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Policy Procedural Handbook

For

The Governing Council

The International School at Mesa del Sol

The International School at Mesa del Sol

Governing Council Policy List

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| --- | --- | --- | --- |
| **NUMBER** | **TITLE** | **ORIGINAL APPROVAL** | **REVIEWED** |
| GC1 | Open Meeting | 8 Oct 2008 | 27 August 2020 |
| GC2 | Conflict of Interest | 20 October 2008 | 27 August 2020 |
| GC3 | Prohibition on Nepotism | 17 June 2008 | 24 September 2020 |
| GC 4 | Financial Management / Internal Controls | 20 Oct 2008 | 24 September 2020 |
| GC 5 | Reduction In Force | 18 Nov 2008 | 24 September 2020 |
| GC 6 | Equal Opportunity | 18 March 2009 | 24 September 2020 |
| GC 7 | Head of School Job Description | December 2008 | 22 October 2020 |
| GC 8 | School Enrollment and Lottery | 18 February 2009 | 22 October 2020 |
| GC 9 | Special Education Policy | 21 September 2011 | 22 October 2020 |
| GC 10 | Furlough Policy | 16 Nov 2011 | 22 October 2020 |
| GC 11 | Compulsory School Attendance | 25 Sept 2013 | 5 December 2019 |
| GC 12 | Course / Student Grade Change |  | 5 December 2019 |
| GC 13 | Advertising and Recruitment |  | REVOKED 20 December 2018 |
| GC 14 | Policy Adoption and Review |  | 5 December 2019 |
| GC 15 | Public Concerns and Complaints | 31 Aug 2015 | 5 December 2019 |
| GC 16 | Anti-Bullying | 18 Dec 2012 | 23 January 2020 |
| GC 17 | Wellness | 18 Dec 2012 | 23 January 2020 |
| GC 18 | Safe School | 18 Dec 2012 | 23 January 2020 |
| GC 19 | Tobacco Free Campus | 25 Sept 2013 | 23 January 2020 |
| GC 20 | Personal / Sick Leave Policy | 18 Sept 2013 | 23 July 2020 |
| GC 21 | Hiring Process for Head of School | February 2017 | 27 February 2020 |
| GC 22 | Distance Learning |  | 27 February 2020 |
| GC 23 | Dual Enrollment |  | 25 June 2020 |
| GC 24 | Audit Committee | 25 Sept 2013 | 27 February 2020 |
| GC 25 | Procurement | 25 Sept 2013 | 26 March 2020 |
| GC 26 | Textbooks | 16 Oct 2013 | 26 March 2020 |
| GC 27 | Student Retention | 20 Nov 2013 | 26 March 2020 |
| GC 28 | Cafeteria Charge | 25 May 2017 | 26 March 2020 |
| GC 29 | Student Discipline | 20 Nov 2013 | 26 March 2020 |
| GC 30 | Volunteerism | 19 Feb 2014 | 26 March 2020 |
| GC 31 | School Celebrations and Observations | 19 Feb 2014 | 26 March 2020 |
| GC 32 | Background Checks | 31 Aug 2015 | 26 March 2020 |
| GC 33 | Student Drug Testing Policy | 19 Nov 2015 | 23 April 2020 |
| GC 34 | Inventory Disposal | 28 Jan 2016 | 23 April 2020 |
| GC 35 | Training and Experience |  | 23 April 2020 |
| GC 36 | Student Acceleration and Promotion or Retention |  | 23 April 2020 |
| GC 37 | Family Educational Rights and Privacy Act | 17 Oct 2016 | 23 April 2020 |
| GC 38 | Request of Public Records |  | 23 April 2020 |
| GC 39 | High School Graduation |  | 23 April 2020 |
| GC 40 | Head of School Authority |  | 23 April 2020 |
| GC 41 | Telephone / Cell Phone Use |  | 4 June 2020 |
| GC 42 | Service Animal |  | 28 May 2020 |
| GC 43 | Prohibition of Compensation / Employment |  | 28 May 2020 |
| GC 44 | Prohibition of Sales of Insurance/Investment Securities |  | 28 May 2020 |
| GC 45 | Prohibition of Sales by Employees |  | 28 May 2020 |
| GC 46 | Library | 26 Jan 2017 | 28 May 2020 |
| GC 47 | Social Media |  | 28 May 2020 |
| GC 48 | Homework |  | 28 May 2020 |
| GC 49 | Bus Behavior | 26 Jan 2018 | 28 May 2020 |
| GC 50 | Booster Club | 22 Feb 2018 | 28 May 2020 |
| GC 51 | Right to Collectively Organize | 28 Feb 2019 | 25 June 2020 |
| GC 52 | Fines, Fees | 28 Feb 2019 | 25 June 2020 |
| GC 53 | Expulsion | 28 Feb 2019 | 25 June 2020 |
| GC 54 | Coordinated School Health and Wellness | 24 Oct 2019 | 25 June 2020 |
| GC 55 | Controversial Issues | 5 Dec 2019 | 25 June 2020 |
| GC 56 | Title IX | 27 August 2020 | 27 August 2020 |
| GC 57 | 504 Plan for students | 24 September 2020 |  |

