



Mescalero Apache School

“Home of the Chiefs”

Employee Policies & Procedures

Adopted and Approved by Resolution No. 26-18 February 2, 2026

Reaffirmed August 12, 2026

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Section 1 Introduction

1. Purpose & Authority

This Mescalero Apache Schools (**MAS**) Employee Handbook is intended both as a tool for school management and as a source of information for employees and others about how MAS operates. This Handbook is designed to promote a safe, efficient, and effective school system. The MAS Board and all employees shall comply with this Handbook.

This Handbook was approved by the MAS Board and the Mescalero Apache Tribal Council in accordance with and under the authority of Mescalero Apache Tribal Ordinance 15-06, as revised by Ordinances 20-05 and 25-01 (Ordinance 15-06). This Handbook shall comply with that Ordinance. Where there is a conflict between this Handbook and Ordinance 15-06, the Ordinance 15-06 governs. A copy of the Ordinance appears in the Appendices.

1.2 Accessibility

This Handbook is available for inspection at the Administration Office during regular business hours. It will be made available on MAS's computer network and public website. In addition, this Handbook and the Student Handbook will be on hand at every MAS Board meeting for reference. The Superintendent shall maintain the master copy. The master copy supersedes all other copies and shall be used to resolve any discrepancies in language existing in other copies.

1.3 Modifications & Yearly Review of Policies

This Handbook may be modified or recalled at any time. MAS will ensure that employees receive notice of the same. The MAS Board will review policies annually to determine if changes are needed. All changes must be approved by the Board and the Mescalero Apache Tribal Council.

1.4 Student Handbook

The MAS Board and all employees will comply with those parts of the MAS Student Handbook dealing with the Board or employees.

1.5 Administration in Absence of Policy

1.5a Judgement of Superintendent and Further Policy Development

Recognizing that no Handbook can address all problems or circumstances likely to present themselves, the MAS Board acknowledges that the Superintendent will have to address many problems and circumstances on the basis of his or her judgement and experience. In dealing with such situations, however, the Superintendent may recognize the need for further policy development, and, in such instances, should, in consultation with the Board's legal counsel, present proposed policies to the Board.

1.5b Development and Approval of Certain Regulations and Directives

Further, Building Principals, directors, and others designated by the Superintendent may establish procedures for conducting activities within their individual offices or buildings, provided that such procedures must be consistent with this Handbook and the Student Handbook. Such procedures will not govern the entirety of MAS and shall be presented to the Superintendent for Acceptance of any bid, which is not a low bid or bids that are of a questionable nature, shall be presented to the MAS Board for final approval. All details regarding bids, including reasons for rejection, shall be provided to the Board at the next regular monthly meeting.

1.6 Acknowledgement

For every new school year, all MAS employees, after reviewing this Handbook, shall print, sign, and date the MAS Acknowledgement form, which is located at the end of this Handbook; and submit the form to the Human Resources (HR) Director.

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Section 2 MAS Board

2.1 Mescalero Apache Tribal Ordinance 15-06

Mescalero Apache Tribal Ordinance 15-06 establishes the powers, responsibilities, and composition of the MAS Board. The Board will comply with Ordinance 15-06 at all times. A copy of Ordinance 15-06 appears in appendices.

2.2 Representing the MAS Board

No individual Board Member will attempt to “speak for” the Board except when directly authorized to do so by majority vote of the Board. For example, the Board may ask a Board Member to inform the community of action taken by the Board. Otherwise, each Board Member will make clear in his or her communications that such communications express his or her opinions and viewpoints only and not those of the Board. Only the School Board, meeting as a legal body, has the authority to issue directives, establish policies, delegate authority, etc. Individual Board Members shall not take individual action, but shall refer all such matters to the Board for further consideration or action.

2.3 Conflicts of Interest

No Board Member may participate in any MAS Board discussion or actions regarding any matter related to the hiring, termination, or discipline of a close relative of such Board Member, and such Board Member shall excuse him/her-self and leave the meeting room during any such discussion or action. A “close relative” is defined as a husband, wife, father, mother, brother, sister, daughter, son, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, grandparents, and first cousins.

2.4 Expectations of School Board Members

Each Board Member is expected to:

- Attend all meetings of the MAS Board;
- Attend school functions to the greatest degree possible
- Recognize that his or her responsibility is not to run MAS, but to see that it is run well by others;
- Be well acquainted with this Handbook and the Student Handbook;
- Voice his or her opinions frankly in Board meetings and vote for what is in the best interests of MAS students;
- Maintain the confidentiality of matters deemed confidential;
- Be interested in obtaining facts, but should not spend a great deal of time gathering data;
- Recognize that the reputation of MAS may be affected by his or her behavior and attitude;
- Rely upon fact, not fiction, sort out rumors from realism, and know the difference between the same;
- Be careful to maintain respectful relations with other Board Members and administrators regardless of disagreements; and
- Use good ethical and moral judgement in all decisions that he or she makes.

2.5 MAS Board Officers

The MAS Board, by motion, will elect President, Vice-President, Secretary, and other officers as deemed necessary. Reorganization or election of officers will be held at the regular Board meeting on the 1st Tuesday of January following the election. In addition to those duties listed below, all officers have the right to vote at Board meetings.

2.5a President

The President will be responsible for conducting meetings. The President is responsible for executing official MAS Board documents and shall otherwise serve as the chief executive officer of MAS. The President must enforce all policies of MAS.

2.5b Vice-President

The Vice-President serves in the capacity of the President in the absence of the President. Where there is a vacancy in the office of President, the Vice-President shall become the President automatically.

2.5c Secretary

The Secretary is responsible for taking minutes for all Board meetings. He or she shall ensure that such minutes are kept on file at the Superintendent's office. He or she will be responsible for signing legal documents when required. In the absence of the President, and Vice-President, the Secretary will act in the capacity of the President. Where there is a vacancy in the office of Vice-President, the Secretary shall become the Vice-President automatically and a new Secretary shall be elected.

2.6 Superintendent

The Superintendent shall be the chief operating officer of MAS and will be responsible for the professional leadership and skill necessary to translate this Handbook and the Student Handbook into administrative action. He or she may delegate certain duties and authority subject to restrictions placed on such delegation by the MAS Board. However, the Superintendent shall continue to be responsible for the satisfactory execution of the delegated power and duties. Lines of authority shall be clearly outlined by the Superintendent by means of organizational charts, job descriptions, Administrative regulations and procedures. Directives may be by motion of the Board; in such case, the approved minutes will constitute a directive.

2.7 Compensation for Board Members

Board Members shall not receive any salary for their services. However, each Board Member shall receive a fixed sum for attendance at each meeting of the MAS Board at the following rates:

- Regular Meeting \$150.00
- Special Meeting \$150.00
- Special Sessions (i.e., Trainings)\$150.00

The above payment for special sessions will be paid for each day the Board Member is on travel and shall be in addition to per diem Board Members shall comply with the travel policies contained herein.

2.8 Regular Meeting

The MAS Board will meet once each month. The Board's regular meetings shall be held once a month, unless rescheduled. A notice of the meeting will be posted at least three (3) days prior to the meeting and in at least two (2) public locations within the exterior boundaries of the Mescalero Apache Indian Reservation.

2.9 Special Meeting

A special meeting may be called by the President of the MAS Board. Provided that notice must be provided to the other Board Members and posted at least twenty-four (24) hours in advance.

2.10 Agenda

The Superintendent may recommend to the President that certain items be placed on the agenda. The President will present the agenda at the meeting for approval by the MAS Board. Other Board Members wishing to have items placed on the agenda must contact the President no later than 4:30 P.M. on the Thursday just prior to the meeting. Items may be added prior to the agenda approval at each meeting.

2.11 Open Meetings

All meetings are open to the public, unless otherwise designated and except for those portions held in executive session.

2.12 Procedure

2.12a Roberts Rules of Order

Board meetings will be conducted according to those portions of Roberts Rules of Order deemed appropriate by the MAS Board and as required in this Handbook.

2.12b Other Rules of Order

The following rules of order will be followed:

- The MAS Board may only act at a duly called meeting.
- The Board should proceed in the most efficient manner possible.
- The School Board may act only where at least a quorum of its members are present. Four (4) constitutes a quorum.
- All Members should have an equal opportunity to participate in decision-making.
- Board actions shall be proposed by motion. Any Member, including the President, may make a motion. A motion must be seconded. There can only be one motion at a time, and a substantive motion is out of order while another substantive motion is pending.
- A motion shall be adopted by a majority present and voting.

2.13 Minutes

Minutes of all regular and special MAS Board meetings and records of all Board actions shall be kept by the Secretary with the help of the Superintendent's administrative assistant. These minutes will be kept on file and available for public inspection in the Superintendent's office.

2.14 Executive Sessions

Board Members may vote to go into executive session. Visitors and employees present may be asked to leave the meeting room and minutes will not be taken. All discussion during the executive session will be considered confidential. Executive sessions may be called to discuss: personnel issues, pending litigation, student discipline or welfare, or other matters that might lead to the disclosure of confidential personal information. No official action can be taken by the Board during the executive session.

2.15 MAS Board & Employee Communication

Any employee or group of employees desiring to address the MAS Board regarding school business shall direct their communication to the Board through the President or the Superintendent and not to individual Board Members. All such communication shall be in writing. The Board will not consider anonymous correspondence. Employees who wish to address the Board in the employee's capacity as a parent or community member, rather than as an employee, should so state in addressing the Board.

2.16 Violations and Discipline

The following actions will be taken in the case of a violation to this section and violations will carry from term to term:

- 1st Violation - The Board Member will receive a written warning and will be placed in file.
- 2nd Violation - The Board Member will be placed on one (1) month suspension from all School Board activities.
- 3rd Violation - The Board Member will be placed on three (3) month suspension from all school board activities with a recommendation to the Mescalero Tribal Council for removal.
- The School Board has the discretion to immediately suspend or recommend removal of a School Board Member to the Tribal President even on the first violation of this policy, where the School Board determines that the nature of a violation warrants a more severe disciplinary action.
- Violations will accumulate from year to year. That is, the School Board may consider prior violations when determining the appropriate disciplinary action to take.

2.17 Required School Board Training

Each year, the School Board will be trained on Tribal and Federal Laws applicable to the Board and MAS. This training will be provided by MAS's general counsel. This training must be conducted by the end of February of each year.

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Section 3 Business & Operations

3.1 Purchasing

3.1a General

MAS is dependent on federal funding and federal, state, and tribal grants. As a result, the MAS budget is conservative and purchases should be made at the lowest prices possible, quality and availability being equal. This section seeks to minimize costs and to ensure that purchases are appropriately documented. No MAS Board member shall have purchasing authority.

3.1b Business Office

All purchases will be made through the Business Office, unless otherwise stated in this Handbook. All vendors will be assigned a vendor number by the Business Office before a purchase order and/or payment is processed. The Business Office will obtain necessary approvals for each purchase.

3.1c Preference for Using Internal Stocks

Internal stocks should be the first source for all needed supplies & equipment. Purchases from outside resources will only be made where supplies or equipment are not available through internal stocks.

3.1d Requisitions Orders & Purchase Orders

An employee wishing to make a purchase will submit a Requisition Order to the Business Office after obtaining the best price as listed below. The Business Office will prepare a Purchase Order and obtain necessary approvals based on the Requisition Order. An employee must have an approved Purchase Order before making any purchase. If an employee makes an unauthorized purchase prior to the approval of the Purchase Order, then such employee shall be liable for the payment of that purchase. The Purchase Order number should appear on the vendor's invoice.

3.1e Cooperative Educational Services

MAS is a member of the Cooperative Educational Services (CES). CES performs large-scale bidding over a multi-state area. Therefore, more than likely, using CES will result in a lower price than other methods. Employees must first obtain bids, quotes, or proposals through CES before resorting to the below methods.

3.1f Basic Purchasing Guidelines

The following purchasing guidelines are intended to create a competitive process and will be followed in order to ensure that the best possible price is obtained:

Value of Purchase Method

\$0.00 - \$4,999 An employee wishing to make a purchase in this range must obtain the best obtainable price by researching prices on the internet or calling the companies.

\$5,000 - \$24,999 An employee wishing to make a purchase in this range must obtain three (3) written quotes. Written quotes may be submitted via email or facsimile.

\$25,000 or more Will require a written proposal with at least (3) written quotes which will be evaluated by the Board. Written proposals may be submitted via email or facsimile.

If purchasing policies are violated, then the employee's authority to make purchases can be revoked. Where there is evidence that an employee manipulated a quote in order to avoid obtaining the necessary approval needed above, then that employee may be subject to disciplinary action up to and including

termination.

3.1g Exemptions for Certain Purchases

The following purchases are exempt from the above guidelines:

- Purchases of publicly regulated gas, electricity, water, sewer, and refuse collection services;
- Purchases of books and periodicals from the publisher or copyright holders thereof;
- Travel of shipping by common carriers or by private conveyance, or meals and lodging; and
- Contracts for school transportation services.

3.1h Non-Competitive Purchases

A purchase may be made outside of the above guidelines when the Superintendent makes a determination, after conducting a good-faith review of available sources for the required purchase that it is in the best interests of MAS to do so. A written justification for such purchase with a value of \$1,000 or more shall be attached to the Purchase Requisition.

3.1i Emergency Procurement

The Superintendent may approve an emergency procurement when the Superintendent finds that there exists a threat to public health, welfare, safety or property. The existence of the emergency condition creates an immediate and serious need that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- The functioning of operations,
- The preservation or protection of property, or
- The health or safety of any person.

3.1j Other Rules Governing Quotes, Bids & Proposals

In obtaining quotes, bids and proposals, MAS will not favor one firm, individual or company over another in obtaining information for preparation of specifications. Bids and quotes will be awarded to the lowest responsible bidder, giving due consideration to price, quality of product, and time of delivery. No MAS employee shall be allowed to accept favors, gifts, or gratuities either directly or indirectly from any vendor, representative, or business firm that submits a quote, bid, or proposal. Purchases shall not be artificially divided to avoid competitive bid requirements.

Acceptance of any bid, which is not a low bid, or bids that are of a questionable nature, shall be presented to the MAS Board for final approval. All details regarding bids, including reasons for rejection, shall be provided to the Board at the next regular monthly meeting.

3.2 Inventories

3.2a Maintenance of Inventories

The Business Office is responsible for maintaining MAS inventories. Furniture and equipment will be tagged and marked. Internal stocks of supplies and equipment will also be inventoried. A physical inventory of all MAS property shall be conducted annually. A copy of each inventory will be kept in the Business Office. The Business Office Manager will provide reports to the Superintendent and/or the MAS Board as requested. The removal of inventory with a value in excess of \$5,000.00 requires MAS Board approval.

The Business Office Manager will implement procedures to safeguard and track such inventories. Any employee who removes an item from one building to another must submit a written request to do so to

the Business Office. Individual employees that access internal stocks may be financially responsible for any missing items.

3.3 Contracts

The MAS Board alone has the authority to approve any contract on behalf of MAS. The Superintendent may create a committee of MAS employees to review prospective contracts, negotiate with contractors, and make recommendations to the MAS Board as to approval or disapproval. The Superintendent may negotiate and make recommendations without the assistance of a committee. The Board may direct the Superintendent to create a committee or to negotiate for certain terms as it determines appropriate. The Board is without the authority to bind the Tribe.

3.4 Handling of Money

All monies, including cash, checks, and money orders, collected by MAS employees and students shall be handled in accordance with this Section and with other prudent procedures established by the Business Office. All monies collected shall be receipted, accounted for, and directed without delay to the Business Office. At three (3) parties, the employee collecting the money in the first instance, the employee taking the money to the Business Office, and an individual in the Business Office, will count the monies collected.

In no case shall cash be paid out of monies collected. That is, all monies must be returned to the Business Office and deposited in a MAS bank account before it can be spent. In no case shall monies be left overnight in desks or classrooms. All monies must be turned in to the Business Office at the end of the business day. If these procedures are not followed and monies received are missing, then the employee involved will be responsible for reimbursement.

3.5 Financial Conflicts of Interest

A financial conflict of interest consists of when any MAS Board Member, employee, officer, or agent, or a close relative of an MAS Board Member, employee, officer, or agent has a significant direct or indirect financial interest in a contractor or vendor with which MAS is contracting or conducting business. Where a financial conflict of interest exists, the MAS Board Member, employee, officer, or agent must disclose the same as soon as possible. Furthermore, if a financial conflict of interest exists, the Board Member, employee, officer, or agent must refrain from: 1) participating in or attempting to influence the selection of the vendor or contractor; and/or 2) administering funds to or contracts with the vendor or contractor that creates the conflict.

A close relative is defined as a husband, wife, father, mother, brother, sister, daughter, son, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, grandparents and first cousins.

A violation of this policy may result in disciplinary action up to and including termination, or recommendation for removal in the case of an MAS Board Member and may render the transaction or contract with the involved vendor or contractor void.

