factors;

    d. The location and context in which the conduct occurred; and

    e. Other sex-based harassment in the district's education program or activity.

3. Sexual assault, dating violence, domestic violence or stalking.

    a. *Dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[28]

        i. Length of relationship.

        ii. Type of relationship.

        iii. Frequency of interaction between the persons involved in the relationship.

    b. *Domestic violence* includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[28]

    c. *Sexual assault* means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[29]

    d. *Stalking*, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of

conduct directed at a specific person that would cause a reasonable person to either:[28]

i. Fear for their safety or the safety of others.

ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sex-based discrimination or harassment under Title IX. This includes conduct that is subject to the district's disciplinary authority. An **education program or activity** includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs or activities of the district. The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States.[27][30][31][32]

Parent/Guardian, for the purposes of this policy and Title IX, shall mean the status of a person who with respect to another person who is under the age of eighteen (18) or who is eighteen (18) or older but is incapable of self-care because of a physical or mental disability, is:[19]

1. A biological parent;
2. An adoptive parent;
3. A foster parent;
4. A stepparent;
5. A legal custodian or guardian;
6. In loco parentis with respect to such person; or
7. Actively seeking legal custody, guardianship, visitation or adoption of such a person.

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent and without fee or charge to the complainant or the respondent, in order to:[19][31]

1. Restore or preserve access to the district's education program or activity, including measures designed to protect the safety of the individuals or the district's educational environment; or
2. Provide support during the grievance procedures or during an informal resolution process.

Supportive measures may include, but are not limited to:[31]

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.

3. Modifications of work or class schedules.
4. Campus escort services.
5. Restrictions on contact applied to one or more parties.
6. Changes in class, work, housing or extracurricular or other activities.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Training and education programs related to sex-based harassment.
11. Assistance from domestic violence or rape crisis programs.
12. Assistance from community health resources, including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations and Board policy. The Title IX Coordinator shall consult with the Director of Special Education in the implementation of supportive measures for students with an IEP or Section 504 Service Agreement.[18][31][33][34][35][36]

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Director of Curriculum, Instruction & Assessment, Thomas Grierson (staff) and the Director of Special Education/Pupil Services, Kristen Streightiff (students) as the district's Compliance Officers and Title IX Coordinators.[37]

The Compliance Officer/Title IX Coordinator can be contacted at:

Address: 603 North Industrial Drive, Mount Union, PA 17066
Email: tgrierson@muasd.org
Phone Number: (814) 542-8631, Ext. #195

Address: 706 North Shaver Street, Mount Union, PA 17066
Email: kstreightiff@muasd.org
Phone Number: (814) 542-2518, Ext. #162

The Compliance Officers/Title IX Coordinators shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures, to monitor and address barriers to reporting and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate:[31]

1. Curriculum and Materials – Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.

2. Counseling and Classes – Review of counseling and appraisal materials and access to classes and programs for stereotyping, bias and discrimination. If the district identifies that particular classes or courses contain a disproportionate number of individuals of one (1) sex, the district shall conduct a review to determine that the disproportion is not based on discriminatory practices.[38]

3. Training – Provide training for students and staff to prevent, identify and alleviate conduct which may constitute discrimination or harassment.

4. Resources – Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to law enforcement, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

5. Student Access – Review of programs, activities, facilities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.[27][38][39]

6. District Support – Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment and related areas.[40][41]

7. Student Evaluation – Review of assessments, procedures and standards of measurement for stereotyping and discrimination.[42]

8. Reports/Complaints – Monitor and provide technical assistance to individuals involved in managing reports and complaints.

Guidelines

When district programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities or separate health and physical fitness activities, the district shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual's gender identity.[27][39]

Violations of this policy, including acts of retaliation as defined in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures, and in accordance with applicable law and regulations.[32][34][43][44][45]

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sex-based discrimination and harassment, in any district education program or activity, to be issued to all students, parents/guardians or other legal representatives of students, employees, applicants for employment or admission, and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the name or title, office address, phone number and email address of the individual(s)

designated as the Compliance Officer and Title IX Coordinator. The district's notice shall provide information on the location of the Board policy and complaint or grievance procedures, how to report information about conduct prohibited by this policy and how to file a complaint.[37]

The Board directs that this notice be included in each student and staff handbook, on the district website, and in each catalog, announcement, bulletin and application form for students. An abbreviated statement of the district's prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and location of the full notice on the district website may be published when necessary due to size or format of publications.[37]

A copy of this policy and related attachments shall also be posted to the district's website.