**GC 6 Equal Opportunity**

1. **Publication of this Policy**

The administration of the International School at Mesa Del Sol shall determine where to publish this policy, in part or in whole, so as to ensure that it is known by the administration, faculty, staff, students, parents, guardians, volunteers, partners, and community members.

1. **Enacting this Policy**

The administration of the International School at Mesa Del Sol shall ensure that the principles of this policy inform the hiring of staff, the enrollment of students, the development and delivery of all school programs, the accommodation of the school physical plant, the dealings with the school community generally, as well as the establishment of the culture of the School.

1. **Violations of this Policy**

Any violations of this policy shall be reviewed and acted upon by the administration of the International School at Mesa Del Sol, consistent with the published disciplinary policy of the School. Administrative violations of this policy shall be reviewed by the Governing Council of the International School at Mesa del Sol.

**GC 8 Student Lottery**

Application Process:

1. TIS will announce the opportunity to apply for enrollment in January and February by advertising on the school’s website, in the newspaper as well as through flyers that are distributed through outreach efforts to pueblos, youth development organizations, neighborhood organizations that provide services to youth, and student academic associations. These announcements will be provided in both English and Spanish.
2. Applications for enrollment will be accepted until the end of February of each year and be ongoing thereafter.
3. As the applications for enrollment arrive, the registrar or designee will assign each applicant a number beginning with #1001. A corresponding item with that number will be placed into the Lottery Box.
4. A receipt record of applications will be kept on file at all times at the school.
5. Applications must be received by 5 pm of the application deadline.

Lottery Process:

* 1. A lottery will be advertised to the public in the newspaper and distribution of flyers.
  2. A school official such as the School Director, registrar or a designee will draw numbers for the lottery. The corresponding names will be listed in the order that they are drawn. All names will be drawn and listed in the order of the drawing on the appropriate grade level roster. After student openings are filled, all others will be put on a waiting list according to the order of their drawing.
  3. Subsequent lotteries will be conducted based upon enrollment needs.
  4. Students will be notified of their status via a letter.

Registration Process:

1. Students will be accepted for registration either through the lottery or on a first-come-first-serve basis if there are more openings than student applications.
2. Students accepted for admission must confirm enrollment in writing by a specified date. This date will be indicated on the written notification of admission sent to each student. Students who do not confirm their enrollment by the date and time indicated in the written notification will be removed from the admission list and placed at the end of the waiting list.
3. Parents or guardians of potential students are responsible for maintaining up-to-date information on the enrollment application, and are responsible for notifying MDSCS, in writing, of any changes in address, telephone number, or other contact information. TIS is not responsible for maintaining contact information with, or continuing a search for, an applicant who cannot be contacted within a reasonable time period and by reasonable effort. If TIS is unable to contact an applicant to either confirm enrollment or to notify the applicant that he or she is to be moved from the waiting list to the admissions list, then the applicant may be dropped from both lists.
4. Applicants who have been selected by the lottery process and confirmed their enrollment by the specified date will be invited to participate in an informational meeting.
5. Students will be deemed registered when the items in the TIS Enrollment Application package are completed or submitted to the school, including:

* Proof of age
* Copy of immunization records
* Special Education information (if appropriate)
* Emergency contact information
* Emergency Medical Authorization
* Health insurance information
* Lunch form (to gather free/reduced lunch data)
* Authorization for Release of Information Form
* Other as requested

**GC 10 Furlough Policy**

**PROCEDURE:**

**Definition**

a. A furlough is an unpaid leave of absence from work for a specified period of time.

b. Employees are not permitted to work when taking furlough time.

c. Employees may not use accrued paid leave during periods of furlough.