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Section 4 Employee Conduct

4.1 Communication with Administration

4.1a Chain of Command

Each employee should follow the chain of command at all times, except as provided herein, when he or she seeks to communicate with Administration as to any matter. In the event that an employee does not understand a particular communication it is especially important that he or she seek immediate clarification from his or her supervisor.

4.1b Forms of Communication to Employees

School communications from the Administration will be handled through several means, primarily through:

- Daily announcements over the P.A. system (P.A. announcements from the Elementary School and/or Middle/High School shall be made at that school's Principal or his or her designee; and P.A. announcements made from the Administration Office shall be made by the Superintendent or his or her designee);
- Daily bulletin;
- Weekly and monthly calendars;
- Bulletins pertaining to special situations or specific groups;
- Employee meetings;
- Memoranda;
- Handbooks and other policies and procedures;
- Direct conversations; and
- Email

The School Board encourages use of both English and Apache for such communication.

4.1C Violations will follow year to year. (Accumulated violations.)

4.2 Public Complaints about MAS Employees

Constructive criticism is welcome when it is motivated by a sincere desire to improve the quality of the MAS educational program.

4.2a Complaints or Criticism of MAS Employees

Complaints or criticism regarding MAS employees other than the Superintendent shall be directed to the Superintendent for consideration or further referral to the employee's supervisor. Any such complaint or criticism must be in writing and signed by the complaining party. The Superintendent or supervisor of the employee against whom the complaint or criticism is directed, shall take no action regarding a complaint or criticism without providing the employee in question, notice of the nature of the complaint or criticism and an opportunity to respond to the complaint or criticism. The Superintendent or supervisor of the employee shall take disciplinary action, as provided in this Handbook, when deemed appropriate. Furthermore, an employee disciplined as a result of a complaint or criticism may file a grievance as provided in these policies and procedures.

4.2b Complaints or Criticisms of the Superintendent

Any complaint or criticism regarding the Superintendent shall be directed to the President of the MAS

Board in writing. Such complaints or criticism regarding the Superintendent shall be considered by the Board in executive session at the next scheduled meeting of the Board, or as soon thereafter as possible.

If, following consideration of the complaint or criticism in executive session, the Board finds that the complaint or criticism may warrant further action. It shall schedule a hearing as soon as possible and provide written notice to the Superintendent of the complaint or criticism, the intent of the Board to consider the same at a hearing, and the date and time of the hearing. The notice shall also state whether the Superintendent is to be placed on suspension or if other action is needed pending the hearing. The complaining party will be offered the opportunity to address the Board about the complaint or criticism in the presence of the Superintendent and the Superintendent will have the opportunity to respond in the presence of the complaining party.

4.3 Duty of Loyalty

Employees shall be expected to demonstrate loyalty to the Mescalero Apache Tribe, MAS, its leaders, students, and other employees. Criticism should be directly discussed with those persons involved and not publicly or to other uninvolved employees.

4.4 Outside Employment

Outside employment could have an effect on an employee's ability to perform his or her MAS duties. Therefore, an employee wishing to obtain outside employment must provide a written request to the Superintendent. The Superintendent will present the same to the MAS Board and recommend approval or disapproval.

All requests shall include:

- The type of work to be engaged in and the task to be performed;
- The hiring organization or employee;
- The hours of work;
- The reason for desiring such employment: and
- A statement by the employee that he or she must complete his or her assigned or regular shift and/or duties MAS before leaving for his or her other employment.

Approval may be granted if such employment would not result in any of the following:

- impairment of or interference with the employee's ability to perform his or her MAS duties,
- Conflicts of interest, or
- Unfavorable publicity or poor public relations.

4.5 Political Activity

MAS respects the right of each employee to vote and to express his or her political views. However, certain political activity can be distracting and divisive in the school environment. Therefore, no employee may engage in any political activity during work hours, on MAS property, at school sponsored activities. or in his or her capacity as an MAS employee.

Political activity includes:

- Campaigning for or against a candidate or slate of candidates in partisan elections;
- Making campaign speeches;
- Collecting contributions or selling tickets to political fund-raising functions;
- Distributing campaign material in partisan elections;

- Organizing or managing political rallies or meetings;
 - Circulating nominating petitions;
 - Working to register voters for one party only; and/or
 - Wearing political buttons.
- Staff are expected to maintain political neutrality in the classroom. Personal political opinions should not be shared in a way that could influence or sway students. Our role is to create a safe, respectful environment where students can form their own opinions through critical thinking and discussion.
- Classroom instruction should focus on presenting facts objectively and fostering respectful dialogue without personal bias. This expectation is in place to maintain professionalism and ensure a positive learning environment for all students.

4.6 Confidential Information

No employee may disclose or discuss confidential information in the possession of MAS with any person except:

- Other MAS employees in conjunction with, and within the scope of, the official duties of such employees. Such confidential information includes information the source of which is personnel files and records, student files and records, and other information identified as confidential by this handbook; or
- Third parties who are entitled to the information, such as a parent or other party entitled to confidential student information pursuant to the Family Education Rights and Privacy Act (FERPA).

4.7 Association with All Persons

All employees shall treat their fellow employees with courtesy and respect, regardless of personal or professional differences. Although employees may and should seek to work out differences with each other as they arise, employees should avoid expressing complaints of dissatisfaction except to supervisors, or otherwise creating dissension among employees.

Specifically, employees shall:

- Act as to support rather than obstruct other employees in fulfilling their responsibilities;
- Hold themselves responsible for the quality and extent of services they perform;
- Treat other employees with the utmost respect;
- Assume responsibility for sharing pertinent knowledge with other employees; and
- Respect the privacy and the human dignity of all persons with whom they have contact.
- Respect to all persons regardless of personal feelings.

4.8 Zero Tolerance for Violence/Threats

MAS has zero tolerance for violence or threats of violence. Any MAS employee that threatens to or causes bodily harm to another employee, a student, parents of student, members of the community or any other persons while on MAS property or on duty or representing MAS will be terminated immediately.

4.9 Prohibition on Discrimination

Discrimination on the bases of race, color, national origin, gender, age, religion, disability, or political affiliation is prohibited and employees who engage in discriminatory conduct or speech on such a basis shall be subject to discipline.

4.10 Employee Dress

4.10a Restrictions

In order to accurately address professionalism, the attitude and manner in which employees greet the students and community are vital to MAS success. Employees will demonstrate professionalism by conforming to the following dress restrictions:

- All clothing worn by employees shall be clean and in good repair; worn or torn clothing is not acceptable;
- Employees may wear comfortable slacks, blouses, dresses, skirts, and colored jeans that promote comfort while interacting with students. However, the following items of clothing are prohibited:
 - T-shirts or sweat pants;
 - Shorts or cut-offs;
 - Open toed shoes;
 - Revealing and sexually provocative clothing;
- Visible hickeys, inappropriate tattoos or piercings in the tongue, lip, nose, eyebrow, or cheek or anywhere other than the ear (except where worn for religious or cultural reasons) are prohibited; and
- Employees may not wear any item that would violate the student dress code contained in the Student Handbook.

4.10b Exceptions for Certain Employees

Employees that spend a significant period of time outdoors or performing physical labor, may wear jeans and work shoes or boots. Physical education employees may wear tennis shoes and wind suits. Employees must comply with designated department uniforms if required.

4.10c Casual or MAS Color Days

Clothing that does not conform to the above restrictions may be worn on designated days pursuant to the below restrictions.

- Wind suits are allowed where they are MAS colors;
- Tennis shoes must not be excessively worn or damaged;
- T-shirts with the MAS emblem are allowed; or
- Jeans must be without holes, tears, patches, or very worn or faded spots.

4.10d Violations

The following actions shall be taken in the case of a violation of this Section:

- 1st Violation: The employee will be given a verbal warning and be asked to remediate the violation to the greatest degree possible. For example, the employee may be required to remove a piercing, to wear a jacket that is buttoned, or to turn clothes inside out.
- 2nd Violation: The employee will be asked to go home to remove or change into more appropriate attire. The employee will be required to use personal leave for the time that he or she is not present due to the need to go home.
- 3rd Violation: The employee will be placed on suspension or terminated.

4.11 Identification Badges

The use of identification badges allows for better control of visitors and non-employees. It is possible for individuals to bypass the visitor guidelines in the MAS Student Handbook. This poses a danger to MAS students and employees. Therefore, all employees are required to wear their MAS identification badges at

all times while on duty.

4.12 Internet Use

4.12a Authorized Employees & Work-Related Purposes

Employees who are issued a MAS computer account, MAS email account, and access to the internet as a part of his or her employment must utilize the same for work-related purposes only. Employees who are NOT issued a computer account, an email account, and access to the internet should not be utilizing the computer systems or using another employee's account to gain access. Each staff member is responsible for any content on their school-issued computer.

4.12b Inappropriate Uses

Inappropriate uses include:

- Playing games;
- Participating in online gambling;
- Unauthorized downloads;
- Accessing websites that may lead to infection of computers by computer-viruses or malware; · Accessing pornographic, obscene, offensive, racist, or hate websites;
- Sending obscene, pornographic, offensive and threatening email to other employees or to off campus email accounts;
- Using another employees account with or without permission;
- Developing or executing programs that could harass other users, infiltrate systems, damage, or alter software components;
- Browsing MAS's computer network with the intention of infiltrating systems and electronic data;
- Seeking confidential information on employees without authorization;
- Intentionally obtaining copies of or modifying electronic files, passwords, electronic data, or software programs belonging to other employees or that reside on MAS's computer network without authorization;
- Making and distributing copies of programs without the specific permission of the copyright holder or MAS.

4.12c Right to Access MAS Email, Etc.

MAS reserves the right to access records regarding an employee's use of email, internet electronic data, software programs, and electronic files. Electronic data and electronic files created by an employee for work-related purposes belong to the School.

4.12d Violations

The following actions shall be taken in the case of a violation of this Section:

- 1st Violation: The employee will receive a letter of warning;
- 2nd Violation: The employee will be placed on three (3) days of suspension without pay; and
- 3rd Violation: The employee will be terminated.

The Superintendent has the discretion to immediately suspend or terminate an employee, even on the first violation of this policy, where he or she determines that the nature of a violation warrants a more severe disciplinary action.

4.13 Use of Cellular Phones and Social Media during the Work Day 4.13a Prohibition

Employees should not use PERSONAL or MAS cellular phones or social media during the work day. Cellular phones must be silenced during instructional time.

4.13b Emergency Situations

Each employee should inform his or her supervisor of any emergency situation that might warrant the need of that employee to have access to his or her cellular phone.

4.13c Violations

The following actions shall be taken in the case of a violation of this Section:

- 1st Violation: The employee will receive a letter of warning;
- 2nd Violation: The employee will be placed on three (3) days of suspension without pay; and
- 3rd Violation: The employee will be terminated.

4.14 Social Media Policy

4.14a Purpose & Scope

This policy has been created to assure that information disclosed by Mescalero Apache Schools (MAS) and its employees' is timely, accurate, comprehensive, and authoritative and recant to all aspects of the MAS system. This policy will provide the framework to facilitate the timely dissemination of information. In addition, this policy will ensure that social media is used to support the educational goals of MAS while also protecting the rights of staff and students.

This social media policy applies to all MAS employees, administrators, teachers, students, Board Members, substitutes and volunteers. This policy covers all social media and media platforms, social networks, blogs, photo sharing, wikis, online forums and video sharing.

4.14b Definitions

- **"Blog"** means an online journal that contains entries or posts that consist of text, links, images, video or other media and is usually between 300-500 words. "Microblogging" means posting brief and often frequent updates online. Unlike traditional blogs, which are often hosted on a custom website, microblogs are typically published on social media sites like Twitter, Instagram, Tumblr and Facebook.
- **"Controversial issues"** refers to issues that form the basis of heated debate, often identified in political campaigns as wedge issues since they provoke a strong emotional response. Examples include; political views and education reform.
- **"Copyrights"** refers to the protections that create the right of an author to control the reproduction and use of any creative expression that has been fixed in tangible form, such as literary works, graphical works, photographic works, audiovisual works, electronic works and musical works. It is illegal to reproduce and use copyrighted content publicly on the Internet without first obtaining the permission of the copyright owner.
- **"Cyberbullying"** refers to any act online, the Internet or through electronic devices (cellular phones, tablets) that deliberately threatens, harasses, intimidates an individual or group of individuals: places an individual in reasonable fear of harm to the individual or damage to the individual's property: has the effect of substantially disrupting the orderly operation of MAS.
- **"Hosted content"** means text, pictures, audio, video or other information in digital form that is uploaded and resides in the social media account of the author of a social media disclosure. If you download content off the Internet, and then upload it to your social media account, you are hosting that content. This

distinction is important because it is generally illegal to host copyrighted content publicly on the Internet without first obtaining the permission of the copyright owner.

· **"Inbound links"** means an inbound link is a hyperlink that transits from one domain to another. A hyperlink that transits from an external domain to your own domain is referred to as an inbound link. Inbound links are important because they play a role in how search engines rank pages and domains in search results.

· **"Official content"** means publicly available online content created and made public by MAS, verified by virtue of the fact that it is accessible through the MAS website or Facebook page.

· **"Professional Social Media"** is a work related social media activity that is either school-based (e.g. a MAS Principal establishing a Facebook page for his/her school, school department or MAS teacher establishing a blog for his/her class), or non-school based (e.g. a Tribal Education Department establishing a Facebook page to facilitate the department's administration of services).

· **"Social Media Account"** means a personalized presence inside a social networking channel, initiated at will by an individual. YouTube, Twitter, Facebook, Instagram, Snap Chat and other social networking channels allow users to sign-up for their own social media account, which they can use to collaborate, interact and share content and status updates. When a user communicates through a social media account, their disclosures are attributed to their User Profile.

· **"Social Media Channels"** means blogs, micro-blogs, wikis, social networks, social bookmarking services, user rating services and any other online collaboration, sharing or publishing platform, whether accessed through the web, a mobile device, text messaging, email or other existing or emerging communications platforms.

· **"Social Media Disclosures"** means blog posts, blog comments, status updates, text messages, posts via email, images, audio recordings, video recordings or any other information made available through a social media channel. Social media disclosures are the actual communications a user distributes through a social media channel, usually by means of their social media account.

4.14c Staff/Volunteer Guidelines

- MAS employees are personally responsible for all comments/information and the hosted content they publish online. Be mindful that what you publish on social media channels will be public for a long time.
- When posting online, please remember that you are an employee of MAS and representative of your colleagues, students, parents and the community. Your online behavior should reflect the same standards of honesty, respect and consideration that you use face-to-face.
- By posting comments, having online conversations, etc. on social media sites you are broadcasting to the world. Be aware that even with the strictest privacy settings, what you "say" online should be within the bounds of professional discretion. Comments expressed via social networking pages under the impressions of a "private conversation" may still end up being shared into a more public domain, even with privacy settings on maximum.
- Comments related to MAS, its employees, staff and/events related to MAS, should always meet the highest standards of professional discretion. When posting, even in the strictest settings, staff should act on the assumption that all postings are in the public domain.
- Do not post photos or movies of fellow employees without their permission. Do not use photos or movies taken at school without permission. Do not post photos or movies that contain students without parental consent.
- There are many websites that allow users to share personally created movies. You are responsible for all you do, say and post online including videos. Anything posted online should represent you in a professional manner as others will see you as connected to MAS. It disrupts learning when teachers, employees and staff post videos with questionable content.
- When posting online be sure not to post confidential student information.

- Before posting personal photographs, thought should be given as to whether the images reflect on your professionalism.
- Photographs relating to alcohol or tobacco use may be deemed inappropriate. Remember, your social networking site is an extension of your personality, and an extension of your professional life and classroom. If it would seem inappropriate to put certain photographs on the wall in your classroom, then it should be considered inappropriate to post online.
- Microblogging (Twitter, Facebook, Tumblr, Instagram, etc.) comments made using such media are not protected by privacy settings. Employees should be aware of the public and widespread nature of such media and refrain from any comment and/or #hashtags that could be deemed unprofessional.
- MAS employees are not permitted to solicit or accept "friend" requests from enrolled MAS students on any personal Social Media Account. This includes student's accounts and MAS employee personal accounts.
- MAS employees are not permitted to encourage students (K-12) enrolled at MAS to create Social Media Accounts of any kind.
- All MAS employees who choose to utilize Facebook, Twitter or Instagram or any other Social Media Platform to provide classroom information to students and parents must create a "teacher" page. Posts must be exclusively about classroom or school activities.
- Cyberbullying is not to be tolerated. Any incidence of cyberbullying should be reported to the Building Principal immediately. All cyber bullying incidents are to be taken seriously.