Reports of Title IX Sex-Based Discrimination or Harassment and Other Discrimination and Retaliation

The Board encourages students and third parties who believe they or others have been subject to Title IX sex-based discrimination or harassment, other discrimination or retaliation to promptly report such incidents to the building principal or Title IX Coordinator, even if some elements of the related incident took place or originated away from school grounds, education programs or activities, or school conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the conduct may file a report of discrimination.

The student's parents/guardians or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal or Title IX Coordinator.

A school employee who suspects or is notified that a student may have been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator, as well as properly making any mandatory law enforcement or child protective services reports required by law.[31][46]

If the Title IX Coordinator is the subject of a complaint, the student, third party, building principal or a reporting employee shall report the incident directly to the Superintendent or designee.

The complainant or the individual making the report may use the Discrimination/Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, oral reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sex-based discrimination and harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures and reasonable safety concerns.[31]

The Title IX Coordinator shall conduct an assessment to determine whether the reported conduct meets the definition of Title IX sex-based discrimination or harassment and the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies.[31]

If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, the Title IX Coordinator shall take the following steps under Title IX and this Board policy and procedures:[31]

1. Treat the complainant and respondent equitably.

2. Offer and coordinate supportive measures, as appropriate, for the complainant and respondent.

3. Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate.

4. If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.

5. Initiate the grievance procedures or informal resolution process, if available and appropriate.

6. In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures.

7. If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures.

8. Take other prompt and effective steps to ensure that sex-based discrimination and harassment does not continue or recur within the district's education programs or activities.

Disciplinary Procedures When Reports Allege Title IX Sex-Based Discrimination or Harassment

When a report alleges Title IX sex-based discrimination or harassment, disciplinary sanctions may not be imposed until the completion of the grievance procedures. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance procedures.[32]

When an emergency removal, as described in the grievance procedures, is warranted to address an imminent and serious threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. The district shall provide the respondent with notice and an opportunity to challenge the emergency removal immediately following the removal.[31][34][35][36][44]

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance procedures. Following the issuance of the determination and any applicable appeal, any disciplinary action specified in the determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.[34][35][43][44]

Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student in this district for sexual assault against another student enrolled in this district, the district shall comply with the disciplinary or placement requirements established by state law and Board policy.[47]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX sex-based discrimination or harassment, shall be handled in accordance with applicable law, regulations, Board policy and procedures, and the district's legal and investigative obligations to carry out the grievance procedures.[22][32][48][49]

The district shall not disclose personally identifiable information except in the following circumstances:[31][48][49][50][51]

1. When the district has obtained prior written consent in accordance with law.

2. When the information is disclosed to a parent/guardian as defined in this policy or other authorized legal representative with the legal right to receive disclosures on behalf of the individual.

3. To carry out the requirements of this policy and the accompanying procedures.

4. As required or permitted by applicable law or regulations or the requirements of grant funding.

Retaliation

The Board prohibits retaliation, including peer retaliation between students, by the district or any other person against any person for:[19][22]

1. Reporting or making a complaint of conduct that may constitute discrimination or retaliation, including Title IX sex-based discrimination or harassment.

2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.

3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, coercing or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have

occurred. The district shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Board policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process.[22]

Title IX Sex-Based Discrimination and Harassment Training Requirements

The district shall provide training annually to all school employees on:[37]

1. The district's obligation to address sex-based discrimination and harassment in district education programs and activities.

2. The scope of conduct that constitutes sex-based discrimination and harassment, as defined in the law and this policy.

3. Staff responsibility to provide the Title IX Coordinator's contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with this Board policy and procedures.