**The Furlough Plan**

a. The Governing Council may adopt a furlough plan which will set forth the number of furlough days and the period of time within which they must be taken.

b. The Governing Council may extend, modify or cancel a furlough plan after consultation in accordance with this policy.

c. Furlough days may be scheduled by the Head of School in consultation with the employee subject to the operational needs of the school. Furlough days may be scheduled in a way that allows the school to continue to provide a basic level of service, or to be closed completely with no employees at work or on site.

d. Furlough days must be taken on days that an employee is normally scheduled to work.

**Notice**

a. Employees will be given notice of a furlough at least 30 days before it is to be taken.

**Appeals**

a. A furlough plan adopted pursuant to this policy may not be appealed under any other Governing Council policy or internal grievance process.

**Benefits During a Furlough Period**

a. Health care, dental care and life insurance benefits will not be affected by a furlough.

b. Employees will continue to accrue sick leave (PTO) during a furlough, but not FMLA credit.

c. Retirement contributions (by both the employee and the school) will be affected by furloughs as contributions are based on actual earnings.

d. The employee remains responsible for making all employee contributions during a furlough period, including health care, dental care, Flexible Spending Accounts, and 403(b) contributions.

e. All miscellaneous authorized deductions will continue to be made during a furlough period, including credit union deductions, charitable contributions, investment plans, school payments and child support.

f. An employee’s continuous service credit, review date, and employment status will not be affected by any period of mandatory furlough.

**GC 34 Inventory Disposal**

**Procedure**

1. Purpose

The purpose of this policy is to provide the guidelines relating to the efficient disposal of School Property other than real property.

1. Definitions

Within the context of this property, the following definitions apply:

A. School Property – Assets administered by the Governing Council.

B. Destruction – The removal of goods or materials from TIS that are no longer recognizable or useable as originally intended.

C. Disposal – The sale, trade, or other disposal of any item that is deemed to no longer have a significant use to the instructional or support programs of TIS.

D. Donations – Equipment, materials, money, or property given to the school for use in or in conjunction with educational or extracurricular programs.

E. Economic Repair – The condition in which the cost to repair is less than the reasonable cost of the purchase price or replacement value.

F. Fixed Asset – A resource that meets all the following criteria:

1. Tangible in nature

2. Has an extended useful life of at least one year

3. Is not a repair part or supply item

4. Has an acquisition cost of $5,000 or more

Items meeting the fixed asset criteria are classified by major categories, such as:

1. Land
2. Buildings
3. Improvements to sites and facilities
4. Furniture and fixtures
5. Machinery and equipment
6. Construction-in-progress
7. Vehicles
8. Obsolete – Goods or materials that no longer have a value to TIS.
9. Public Sale – The sale of School Property by notice of publication, sealed bid, fixed price, auction, or other generally accepted process.
10. Real Property – Real estate, buildings, or other property.
11. Salvage – Retention of some component(s) of one item for use in the repair of another like item.
12. Scrap – The liquidation of an item, or its remnants, that is no longer useable.
13. Surplus Property – Goods or materials identified by school administrators, office or department heads as no longer having a need or use as originally purchased or provided; also called excess property. All Surplus Property is a type of School Property.
14. Trade-In – A credit or deduction received for property that is being replaced.

IV. Standards

A. School Property, when deemed Surplus Property, must meet at least one of the following criteria:

1. It has been condemned for use by the health department or for safety reasons as determined by the Safety, Environment, and Risk Management office.
2. It is damaged or worn beyond economic repair.
3. It will be or has been replaced.
4. It is considered outdated or obsolete.