4.14d Staff-Student Relations

Employees are prohibited from establishing personal relationships with students that are unprofessional and thereby inappropriate. Examples of unprofessional relationships include, but are not limited to: employees fraternizing or communicating with students as if employee and students were peers such as writing personal letters or emails; "texting" students; calling students on cell phones or allowing students to make personal calls to them unrelated to homework or classwork; sending inappropriate pictures to students; discussing or revealing to students personal matters about their private lives or inciting students to do the same (other than professional counseling by a school counselor); and engaging in sexualized dialogue, whether in person, by phone, via the Internet or in writing. Employees who post information on Facebook, Twitter or other similar websites that include inappropriate personal information such as, but not limited to: provocative photographs, sexually explicit messages, use of alcohol, drugs or anything students are prohibited from doing must understand that if students, parents or other employers obtain access to such information, their case will be investigated by MAS officials and if warranted, will be disciplined up to and including termination, depending on the severity of the offense. The Superintendent reserves the right to periodically conduct Internet searches to determine if employees have posted inappropriate materials online.

4.14e Email

All electronic and any other communication by employees to students or parents at any time, from any email system shall be expected to be professional, acceptable in content to any reasonable person and limited to information that is school-related or is acceptable to both student and parent.

4.14f Cyberbullying

MAS has a zero-tolerance policy against cyberbullying. Cyberbullying by a MAS student directed toward another MAS student or staff member is conduct that disrupts both a student's ability to learn and the school's ability to educate its students in a safe environment. MAS prohibits acts of cyberbullying by MAS students through the use of any MAS owned, operated, and supervised technologies. Any student or staff member that believes he/she has or is being subjected to cyberbullying, as well as any person who has reason to believe a student or staff member has knowledge or reason to believe another

student or staff member is being subjected to or has been subjected to cyberbullying to shall immediately make a report to the Building Principal. The Building Principal may report allegations of cyberbullying to law enforcement authorities.

4.14g Student Sexting

Sexting can result in prosecution under tribal and federal child pornography laws when students are involved. If a minor or employee is convicted of any crimes associated with sexting (which includes creating, sending or sharing with others) he/she could serve time in prison, may have to pay heavy fines, and will likely be required to register as a sex offender. These penalties and charges can take place whether or not the sharing is consensual, and in cases where both students involved are minors. If a student is found to be sharing or distributing such material on MAS property, the student will be punished under the student disciplinary procedures, the student's parents/guardians will be notified of the incident, and the Building Principal must report the incident to law enforcement.

4.14h. Limited Exemption from this Policy

Mescalero Apache Schools recognizes that employees may have familial or cultural relationships with students that are personal and outside of the school context. Where there is a familial or cultural relationship, employees may be exempted from portions of Sub-Paragraphs 4.14c, 4.14d, and 4.14e, to the extent considered acceptable by community norms, by providing notice to the employee's supervisor of the existing familial or cultural relationship.

4.15 Children of Employees & Interference by Family Members

Employees may not bring their children to work, or allow their children to be present in their work areas, except in instances in which an employee's child is enrolled in the employee's class.

An employee may be disciplined where the employee's family member(s) interfere(s) or attempt(s) to interfere with: 1) a disciplinary action or grievance involving the employee (except where a family member is representing an employee in a grievance as allowed under Section 13.3b of this Handbook). 2) the employee's interactions with other employees or students. or 3) an employee's ability to perform his or her job duties by calling or visiting the employee at work excessively.

4.16 Leaving the Classroom

No employee assigned to a classroom may leave the classroom unsupervised when students are present. If an employee must leave a classroom in which students are present for unavoidable reasons, then the employee shall make arrangements with another employee to watch the class during the absence.

4.17 Leaving School Property

Any employee needing to leave MAS property for a brief period of time as a part of his or her duties must obtain prior approval from his or her immediate supervisor.

4.18 Extra Duties

Supervising students in the classroom, in hallways, in special rooms, on MAS property and at school activities is the responsibility of all employees present. Furthermore, each employee shall be required to perform various regularly scheduled duties, like watching students during lunch, on a rotating basis. If an employee cannot perform an assigned duty, then that employee will be responsible for finding another employee to perform the duty in his or her stead.

4.19 Equipment & MAS Property Care

4.19a General Duty

Each employee plays an important role in maintaining a suitable physical environment for learning and for developing good standards of housekeeping and respect for property among students. Needed equipment repairs should be brought to the attention of the Administration Office and a work order should be completed by the respective employee.

4.19b Keys

Keys will be issued to all rooms and storage areas to which employees need access. Each employee that is assigned keys should take every precaution to ensure the security of MAS property by keeping the keys in a safe, secure location. Under no circumstances should keys be loaned to students or non-employees. Employees should take care to document any loans to other staff members. Each employee is personally responsible for keys issued to him or her. He or she may be liable for: the cost of replacing keys and locks and in the case that MAS property is damaged as a result of misuse, such damage. If a key breaks off in a lock, the employee should not take the broken part out of the lock. The broken pieces should not be thrown away. The employee must notify the Administration Office immediately.

4.19c Surveillance

- Mescalero Apache School is under video surveillance at all times. MAS shall post notices at various places, including main entrances, notifying visitors of the existence of video surveillance. Entry onto MAS property constitutes consent to video surveillance.
- Due to the confidentiality of students and staff, video surveillance will only be viewed by Security, Principals and the Superintendent. Recordings will not be viewed by non-MAS staff and/or distributed off MAS property unless approved by the MAS Board. However, the Superintendent may allow law enforcement and social services personnel to review recordings while on MAS premises and in connection to legitimate law enforcement or social services purposes.

4.20 Gifts

Employees shall not accept gifts of significant value from parents, students, or others. Acceptance of minor tokens of appreciation or affection may be accepted. Employees shall not give gifts to any student unless all similarly situated students receive or are offered the same gift for the same reason.

4.21 Solicitations

No employee shall use his or her position to influence parents or students to purchase books or other items, except for materials approved by the Superintendent for use in the classroom or in relation to an approved fundraiser. No other solicitations or sale of any items shall be made by employees during the work day.

4.22 Lesson Planning

Each teacher is required to make lesson plans for each school day on a weekly basis and, in the event of absence, to have such plans readily available for the substitute teacher. Lesson plans should be a guide for the organization of all educational activities. Plans should be flexible enough to take advantage of "teachable moments" without disregarding overall educational objectives. Lesson plans for each week should be prepared on the preceding Friday.

4.23 Student Discipline

4.23a General

MAS employees are authorized to institute certain disciplinary measures in accordance with the Student

Handbook. When discipline is instituted, each MAS employee shall not engage in unauthorized or inappropriate discipline of a student or corporal punishment in excess of, or contrary to, Board policy, and the employee shall:

- Control anger, de-escalate conflicts and confrontations, avoid losing his or her temper, and refrain from any form of excessive physical discipline or physical or verbal abuse of students;
- Refrain from using derogatory terms, offensive names or nicknames, or vulgar or profane language directed to, in the vicinity of, or when referring to students; employees shall avoid name-calling, racial epithets or racially-insensitive terms, crude anatomical references, racial, ethnic or sexual jokes or slurs, or offensive or pejorative verbal or non-verbal communication, signs or other physical gestures which are likely to elicit a negative response; and
- Decline to permit him- or her-self to be provoked into inappropriate behavior by a student.

4.23b Physical Intervention

Physical intervention shall be used only to restrain students actively engaged in or threatening physical violence or harm toward him- or her-self, other employees, or students; instances of such physical restraint shall be reported to the Superintendent as soon as practicable.

4.24 Employee Code of Conduct

4.24a General

MAS recognizes that there are standards of acceptable ethical behavior and professional conduct in education that are applicable to all professionally licensed MAS employees. However, such standards may not address all of the issues and concerns of MAS. The school setting requires that non licensed personnel also act professionally and ethically. Therefore, the following code of conduct applies to all employees and establishes standards and expectations for employee behavior.

4.24b General Conduct

MAS employees shall:

- Not make a false or misleading statement or fail to disclose a material fact in any application for employment or licensure;
- Not orally or in writing misrepresent his or her qualifications for an employment position or promotion;
- Not permit or assist persons that he or she knows to be unqualified in respect to their character, education, or employment history or make a false or misleading statement concerning the qualifications of anyone desiring MAS employment;
- Not knowingly make false or derogatory personal comments and/or, written statements publicly about another employee;
- Not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, or other item having monetary value whose market value exceeds \$100, excluding approved educational or employment-related awards, honoraria, plaques, trophies, and prizes;
- Avoid conduct connected with the performance of official duties that is improper, illegal or gives the appearance of being improper or illegal;
- Not engage in inappropriate displays of affection, even with consenting adults, while on MAS property, during school-sponsored activities or events off campus;
- Not use MAS property to conduct personal business or personal affairs while on duty; MAS facilities and property are only to be used for proper purposes related to legitimate MAS business;

- Not discriminate against any other employee, visitor, student or any other person on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;
- Not, with the intent to conceal or confuse a fact, change or alter any writing or encourage anyone else to change or alter any document in connection with:
 - Official duties or another employee's official duties;
 - Any standardized or non-standardized testing;
 - Any grant application or disclosure process; or
 - Any writing submitted to the New Mexico Department of Education related to initial or continued licensure, including endorsements;
- Not, with the intent to deceive, engage in any conduct or make any statement that would:
 - Breach the security or integrity of any standardized or non-standardized tests;
 - Ignore portions or the entirety of any standardized or non-standardized testing instructions; or
 - Assist students in obtaining services or benefits to which they do not qualify or are not entitled;
- Not, when on MAS property or off campus while representing the MAS or attending an MAS function, engage in abusive, indecent, profane, boisterous, disruptive, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace or interfere with or obstruct the lawful mission, processes, procedures or functions of **MAS**;
- Respond in a constructive and professional manner to directives, instructions or requests from supervisors; and
- Abide by all applicable laws and all other provisions of this Handbook.

4.24c As to Students

Each Employee shall:

- Serve as a constructive role models for students of MAS;
- Not discriminate or permit students within the employee's control, supervision or responsibility to discriminate against any other student, on the basis of race, color, national origin, ethnicity, sex, disability, religion, sexual orientation or serious medical condition;
- Avoid using his or her position as an MAS employee to exploit or unduly influence a student into engaging in an illegal act, immoral act, or any other behavior that would subject an employee or student to discipline for misconduct whether or not the student actually engages in the behavior;
- Fraternize with or tutor students outside school or school-sponsored activities in accordance with Board policies, if any, and only: 1) after written permission from the student's parent/legal guardian is obtained; and 2) at a place or time approved by MAS and/or the student's parent/guardian;
- Not give a gift to any one student unless all students situated similarly receive or are offered gifts of equal value for the same reason;
- Not lend a student money except in clear and occasional circumstances, such as instances in which a student may go without food or beverage or be unable to participate in an activity without such financial assistance, and shall report all such instances and the reason therefore to the employee's supervisor as soon as practicable after the instance;
- Not violate the sexual harassment policy contained herein;
- Not make any open displays of affection toward mostly-boys or mostly-girls;
- Offering or giving a ride to a student unless absolutely unavoidable and when another employee is present, such as instances in which a student has missed his or her usual transportation and is unable to make reasonable substitute arrangements, and shall report all such instances and the reason therefore to

the employee's supervisor as soon as practicable after the instance;

- Not engage in violent or threatening behavior toward students, regardless of provocation, except when required for the immediate defense from serious physical harm of the employee, another student, employee or other person on MAS property;
- Report any instance to the Superintendent where an employee reasonably suspects that another employee, student, or other person associated with MAS has engaged in inappropriate behavior toward a student at school or during any school-sponsored activity.

4.25 Employee Discipline

4.25a General

Adherence to this Handbook and the Student Handbook has a significant bearing on a MAS employee's competence, turpitude, and or the proper performance of his or her duties. Therefore, the failure to abide by or enforce any Section of this Handbook or the Student Handbook may constitute cause for disciplinary action up to and including termination. An employee's supervisor has the authority to and discretion in determining which disciplinary action to impose subject to the restrictions and limitations contained herein.

Where there is no specified disciplinary action listed in this Handbook. The following disciplinary action shall apply:

- 1st violation: A verbal warning will be issued to the staff member.
- 2nd violation: A written warning will be issued, documenting the violation. and further action may be considered if violations persist.
- 3rd , violation: The staff member will face a one-day suspension and/or be required to teach Friday School, depending on the severity and frequency of the violations.

Continued non-compliance may lead to further disciplinary actions up to and including termination. In the case of violations that endanger students, staff, or MAS property, then the above-listed progressive disciplinary actions may be foregone and the employee may be terminated immediately.

4.25b Termination and Demotion of Certain Employees

Each employee who has been employed with MAS for two (2) consecutive years or less may be terminated or demoted at any time without cause and shall not have the right to grieve the same.

Demotion occurs where an employee is moved to a different position that carries a lower level of responsibility and/or compensation than the employee's present position. An employee may be demoted when:

- The employee is placed in another position that pays a lower wage because the former position is eliminated;
- The supervisor determines the employee does not possess the necessary skills to render satisfactory performance of the job tasks or determines that there is a need for disciplinary action; and
- The employee voluntarily requests a transfer to another position with lower wages.

4.25c Eligibility for Re-Hire after Separation/Termination

MAS will consider terminated employees for rehire opportunities under the guidelines and conditions outlined below. A former employee is someone who has had a break in service from a regular position at MAS due to a voluntary or involuntary separation of employment.

- A former employee who leaves MAS employment voluntarily and in good standing may be considered for rehire any time after their separation.
- A former employee who left employment from MAS on an involuntary basis due to an attendance issue may be considered for rehire to a different vacant position after 30 days from date of termination. Employees who left because of a policy violation may be considered for rehire to a different vacant position after 90 days from the date of termination. Upon rehire these employees must complete a Performance Improvement Plan acknowledging their agreement to correct the performance or behavior issue from their previous employment.
- If an employee is terminated for theft, harassment, or any type of violence they will not be eligible for rehire.
- Any violation(s) that could impact the safety of a child will not be eligible for rehire. Performance, conduct, and previous exit information from prior employment will be considered for rehire.

A rehired employee is required to complete the entire pre-employment process including drug screening, background investigation, and new employee orientation or re-entry program.

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Section 5 Personnel, Hiring & Job Requirements

5.1 Personnel Files

All personnel files shall be kept confidential, subject to administrative access at the discretion of the Superintendent. However, all material placed in an employee's personnel file and originating within the school system shall be made available to the employee at his/her request for inspection. The inspection will take place in the Human Resources Office. Personnel files are not to be taken out of the Human Resources Office.

5.2 Personal Information

Employees shall report changes of name, address, telephone number, W-4 Form information, person to notify in case of emergency, etc., to the attention of the Human Resources Office immediately, as they occur.

Information pertaining to race, color, age, sex, or handicap is requested in order to comply with federal regulations, and is used for statistical purposes only. In no case will such information be used in a discriminatory manner.

5.3 Hiring

5.3a Authority to Hire

As provided to 1 Ordinance 15-06, the MAS Board alone has the authority to hire all MAS employees, temporary employees, and substitutes, including the Superintendent.

5.3b Internal Affairs

Internal transfers must be approved by the Board. Internal transfers must comply with the Tribal Preference. For example, where there are two employees, who meet the minimum qualifications for a vacant position, only one of the employees is a Tribal member, and there is a recommendation to transfer an employee instead of posting the vacancy, to the Board will transfer the Tribal member employee unless the Tribal member employee waives the Tribal Preference.

5.3c Posting of Job Announcements

The Human Resources Department shall be responsible- for developing and posting job announcements, for all vacant positions. All non-certified employee job announcements must be posted for at least two (2) weeks. Certified employee vacancies are to remain open until filled. All job announcements should be posted in at least two (2) public locations within the exterior boundaries of the Mescalero Apache Indian Reservation.

5.3d Interview Committee

Each Building Principal shall be responsible for establishing an interview committee to make hiring recommendations to the Board. At least one certified MAS employee must be on each committee. Otherwise, the Building Principal shall exercise his or her discretion in designating employees to serve on the Committee at the beginning of each school year.

5.3e Tribal Preference

In accordance with Mescalero Apache Tribal Ordinance 06-02, as revised by Ordinance 17-03 (the "Tribal Preference law"). MAS will apply the following preferences in hiring. MAS shall hire a Tribal member that meets the minimum qualifications for a position regardless of whether other candidates for a position are more qualified. Where there are no qualified Tribal members, then MAS must hire any qualified Tribal affiliate, as defined by the Tribal Preference law, and then, any qualified member of a federally recognized

Indian tribe. If there is no Tribal member, Tribal affiliate, or other Indian, then MAS shall hire the most qualified candidate.

5.3f Presentation of Recommendation to the Board

The Superintendent shall present the committee's recommendation to the Board. The recommendation should indicate the members of the Board and the Tribal member, Tribal affiliate; Indian, or other status of all candidates. The Board shall be provided a copy of the job announcement and the recommended candidate's application and resume. In the case of substitutes, the Superintendent shall present the list of proposed substitutes to the Board for approval prior to substitutes being employed. Any changes to the substitute list must also be presented to the Board for prior approval.

5.3g Probationary Period

All newly hired Non-Certified staff will be placed on either a 60-day or 90-day probationary period depending on months of employment; such as 60-day probation for 9 & 10- month employees and 90-day probation for 11 & 12-month employees.

While an employee is on probation:

- Only leave without pay may be used;
- No Holiday pay will be granted;
- Substitute pay rates established by the Board will be used.