The Compliance Officer/Title IX Coordinator, investigators, decision-makers, any staff responsible to implement grievance procedures related to Title IX sex-based discrimination or harassment and any staff authorized to modify or terminate supportive measures shall receive the following training annually, as required or appropriate to their specific role:[37]

1. The district's obligations under Title IX, including definitions of sex-based discrimination and harassment.

2. The grievance procedures used to address Title IX complaints.

3. How to conduct an investigation, including examination of evidence, drafting reports and determinations, and handling appeals, as applicable.

4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.

5. Issues of relevance in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

6. How to address complaints when the alleged conduct does not qualify as Title IX sex-based discrimination or harassment but could be addressed under another complaint process or Board policy.

Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.[37]

The Title IX Coordinator and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:[37]

1. Specific responsibilities of the Title IX Coordinator, in accordance with law and Board policy and procedures.

2. The district's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations.[50][51][52][53]

3. Any other training required to coordinate the district's compliance with Title IX and other applicable laws, regulations and Board policy.

All training materials shall be retained for at least seven (7) years and must be made available for inspection upon request from a member of the public.[37][53][54]

Disciplinary Consequences

A student whose conduct is determined to be in violation of this policy, including a determination of sex-based harassment, shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[34][43][44]

1. Loss of school privileges.

2. Permanent transfer to another school building, classroom or school bus.

3. Exclusion from school-sponsored and extracurricular activities.

4. Detention.

5. Suspension.

6. Expulsion.

7. Referral to law enforcement officials.

An employee who violates this policy, including a determination of sex-based harassment, shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[45][55]

Handling of Reports

Reports of Discrimination –

Any reports deemed by the Title IX Coordinator to meet the definition of sex-based discrimination or harassment under Title IX shall be handled in accordance with the Grievance Procedures attached to this policy.[32]

All reports of discrimination or Title IX sex-based discrimination or harassment shall be handled in accordance with the Grievance Procedures attached to this policy.[32]

Model General Notice of COBRA Continuation Coverage Rights
**** Continuation Coverage Rights Under COBRA****

Introduction
You're getting this notice because you recently gained coverage under a group health plan (the Plan). This notice has important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. **This notice explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect your right to get it.** When you become eligible for COBRA, you may also become eligible for other coverage options that may cost less than COBRA continuation coverage.

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you and other members of your family when group health coverage would otherwise end. For more information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

You may have other options available to you when you lose group health coverage. For example, you may be eligible to buy an individual plan through the Health Insurance Marketplace. By enrolling in coverage through the Marketplace, you may qualify for lower costs on your monthly premiums and lower out-of-pocket costs. Additionally, you may qualify for a 30-day special enrollment period for another group health plan for which you are eligible (such as a spouse's plan), even if that plan generally doesn't accept late enrollees.

What is COBRA continuation coverage?
COBRA continuation coverage is a continuation of Plan coverage when it would otherwise end because of a life event. This is also called a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you're an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your hours of employment are reduced, or
- Your employment ends for any reason other than your gross misconduct.

If you're the spouse of an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct;
- Your spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or
- You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because of the following qualifying events:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct;
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the Plan as a "dependent child."

Sometimes, filing a proceeding in bankruptcy under title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed with respect to Mount Union Area School District, and that bankruptcy results in the loss of coverage of any retired employee covered under the Plan, the retired employee will become a qualified beneficiary. The retired employee's spouse, surviving spouse, and dependent children will also become qualified beneficiaries if bankruptcy results in the loss of their coverage under the Plan.

When is COBRA continuation coverage available?

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. The employer must notify the Plan Administrator of the following qualifying events:

- The end of employment or reduction of hours of employment;
- Death of the employee;
- Commencement of a proceeding in bankruptcy with respect to the employer; or
- The employee's becoming entitled to Medicare benefits (under Part A, Part B, or both).
-

For all other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs. You must provide this notice to: Mount Union Area School District Payroll Office.

How is COBRA continuation coverage provided?

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage that generally lasts for 18 months due to employment termination or reduction of hours of work. Certain qualifying events, or a second qualifying event during the initial period of coverage, may permit a beneficiary to receive a maximum of 36 months of coverage.

There are also ways in which this 18-month period of COBRA continuation coverage can be extended:

- ***Disability extension of 18-month period of COBRA continuation coverage***

If you or anyone in your family covered under the Plan is determined by Social Security to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to get up to an additional 11 months of COBRA continuation coverage, for a maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of COBRA continuation coverage.