B. Textbooks and other materials of instruction are considered School Property and will be governed by this policy.

C. Media materials are considered School Property and will be governed by this policy.

D. The disposal of real property will be exempt from this policy.

1. The disposal of leased/licensed items will be exempt from this policy and will comply with the terms of the use agreements.
2. Property obtained through a federal, state, local, or private grant will be disposed of in accordance with the grantor’s conditions. If no conditions exist, then disposal will be in accordance with these procedures.
3. The Head of School has the authority to terminate disposal proceedings or to deviate from these proceedings in a manner that best serves TIS.
4. Proceeds realized from any means of disposal are to be deposited to the TIS revenue account or an account designated by the Head of School.
5. Textbooks and other materials of instruction are considered School Property and will be governed by this policy.

V. Compliance

A. The Head of School (or Designee) is responsible for the disposal, re-utilization, or destruction of surplus School Property and in fulfilling this responsibility may:

1. Make the property available for use by another department, or office of the school
2. Trade the property in toward the purchase of an appropriate replacement
3. Sell the property for scrap directly through public sale (via notice of publications)
4. Donate the property with authorization from the Head of School
5. Discard or destroy the property as trash in compliance with any local, state, or federal requirements, e.g., hazardous materials, FERPA (Family Education Rights and Privacy Act), and HIPPA (Health Insurance Portability and Accountability Act) provisions.

B. The Head of School (or designee) is responsible for maintaining records documenting the disposal of all surplus property, including fixed assets as well as records documenting the disposal of goods and materials containing any school data as specified in FERPA and HIPPA regulations.

C. The Head of School will determine when property may qualify for disposal in accordance with established procedures.

D. Technology and other related items would be disposed of in coordination with the Head of School.

VI. Delegation of Authority

The Head of School is authorized to develop appropriate procedures to implement this policy.

VII. References

A. Legal  
Annotated Code of New Mexico, Education Article, §5-112 Family Education Rights and Privacy Act (FERPA)  
Health Insurance Portability and Accountability Act (HIPPA)

B. NMAC HCPSS

I. Determination of Surplus Property

1. A Head of School/designee will declare an item as surplus or excess.
2. Reutilization of Surplus Property
   1. If a surplus item can be utilized elsewhere the Head of School will reassign as appropriate.
   2. The Head of School will make available a list of excess property on the TIS Website or other electronic media.
   3. If repairs or other services to goods and materials can be carried out in a cost- effective manner, they will be conducted under the direction of the Head of School for that item(s).
   4. When a grade level/teacher/department receives surplus property, they are responsible to inventory and account for that property coming under their responsibility in the appropriate property database. Licenses and/or any fees associated with the property must accompany the surplus property being transferred.
3. Disposal of Surplus Property

A. If a surplus item is no longer useable, the Head of School will dispose of the item in one of the following ways:

1. Trade-In

a. If the item is being replaced, the Head of School will determine whether trade-in is a feasible means for disposal.

b. If the Head of School determines that the item should be traded in, relevant provisions will be noted in the Bidding Document/Purchase Order.

1. Sale
   1. An item not suitable for reuse or trade-in may be sold via informal bidding, sealed bids, public auction, electronic means, or other sales transaction, whichever is deemed to be in the best interest of the Governing Council.
   2. Upon receipt of payment from the buyer, the Head of School will transfer the title of item (when appropriate) by issuing and signing a letter of sale.
2. Donations
   1. The Head of School may request authorization to donate a surplus item to a charitable or nonprofit organization that has tax-exempt status.
   2. Donations will be handled on a case-by-case basis and approved by the Head of School.

B. Prior to physical removal, the Head of School/designee knowledgeable and responsible for the item(s) will identify if the item is a Fixed Asset and verify if the item is on the Fixed Asset list and notify the Head of School of the final disposal.

**GC 42 Service Animal**

DEFINITION OF SERVICE ANIMAL

This policy applies to any dog or, in limited circumstances, an animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, fetching dropped items, or other tasks that are directly related to the individual’s disability or necessary to mitigate a disability. No other type of service animal will be permitted. Animals whose sole function is to provide emotional support, comfort, therapy, companionship or therapeutic benefits, to promote emotional well-being or to act as a deterrent to crime are not service animals. An animal must meet this definition to be considered a service animal for purposes of this policy, regardless of whether it has or has not been licensed or certified by a state or local government, or by a private agency.