After the probationary period has ended, the individual will be properly placed on the pay schedule according to years of experience and the number of verified college hours obtained and a formal contract will be generated. Leave and benefits will be available. No back pay will be paid at any time for any reason.

5.4 Background Investigations

5.4a Applications for Employment

An applicant recommended for employment is required to undergo a background investigation to determine the minimum standards of character for employment and suitability for working in a school setting.

5.4b Employees

Employees in a position which requires regular contact with or control over children may be subject to periodic background investigations. A new background check will be conducted on all existing employees every two (2) years.

5.4c Substitutes, Volunteers & Others with Regular Contact or Control Over Students

Each substitute, volunteer or other person associated with MAS (such as a chaperone, visitor, or guest speakers), who has regular contact or control over students must comply with those rules governing visitors in the MAS Student Handbook. In addition, the volunteer or other person must submit to a background investigation.

5.4d Pending Background Investigations & Line of Sight Supervision

In the case that a background investigation is pending, the applicant, volunteer, or other person must be in the presence of a current MAS employee, who has a complete background check on file at all times until the pending background investigation is complete. Where a background check is pending, a current MAS

employee must exercise line of sight supervision over the applicant, volunteer or other person at all times when in the presence of students. Where the applicant, volunteer, or other person at all times when in the presence of students. Where the applicant, volunteer or other person does not have a favorable background check, then he or she shall be terminated or no longer allowed to have regular contact or control over students. (Whether a MAS employee is present or not.)

5.4e Arrests of Employees

An employee who is arrested or charged with a crime, regardless of the nature of the crime or the location of the arrest or charge, must report such an incident in writing to Human Resources with-in seventy-two (72) hours of the incident. Traffic citations (with the exception of driving under the influence/driving while intoxicated, reckless driving, driving without a license due to a revoked license, and other more serious offenses) do not have to be reported. The failure to report an arrest or charge in a timely manner is grounds for dismissal.

An employee who is arrested or charged with a crime may be suspended and such suspension may continue until final disposition of the case against him or her.

5.4f Adjudication Based on Final Court Disposition or Certified Document from Court (Employees, Applicants, and Volunteers)

1. Purpose

The purpose of this policy is to define the procedures MAS will follow when adjudicating the hiring of employees, allowing volunteer work, or terminating or retaining current employees or volunteers based on the final disposition or certified documentation from a criminal court proceeding.

2. Policy Statement

MAS will issue adjudications based on the final disposition or certified document from a court of competent jurisdiction only. MAS will not consider information or documents that fail to meet the requirements listed in this policy.

3. Scope

This policy applies to:

- All current and prospective employees (including full-time, part-time, contracted, or temporary staff)
- All current and prospective volunteer staff (including unpaid positions such as coaches, mentors, or program aides)

4. Definitions

- Final Disposition: The official and final written order by a court, which includes detail as to the outcome or a criminal proceeding, such as conviction, acquittal, dismissal, plea agreement and sentencing that is signed by the presiding judge, dated, and officially filed with the respective court.
- Certified Document from Court: A formal document provided by the court, signed

and dated by court staff authorized by the court to certify the document that is provided to the HR-adjudicator.

- Adjudicate: To render a formal judgment or decision as to hiring an employee, allowing volunteer work, or terminating or retaining employees or volunteers following a criminal proceeding against a prospective or current employee or volunteer.

5. Procedures

a. If an employee, applicant, or volunteer staff members are involved in criminal proceedings, Mescalero Apache Schools will obtain official documentation of the same, which may include a final disposition or a certified document from the court.

b. No hiring, employment, or volunteer decisions will be finalized until the final disposition or certified court document is received, except as provided herein. MAS may place a current employee or volunteer on suspension pending the outcome of the legal proceedings as provided at Section 5e herein. In addition, where a court notifies MAS that a final disposition or other certified court document cannot be provided. After consideration of the seriousness of the alleged criminal offense and whether or not there is potential danger to students, then MAS may assume that the employee, applicant, or volunteer staff was not involved in criminal proceedings with that court.

c. Upon receipt of the final disposition or certified court document:

- The Human Resources Department will review the case in consultation with legal counsel, if necessary, and otherwise adjudicate each case in compliance with applicable laws and school policies.
- A written notice of the decision will be communicated to the individual involved, and the decision will be documented and securely filed.

6. Confidentiality

All documentation and decisions under this policy will be handled confidentially in accordance with applicable federal and tribal laws, including FERPA, HIPPA, and privacy regulations related to employment.

7. Appeals Process

Prospective employees or volunteers who receive an adverse adjudication may file a written appeal in writing to the MAS Board within ten (10) business days of receiving notice of the adjudication. Current employees or volunteers who receive an adverse decision shall file a grievance under Chapter 13 of this Handbook.

8. Policy Review

This policy will be reviewed annually or updated as needed to remain in compliance with tribal and federal laws.

5.5 Requirements for Certain Positions

5.5a Teacher Assistants

Teacher assistants must possess or actively pursue an associate's degree in education/early childhood or a

teaching assistant certification through the New Mexico Public Education Department. MAS strongly recommends that teacher assistants pursue both a degree and certification. Documentation must be submitted at regular intervals to the Human Resources Office to show progress towards a degree or certification.

5.5b Apache Language Teachers

Apache language teachers must obtain an Apache Language licensure through the Apache Language Licensure Committee within one year from the date of hire. Documentation must be submitted at regular intervals to the Human Resources Office to show progress toward licensure.

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Section 6 Evaluation of Instructional Programs & Employees

6.1 General

MAS continually strives for excellence in the quality of the education it provides to students. In order to assess the effectiveness of its efforts, MAS believes that it is necessary to regularly evaluate its instructional programs and its employees.

6.2 Evaluation of Instructional Programs

The instructional programs of MAS shall be regularly evaluated and periodic reports shall be provided to the MAS Board by the Superintendent. Evaluations by outside agencies shall be obtained only under exceptional circumstances in the discretion of the MAS Board.

6.3 Evaluations of Employees

Procedures and standards for evaluations, to supplement those contained herein, shall be developed and adopted by the Superintendent with the consent of the MAS Board. Directors and supervisors that supervise more than 2 employees will complete evaluation on those employees. The athletic director must complete evaluation of head coaches within 2 weeks of the season ending.

6.3a Administrators

In line with the existing practice of continuous evaluations of all aspects of the total educational program, including student progress, personnel, curriculum, and facilities, the Superintendent will ensure that a formal process of evaluating all administrators is conducted annually for the improvement of the quality of the educational program.

6.3b Superintendent

The MAS Board will conduct an evaluation of the Superintendent twice (2X) each year. In the fall, the MAS Board will consult with the Superintendent and identify a reasonable number of goals for accomplishment by the Superintendent during the upcoming school year. The MAS Board's spring evaluation of the Superintendent shall include an assessment of the extent of the accomplishment of the goals.

6.3c Teachers

Newly hired teachers, regardless of Level, will be evaluated two times (2X) within the first year of employment. Level I classroom teachers will be evaluated two times (2X) within the school year. Level II and Level III classroom teachers will be evaluated one time (1X) within the school year, unless the teacher is on a growth plan.

6.3d Non-Certified Employees

All teaching assistants and other non-certified employees shall be evaluated at least once (1X) annually.

6.3e Employee Growth Plan

An employee that is on a growth plan due to disciplinary issues may be subject to more frequent evaluations.

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Section 7 Employee Attendance & Leave

7.1 Clocking In & Out

In order for time and attendance to be recorded properly, all employees, regardless of whether full-time or part-time, must clock-in upon reporting to work and clock-out when leaving work. If a non-exempt employee forgets to clock-in or -out, then he or she must notify his or her immediate supervisor as soon as possible to correct the error. Repeatedly forgetting to clock-in or -out may result in disciplinary action. Clocking-in or -out for another non-exempt employee is considered to be falsification of records and/or theft and may result in disciplinary action. Contracted reporting times coincides with department policies and procedures.

7.2 Employee Absences

7.2a Anticipated Absence

In the event of an anticipated absence, an employee shall notify his or her immediate supervisor no later than twenty-four (24) hours prior to the absence. A Request for Leave form must be submitted in connection with all absences from work. Absences that fall on Monday or Thursdays need prior approval from the Superintendent at least one (1) week prior to the absence.

7.2b Unanticipated Absence/Tardy

An unanticipated absence or tardy shall be reported by telephone to the employee's supervisor no later than thirty (30) minutes before reporting time. Where an employee's supervisor is not reachable, then the employee will contact the next higher employee in the chain of command. A Request for Leave form must be submitted for an unanticipated absence/tardy immediately upon the employee's return to work. Failure to provide notice, as specified herein, may result in disciplinary action. The employee must make the call himself/herself. In the event that an employee is incapacitated, the next of kin may call.

7.2c Teacher Absences

Teachers who will be absent shall leave their Substitute Teacher's Plan Binder and student roster in an easily accessible location. Teachers are required to have at least two (2) days of usable relevant lesson plans prepared for a substitute at all times. Failure to have adequate lesson plans prepared for a substitute may result in disciplinary action.

7.3 Mandatory Attendance for Certain Days

Attendance on professional development days, during culture week, and for parent- teacher conference days is mandatory. Each employee must attend work the day before and the day after a holiday unless the employee has obtained prior approval from the Superintendent at least one (1) week prior to the subject holiday.

7.4 Violations

All tardies and absences detract from the teaching/learning environment. Chronic absenteeism especially has serious negative consequences on the operations of MAS. Therefore, all MAS employees are expected to be on MAS property and ready to work on time.

Repeated tardiness and absences without prior notice or which are otherwise unauthorized shall result

in graduated discipline as follows:

- 1st Violation: The employee's supervisor will issue a letter of warning to the employee.
- 2nd Violation: The employee will be placed on three (3) days of suspension without pay. Where an employee is salaried and under contract and the contract provides for the following in the case of repeated absences and tardiness, then: 1) the employee's salary shall be reduced to account for the absence or tardy; or 2) the employee may be required to take general leave for such tardy or absence.
- 3rd Violation: The employee may be terminated.

In addition to the above-listed disciplinary actions. The attendance record of each staff member will be considered when considering whether to rehire such employees for a subsequent school year.

7.5 Job Abandonment

The following is considered job abandonment and grounds for termination:

- No-Call/No-Show - any employee that is absent for a period of two (2) consecutive working days without prior notice; or
- Walking-Out - any employee "walking-out" of a job assignment or a crucial meeting before he or she has been dismissed except in the case of an emergency (employee must provide documentation as soon as possible after the emergency).

7.6 Leave Records

The employee's supervisor and the Payroll Office shall keep leave records concurrently.

7.7 General Leave

7.7a General

Each returning employee will be credited at the beginning of each year with general leave, in the respective amount listed below, to be used for illness and personal business. Employees will accrue leave after the probationary period is completed.

7.7b Prior Approval

Leave, except for where there is an unexpected illness or some other reason outside of the employee's control, must be requested in advance.

7.7c Discretion to Approve

Leave will be granted at the discretion of the employee's immediate supervisor. The supervisor may request that the employee disclose the reason for the leave. The supervisor will consider the reason for the request, the attendance record of the employee, the cost for finding a substitute (if needed), and overall staffing needs. Where an employee requests leave for three (3) or more consecutive days due to illness, then the supervisor may request a doctor's note. Where an employee's attendance record is poor, then the supervisor may request a doctor's note for requests for leave of less than three (3) days. All general leave must be exhausted before leave without pay can be rendered; except when being compensated by another Tribal entity.

7.7d Amount of General Leave

The amount of general leave is based on the number of months the employee is expected to work or is

contracted to work:

- Nine (9) month employees 9 days or 81 hours of general leave
- Ten (10) month employees 10 days or 90 hours of general leave
- Eleven (11) month employees 11 days or 99 hours of general leave
- Twelve (12) month employees 12 days or 108 hours of general leave

An employee who is hired after the beginning of the school year will receive a pro-rated amount of leave.

7.7e Accumulation of Unused Leave

Unused leave may carry over from year to year provided that unused leave cannot exceed two hundred and seventy (270) hours. Unused leave over this cap will be forfeited by the employee. No more than twenty (270) hours of unused leave will be paid when an employee is terminated, resigns, or retires prior to the end of any given school year or is not rehired for the following school year.

7.8 Leave Bank

7.8a Limitation on Use

An employee or an employee that is the primary caretaker for an immediate family member suffering from a catastrophic health or medical problem involving hospitalization, such as problematic pregnancy, major debilitating illness or injury, or other life-threatening emergencies, but who lacks adequate general leave, may request general leave from the Leave Bank. Any employee needing additional hours beyond that allotted for maternity leave is not eligible for hours from the Bank. The Bank cannot be used for routine absences.

7.8b Eligibility

Only employees who have completed their probationary period are eligible to use leave from the Bank. An employee must exhaust any and all accrued general leave prior to making a request for leave from the Bank.

An employee is eligible to request Leave Bank hours for the current year if he or she has donated a minimum of nine (9) hours of leave for the current year. Employees may make donations at any time. An employee will become eligible to request leave from the Bank eight (8) weeks after the date of his or her donation.

7.8c Request & Approval

When requesting hours from the Bank, the employee must submit a letter to the Leave Bank Committee. The Committee will be composed of three (3) members; one member shall be a certified employee and the other two members shall represent each building. The letter must state the number of hours needed and the reason for the request. Documentation from the employee's or the employee's immediate family member's licensed physician must be attached to the letter. An employee may receive up to ten (10) days or eighty (80) hours of general leave from the Bank. The Committee will review the letter and documentation. The Committee will then provide the staff member and Administration with a letter within one-week stating whether the request is granted or denied.

7.8d Shortages & Records

If there happens to be a shortage of hours in the Bank, the Leave Bank Committee will notify all employees that there is a shortage and encourage donations. Administration will be in charge of

keeping track of the employee donors and the total number of hours in the Bank.

7.9 General Leave Donations

Employees may request general leave donations from other employees, Donations may only be made for the same reasons listed above for the Leave Bank. An employee wishing to donate leave to another employee will submit a letter stating the same to the Administration. An employee may only receive up to ten (10) days or eighty (80) hours of donated leave. Supervisors may donate leave to employees. Employees cannot donate leave to supervisors.

7.10 Subpoenaed Leave/Jury Duty

An employee subpoenaed as a witness in court, or appearing as a witness for the MAS Board without a subpoena, or summoned for jury duty, shall be granted paid leave for such absence. However, any amount received as a witness fee or jury fee must be reimbursed to MAS; except that an employee may retain any fee paid for travel and need allowance.

7.10a Parties to a Lawsuit

An employee who is the party to a lawsuit or a defendant in a criminal case will not be granted leave under this Section and instead, must use their general leave.

7.11 Professional Leave

Employees may request leave to attend workshops, conventions, conferences, and/or meetings in which the content will contribute to and enhance employees' professional development. Such leave shall be paid. A report to other employees will be required from each employee attending any such conference or meeting.

All requests for professional leave must be submitted to the Superintendent for approval or disapproval at least five (5) working days in advance. Each such request shall describe the agenda and content of the conference or meeting and state how: the conference or meeting will contribute to the employee's professional development. The employees must attach descriptive literature from the sponsors of the conference or meeting to the request.

7.12 Maternity Leave

The employee can take maternity leave as early as six (6) months of pregnancy or upon the baby's birth provided that the employee submits to the Superintendent: 1) a written request for such leave and 2) documentation of the pregnancy from a qualified medical provider. A pregnant employee shall be allowed to use accrued PTO for absences related to pregnancy before and after childbirth. When accrued PTO has been depleted the pregnant employee may take maternity leave without pay for up to six (6) weeks. Any employee needing additional hours beyond the allotted time for maternity leave can request hours from the PTO Bank. In addition, FMLA can be requested by any employee after all other leave has been exhausted.

7.13 Bereavement Leave

A maximum of three (3) working days of paid leave shall be given to an employee upon death of a member of his or her immediate family. A member of an immediate family shall include the employee's husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-

law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, nephew, niece, and grandparent, or grandchild.

The Superintendent may grant additional days of bereavement leave for travel emergencies outside the control of the employee and related to the death of an immediate family member or for the employee's participation in planning funeral arrangements.

Each employee is entitled to two (2) hours of paid leave to attend a funeral in the community. An employee wishing to take more than two (2) hours to attend a funeral may use general leave or request leave without pay.

7.14 Holiday Pay

Each employee, who would otherwise be required to work, is entitled to holiday pay on the below Federal and tribally-recognized holidays:

· New Year's Day	January 1 st
· Martin Luther King Day	January, date as announced
· Tribal Inauguration Day	January, 2 nd Friday
· President's Day	February, date as announced
· Honoring Chiricahua POWs	April, 1 st Friday
· Memorial Day	May, last Monday
· Juneteenth	June 19 th
· July 4 th Ceremonial	July 4 (plus other days as announced by the Tribe)
· Labor Day	September, 1 st Monday
· Veteran's Day	November, date as announced
· Thanksgiving Day	November, 4 th Thursday
· Indigenous Americans Day	Day after Thanksgiving
· Christmas	December 25 th

Holiday pay is paid at a rate equal to the employee's hourly wage.