- ***Second qualifying event extension of 18-month period of continuation coverage***

If your family experiences another qualifying event during the 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if the Plan is properly notified about the second qualifying event. This extension may be available to the spouse and any dependent children getting COBRA continuation coverage if the employee or former employee dies; becomes entitled to Medicare benefits (under Part A, Part B, or both); gets divorced or legally separated; or if the dependent child stops being eligible under the Plan as a dependent child. This extension is only available if the second qualifying event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

Are there other coverage options besides COBRA Continuation Coverage?

Yes. Instead of enrolling in COBRA continuation coverage, there may be other coverage options for you and your family through the Health Insurance Marketplace, Medicare, Medicaid, Children's Health Insurance Program (CHIP), or other group health plan coverage options (such as a spouse's plan) through what is called a "special enrollment period." Some of these options may cost less than COBRA continuation coverage. You can learn more about many of these options at **www.healthcare.gov**.

Can I enroll in Medicare instead of COBRA continuation coverage after my group health plan coverage ends?

In general, if you don't enroll in Medicare Part A or B when you are first eligible because you are still employed, after the Medicare initial enrollment period, you have an 8-month special enrollment period[1] to sign up for Medicare Part A or B, beginning on the earlier of

- The month after your employment ends; or
- The month after group health plan coverage based on current employment ends.

If you don't enroll in Medicare and elect COBRA continuation coverage instead, you may have to pay a Part B late enrollment penalty and you may have a gap in coverage if you decide you want Part B later. If you elect COBRA continuation coverage and later enroll in Medicare Part A or B before the COBRA continuation coverage ends, the Plan may terminate your continuation coverage. However, if Medicare Part A or B is effective on or before the date of the COBRA election, COBRA coverage may not be discontinued on account of Medicare entitlement, even if you enroll in the other part of Medicare after the date of the election of COBRA coverage.

[1] https://www.medicare.gov/basics/get-started-with-medicare/sign-up/when-does-medicare-coverage-start.

If you are enrolled in both COBRA continuation coverage and Medicare, Medicare will generally pay first (primary payer) and COBRA continuation coverage will pay second. Certain plans may pay as if secondary to Medicare, even if you are not enrolled in Medicare.

For more information visit https://www.medicare.gov/medicare-and-you.

If you have questions
Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under the Employee Retirement Income Security Act (ERISA), including COBRA, the Patient Protection and Affordable Care Act, and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit **www.dol.gov/ebsa**. (Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website.) For more information about the Marketplace, visit **www.HealthCare.gov**.

Keep your Plan informed of address changes
To protect your family's rights, let the Plan Administrator know about any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

Plan contact information
Director of Business Affairs
Mount Union Area School District
603 N. Industrial Drive, Mount Union, PA 17066
814-542-8631 Ext. 193

OR

HR/Payroll Coordinator
Mount Union Area School District
603 N. Industrial Drive, Mount Union, PA 17066
814-542-8631 Ext. 197

HIPAA Notice of Privacy Practices

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

MOUNT UNION AREA SCHOOL DISTRICT GROUP HEALTH CARE PLAN
Notice of Privacy Practices

Date: May 1, 2026

Under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), you have certain rights with respect to your Protected Health Information ("PHI"), including the right to know how your PHI may be used by a group health plan.

This Notice of Privacy Practices ("Notice") covers the following group health plans (collectively referred to as the "Plan"):

- Highmark Blue Cross/Blue Shield
- Delta Dental
- Vision Benefits of America (VBA)
- HealthEquity/WageWorks

The Plan is required by law to maintain the privacy of your PHI and to provide this Notice to you pursuant to HIPAA. This Notice describes how your PHI may be used or disclosed to carry out treatment, payment, health care operations, or for any other purposes that are permitted or required by law. This Notice also provides you with the following important information:

- Your privacy rights with respect to your PHI;
- The Plan's duties with respect to your PHI;
- Your right to file a complaint with the Plan's Privacy Officer and/or to the Secretary of the Office of Civil Rights of the U.S. Department of Health and Human Services; and
    - The person or office to contact for further information about the Plan's privacy practices.

