

THE UNIVERSITY OF TEXAS AT TYLER
DBA
UT TYLER UNIVERSITY ACADEMY
BOARD POLICY MANUAL
POLICY GROUP 5 – FISCAL MANAGEMENT

PG-5.490: EMPLOYEE ASSISTANCE PROGRAM

Sec. 1. PURPOSE OF POLICY.

Through this policy, the Board of Directors (hereafter, the “Board”) of The University of Texas at Tyler doing business as UT Tyler University Academy (hereafter, the “School”) is addressing the legal requirements, as applicable, promulgated at:

- (a) Texas Constitution, Article III, Sec. 50, 51, 52, and 53;
- (b) Texas Business Organizations Code (“Tex. Bus. Org. Code”) §§ 3.101, 22.201, 22.221 and 22.235;
- (c) Texas Education Code (“Tex. Ed. Code”) §§ 12.102, 12.107(a), 12.115(a)(2), 12.1162(a)(2), 12.121 and 12.128(a); and
- (d) Texas Administrative Code, Title 19 (“19 TAC”), §§ 100.1043(a), 100.1047(b)(1)-(2) and (e)-(g), 100.1063(a)-(c), and 100.1101.

Additionally, through this policy, the Board addresses best practices adopted by public schools.

Sec. 2. AUTHORITY OVER FISCAL MATTERS.

Sec. 2.1. In accordance with state law, the Board has primary and ultimate authority over fiscal matters. If a matter or decision-making process is not addressed in this or other duly adopted policies of the Board, authority rests with the Board. In the event of a conflict between this policy and any other Board policy, such conflict must be brought to the Board for resolution. Refer to the Board’s Policy relating to its Authority Over Fiscal Matters (the “Controlling Policy”) for requirements applicable to this policy.

Sec. 2.2. The Delegate, as defined in Sec. 3.2 of the Controlling Policy, must report to the Board any business arrangement or transaction with an individual that is an officer, as defined in Sec. 5 of the Controlling Policy, and any conflicted,¹ interested² or related³ party, as defined in other Board policy or applicable law. The School and its officers may not enter into a business arrangement or conduct a transaction in such a manner so as to circumvent this requirement.

Sec. 2.3. As established in Sec. 4 of the Controlling Policy, where the Delegate is authorized to confer authority to a designee (as denoted by the phrase “or designee”), the Delegate may confer such authority to a single designee.

¹ Tex. Ed. Code § 12.1054; 19 TAC §§ 100.1131 through 100.1135

² 19 TAC § 100.1047(f)

³ Tex. Ed. Code § 12.1166

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Sec. 3. APPLICABILITY OF POLICY.

Sec. 3.1. The UT Tyler University Academy will follow The University of Texas at Tyler’s policy 4.24.3 Employee Assistance Program “EAP” found at <https://uttyler.smartcatalogiq.com/en/uttyler/ut-tyler-hop/series-400-budget-finance-operations/4-24-3-employee-assistance-program-eap/>

Sec. 4. TRAINING AND UPDATES.⁴

The Delegate or designee must properly train officers and employees on the requirements of this policy and any administrative procedure(s) adopted to implement this policy. Additionally, the Delegate or designee must keep officers and employees informed of any changes to this policy and related requirements.

Sec. 5. ADMINISTRATIVE PROCEDURES.⁵

The Delegate must formally adopt administrative procedures as reasonably necessary to properly administer this policy and to adhere to applicable law and rule. In doing so, the Delegate must not adopt, and is prohibited from adopting, an administrative procedure that conflicts with applicable law or this policy. Accordingly, the Delegate must confer with the Board or legal counsel before deviating from the requirements set forth in this policy. In the event that a deviation from this policy becomes necessary, the Delegate must either recommend an amendment to this policy or the Board’s approval of a specific deviation, including the purpose, scope and duration of the requested deviation.

Sec. 6. DATE ADOPTED AND EFFECTIVE.

As set forth in the pertinent minutes to the meeting of the Board, the Board adopted this policy on 4/24/25 and became effective on 4/24/25.

⁴ Tex. Ed. Code §§ 12.115(a)(2) and 12.1162(a)(2)

⁵ Tex. Ed. Code § 12.115(a)(2); FASRG Module 2; 2 CFR § 200.303(a). Consistent with 19 TAC § 100.1033(b)(14)(C)(iv), the Board has the final authority to adopt policies governing charter school operations, including authorizing the Delegate or designee to adopt an administrative procedure to implement this policy. Moreover, as set forth in the School’s Certificate of Formation and Bylaws and in accordance with Tex. Bus. Org. Code §§ 3.101 and 22.201, the Board is the School’s governing authority and, as such, manages and directs the School’s business and affairs through Board actions, resolutions and policy.

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Sec. 7. RETENTION.⁶

This policy will be retained until superseded, expired, or discontinued and for five (5) years thereafter.

Sec. 8. CERTIFICATION.

The Undersigned, being the Secretary of the Corporation, hereby certifies that the foregoing represents a true copy of the Board Policy relating to the Employee Assistance Program, as originally adopted by the Board on 4/24/25, which Policy is in full force and effect and has not been revoked or amended.

Michael Odell, Secretary

Date Certified

⁶ Tex. Ed. Code § 12.1052; 19 TAC § 100.1203; *See* Record Number GR1000-38 and GR1025-25 in Local Schedule GR: Records Common to All Local Governments, Revised 5th Edition (Effective April 17, 2016) adopted by the Texas State Library and Archives Commission at Texas Administrative Code, Title 13, § 7.125(a)(1).