7.15 Administrative Leave

Administrative leave may be granted to an employee by and shall be with or without pay at the discretion of the President of the Mescalero Apache Tribe. In addition, administrative leave may be granted by the Superintendent for educational purposes, absence from work due to extreme weather conditions, disasters such as floods, or fires, or other natural phenomena which prevents an employee from working or reporting to work, participation in the Tribe's religious ceremonies, or other reasons. The employee shall complete and submit a request for administrative leave form to the Superintendent.

7.16 Family Medical Leave Act

Eligible employees may take up to twelve (12) weeks of unpaid, job-protected leave per twelve (12) month period. Each twelve (12) month period begins the first day that the employee uses such leave. There is no carryover of unused leave from one twelve (12) month period to the next twelve (12) month period. Employees may take family medical leave intermittently, in blocks of time or by reducing their normal weekly or daily work schedule.

Family medical leave is permitted for the birth of the employee's child, or placement of a child with the employee for adoption or foster care, to care for the employee's spouse, child, or parent who has a serious health condition, or for a serious health condition that makes the employee unable to perform his/her job.

7.16a Eligibility

Employees, who have been employed by MAS for at least one (1) year and worked at least 1,250 hours during the previous twelve (12) months, are eligible for family medical leave. Eligible employees should contact the Human Resources Director for the appropriate forms.

7.16b Notice of Documentation

The following procedures shall apply when requests for medical leave are made. If the event necessitating the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must provide advance notice of at least thirty (30) days before the leave is to begin. The employee must consult with MAS regarding the scheduling of any planned medical treatment or supervision of medical treatment so as to minimize the disruption to the operations of MAS. Any such scheduling is subject to documentation of the health care provider for the employee, or the health care provider of the employee's child, parent, or spouse.

If thirty (30) days' notice is not possible, notice must be given as soon as practicable. MAS will require that the employee provides certification as explained below within three (3) days of the employee's request for extended medical leave, unless it is not practicable for the employee to do so. MAS may require re-certification from the health care provider if additional leave is required. If the leave is needed to care for a sick child, spouse, or parent, the employee must provide certification from the health care provider, which states:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time the health care provider will provide care;
- Confirmation that the serious health condition warrants the participation of the employee.

7.16c Limitations where Birth, Adoption or Foster Care

In cases where both parents are employed by MAS and the leave requested is for the birth, adoption or foster care of a child, MAS will not grant more than twelve (12) weeks total of family medical leave.

7.16d Benefits while on Leave

An employee taking family medical leave will be allowed to continue participating in the health and welfare benefit plans in which he/she was enrolled before the first day of the leave for up to a maximum of twelve (12) weeks, at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave.

MAS will continue to make the same premium contribution as if the employee had continued working. The employee must pay his/her share of the monthly premium. Such payment will be due the first payday he/she does not have a deduction and then on the first day of the month. MAS may recover premiums paid

to maintain health coverage for an employee who fails to return to work following family medical leave.

7.16e Reinstatement after Leave

Under most circumstances, upon return from family medical leave, an employee will be reinstated to his/her original or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. That is, if an employee on family medical leave would have been laid off had he/she not been on leave, or if the employee's job has been eliminated during the leave and there is no equivalent or comparable job available, then the employee will not be entitled to reinstatement.

7.16f Fitness to Work

An employee returning from medical leave due to a serious health condition, hospitalization, and/or surgery must provide a full doctor's release.

7.16g General Leave & Family Medical Leave

An employee must use all of his or her general leave at the beginning of his/her family medical leave until it is completely diminished.

7.17 Employees Acting in the Capacity of Parents

During the workday or an MAS activity, on- or off MAS premises, an employee who tends to the needs of his or her child instead of tending to his or her regular duties must take leave for that period of time that he or she is acting in the capacity of a parent.

7.18 Leave Without Pay

If an employee has exhausted all paid leave, including leave from the Leave Bank, and unpaid family medical leave, or does not qualify for family medical leave, then the employee may request Leave Without Pay (LWOP).

A committee consisting of the principal, business office representative, and a teacher will review requests for LWOP. If the reasons are valid, documented, and exceptional, then the committee may approve LWOP up to forty (40) hours for an employee in a single school year. LWOP must be requested at least two (2) weeks prior to the prospective leave except upon unforeseeable, emergency situations.

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Section 8 Employee Pay

8.1 Pay Checks

Pay checks shall be issued on a schedule of twenty-six (26) paydays for all employees. A schedule will be posted at the beginning of each year.

Any employees who resign or are terminated during the school year or at the end of his or her contract shall receive his/her final check when all MAS property has been returned and all required paperwork has been completed.

8.2 Salary Schedules

8.2a Types of Schedules

A number of different salary schedules, that vary depending on the type of employee and whether employees are certified versus non-certified, will be approved by the MAS Board. The Board will review the same and make adjustments based on market or budget considerations on a yearly basis.

8.2b Procedures for Schedule Use

The following procedures shall apply:

- Vertical movement on each schedule will involve the movement of one vertical step each year of verified experience. For certified staff, only years of experience at an accredited K-12 school where the employee was certified will count toward vertical movement. In order to count as one year of experience, the respective employee must have worked full-time for at least six (6) months of that year.
- MAS encourages all employees to become more skilled in his or her area and to obtain higher certifications. Therefore, horizontal movement will be allowed, at the discretion of the Superintendent, under the following restrictions:
 - Classes taken must be related to the individual's assignment or to MAS goals; and
 - The Superintendent must approve courses in advance.
 - Official transcripts submitted to the Human Resources office.
 - Obtains next level of certification issued from New Mexico Public Education Department.
- At no time will an individual be allowed to progress more than one vertical step or two horizontal columns per contract year.
- New certified staff may transfer a maximum of ten (10) years of verified K-12 state accredited school experience.
- Each existing employee may qualify to move up his or her schedule as he or she gains experience at MAS. Each such employee, if he or she believes that he or she should move up a step on his or her respective schedule the following school year, must submit a written statement to the Superintendent by June 1st requesting the same.
- Documentation used to justify a move on a schedule must be submitted to the Human Resource Office by October 15th of the respective school year.
- Each employee requesting to transfer experience or to move up on the schedule shall list:
 - The number of years of NCA or state accredited school experience;
 - The specific grade levels of state accredited school experience; and
 - The specific location of the state accredited school experience.
- The Board reserves the right to make the final determination as to whether movement on a schedule

will be granted.

- An employee may receive pay, in addition to his or her prescribed salary, for services provided as a coach or sponsor for student extracurricular activities where there is funding to pay for such services and MAS has approved payment.
- The employee must prove that he or she has obtained the next level of certification by the New Mexico Public Education Department.
- Newly hired certified teachers who currently have a valid teaching license from a state other than New Mexico must obtain a valid New Mexico Teaching License issued through the New Mexico Public Education Department within one (1) year from the date of hire.

8.3 Substitute Teachers' Pay

Substitute pay shall coincide with annually approved salary schedules.

8.4 Overtime Pay

8.4a Certain Employees Only

An employee, depending on the nature of his or her duties, may be entitled to overtime pay regardless of whether the same are paid hourly or on a salary basis. The Human Resources Director will inform supervisors of which employees must be paid overtime in the case that they work over forty (40) hours in one work week. A work week is seven (7) days.

8.4b Prior Approval Required

A supervisor will not require that an employee, who is identified by the Human Resources Director as described above, work more than forty (40) hours without first providing that employee with written authorization to do so. An employee that does not receive prior written authorization may be subject to discipline. Overtime may be authorized after it occurs in the case of an emergency situation provided that the employee submits a written explanation of the emergency and other supporting documentation as requested.

8.4c Rate of Overtime Pay

Overtime shall be paid at a rate of one and one-half times (1.5X) the employee's hourly wage (or what would be his or her hourly wage if he or she was salaried).

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Section 9 Employee Travel & MAS Vehicle Use

9.1 Employee Travel

9.1a Travel Compensation

Hourly employees will be compensated for all time actually spent in training. In addition, hourly employees will be compensated for travel time spent during what would have been regular working hours, regardless of the day of the week the travel takes place. For example, if an employee normally worked Monday-Friday from 8:00 a.m. to 4:30 p.m. and he or she must travel on Sunday, then he or she would be entitled to compensation for travel between the hours of 8:00 a.m. and 4:30 p.m. If that same employee were to travel from 3:00 p.m. to 6:00 p.m., then he or she would be entitled to compensation for 3:00 p.m. to 4:30 p.m. Time spent traveling to an airport or train terminal is not compensable. However, time spent at an airport or train terminal waiting for a flight is compensable.

Salaried employees will be paid their usual salary.

9.1b Timing & Approval

Travel requests must be submitted at least twenty (20) days prior to travel. In-state travel requires prior Superintendent approval. All out-of-state travel requires prior approval by the MAS Board. However, there are emergency circumstances that may require travel without notice. Such travel requests must explain the emergency circumstances and the value of such travel to MAS in detail.

9.1c Travel Advances & Reimbursements

Because travel requests are submitted well before the travel occurs, in the vast majority of cases, travel expenses will be paid through a travel advance. Travel advances allow MAS to ensure that travel expenses are reasonable and in compliance with this Employee Handbook before such expenses are paid.

However, in emergency circumstances travel may be paid by reimbursement. In addition, some travel expenses are unknown prior to travel and such expenses must be paid on a reimbursement basis. For example, Uber, taxi, luggage, and parking fees are often unknown prior to travel.

9.1d Reimbursements of Request

Travel requests must be completed by the employee requesting travel. All supporting documentation of the need and details for the travel must be attached.

9.1e Review by Business Office

The Business Office will review the MAS budget to determine if there is sufficient money to cover the requested travel. If not, the travel request will be denied. Travel requests will be denied if previous travel expenses are not closed out. The Business Office will review per diem and other amounts to ensure accuracy and allowable expenses. Only Coach Class for commercial flights will be approved.

9.1f Hotel Reservations & Air Travel

Each employee is responsible for arranging hotel accommodations because most hotels require the use of a credit card listing the name of the individual to be renting the room and also reserve the room. MAS will arrange for a Board member's hotel accommodations where the Superintendent will also be on travel. Employees and Board members should consider the per diem rates that will be paid when making such

reservations. The employee must submit evidence of the room rate and all applicable taxes (this can be evidenced with a “reservation confirmation”).

Travel by air will be arranged by the Business Office.

9.1g Original Receipts

Upon return from travel, the employee must submit the original hotel, cabs, shuttles, parking, rental vehicles, luggage receipts and unused mileage dollars for gas purchase and an original signed attendance sheet or certificate of attendance at the conference, training or special.

9.1h Rate of Per Diem and Reasonableness Standard

Per Diem rates for meals, lodging and miscellaneous expenses (including taxi rentals where travel by taxi is necessary) shall be at the same rates established by the Government Services Administration (GSA).

An employee should strive to keep travel expenses as close to GSA per diem rates as possible. MAS will not pay a travel advance/reimbursement of more than the actual hotel rate where the actual hotel rate is less than the per diem rate. For example, where the per diem rate is \$120.00 per night but the hotel rate is only \$90.00 per night, then the employee will only receive a travel advance/reimbursement equal to \$90.00. In addition, MAS will not advance or reimburse more than the per diem rate where the actual hotel rate is greater than the per diem rate except as allowed by Internal Revenue Service (IRS) rules. For example, where the per diem rate is \$120.00 per night but the hotel rate is \$150.00 per night and the circumstances do not comply with an IRS exception, then the employee will only receive a travel advance/reimbursement equal to \$120.00 per night and the employee must pay the additional \$30.00 per night at his or her own personal expense.

Where there is no per diem rate, then the expenses must be reasonable. For example, where an employee must use an Uber while on travel, then the employee must use a standard Uber vehicle, not a more expensive Uber vehicle option. In addition, where travel would only require one suitcase, then an employee who is flying can only seek reimbursement for one checked baggage fee.

Upon review, if it becomes clear to the Business Office that two (2) or more employees shared a room after receiving per diem for separate rooms, then the employees must reimburse the Business Office for that part of their travel advance that accounted for lodging. In addition, where a meal is provided by the conference organizer or otherwise paid by someone other than the employee, then the employee must return his or her per diem for that meal.

9.1i Cancellations & Reimbursements

An employee shall reimburse MAS for any per diem paid to the employee in relation to travel where the employee voluntarily cancels travel. The employee will make every effort to obtain refunds for airplane tickets, hotel rooms, registration and other fees, etc. paid in relation to the cancelled travel. The Superintendent, in his or her discretion, may require that the employee pay the cost of cancelled airplane tickets, hotel rooms, registration and other fees, etc. Such reimbursement shall be made within thirty (30) days of the cancellation. Where an employee fails to reimburse MAS within that time period, the employee's pay may be withheld at the discretion of the Superintendent.

9.1j Mileage for Personal Vehicle Use

Reimbursement for personal vehicle use will be made when:

- No MAS vehicles are available for use;
- Travel and the use of a private vehicle are authorized by the employee's supervisor; and
- The employee has provided his/her supervisor with proof of current liability insurance.

Mileage will be reimbursed at the current applicable GSA mileage reimbursement rate for both in and out-of-state travel. If a traveler chooses to use his or her personal vehicle to an out- of-state destination, where air travel is an option, the traveler will be provided mileage up to the cost of an airline ticket. Travelers must carpool to the greatest degree possible.

9.2 MAS Vehicle Use

9.2a Approval of Drivers & Drivers List

Only licensed employees will be authorized to use an MAS vehicle. The Transportation Director will keep a list of approved drivers.

9.2b Restrictions on Use

Drivers of MAS vehicles must obey all traffic laws at all times. Drivers must operate MAS vehicles in a safe and responsible manner. Use must be limited to official MAS business only.

9.2c Requests for Use & Approval

Where an employee wishes to use a MAS vehicle:

- He or she must submit a vehicle travel form to his or her immediate supervisor for approval;
- His or her supervisor will submit the vehicle travel forms to the Transportation Director;
- The supervisor will be notified when a vehicle is available for use and the key is ready to be picked up; and
- After use, the key will be returned to the Transportation Director upon return along with a completed vehicle usage form.

9.2d Suspension or Revocation of Privilege

Where an employee damages a vehicle due to negligence or the employee is issued a traffic violation, the Superintendent may suspend or revoke an employee's vehicle privileges. The Superintendent will notify the Transportation Director and the employee will be removed from the drivers list. The Superintendent will have the ability to impose more serious disciplinary actions on a case by case basis. An employee whose driver's license has been revoked or suspended for DUI or DWI related offenses will not be allowed to operate any MAS vehicle until he or she is able to obtain a valid unconditional driver's license or for a period of five (5) years from the date of his or her conviction whichever occurs later.

9.2e Prohibition on Cell Phone & Tobacco Products

The use of a cell phone is not permitted at any time while driving. The use of tobacco products is not allowed in MAS vehicles at any time.

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Section 10 Employees Substance Abuse

10.1 General

The prevention of substance abuse in the workplace is necessary to a safe and efficient school environment. Accordingly, possessing, using, distributing, or being under the influence of drugs or alcohol, and possessing, using, or distributing drug paraphernalia, while on MAS property and while on school business is strictly prohibited.

10.2 Prescription Drugs

If an employee is properly using drugs pursuant to an authorized prescription or properly using an over-the-counter drug, and such use may affect or impair such employee's performance of his or her job duties, such employee shall report such use to his or her supervisor. In appropriate cases, the supervisor may limit, modify, or suspend the employee's duties during the time he or she is using the drug, but such use shall not be considered a violation of this policy.

10.2a Medical Marijuana

Pursuant to federal and Tribal law, prescription medical marijuana is strictly prohibited.

10.3 Applicable Definitions

The following definitions apply to the Section:

- Alcohol means any liquor, wine, beer, or other beverage containing alcohol.
- Drug means any drug, including any illegal drug, marijuana, inhalant, legal prescription and over-the-counter drug that is used or possessed or distributed for unauthorized purposes, and counterfeit (look-alike) substances.
- Drug paraphernalia means equipment or apparatus designed for or used for the purpose of measuring, packaging, distributing, or facilitating the use of drugs.
- Substance abuse means the use of drugs or alcohol in violation of federal or Tribal law or in violation of this Handbook.

10.4 Reasonable Suspicion & Searches

MAS reserves the right to search employees' persons, including purses, briefcases, etc., when there is a reasonable suspicion that this Section has been violated by the employee to be searched. Reasonable suspicion may be based on an employee: exhibiting irrational and/or violent behavior, smelling of alcohol or odors associated with drug abuse, speaking with a slur, having dilated pupils, etc.

10.4a Personal Property

A pat down search of an employee may be conducted in private by an authorized MAS representative of the same sex as the employee, with a witness present, whenever such representative has a reasonable suspicion that such employee is in possession of illegal or unauthorized materials. The employee may be asked to remove outerwear such as a coat, jacket, sweater, etc., so that such may be searched, to turn out the pockets of remaining clothing, and to open and empty items such as purses, briefcases, etc.