PHI is health information (including genetic information) in any form (oral, written, electronic) that:

- Is created or received by or on behalf of the Plan;
- Relates to your past, present or future physical or mental condition, or the provision of health care services to you, or the payment for those health care services; and

- Identifies you or from which there is a reasonable basis to believe the information can be used to identify you.

Health information your employer receives during the course of performing non-Plan functions is not PHI. For example, health information you submit to your employer to document a leave of absence under the Family and Medical Leave Act is not PHI.

- **Section 1. USES AND DISCLOSURES OF YOUR PHI**

Under HIPAA, the Plan may use or disclose your PHI under certain circumstances without your consent, authorization or opportunity to agree or object. Such uses and disclosures fall within the categories described below. Note that not every permissible use or disclosure in a category is listed; however, all the ways in which the Plan is permitted to use or disclose PHI will fall within one of the categories.

General Uses and Disclosures

Treatment. The Plan may use and/or disclose your PHI to help you obtain treatment and/or services from providers. Treatment includes the provision, coordination or management of health care and related services. It also includes, but is not limited to, consultations and referrals between one or more of your providers. For example, the Plan may disclose to a treating orthodontist the name of your treating dentist so that the orthodontist may ask for your dental x-rays from the treating dentist. The Plan may also disclose information about your prior prescriptions to a pharmacist to determine if any medicines contraindicate a pending prescription.

Payment. The Plan may use and/or disclose your PHI in order to determine your eligibility for benefits, to facilitate payment of your health claims and to determine benefit responsibility. Payment includes, but is not limited to billing, claims management, subrogation, plan reimbursement, reviews for medical necessity and appropriateness of care and utilization review and preauthorizations. For example, the Plan may tell a doctor whether you are eligible for coverage or what percentage of the bill will be paid by the Plan. The Plan may also disclose your PHI to another entity to assist with the adjudication or subrogation of health claims or to another health plan to coordinate payment of benefits.

Health Care Operations. The Plan may use and/or disclose your PHI for other Plan operations. These uses and disclosures are necessary to run the Plan and include, but are not limited to, conducting quality assessment and improvement activities, reviewing competence or qualifications of health care professionals, underwriting, premium and other activities relating to Plan coverage. It also includes cost management, conducting or arranging for medical review, legal services and auditing functions including fraud and abuse compliance programs, business planning and

development, business management and general Plan administrative activities. For example, the Plan may use your PHI in connection with submitting claims for stop-loss coverage. The Plan may also use your PHI to refer you to a disease management program, project future costs or audit the accuracy of its claims processing functions. However, the Plan is prohibited from using or disclosing PHI that is an individual's genetic information for underwriting purposes.

Business Associates. The Plan may contract with individuals or entities known as Business Associates to perform various functions on the Plan's behalf or to provide certain types of services. In order to perform these functions or to provide such services, the Business Associates will receive, create, maintain, use and/or disclose your PHI. For example, the Plan may disclose your PHI to a Business Associate to administer claims or provide pharmacy benefit management services. However, Business Associates will receive, create, maintain, use and/or disclose your PHI on behalf of the Plan only after they have entered into a Business Associate agreement with the Plan and agree in writing to protect your PHI against inappropriate use or disclosure and to require that their subcontractors and agents do the same.

Plan Sponsor. For purposes of administering the Plan, the Plan may disclose your PHI to certain employees of HUB. However, these employees will only use or disclose such information as necessary to perform administration functions for the Plan or as otherwise required by HIPAA, unless you have authorized further disclosures. Your PHI cannot be used for employment purposes without your specific authorization.

Required By Law. The Plan may disclose your PHI when required to do so by federal, state or local law. For example, the Plan may disclose your PHI when required by public health disclosure laws.

Health or Safety. The Plan may disclose and/or use your PHI when necessary to prevent a serious threat to your health or safety or the health or safety of another individual or the public. Under these circumstances, any disclosure will be made only to the person or entity able to help prevent the threat.

Special Situations

In addition to the above, the following categories describe other possible ways that the Plan may use and disclose your PHI without your consent, authorization or opportunity to agree or object. Note that not every permissible use or disclosure in a category is listed; however, all the ways in which the Plan is permitted to use or disclose PHI will fall within one of the categories.

