These changes are for discussion only. They have not been discussed or reviewed by the School’s attorney.

**ARTICLE V**

GOVERNING COUNCIL POWERS AND RESPONSIBILITIES

15. Address problems concerning the Principal through the applicable dispute resolution processes according to policies and procedures The HR Committee shall be two Council members, the Business Manager/HR Director and an additional staff member, not the Principal, who has assigned HR duties. The HR committee shall review any complaints or concerns regarding the conduct or decision of the Principal. The HR Committee shall recommend actions, as needed, to the Council at a closed meeting.

**ARTICLE IX**

COUNCIL COMMITTEES

1. Standing Committees. The Council may establish standing committees, which may consist of Council members and non-Council members. Committee assignments and chairmanships will be determined by action of the entire Council, provided that at least one Council member shall serve on each committee. Standing committees of the Council shall include a Finance Committee and Audit Committee as defined by NMSA 1978 §22-8-12.3(2010); and a Nominating Committee, as defined in Article VII, Section 3 and an HR Committee, as defined in Article V, Section 15. The time and place of all committee meetings shall be announced to the Council. Except for the audit and HR committees, all Council members may attend any committee meeting if the meetings are properly noticed pursuant to the Open Meetings Act when a quorum will be present.
2. Principal’s Committees. The Principal is empowered to establish committees within the school that report to the Principal. The Principal shall advise the Council about the purpose of the committees and activities affecting the school.
3. *Ad Hoc* Committees. The Council may appoint *ad hoc* advisory committees when and as determined to be necessary or advisable by the Council. Ultimate authority to make decisions will continue to reside with the Council.

Committee Functions. The function of Council committees will be fact-finding, deliberative, and advisory, rather than legislative or administrative. Committee recommendations that require school-wide policy changes must be submitted to the Council. The organization, responsibilities and rules of each committee created by the Council shall be reflected in a resolution approved by the Council. All committees shall keep written minutes of their meetings, and shall periodically present written reports to the Council containing committee recommendations. Committees shall comply with the Open Meetings Act, when applicable.

It may be easiest to separate the complaint process addressing all employees and then just the principal.

**Employee Handbook**

**F. Complaint Procedure, Investigation and Response.** The following procedure is applicable to any employee complaint of discrimination and/or harassment.

 **1. Complaint**. Any person who sees or hears about conduct that may constitute harassment or discrimination under this policy should immediately contact the Principal. Complaints may initially be made verbally. However, ECRA requires that complainant as a first step in the investigation process complete the “Harassment Complaint Form”. (See Appendix A for a copy of this form). . If the Principal is the object of the reported concern, the employee should contact the Business Manager/HR Director, the person designated annually as a second representative to the GC HR committee or directly to the members of the GC HR committee.

 **2. Investigation**. ECRA will investigate any report of harassment or discrimination. All employees have a duty to cooperate in ECRA’s investigation of alleged harassment or discrimination. Failure to cooperate or deliberately providing false information during an investigation will be grounds for disciplinary action, including termination. In conducting an investigation, ECRA will respect the privacy of all concerned, however, complete confidentiality may not always be possible because of the need to conduct an investigation and take the steps necessary to eliminate harassment. In the case that object of the concern is the Principal the GC HR committee will determine the manner of complaint, and supervise any investigation that is required by the complaint.

 **3. Response**. ECRA will take whatever corrective action deemed necessary. Disciplinary action, up to and including termination, may be taken. ECRA will discuss with the complainant the outcome of the investigation and where appropriate may ask for feedback regarding the complainant’s preferred resolution. ECRA will also discuss the outcome of the investigation and any disciplinary actions with the alleged offender. The date of the discussion shall constitute the “determination date.” Bad faith complaints will be grounds for disciplinary action, including termination. The Principal will notify the Governing Council of the outcome of the complaint and an official opinion as to whether there is sufficient evident to support that there was a violation of ECRA policies. In cases involving allegations against the Principal, the HR committee will advise the Council of the outcome and an issue an official opinion.

 **G. Retaliation.** Retaliation against any employee raising a complaint or providing information concerning an alleged violation of this policy is strictly prohibited. Any employee who violates this policy by engaging in conduct defined throughout this policy that directly or indirectly causes intimidation, harassment or physical harm to another employee will be subject to disciplinary action.

 **H. Appeal.** If the complainant or alleged offender is not satisfied with the outcome of a discrimination complaint, either employee may appeal that decision to the Governing Council. The employee appealing the Principal’s decision must submit a written appeal to the Governing Council with copies to the other party and the Principal within ten (10) working days of the employee’s notification of the Principal’s determination. The non-appealing party and the Principal have the option of submitting written materials in support of their respective positions within five (5) working days from the date they receive the appealing parties’ appeal.

 **I. Final Decision.** The Governing Council will inform the complainant/respondent of the appeal decision in writing within twenty (20) working days from the date the appeal was submitted. After the Governing Council’s review, the internal complaint process has concluded. The time lines set forth in this policy may be waived or extended by the Governing Council.