10.4b MAS Property

Desks, lockers, and similar storage facilities are MAS property and remain at all times under the

control of MAS; however, employees are expected to assume full responsibility for the security of their lockers, desks, and similar facilities. Periodic general inspection of such facilities may be conducted by authorized MAS representatives for any reason, at any time, without notice and without consent.

Employees are permitted to park on MAS property as a matter of privilege. MAS retains the right to conduct routine patrols of parking lots and inspections of the exteriors of vehicles and so much of the interior as may be inspected from outside the vehicle. The interiors of vehicles on MAS property may be inspected whenever an authorized MAS representative has a reasonable suspicion that illegal or unauthorized materials are contained in such vehicles. Such patrols and inspections may be conducted without notice, without consent, and without a search warrant.

10.4c Drug Dogs

In any of the foregoing searches, MAS may utilize dogs, whose reliability and accuracy for detecting contraband has been established, to aid in the search for contraband on School property, and in vehicles present on MAS property. The dogs shall be accompanied by qualified and authorized trainers or handlers who will be responsible for the dogs' actions. An indication by the dog that contraband is present on MAS property or in a vehicle on MAS property shall be a reasonable cause for a further search by authorized MAS representatives.

10.5 Who Must Submit to Drug Tests

MAS reserves the right to require all applicants for employment, Board Members upon election to office, any randomly selected employee, Board Member and volunteers, or upon reasonable suspicion that an employee or Board Member is, or has been, impaired on the job, to submit to drug/alcohol testing. Contractors must have a drug testing policy and must provide a copy to MAS.

10.6 Random Testing

On the first day of each month, one number between 1 and 31 will be randomly selected for the date of the unannounced testing for that month. If that day falls on a weekend or a non-work day, an additional number will be drawn until a testing day has been determined.

Ten (10%) percent of the employees then eligible for testing shall be randomly selected to be tested. Employees and Board Members will be selected randomly on the testing dates. A random number generator will be used to determine which employees and Board Members are to be tested to ensure employees and Board Members have an equal chance of being selected on an unannounced basis for the testing. Employees and Board Members who are selected to be tested during one test period will be eligible for future tests and if selected may be tested in successive tests.

10.7 Certified Laboratory

All testing will be performed by a certified drug testing laboratory pursuant to contract. The testing laboratory chosen to conduct the testing shall be required to have detailed written procedures to assure proper chain of custody of the samples, proper laboratory control, and scientifically validated testing methods.

10.8 Refusal to Submit

A refusal to provide a sample, or the alteration or falsification of a specimen or test result, will be treated

as a basis for disqualification in the case of an applicant, and as grounds for discipline, including termination, in the case of an employee, and removal from the MAS Board by the Mescalero Apache Tribal Council in the case of a Board Member.

10.9 Positive Results

The testing laboratory will contact the Superintendent with the test results.

- If a test result is positive in the case of an applicant, the Superintendent or his/her designee will notify the applicant. A conference to discuss a positive test result may be scheduled at the request of the applicant.
- If a test result is positive in the case of an employee or Board Member, the Superintendent or his or her designee will contact the employee or Board Member and schedule a conference.

At the conference, the applicant, employee or Board Member may offer any explanation he or she may have for the positive result. The applicant, employee, or Board Member may provide any doctor's prescriptions of any medication that the applicant, employee, or Board Member was taking that might have affected the outcome of the test and may request that another test be conducted on the remaining portion of the urine sample.

10.10 Confidentiality

The confidentiality of all information obtained of applicants, employees, or Board Members will be maintained by MAS.

10.11 Violations

Employees found to have been in violation of this Section may be subject to discipline, including suspension and termination. In the case of Board Members, the President of the MAS Board or the superintendent will notify the Tribal President of a positive result as soon as possible. Board Members found to have been in violation of this policy may be subject to removal from the Board by the Mescalero Apache Tribal Council.

- 1st Violation: The employee's supervisor will issue a letter of warning to the employee;
- 2nd Violation: The employee will be placed on three (3) days suspension without pay;
- 3rd Violation: The employee will be terminated.

The Superintendent reserves the right to terminate an employee for a first violation under this policy in cases that are deemed by the Superintendent to be serious in nature given the specific circumstances involved.

10.12 Smoking by Staff Members

Smoking during school hours and on MAS property could cause health and safety hazards which may result in serious consequences for the smoker, non-smokers, and safety of the MAS. For the purposes herein, "smoking" shall mean all uses of tobacco except ceremonial uses preauthorized by the Superintendent. In order to protect students and staff from an environment that may be harmful, and because MAS cannot, even by omission, condone the use of tobacco because of its possible harm to the personal wellbeing, MAS prohibits smoking:

- In classrooms;
- On any MAS property;
- In any MAS buses or vehicles;
- In any classrooms, hallways, or instructional areas, and
- At any school sponsored activities, (i.e. games, dances, etc.) whether those activities occur on MAS property or not.

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Section 11 Sexual Harassment

11.1 General

MAS believes that sexual harassment, in all its forms, is a serious issue that severely impedes the ability of employees and students to feel safe and focus on the education of students. Therefore, sexual harassment is strictly prohibited.

This policy applies to all conduct during and related to the operation of MASD, school-sponsored activities, and other MAS official business. Student means any person who is enrolled and regularly attending MAS classes, including pre-kindergarten through high school, regardless of age.

In addition to this policy, MAS employees and students have rights under federal law which they may pursue at any time. MAS employees and students should contact the appropriate authorities for information as to their rights.

11.2 Definition of Sexual Harassment

Sexual harassment, whether committed by an employee or a student or the victim is an employee or student, may include, but is not limited to:

- Suggestive or obscene letters, notes, invitations; derogatory comments; slurs; jokes; epithets; assault; inappropriate touching; impeding or blocking movement; leering suggestive or obscene gestures; or display of sexually suggestive objects, pictures, or cartoons;
- Continuing to express sexual interest after being informed that the interest is unwelcome (reciprocal attraction between peers is not considered sexual harassment);
- In the case of employees, implying or withholding support for an appointment, promotion, or change of assignment; suggesting that a poor performance report will be prepared; suggesting that probation will be failed;
- Coercive sexual behavior used to control, influence or affect the career, salary, and/or-work environment of another employee or, the educational environment or achievements of a student;
- In the case of employees, offering or granting favors or employment benefits, such as promotions, favorable performance evaluations, favorable assignment, favorable duties or shifts, recommendations, reclassification, etc., -in exchange for sexual favors; and
- Permitting students within the control, supervision or responsibility of the employee to sexually harass any other student.

11.3 Sexual Harassment of Students

Sexual harassment can be perpetrated by an employee on a student. This type of sexual harassment is particularly pernicious. Sexual harassment of students by MAS employees includes, but is not limited to:

- Making any sexual advances, requests for sexual favors, repeated sexual references, and any name-calling by means of sexual references or references directed at gender-specific students;
 - Any other verbal or physical conduct of a physical nature with a student even where the employee believes the student consents or the student actually initiates the activity, and any display or distribution of sexually-oriented materials or information; and
 - Inappropriate contact with any student, whether or not on MAS property;
- Inappropriate touching includes, but is not limited to:

- All forms of sexual touching, sexual relations or romantic relations; or
- Inappropriate touching, including, but not limited, to any physical touching,
- Embracing, petting, hand-holding, or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex, and maturity of the student.

11.4 Reporting

Any employee who believes he or she has been subjected to sexual harassment, or who has reason to believe that another employee or a student may be a victim of sexual harassment, has the duty to immediately report the harassment to the Superintendent, or if the Superintendent is involved in the matter, to the President of the MAS Board. MAS encourages and expects students, whether victims or witnesses, to immediately report sexual harassment to any of the following MAS employees: a principal, a teacher, a guidance counselor, or the Superintendent. No person shall be required to report the harassment to the alleged perpetrator.

MAS employees should encourage any person making a verbal report to reduce the report in writing; however, when the person making the report does not wish to submit a written report, the employee receiving the verbal report must reduce the report to writing and it will still be investigated.

All reports must be communicated to the Superintendent or his or her designer within twenty-four (24) hours or within a reasonable time thereafter if there is good cause for not communicating the report earlier (as determined by the Board). Failure to comply with this reporting requirement could result in disciplinary action up to and including termination.

When a report is received, the Superintendent shall make a determination as to the validity of the allegation. Where the Superintendent is the subject of an allegation, then the Board shall consider the information obtained by the Board President and make a determination as to validity. The reporting party may appeal a determination of validity to the Board by presenting a written appeal to the Board President within twenty-four (24) hours of learning of the determination.

Nothing herein relieves a MAS employee, who is otherwise obligated under Tribal or federal law, from his or her duty to report suspected child abuse or neglect.

11.5 Investigation

All reports of sexual harassment shall be investigated and promptly resolved. Investigations must be initiated within forty-eight (48) hours of the receipt of the report. In the case that an employee/Superintendent is the alleged perpetrator, the employee/Superintendent alleged to have committed sexual harassment will be placed on unpaid Administrative Leave pending conclusion of the investigation. In the case that the student is the alleged perpetrator; the student will be placed on out-of-school suspension depending on the ability of MAS to separate the alleged perpetrator from the victim and the seriousness of the allegations.

The Superintendent shall designate at least two (2) MAS employees to receive training in sexual harassment investigations. Only employees who have received appropriate training will conduct investigations under this policy. The investigation must be concluded within two (2) weeks or within a reasonable time where there are circumstances that cannot be avoided which delay the investigation (as determined by the Board). The reporting party and/or the victim and the alleged harasser will have the opportunity during the investigation to present witnesses or other evidence with respect to the allegation

of harassment. Investigations should be conducted in a way that respects the privacy of all parties involved to the greatest extent possible.

The investigator will report his or her findings and recommendation in writing to the Superintendent/Board President. The Superintendent/Board President may ask questions or ask for additional information. When the investigation is complete, the Superintendent/Board President shall 1) either accept or deny the investigator's recommendations; or 2) if the investigator is unable to confirm or disprove the allegations, determine that the investigation is "undetermined/unsolved" in writing. Where the Superintendent/Board President denies the recommendations, then he or she explains the reasons for his or her denial. A copy of the Superintendent's/Board President's decision will be provided to the reporting party and the alleged perpetrator.

Either party may appeal the decision to the Board by providing a written appeal to the Board President within three (3) business days of the decision.

11.6 Discipline & Other Actions

Where an investigation results in a finding that there was a violation of this Section, then the Superintendent or the MAS Board, where the Superintendent has committed the violation, may impose such discipline, up to and including termination, as he or she finds appropriate given the nature of the violation. In addition, the Superintendent/Board may take other actions intended to prevent further violations or retaliation such as, re-assigning the employee to another position that is not in regular contact with the employee/Superintendent.

Any student found to have violated this policy will be subject to disciplinary action up to including permanent exclusion from MAS. Any other MAS person found to be in violation of this policy will be subject to the disciplinary action included in the employee policy.

Any employee or student who is believed to have committed a crime shall be reported to law enforcement immediately.

11.7 Retaliation Prohibited

Retaliation against any employee or student who has made a charge of sexual harassment, or against any other person who has assisted or been a witness in regard to such a charge, is strictly forbidden, and will subject the employee or student retaliating to disciplinary action up to and including termination, in the case of an employee, or expulsion, in the case of a student. A report under this section shall not reflect negatively on a student victim's or a student witness's academic standing, rights, or privileges.

11.8 Notification, Review & Posting

The Superintendent must notify each Building Principal of this policy immediately upon approval by the Board. The Building Principals must review this policy with staff at least once per year. The Superintendent must review this policy with administrative staff at least once per year. The Building Principals are responsible for enduring age appropriate instruction as to this policy to students at least once per year.

This policy shall be posted prominently in the main lobby, the library, guidance counselor's offices, the gymnasium and each building where there are classrooms. A copy of this policy and the employee policy shall be available through the MAS website.

Students may contact any of the following MAS employees for guidance or information as to this policy: a principal, a teacher, a guidance counselor or the Superintendent.

11.9 Confidentiality & Record-Keeping

All communications required under this policy shall be kept as confidential as possible. Only those MAS employees directly and necessarily involved will receive information related to reports of sexual harassment.

Records of all reports, investigations, and resolutions shall be kept in the Administrative offices, in a secure location that is accessible only to the Superintendent and Board President, separate and apart from any student and/or other personnel files.

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Section 12 Health & Safety

12.1 Worker's Compensation

All employees shall be covered by worker's compensation insurance for any accident while on duty, including an accident on MAS property or while on official business away from MAS. Worker's compensation is governed by Chapter 34 of the Mescalero Apache Tribal Code.

12.2 Accidents/Injuries

This Section applies to all accidents that occur while an employee is on duty and when the employee plans to file a workman's compensation claim. The failure to follow this Section may result in a claim for worker's compensation or other benefits being denied.

12.2a During the Work Day

If an employee is injured during the work day, then the employee must:

- Report to the nurse for first aid and then report to his or her supervisor;
- Fill out a claim and accident report in the nurse's office and submit the form to the Superintendent within twenty-four (24) hours.

12.2b Emergency

In case of an emergency, where the injury is life threatening, the employee:

- Must go to the nearest hospital or dial "911;" and
- May complete the accident form as soon as possible after emergency treatment.

12.2c Nights/Weekends

If an employee is injured during the night or on weekends:

- In case of a life-threatening emergency, the employee must go to the nearest hospital for treatment or dial "911;"
- In other cases, the employee should call his or her supervisor for directions on what to do next;· The employee shall arrange to notify the school the next working day of the injury where he or she will not be capable of reporting to duty; and
- As soon as possible thereafter, report to the nurses to fill out the required forms to be submitted to the Superintendent.

12.3 Testing & Examinations

The Superintendent, for purposes of employment or return to work, may require an employee to submit to tests or examinations by a licensed physician in order to obtain a work clearance. Such tests or examinations shall be requested when, in the opinion of the Superintendent, the employee's ability to fulfill his or her duties are jeopardized by his or her physical or emotional condition.

12.4 Crisis Management & Emergency Procedures

MAS has developed extensive crisis management and emergency procedures. Such procedures appear in

the Appendices, All employees are required to comply with the same.

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Section 13 Grievance Procedure

13.1 General

This Section provides a procedure for reporting and resolving the legitimate employment-related concerns of employees at the earliest possible time and with the least possible expense, disruption, and friction. MAS believes that most employee issues encountered by employees arise from a lack of communication. This procedure is designed to provide a formal mechanism for promoting or restoring such communication so that problems may be resolved before far more serious situations result.

However, nothing contained herein shall be construed to limit in any way the ability of MAS and the grievant to resolve any grievance by informal means, and nothing herein shall be construed as requiring resort to the formal procedures.

13.2 Definitions

The following definitions shall apply to this Section:

- A grievant is an employee who is personally and directly affected by a condition for which he or she seeks a resolution.
- A grievance is an allegation by an employee that the treatment he or she has received is unfair or improper, or that there has been a violation, a misinterpretation or an inequitable application of Board policy, administrative rules, or procedures, that directly and adversely affects the grievant. A single grievance may be submitted jointly by more than one grievant.
- Resolution means the proposed written decision by the appropriate administrator(s), grievance review committee, or Board, in response to the grievance.
- Parties in interest refers to the grievant and the supervisor or other employee(s) whose conduct or actions are the subject of the grievance.

13.3 Limitations

13.3a Situations That May Not Be Grieved

The following situations may not be grieved:

- The discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his or her immediate supervisor;
 - A refusal to employ or to re-employ an individual; and
 - Demotions/terminations of employees employed by MAS for two (2) consecutive years or less; Situations in which
 - The Superintendent and the MAS Board are without authority to act;
 - The remedy for the alleged violation exclusively resides in some person, agency, or authority other than the Board;
 - As to which a different procedure or remedy has been provided by the Board in this Handbook;
 - As to which the procedure within MAS is prescribed by Tribal or federal authority; and-
- Involving a grievance by a contractor with the MAS.

13.3b Representation of Grievant

A grievant may request that he or she be represented by a Tribal member beginning at Level 2 of the

grievance and for the remainder of the grievance process outlined in Section 13.11 below provided that the employee designate his or her representative in writing prior to any hearing or conference. No more than one representative will be allowed for each grievant.

13.4 Timing

The time limits at any level may be extended by mutual agreement between the grievant, on one hand and the supervisor, Superintendent, review committee or Board on the other. Whenever possible, any grievance conference or hearing at any level shall be scheduled during a mutually convenient time that does not conflict with the grievant's regularly scheduled work day.

13.5 Witnesses

A grievant requiring the attendance and testimony of other employees shall have the right to bring such witnesses as are willing to testify in his or her behalf, and any necessary substitutes or released time shall be provided and the expense borne by MAS when hearings must be scheduled during the grievant's work day.

13.6 Separate Files

Separate files shall be maintained by MAS for grievances. All documents produced during the processing of a grievance shall be filed therein. All parties shall maintain confidentiality with regard to the proceedings and the resolution of the grievance shall not be made public unless agreed to by the grievant and the Superintendent, or unless the grievant pursues the matter beyond this policy.