Public Health Activities. The Plan may disclose your PHI when permitted for purposes of public health actions, including when necessary to report child abuse or neglect or domestic violence, to report reactions to drugs or problems with products or devices, and to notify individuals about a

product recall. Your PHI may also be used or disclosed if you have been exposed to a communicable disease or are at risk of spreading a disease or condition.

Health Oversight. The Plan may disclose your PHI to a public health oversight agency for oversight activities authorized by law. Oversight activities can include civil, administrative or criminal actions, audits and inspections, licensure or disciplinary actions (for example, to investigate complaints against providers); other activities necessary for appropriate oversight of government benefit programs (for example, to investigate Medicare or Medicaid fraud); compliance with civil rights laws and the health care system in general.

Lawsuits, Judicial and Administrative Proceedings. If you are involved in a lawsuit or similar proceeding, the Plan may disclose your PHI in response to a court or administrative order. The Plan may also disclose your PHI in response to a subpoena, discovery request or other lawful process by another individual involved in the dispute, provided certain conditions are met. One of these conditions is that satisfactory assurances must be given to the Plan that the requesting party has made a good faith attempt to provide written notice to you, and the notice provided sufficient information about the proceeding to permit you to raise an objection and no objections were raised or were resolved in favor of disclosure by the court or tribunal.

Law Enforcement. The Plan may disclose your PHI when required for law enforcement purposes, including for the purposes of identifying or locating a suspect, fugitive, material witness or missing person.

Coroners, Medical Examiners and Funeral Directors. The Plan may disclose your PHI when required to be given to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death or other duties as authorized by law. Also, disclosure is permitted to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent.

Workers' Compensation. The Plan may release your PHI for workers' compensation or similar programs that provide benefits for work-related injuries or illness.

National Security and Intelligence. The Plan may release PHI to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

Military and Veterans. If you are a member of the armed forces, the Plan may disclose your PHI as required by military command authorities**.** The Plan may also release PHI about foreign military personnel to the appropriate foreign military authority.

Organ and Tissue Donations. If you are an organ donor, the Plan may disclose your PHI to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.

Research. The Plan may disclose your PHI for research when the individual identifiers have been removed or when the institutional review board or privacy board has reviewed the research proposal and established protocols to ensure the privacy of the requested information, and approves the research.

Required Disclosure to Secretary

The Plan is required to disclose your PHI to the Secretary of the U.S. Department of Health and Human Services when the Secretary is investigating or determining the Plan's compliance with HIPAA.

Disclosures to Family Members and Personal Representatives

The Plan may disclose your PHI to family members, other relatives and your close personal friends but only to the extent that it is directly relevant to such individual's involvement with a coverage, eligibility or payment matter relating to your care, unless you have requested and the Plan has agreed not to disclose your PHI to such individual. The Plan will disclose your PHI to an individual authorized by you, or to an individual designated as your personal representative, provided the Plan has received the appropriate authorization and/or supporting documents. Your personal representative will be required to produce evidence of his/her authority to act on your behalf before that person will be given access to your PHI or allowed to take any action for you. Proof of such authority may take one of the following forms:

- A power of attorney for health care purposes, notarized by a notary public;
- A court order of appointment of the person as the conservator or guardian of the individual; or
- An individual who is the parent of a minor child.

However, the Plan will not disclose information to an individual, including your personal representative, if it has a reasonable belief that:

- You have been, or may be, subjected to domestic violence, abuse or neglect by such person or treating such person as your personal representative could endanger you; and
- In the exercise of professional judgment, it is not in your best interest to disclose the PHI.

This also applies to personal representatives of minors.

Authorization

Any uses or disclosures of your PHI not described above will be made only with your written authorization. Most disclosures involving psychotherapy notes will require your written authorization. In addition, the Plan generally cannot use your PHI for marketing purposes or engage in the sale of your PHI without your written authorization. You may revoke your written authorization at any time, so long as the revocation is in writing. Once the Plan receives your authorization, it will only be effective for future uses and disclosures. It will not be effective for any information that may have been used or disclosed in reliance upon the written authorization and prior to receiving your written revocation.

