



## I. Complaint Process

**A. Level I Complaints.** Any school complaint by staff, students or parents is forwarded to the principal for action. The procedure described in Section II.B. must be used when filing a complaint. Upon receipt of a completed complaint, the principal will initiate a thorough investigation and render a decision. The principal may choose to use HR support either in-house, if available, or an external consultant. If the complainant is dissatisfied with the decision, then the decision can be appealed using the process described in I.B. Appeals must be submitted within 10 school days after receiving the principal's decision. Complaints must be made within the timeframes described Section I.B. so that the administration can promptly investigate and correct any behavior that may be in violation of school, state or federal policy. When the principal is the subject of the complaint or the complainant feels he/she cannot or does not want to go to the principal then a "Level II Complaint" should be initiated to the Governing Council Complaint Tribunal (GCCT) described in Section I.B.

**B. Level II Complaints or Appeals.** Three members of the Governing Council shall form the Governing Council Complaint Tribunal (GCCT). This body is for the purpose of investigating Level II Complaints or appeals of Level I Complaints. The GCCT may delegate their responsibility to a third party investigator with experience in HR matters. The designee will make recommendations to the GCCT after investigation of the complaint or the appeal.

The GCCT or its designee will conduct a fair, thorough and timely investigation of a Level II Complaint or review of the appeal as applicable. The investigation may consist of interviews of the complainant, respondent(s) and any witnesses who may have knowledge of matters described in the complaint. Additionally, other investigatory method(s), including review of pertinent documents and other evidence may be used by the GCCT or its designee. The GCCT will decide whether a new investigation is necessary in the case of an appeal. In the case of an appeal, if the GCCT determines a new investigation unnecessary, the GCCT will render a decision regarding the appeal within 10 working days.

**C. Timeline.** All Complaints must be filed within 90 days of any wrong doing. Appeals must be submitted within the time frame described in Section I. A. An investigation will generally be completed within twenty (20) school days, except in extenuating circumstances. You will be notified if an extension is necessary, which shall be at the sole discretion of the GCCT.

**D. Decisions.** At the conclusion of a GCCT investigation or review of an appeal, the complainant and respondent will be notified as to the outcome by the GCCT with a written follow-up in writing. If a third party investigator was designated, the investigator will make recommendations and report his/her findings to the GCCT. The GCCT will make a decision based on the investigator's recommendations and supporting evidence. At the conclusion of a completed internal investigation conducted by the GCCT or its designee - or consideration of an appeal, the GCCT will inform the appropriate administrator of the determination. As part of its written follow-up the GCCT will inform the appropriate administrator what evidence supports the allegations and the procedural directive(s), school policy(s), Employee Handbook, Student Behavior Handbook that were violated, if any.

When the investigation of a Level II Complaint or review of an appeal is concluded by the GCCT, the complainant and respondent will have ten (10) working days from the date of the notification letter to submit an appeal in writing to the President of the Governing Council. The President will have fifteen (15) working days from the date of the receipt of the appeal to inform the complainant or respondent of a decision in writing. Based on all of the evidence and information gathered during the investigation process and recommendations of the GCCT or its designee, the President may reverse, modify, or affirm the finding of the GCCT. The President may also return the matter to GCCT for additional investigation. The President decision is final.

The GCCT will respect the privacy of the complainant, the respondent and witnesses, as much as possible, consistent with our legal obligations. No individual can be retaliated against or coerced for being a witness, providing information related to an investigation or participating in any manner in the resolution or in the process leading to the resolution of a complaint. Retaliation against any student or employee seeking assistance, filing a complaint is reason for a subsequent retaliation complaint. Retaliatory conduct may also be referred to the GCCT for appropriate action in the same manner as described above.

## **II. Complaint Procedures**

### **A. Eligibility.**

**Who may file:** Student, parent(s)/legal guardian(s) on behalf of his/her student, or employee

**How to file:** Complaint form must be completed, dated, signed, and submitted to the GCCT.

**Address:** TBD

### **B. Procedure for Filing Complaint**

1. All complaints must be in writing, signed, and dated. Provide your name, current address and telephone number.
2. The complaint form should explain the basis of your allegations and provide specific details of what occurred and why you believe the conduct about which you are complaining is wrong or in violation of a school policy. It is important that you be as specific as possible to assist us in determining what issue(s) must be investigated
3. Provide approximate date(s) – (month, day, and year) of the alleged act(s) of wrong doing on the complaint form.
4. Provide the name(s) of the individual(s) who allegedly have committed the wrong doing including location and job position.
5. State where the alleged act(s) or wrong doing occurred and time of day.
6. Provide any documentation you may have to support your allegations.
7. Provide any other information that you feel may support your allegation(s), e.g., name, addresses, and phone numbers of witnesses, and other individuals who may have knowledge of matters described in your complaint.
8. When the complaint form is completed, mail or return your form to the address above.
9. You will be contacted by the administration/its designee or the GCCT/its designee to schedule an appointment to review your complaint.

**Effective date:** August 20, 2012

**To be revised:** 2019

**Approved by the Governing Council on March 10, 2016**

**Legal Reference:** 6.10.3 NMAC