13.7 Termination by Grievant

A grievant may terminate the process at any level if he or she indicates in writing a desire to do so, accepts the resolution at that level, or fails to pursue his or her grievance by filing at the next level within the specified time limit.

13.8 Required Forms

All grievances shall be filed and processed on the grievance forms in the Appendices and available in the office of each Building Principal or in the Administration Office.

13.9 Departure from Procedure

Except as otherwise provided herein, unless a party can demonstrate prejudice arising from a departure from the procedures established herein, such departure shall be presumed to be harmless error.

13.10 Prohibitions of Retaliation

No employee shall suffer retaliation, recrimination, discrimination, harassment, or be otherwise adversely affected because of his or her use of this grievance procedure.

13.11 Level I, Informal Conference

Within ten (10) work days of the date upon which the grievant became aware of the circumstances which gave rise to the grievance, prior to the filing of a formal written grievance, the grievant shall first discuss his or her grievance with his or her immediate supervisor in a good faith attempt to resolve the grievance prior to the filing of a formal grievance. In the case of a grievance involving his or her supervisor, the grievant may initiate the grievance at the next supervisory level above that of the

supervisor.

13.12 Level 2, Immediate Supervisor

If the grievant is not satisfied with the discussion and disposition of his or her grievance at Level 1, he or she may file a written grievance with his or her immediate supervisor within five (5) work days of the disposition. The immediate supervisor shall communicate his or her proposed resolution in writing to the grievant within five (5) work days from the filing of the written grievance. Although no hearing or conference is required at this level, the immediate supervisor shall have the discretion to conduct a hearing or conference and gather such evidence prior to the preparation of the decision as he or she, in his or her discretion, feels would assist in any appropriate resolution of the grievance. The hearing or conference shall be as informal as possible and shall be conducted as the immediate supervisor, in his or her discretion, feels is appropriate for a full understanding of the grievance, and the evidence supporting the position of the grievant.

13.13 Level 3, Superintendent

If the grievant is not satisfied with the resolution of the grievance at Level 2, or if the supervisor fails to issue a proposed resolution within the time limit set forth above, the grievant may file the grievance with the Superintendent, within five (5) work days after the resolution was rendered or was due, if none was received. The Superintendent shall conduct a closed informal hearing with the parties in interest to the grievance within five (5) working days after receipt of the grievance. The hearing by the Superintendent shall be as informal as possible and shall be conducted as he or she feels *is* appropriate for a full understanding of the grievance.

The superintendent shall have the right to ask any questions of the interested parties as he or she deems necessary. Within five (5) work days following the hearing, the Superintendent shall render his or her written proposed resolution to the grievant.

13.14 Level MAS Board

13.14a MAS Board

If the grievant is not satisfied with the resolution of the grievance at Level 3, or if the Superintendent fails to issue a proposed resolution within the specified time limit, the grievant may make a written request to the President of the Board for a hearing before the MAS Board within three (3) work days after the Superintendent's resolution was rendered or was due, if none was received.

The holding of a hearing by the Board is discretionary with the Board, and such decision shall be made by the Board at its next regularly scheduled meeting after receipt of the written request for a hearing. If the Board rules that it is appropriate to hear the grievance, it shall set the date for such hearing and the parties in interest shall be notified by the Superintendent. The parties in interest shall submit written statements of position which shall be delivered to the Board members at least five (5) work days prior to the hearing. In addition, any other documentary evidence desired to be reviewed by the Board shall be submitted at this time. The hearing shall be conducted as follows:

- Each party in interest to the grievance shall have the opportunity to present oral statements limited to thirty (30) minutes each; the presentation shall be limited to a review of evidence previously presented, unless the Board, in its discretion, allows new evidence to be presented during the hearing; Evidence may not be cross-examined by the other party in interest;
- The hearing will be conducted in an executive session;

- The Board may make such inquiries of any party in interest as it deems necessary or appropriate;
- The Board shall render a written decision within a reasonable time; in arriving at its decision, the Board has complete discretion in fashioning such relief, if any, as it believes is appropriate, regardless of the relief requested.

13.14b Grievance Committee

At its sole option, the Board may appoint a Grievance Review Committee to hear the grievance. The Committee shall be composed of:

- One (I) certified employee;
- One (1) administrator (other than the Superintendent or Building Principal involved); and
- One (I) non-certified employee.

The members shall be appointed by the Board. The Committee shall select its Chairperson prior to the processing of any grievance. The Chairperson of the Committee shall schedule an informal hearing within five (5) work days of the appointment of the Committee. If a Committee member is unable to participate in the informal hearing, the Chairperson shall designate a substitute from within the employee category of the non-attending member. The procedure for the hearing shall be as follows:

- The grievant shall present his/her grievance first, through testimony, witnesses, documents, etc. Cross-examination shall not be allowed by the other party in interest.
- The other party or parties in interest shall present their responses to the grievance. Cross-examination shall not be allowed;
- The Committee may ask any questions that it deems necessary;
- Arrangements to make a taped recording or to keep minutes of the proceeding shall be made by the Chairperson. A verbatim written transcript is not required, but any minutes or other written record shall fairly reflect the substance of the hearing; and
- Within five (5) work days following the date of the hearing, the Committee shall transmit its findings and recommendations for proposed resolutions to the Board. At the next regular Board meeting following receipt of the findings and recommendations, the Board shall vote either to accept the recommendations of the Committee by a majority vote or to hear the grievance itself.

13.15 Appeal to the Tribal Council

A grievant who is a Tribal member or Tribal affiliate (the child or spouse of a Tribal member) and has completed all the other steps in this grievance procedure, may appeal the decision of the MAS Board ruling in a written appeal to the Tribal Council within five (5) working days of receiving notice of the decision of the MAS Board.

The Tribal Council shall hear that appeal within forty-five, (45) working days. The grievant must appear at his or her hearing in person. The grievant may choose one representative to present his or her position. Following the presentation, the MAS Board will present its findings and decision. The Tribal Council may hear all or part of the grievance in executive session. However, the decision of the Tribal Council will be made in an open session and entered into the official minutes. All other procedures for such hearing shall be determined by the Tribal Council.

The Tribal Council may decide to not hear a grievance. In such a case, the decision of the MAS Board shall be deemed to be upheld.

The decision of the Tribal Council shall be final.

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Section 14 Field Trips

14.1 General

From time to time, a teacher, sponsor, or coach may plan field trips and off-campus extracurricular activities ("trips/activities"). These trips/activities are invaluable opportunities to supplement classroom learning.

14.1a Limitation

However, MAS believes that trips/activities should not interfere with classroom learning. They will be planned in such a way as to cause minimal loss of time in the classroom. Each grade will be allowed one (1) full day and two (2) half-day field trips. Further, because trips/activities are to supplement classroom learning, they should be age-appropriate and related to classroom curriculum. The Superintendent must approve each trip/activity.

14.1b Exception for Vocational/Technical Classes

Vocational/technical classes will be allowed additional days based on the curriculum needs of the students and the MAS budget and with the approval of the Superintendent.

14.2 Preliminary Approval

The teacher, coach or sponsor must submit a written preliminary proposal to the Building Principal, setting forth the following:

- A detailed description of the trip/activity and its educational purpose and value;
- The dates and times of the trip/activity and a detailed proposed itinerary or agenda;
- The number of students and chaperones expected to participate;
- The location(s) of the trip/activity;
- Transportation and employees needed;
- Participation fees to be charged to participating students;
- A proposed budget for the trip/activity, whether the money was budgeted for in the annual MAS budget; and if further funding is being requested;
- Whether a fundraiser will be used to generate monies for the trip/activity, and if so, a detailed description of the fundraising method proposed;
- Whether the trip/activity will require meals or overnight accommodations, and if so, how meals and accommodations are proposed to be provided;
- Whether the trip/activity will require out-of-state travel; and · Any features of the trip/activity that may be considered unusual or requiring special attention or that may affect the safety of students or others participating.

The Building Principal will provide preliminary approval at his or her discretion based on the proposal. He or she may disapprove of certain aspects of the proposal or request revisions.

14.3 Final Approval

14.3a Submission to Superintendent

After approval by the Building Principal, and no later than five (5) school days before the proposed

trip/activity, the teacher, sponsor, or coach shall submit the final proposal for final approval by the Superintendent. No trip/activity shall proceed without final written approval. If the final proposal is disapproved, the Superintendent may refer the final proposal back to the sponsor for modification and re-submission.

14.3b In-State & Non-Overnight Trips/Activities

The Superintendent may approve all in-state and/or non-overnight trips/activities.

14.3c Out-of-State or Overnight Trips/Activities

In the case of any out-of-state or overnight trip/activity, the Superintendent will forward the proposal to the MAS Board for consideration at the next Board Meeting. Such trip/activity must be approved by the MAS Board prior to actual departure, with the exception of athletic program trips scheduled by the Athletic Director. The latter may be approved by the Superintendent.

14.3d Exceptions to MAS Board Approval Requirement

The Superintendent may approve an overnight or out-of-state trip/activity that is to occur before the next regularly scheduled Board meeting for which Board approval was not obtained due to late notification by the non-MAS organizers of an activity. The Superintendent's approval in this case will be placed on the succeeding Board meeting agenda for ratification.

14.4 Other Requirements & Planning

Upon final approval:

- A completed Sack Lunch Request Form will be given to the Food Service Director at least ten (10) days prior to the trip/activity; and
- A parent permission slip must be completed for each student;
- The Building Principal shall notify the teacher, coach, sponsor of final approval;
- The Superintendent shall forward the approved final proposal to the Transportation Office and other relevant MAS employees for final scheduling of the trip/activity; and
- The Building Principal and teacher, sponsor, or coach will coordinate with the Transportation Office and otherwise assure proper planning;
- Only parents/guardians listed in NASIS will be able to check out students from field trips.

14.5 Chaperones

14.5a Who May be a Chaperone

It shall be the responsibility of the teacher, coach or sponsor to make arrangements for the appropriate number of suitable adult chaperones to accompany and supervise the students.

Chaperones must be:

- Over the age of eighteen (18);
- MAS employees of students participating in the trip/activity must be approved by the Superintendent; and
- Familiar with this Handbook and the Student Handbook and abide by the same.

14.5b Gender of Chaperones/Students & Ratio

Male and female chaperones shall accompany mixed groups of male and female students. The number of chaperones to supervise:

- Mixed groups of male and female students shall be no less than one chaperone for each fifteen (15) students, and at least one chaperone of each gender; and
- Students are of the same gender. The ratio shall be no less than one chaperone for each twenty five (25) students.
- Bus driver(s) shall not be counted as chaperones for the purpose of calculating the chaperone student ratio.

14.6 Transportation

14.6a General Rules

Appropriate transportation must be used for trips/activities, specifically:

- Only MAS employees, chaperones, and student participants shall travel in MAS vehicles;
- Buses and other MAS vehicles used shall conform to all applicable federal and Tribal safety and other regulations;
- A MAS bus or the activity bus will be used if available;
- In case an MAS bus or the activity bus is unavailable or its use is not practical or cost-effective to provide transportation for student activity trips, like where only one or two (2) students will participate, an MAS vehicle (or several MAS vehicles, depending on the number of students/chaperones) with a rated capacity of nine (9) or fewer occupants may be used to transport students on school sponsored activity trips, so long as the vehicle otherwise meets all applicable federal and tribal safety and other regulations and the total number of occupants does not exceed the number of available seat belts.

14.6b Activity Bus & Scheduling Conflicts

When scheduling conflicts arise concerning the use of the activity bus, the following priorities will be used to resolve the issue:

- Varsity or equivalent activities will have first priority; and
- If a conflict still exists, then the group traveling the farthest will have priority.

14.6c Special Rules for Drivers

The driver on a trip/activity:

- Must obey all traffic laws and regulations and normal operating procedures;
- May fuel the vehicle with passengers on board when it is not practical to unload;
- While driving a bus, shall not have more than ten (10) hours total driving time, or more than eight (8) hours continuous driving time;
- While driving a bus, shall not be permitted to be on duty a total of more than fifteen (15) hours in a

twenty-four (24) hour period;

- When on relief, shall be relieved of all responsibility for the care and custody of the vehicle, its accessories, or any cargo or passengers; the duration of the driver's relief from duties shall be a specified adequate period of time to allow the driver to rest and to pursue activities of his or her choosing away from the vehicle;
- On trips of two (2) hours or more driving a bus, allow passengers to leave the bus for at least ten (10) minutes; and on trips of five (5) hours or more, the driver shall assure a rest stop for student meals of at least forty-five (45) minutes; and
- Must otherwise comply with this Handbook and the Student Handbook and is responsible for the use of the MAS vehicle he or she is driving.

14.6d Students & Personal Vehicle Use

A student may transport him- or her-self to and from a trip/activity within the school day in a private vehicle only with the written permission of the student's parent/guardian. Such students must submit proof of insurance, which shall be kept on file in the Transportation Director's office. Such students are prohibited from transporting other students. No student may transport him- or her-self or other students as part of an overnight trip/activity.

14.7 Accident Reports

An accident report shall be completed for every accident that takes place on MAS property or at any school sponsored activity, or that involves a MAS vehicle, students or employees on school sponsored trips, including employees on authorized business trips. Each employee at the scene of the accident will complete a report. The report will include a list of all witnesses. Each report must be submitted to the Superintendent as soon as possible, but no later than noon (12:00 PM) of the school day following the accident.

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Section 15 Use of MAS Buildings/Facilities

15.1 General

MAS property, buildings and facilities ("MAS property") are principally for the educational benefit of MAS students. MAS, however, believes that allowing use by certain non- MAS persons or groups for appropriate community-oriented activities, like activities that foster the educational, cultural, recreational, civic, moral, religious or social development, will enhance the quality of life in the community. This Section sets forth rules and regulations designed to protect MAS property and preserve limited financial resources for MAS's primary educational mission and prevents MAS property from being used for activities that pose undue risks of harm to persons or property or from exploitation for purely commercial purposes.

15.2 Scope of this Section

This Section governs the use of MAS property by non-MAS persons and organizations. It does not apply to MAS curricular or extracurricular activities or to use by recognized student groups. Nor does this Section apply to leases that are covered in individual lease agreements.

15.3 Allowable Uses

MAS educational programs and school-sponsored activities will always have priority for the use of MAS property. Subject to this priority and the requirements set forth below, MAS property may be used by non-MAS persons or organizations for the following types of activities:

- Nonprofit and noncommercial activities which are intended to promote the educational, cultural, recreational, civic, moral, spiritual or social development or well-being of the participants or the community; or
- Fund-raising, profit-making or commercially oriented activities if the entire net proceeds will be applied solely to support the types of activities described in above;
- No outside vendors will be allowed at school functions.

The Superintendent will determine whether an activity fits the criteria above.

15.4 Fundraising

15.4a Fundraising Generally

MAS encourages clubs and other student groups to raise monies for student activities through fundraising events. It is important for clubs and groups to use any monies raised for the purposes stated during the fundraising. This encourages the community to donate or purchase fundraising items or services. It is also important to ensure that monies are handled responsibly to avoid theft or misuse. Therefore, the following rules will apply to fundraising.

Fundraising, whether on or off school premises must be pre-approved. The club's or group's MAS sponsor must submit a written request for approval to the Superintendent at least two (2) weeks prior to the proposed fundraising. The request must detail the activities to be conducted and the proposed uses of any monies raised. Fundraising may include requesting a donation from the Tribe or tribal enterprises. In this case, the request for approval should state that the Tribe or tribal enterprises will be approached for a donation.

Cash received through fundraising must be handled as required under Section 3.4 of the MAS Employee

Policies & Procedures. Checks and other payment instruments must be made payable to MAS and turned over to the Business Office within forty-eight (48) hours of receipt of the same. The Business Office may open up a separate account for the club or other student group on an as needed basis. Otherwise, the money will be deposited into the general MAS account.

15.4b Concession Stand

The High School Building Principal will establish a deadline at the beginning of each School Year by which each club and other student groups wishing to use the concession stand must submit a request. The deadline will be posted on MAS premises and emailed to all staff members at least two (2) weeks before the deadline. The High School Building Principal will develop a standard request form. The High School Building Principal will schedule each club or group on a first-come first-serve, alternating basis. A club or group that is scheduled to use the concession stand will not be allowed to use the concession stand again until all other clubs or groups that submitted a request have had a chance to do so.

The club or group using the concession stand is responsible for ensuring that there are enough volunteers to operate the concession stand during the entirety of each event. Volunteers must arrive at least one (1) hour before the scheduled event. At least one adult, either a parent or MAS employee, must be present at all times. No one under the age of fourteen (14) will be allowed to volunteer in the concession stand. The MAS sponsor is responsible for the behavior of all volunteers. The MAS sponsor must ensure that volunteers sign in and out on a log. Cash and checks collected must be kept in a locked box. The box must be under the supervision of an adult volunteer at all times.