Section 2. RIGHTS OF INDIVIDUALS

You have the following rights with respect to your PHI:

Right to Request Restrictions on PHI Uses and Disclosures. You may request in writing that the Plan restrict or limit its uses and disclosures of your PHI to carry out treatment, payment, or health care operations, or to limit disclosures to family members, relatives, friends or other persons identified by you who are involved in your care or payment for your care. For example, you could request that the Plan not use or disclose specific information about a specific medical procedure you had. However, the Plan is not required to agree to your request.

Right to Request Confidential Communications. You have the right to request that the Plan communicate with you about medical matters in a certain way or at a certain location. For example, you may ask that we only contact you at work or by mail. The Plan will not ask you the reason for your request, which must specify how or where you wish to be contacted. The Plan will accommodate all reasonable requests to receive communications of PHI by alternative means if you clearly provide information that the disclosure of all or part of your PHI could endanger you.

Right to Inspect and Copy PHI. You have a right of access to inspect and obtain a copy of your PHI (including electronic PHI) contained in the Plan's "designated record set," for as long as the PHI is maintained by the Plan in a designated record set. If you request a copy of the information, the Plan may charge you a reasonable fee for the costs of copying, mailing or other supplies associated with your request.

"Designated Record Set" includes the medical records and billing records about an individual maintained by or for a covered health care provider; enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan; or other information used in whole or in part by or for the covered entity to make decisions about the individual. Information used for quality control or peer review analyses and not used to make decisions about individuals is not in the designated record set.

If your request is granted, the requested information will be provided to you within 30 days after the receipt of your request in the form and format requested, if it is readily producible in such form and format, or if not, in a readable hard copy form (or a readable electronic form and format in the case of PHI maintained in designated records sets electronically) or such other form and format as agreed upon by you and the Plan. If the Plan is unable to comply with request within the 30-day deadline, a one-time 30-day extension is permissible. In such case, you will receive notification of the need for an extension within the initial 30-day period.

Please note that your right does not apply to psychotherapy notes or information compiled in reasonable anticipation of a legal proceeding. The Plan may deny your request to inspect and copy your PHI in very limited circumstances. If access is denied, you or your personal representative will be provided with a written denial setting forth the basis for the denial, a description of how you may exercise those review rights and a description of how you may complain to the Secretary of the U.S. Department of Health and Human Services.

Right to Amend PHI. If you believe that the PHI the Plan has about you is incorrect or incomplete, you have the right to request in writing that the Plan amend your PHI or a record contained in a designated record set for as long as the PHI is maintained by the Plan in the designated record set. The Plan has 60 days after the request is made to act on the request. However, a single 30-day extension is allowed if the Plan is unable to comply with the deadline.

The Plan may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, the Plan may deny your request if you ask for the amendment of information that: (1) is not part of the medical information kept by or for the Plan; (2) was not created by the Plan, unless the person or entity that created the information is no longer available to make the amendment; (3) is not part of the information that you would be permitted to inspect or copy; or (4) is already accurate and complete. If the request is denied in whole or in part, the Plan must provide you with a written denial that explains the basis for the denial. You have the right to file a written statement of disagreement and any future disclosures of the disputed information will include your statement.

The Right to Receive an Accounting of PHI Disclosures. You have the right to receive a list of disclosures of your PHI that have been made by the Plan on or after April 14, 2003 (or January 1, 2011 in the case of disclosures of your PHI from electronic health records maintained by the Plan, if any) over a period of up to six years (three years in the case of disclosures from an electronic health record) prior to the date of your request. Certain disclosures are not required to be included in such accounting of disclosures, including but not limited to disclosures made by the Plan (1) for treatment, payment or health care operations (unless the disclosure is made from an electronic health record), or (2) in accordance with your authorization. If you request more than one

accounting within a 12-month period, the Plan will charge a reasonable, cost-based fee for each subsequent accounting.

The Right to Receive a Paper Copy of This Notice Upon Request. You have the right to receive a paper copy of this Notice even if you have agreed to receive this Notice electronically.

To exercise any of your HIPAA rights described above, you or your personal representative must contact the HIPAA Privacy Officer in writing at 603 N. Industrial Drive, Mount Union, PA 17066 or by calling 814-542-8631. You or your personal representative may be required to complete a form required by the Plan in connection with your specific request.

Section 3. THE PLAN'S DUTIES

Notice of Privacy Practices. The Plan is required by law to provide individuals covered under the Plan with notice of its legal duties and privacy practices. The Plan is required to comply with the terms of this Notice. However, the Plan reserves the right to change its privacy practices and to apply the changes to any PHI received or maintained by the Plan prior to that date. In the event of any material change to this Notice, a revised version of this Notice will be distributed to all individuals covered under the Plan within 60 days of the effective date of such change by first-class U.S. mail or with other Plan communications.

Breach Notification. The Plan has a legal duty to notify you following the discovery of a breach involving your unsecured PHI

Minimum Necessary Standard. When using or disclosing PHI, the Plan will use and/or disclose only the minimum amount of PHI necessary to accomplish the intended purposes of the use or disclosure. However, the minimum necessary standard will not apply in the following situations:

- Disclosure to or requests by a health care provider for treatment;
- Uses or disclosures made to you; and
- Uses or disclosures that are required by law.

Section 4. COMPLAINTS

If you believe that your privacy rights have been violated, you may file a complaint with the Plan or with the appropriate regional office of the Office for Civil Rights of the U.S. Department of Health and Human Services. To file a complaint with the Plan, contact the HIPAA Privacy Officer in writing at 603 N. Industrial Drive, Mount Union, PA 17066 or by calling 814-542-8631.

You will not be penalized or in any other way retaliated against for filing a complaint with the Office for Civil Rights or with the Plan.

Section 5. ADDITIONAL INFORMATION

If you have any questions regarding this Notice or the subjects addressed in it, you may contact the HIPAA Privacy Officer in writing at 603 N. Industrial Drive, Mount Union, PA 17066 or by calling 814-542-8631.

Women's Health and Cancer Rights Act

The Women's Health and Cancer Rights Act of 1998 requires group health plans to make certain benefits available to participants who have undergone a mastectomy. In particular, a plan must offer mastectomy patients benefits for:

- All stages of reconstruction of the breast on which the mastectomy was performed
- Surgery and reconstruction of the other breast to produce a symmetrical appearance
- Prostheses
- Treatment of physical complications of the mastectomy, including lymphedema

Our plan complies with these requirements. Benefits for these items generally are comparable to those provided under our plan for similar types of medical services and supplies. Of course, the extent to which any of these items is appropriate following mastectomy is a matter to be determined by the patient and her physician.

Newborns' and Mothers' Health Protection Act

Federal law protects the benefit rights of mothers and newborns related to any hospital stay in connection with child birth. In general, insurers may not:

- Restrict benefits for the length of hospital stay for the mother or newborn child to less than 48 hours following a vaginal delivery, or less than 96 hours following a cesarean section. However, federal law generally does not prohibit the mother's or newborn's attending provider, after consulting with the mother, from discharging the mother or her newborn earlier than 48 hours (or 96 hours as applicable).
- Require that a provider obtain authorization from the insurer for prescribing a length of stay of up to 48 hours (or 96 hours).

  For details on any state maternity laws that may apply to your medical plan, please refer to the benefit material for the plan in which you are enrolled.

Notice of HIPAA Special Enrollment Rights

The following is language that group health plans may use as a guide when crafting the special enrollment notice:

If you are declining enrollment for yourself or your dependents (including your spouse) because of other health insurance or group health plan coverage, you may be able to enroll yourself and your dependents in this plan if you or your dependents lose eligibility for that other coverage (or if the employer stops contributing toward your or your dependents' other coverage). However, you must request enrollment within 30 days after your or your dependents' other coverage ends (or after the employer stops contributing toward the other coverage).

In addition, if you have a new dependent as a result of marriage, birth, adoption, or placement for adoption, you may be able to enroll yourself and your dependents. However, you must request enrollment within 30 days after the marriage, birth, adoption, or placement for adoption.

To request special enrollment or obtain more information, contact Catherine Dixon, HR/Payroll Coordinator at 814-542-8631 Ext. 197.