The club or group using the concession stand and the club or group MAS sponsor is responsible for:

- Purchasing all food and drink supplies to be sold from the concession stand;
 - Providing any heating or other equipment needed; all equipment must be in good working condition;
 - Determining and displaying the price of each item sold;
 - Ensuring that all volunteers wear plastic gloves when handling non-packaged food, secure long hair, and wear closed-toe shoes;
 - Cleaning up the concession stand (wiping off countertops, sweeping and mopping the floor, disposing of trash, etc.) and removing any excess food and drink supplies;
 - Locking the concession stand after an event and returning keys to the High School Building Principal.
- The failure to comply with this Section could result in the club or group from losing its ability to use the concession stand for the remainder of the School Year (or if at the end of the School Year, then the following School Year) at the discretion of the High School Building Principal.

15.5 Non-Allowable Uses

Commercially oriented activities or activities conducted primarily for profit or gain are not allowable uses without the approval of the MAS Board.

Further, a use that would otherwise be allowable will not be allowed where such use involves:

- A reasonable, foreseeable risk of harm to the health, safety, well-being or property of:
- Nonparticipating members of the public or of students or MAS employees assigned to the MAS property to be used; or

- Any participant in the activity, unless the applicant, in addition to complying with all other requirements herein, also provides satisfactory proof of adequate insurance coverage and of any other safeguards against liability on MAS's part which the Superintendent may reasonably require under the circumstances of a given case;
- The violation of any applicable Tribal or federal laws;
- A risk that MAS property would be damaged or that the carrying capacity would be exceeded by the proposed activity unless additional arrangements are made which the Superintendent considers satisfactory under the circumstances; or
- The consumption of alcoholic beverages or the use of other intoxicants. · Funerals or memorial services of any kind.

Also, the Superintendent may deny use for any reason that he or she considers administratively reasonable and in the best interests of MAS under the circumstances of a particular case, provided that any such denial, the reason(s) for such denial, and the basis for such reason(s) shall be committed in writing by the Superintendent and submitted to the party requesting. In addition, a non-MAS employee may not assist an MAS employee perform the MAS employee's duties on MAS property unless he or she is an authorized volunteer.

15.6 Request for Use & Disapproval in Certain Cases

A non-MAS person or organization desiring to use MAS property shall submit a written request in a form prescribed by the Superintendent in advance of the proposed use. The request shall provide such information as is required to assess the proposed activity in light of this Section and to ascertain what demands the requested use would place on MAS. The failure to submit the request in advance with enough time to allow for review may constitute grounds for disapproval.

A request may be disapproved if the non-MAS person or organization refuses to provide sufficient information to permit an adequate assessment to be made. The Superintendent may also require an applicant to provide certain assurances and/or provisions as are contemplated above for the protection of MAS, MAS property, participating individuals or members of the public. A request may be disapproved if such assurances and/or provisions are not made to the satisfaction of the Superintendent.

15.7 Use Agreement

Each non-MAS person or organization requesting use shall sign a written use agreement in a form approved by the MAS Board. At a minimum, the agreement shall include appropriate provisions to ensure that the non-MAS person or organization will:

- Abide by this Section and any other application parts of this Handbook and the Student Handbook;
- Pay the charge set by the MAS Board for use of the MAS property being requested;
- Provide adequate supervision and control to prevent injury to persons or loss of or damage to property;
- Repair or otherwise make good for any loss of or damage to MAS property which results from the proposed activity;
- Defend and hold the MAS harmless from any claims for legal liability arising from the requested use of MAS property;
- Provide satisfactory proof of adequate insurance coverage;

- Make such other arrangements as may be required by MAS to satisfy the concerns addressed in the foregoing; and
- Regard any permission granted for a requested use as personal and not transferable to any other person or organization.

The agreement may also include any other provisions which the School Board deems appropriate.

15.8 Charges for Use

The Superintendent shall develop and present a schedule of charges to the MAS Board for approval. The schedule:

- Shall be designed to defray MAS's estimated actual costs for various types of uses, including compensation of any custodial or other MAS employees whose services are required;
- May provide:
 - That all or part of such charges may be waived for uses by public agencies or entities; - For reimbursement through in-kind contributions of equivalent value to the MAS from nonprofit community groups whose resources do not reasonably permit payment; and
 - For an additional charge as rent where the non-MAS person or organization is primarily commercial or profit-making activities.

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Section 16 Law Enforcement & Social Services

16.1 General

This Section governs cooperation with law enforcement and social services agencies in regard to criminal law enforcement and child abuse investigations. MAS will make every effort to cooperate with law enforcement and social service agencies. However, MAS believes that it must balance law enforcement needs with individual rights and the interest of MAS in preventing the disruption to the school environment that might result from such investigations.

This Section does not diminish the authority of MAS to conduct its own interviews and investigations or otherwise to take action as part of the enforcement of this Handbook and the Student Handbook. This Section does not apply to searches by law enforcement. Instead, those parts of the Student Handbook and the above Section regarding searches shall govern searches by law enforcement. A copy of this Section shall be provided to local law enforcement and social services agencies so that mutual cooperation may be promoted.

16.2 Prior Authorization Required

Law enforcement officers and officials employed by Tribal and federal social service agencies are not authorized to investigate the possible commission of crimes by MAS employees or students or child abuse and neglect of students during school hours or school sponsored activities or on MAS property except with the permission of the respective Building Principal/ Superintendent, and pursuant to the procedures and requirements set forth herein.

16.3 Special Rules for Criminal Investigations

16.3a Exigent Circumstances & Prior Approval

Ordinarily, it is not necessary for law enforcement to investigate MAS employees or students at MAS during school hours or on MAS property for criminal activity not committed at MAS or during school sponsored activities, or for crimes committed at MAS for which assistance has not been requested by the respective Building Principal.

However, if law enforcement has determined that exigent circumstances exist to conduct an investigation, then law enforcement must first contact the Building Principal regarding the same and shall explain the reason(s) for conducting the investigation during school hours, school-sponsored activities, or on MAS property. Prior approval is required. The Building Principal will document the reason(s) given by law enforcement for such an investigation.

16.3b Disapproval

The Building Principal shall not approve such law enforcement request where he or she determines that the investigation:

- Is being conducted for reasons that do not appear to be related to a criminal investigation; or
- Will not substantially assist in law enforcement's ability to enforce criminal laws, the risk of violation of MAS employee or student rights is great, and it is not in the best interests of MAS to allow the same.

In the event that the Building Principal/Superintendent declines to cooperate, he or she shall immediately report his or her opposition to law enforcement. Law enforcement may appeal to the Superintendent for

approval. The Superintendent shall consider the reasons for the opposition and the best interests of MAS. Approval shall not be unreasonably withheld.

16.3c Service or Execution of Court Process or Orders

No MAS employee shall, in any event, prevent law enforcement from serving or executing court processes (i.e. summonses, search warrants, and subpoenas) or orders issued by a court of competent jurisdiction. However, the respective Building Principal/Superintendent may designate a reasonable time and place to serve or execute the same to ensure that the educational process is not disrupted. In addition, the Building Principal/Superintendent shall request a copy of the same for his or her files.

16.4 Arrests

16.4a Prior Notification

In cases where law enforcement deems it necessary to arrest a MAS employee or a student during school hours or a school sponsored activity or on MAS property, law enforcement should notify the respective Building Principal/Superintendent of the intended arrest prior to dispatching officers. The Building Principal/Superintendent shall request a copy of the arrest warrant and shall maintain a copy of the same in his or her files. The Building Principal/Superintendent may request that a non-uniformed officer make the arrest if possible.

16.4 b Arrests in Emergency Circumstances

In emergency situations, where the immediate arrest of an MAS employee or a student is necessary for public safety reasons, including instances where law enforcement witnessed a felony or serious crime or if law enforcement is in "hot pursuit" of the MAS employee or student for such a crime, law enforcement shall be entitled to take action to arrest the student on MAS property without the prior notice. The Building Principal/Superintendent shall make every reasonable effort to document the incident after it occurs.

16.5 Student Contact, Verification, Documentation, & Parental Notification Procedures

Prior to any student contact with law enforcement or other investigators, the Building Principal/Superintendent shall:

- Write down the full name and badge/identification number of the officer/official, the agency involved, the date and time; and the name of the student in question;
- Confirm by telephone with the respective agency, the officer/official's identity, and purpose in seeking contact with the student and record the name and position of the agency representative confirming such information and the time of such confirmation; and
- Contact the student's parent/guardian to notify him or her of the proposed contact with law enforcement or other investigator and record the time of notification and the name of the parent/guardian notified.

16.6 Prior Parent /Guardian Consent

Law enforcement or other investigator contact with a student will not be allowed until the student's parent/guardian has been given verbal consent. The parent/guardian may request that he or she be present

before such contact can occur. No MAS employee shall attempt to waive a student's rights on behalf of the student nor may any employee compel the student to submit to questioning.

16.7 Students & Administrative Monitoring

The Building Principal/Superintendent should consider whether he or she should be present during the interview of a particular student on the basis of the age and/or special needs of the student. Interviews of students should be conducted in a manner and place that protects the student from trauma and embarrassment. Reasonable attempts shall be made to keep the identity of the student confidential.

The Building Principal/Superintendent shall not disclose any statements made except:

- To the student interviewed and to his or her attorney and/or parent/guardian;
- To the Tribal Prosecutor's Office or law enforcement; and
- For disciplinary reasons, then only in compliance with FERPA.

16.8 Requests for Assistance by MAS

Each Building Principal/Superintendent may exercise his or her discretion in determining whether to request assistance from law enforcement where there is the possibility or the allegation that an MAS employee or student has or is committing any crime, including crimes committed at school or on MAS property during school hours, or during school-sponsored activities.

In cases of possible child abuse/neglect, MAS shall fully comply with Chapter 11 of the Mescalero Apache Tribal Code and the Indian Child Protection and Family Violence Prevention Act, both of which require MAS employees to report suspected child abuse/neglect.

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Section 17 Miscellaneous

17.1 Guest Speakers

Teachers shall notify the Building Principal of all guest speakers at least five (5) days in advance, and shall include in such notice the speaker's name, the topic to be covered, a background of the speaker, and which class. Where there are proposed speakers or topics that might be considered controversial by some segments of the community, the Building Principal shall provide notice to the Superintendent prior to the speaker's appearance on campus.

17.2 Movies

Teachers who wish to show movies in class shall submit a written request to the Principal one week prior to the date the movie is to be shown stating the relevance of the movie to the subject matter and the objective of the showing in the lesson plans.

17.3 Cafeteria

17.3a Student Supervision

Each Building Principal will designate employees to assist with supervision of students during breakfast and lunch.

17.3 b Administration & Code of Standards

The breakfast and lunch programs will be administered according to applicable federal and Tribal regulations and as provided in the MAS Student Handbook. Food service records and required reports shall be available at times for inspection by an authorized official(s) and preserved for a period not to exceed five (5) years.

The duties of any MAS employee who has occasion to handle food to be served to students or breakfast and lunch program monies shall do so in a manner consistent with good sanitation and food preparation and business practices. No such employee shall:

- Solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements; and
- Participate in awards or administration of contracts to firms in which the employee, or any member of the employee's immediate family, had financial or other interest.

17.4 Prohibition of Certain Behavior on Premises & at School-Sponsored Events

17.4a General Standard of Behavior

It is the intent of the MAS Board to ensure that MAS takes reasonable actions to provide a safe environment for all visitors to MAS premises and for participants and spectators at school-sponsored events. While the Board encourages students, parents and other community members to take an interest in MAS and attend those events open to the public, the Board has an obligation to maintain an atmosphere of respect, order and professionalism. Individuals attending events sponsored by MAS are expected to

demonstrate respect, order and good sportsmanship.

17.4 b Prohibited Behavior

Any conduct, including, but not limited to, verbal and/or physical assault of another individual, on MAS premises or at school-sponsored events that is determined by school officials to be disruptive to the educational process or detrimental to the morals, health, safety, academic learning, or discipline of students is prohibited. Additionally, all persons, while on MAS premises, are prohibited from willfully threatening, by word or act, to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds. Such threats, if known to school personnel, will be immediately reported to law enforcement.

17.4 c Removal from Premises and Other Disciplinary Action

The Superintendent of his or her designee has the authority to determine if an individual's conduct violates this policy. In the event such disruption or detrimental conduct is determined to have occurred or is occurring, the individual(s) causing the disruption will be notified in writing, or verbally, to immediately leave the MAS premises or school-sponsored event. The Superintendent or his or her designee may determine that such individuals will be denied entry to future school-sponsored events, upon giving notice to the individual. In the event the individual(s) refuse to leave or, without permission or invitation, return and enter the MAS premises or school-sponsored event, it will be deemed to be trespassing and may be referred to law enforcement, in the event a student or staff member causes the disruption or detrimental conduct, other appropriate disciplinary action may also be imposed.

17.5 Sex Offenders

The Mescalero Apache School Board seeks to create an environment that protects the safety and welfare of students. This Section addresses registered sex offenders who may interact with MAS. Notice of the requirements of this Section must be posted in Administration and the administrative office for each Building.

17.5a Premise or School Property

Adult individuals that are registered as sex offenders in any state, federal or tribal jurisdiction that requires a registered sex offender refrain from contact with children are prohibited from the school property, including buildings and grounds under the jurisdiction of the School. In addition, adult individuals registered as sex offenders, as noted above, are prohibited from the premises of other school and/or non-school properties when being used for school activities and recreation.

If an employee becomes aware of a prohibited sex offender's presence on MAS property, he or she shall immediately inform the Superintendent, Building Principal or other supervisor. The Superintendent, Building Principal or other supervisor shall direct the prohibited sex offender to leave the premises immediately. Law enforcement will be notified if the prohibited sex offender refuses to leave. If the prohibited sex offender repeatedly enters the school property, then MAS will confer with law enforcement regarding possible legal action.

17.5b Parents or Guardians as Registered Sex Offenders

A parent of a school-aged child who has been identified by the relevant court as a sex offender is required to identify themselves and their child to the school principal at the time the child is enrolled. Upon notification the principal and the school superintendent may modify the process of parental inclusion in relation to direct educational programming and reports, such as parent and teacher conferences. Modifications might include providing another location or phone or computer access to reports and interaction with the instructional staff. School principals shall speak with the parent upon learning of their status as a registered sex offender to communicate the restrictions of this policy while promoting open dialogue between the parent and the school. Written documentation, such as a letter, will be forwarded to the superintendent, and a copy of the modifications will be given to the offender. The school principal shall take all appropriate measures to protect the privacy of the registered sex offender and student.

17.5c Communication with Tribal SORNA Officer

The Superintendent shall designate a staff member to serve as a point of contact for the Tribe's Sex Offender Registration and Notification Act (SORNA) Officer. This staff member will periodically review the Tribe's SORNA public website and print out copies of the list of sex offenders found on such websites. This list will be posted prominently in at least three (3) locations throughout the School. The staff member will consult with the SORNA officer to determine whether an individual is prohibited from entering MAS premises in accordance with Section 1.2 herein.

17.6 Service Animals

An employee or contractor with a disability may request reasonable accommodation to bring a service animal to work when medically necessary.

In general, a service animal is an animal trained to work or perform tasks for the benefit of an individual with a disability, such as guiding individuals with impaired vision, alerting individuals to an impending seizure, or pulling a wheelchair and fetching dropped items.

The Superintendent will evaluate all requests to bring a service animal into the workplace to determine if the accommodation is reasonable and can be provided without undue hardship.

If an accommodation is granted to allow a service animal in the workplace the arrangement may be permitted on a temporary or trial basis. Reasonable behavior is expected from service animals while on MAS property. Disruptive and aggressive service animals must be removed from the premises immediately and permission to bring the animal to work will be revoked.

All animals need to be immunized against rabies and other diseases common to that type of animal. All vaccinations must be current, and animals must be in good health.

Service animals must wear an owner identification tag (which includes the name and phone number of the owner) at all times.

Animals must be on a leash, harness or other type of restraint at all times, unless the employee is unable to retain an animal on leash due to a disability.

The employee must be in full control of the animal at all times. The care and supervision of the animal is solely the responsibility of the employee. The employee is expected to clean and dispose of all animal

waste appropriately.

17.7 Destruction of Public Records

School personnel shall comply with the Records Retention and Disposition Schedule according to the Indian Affairs Records Schedule for Local Education Indian Affairs and Bureau of Indian Education. The superintendent may establish regulations for the destruction of temporary inactive records that are no longer active upon approved schedule.

Mescalero Apache Schools

Acknowledgement

Each year the MAS Employee Handbook must be reviewed by all employees. It is the responsibility of all employees to become thoroughly familiar with the entire handbook.

This signature page has been developed to comply with appropriate documentation of that task

By signing below, I acknowledge that I have reviewed the Handbook and know it is my duty to become familiar with the entire handbook.

Name of Employee: _____

Employee Signature: _____

Date: _____ School Year: _____

***After reading the Handbook, please print, sign, and date this page.

Then submit this page to the Human Resources Office and your building Secretary.