1. USE OF SERVICE ANIMALS BY VISITORS ON SCHOOL GROUNDS OR AT SCHOOL-SPONSORED EVENTS

The International School at Mesa del Sol adheres to the Americans with Disabilities Act and state laws permitting the use of service animals by individuals with disabilities. When not readily apparent, school officials may inquire as to whether the animal is required because of a disability and what work or task the animal has been trained to perform. School visitors shall not be asked about the nature or extent of their disability or for proof of a service animal’s training.

2. PROCEDURES/REQUIREMENTS FOR USE OF A SERVICE ANIMAL BY STUDENTS OR STAFF

Use of service animals by staff or students with a disability is subject to the following procedures and requirements:

1. Application.

1. Applications for the use of service animals on school system property during the school day must be in writing and submitted no less than ten (10) business days prior to the proposed use of the service animal. Applications for use of a service animal by an employee shall be submitted to the Head of School. Applications for use of a service animal by a student shall be submitted to the Head of School. All such applications must state whether the animal is required because of a disability and must identify what work or task the animal is trained to perform that is directly related to the individual’s disability. A service animal will not be permitted on school system property without the prior approval of the Head of School or his/her designee.

2. All applications for use of a service animal on school system property will be considered on a case-by-case basis. Approval of the use of a service animal on school system property is subject to periodic review, revision or revocation by the school. At a minimum, requests for the use of a service animal must be renewed annually, prior to the start of each subsequent school year. In addition, the request must be renewed whenever the student changes schools or the employee changes his/her place of assignment, or when the individual accompanied by the service animal desires to use a different service animal.

B. Use of Service Animal by Student or Employee.

1. Service animals must be housebroken; must wear proper identification; must have received all vaccinations as required by state law; must wear a rabies tag; must be free of parasites and otherwise in good health; must be under the control of its handler; and must be on a harness, leash or other tether, unless the service animal is required to perform a task that it could not accomplish while on a leash/lead or the handler is otherwise unable to maintain the animal on a leash/lead due to a disability. In such a case, the handler still must be able to maintain control over the animal.

2. All costs related to the handling and care of the service animal are the responsibility of the parent/guardian of the student or the staff member who uses the service animal.

3. The school system is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal’s need to relieve itself. A student or employee with a service animal is expected to care for and supervise the animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his service animal, the parent is responsible for providing care and supervision to the service animal.

4. The use of a service animal on school system property by a student or employee will be subject to a plan which introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by The International School at Mesa del Sol.

5. Service animals may be permitted on school district transportation vehicles if necessary to access educational services and programs and if consistent with safety requirements. Requests for transportation will be considered on an individual basis and may include review by the student’s IEP team and/or Section 504 team, if appropriate. A representative of the Transportation Department may meet with the animal’s owner to determine whether and under what conditions the service animal can be transported safely.

6. The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

3. REMOVAL OF SERVICE ANIMALS FROM SCHOOL PROPERTY

A school administrator can require an individual with a disability to remove a service

animal from school property under the following circumstances:

The animal is out of control and the animal’s handler does not take effective action to control it;

The animal is not housebroken;

The presence of the animal poses a direct threat to the health or safety of others;

or

The presence of an animal would require a fundamental alteration to the service,

program, or activity of the school division.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

4. REMOVAL OF SERVICE ANIMAL FROM SCHOOL PROPERTY

Any animal that causes injury to staff or students or that behaves aggressively will be immediately isolated and removed from the school premises

5. LIABILITY

The owner or handler of a service animal may be liable for any damage to school system or personal property to the same extent required by other governing council policy or regulations that impose liability for property damage. The owner or handler of a service animal may also be liable for any physical damage or injuries caused by the service animal. The student and parent/guardian of a student who uses a service animal on school system property will hold The International School at Mesa del Sol and the Governing Council harmless and indemnify the Governing Council from any such damages.

7. APPEALS

Decisions regarding the use of service animals may be appealed through the grievance process.

**GC 47 Social Media**

The Governing Council recognizes the educational value inherent in the responsible use of Social Media sites. The Governing Council also recognizes, however, that potential misuse of these sites by employees and students can do great harm to the safety, reputations, and/or careers of those involved, as well as to the reputation of The International School at Mesa del Sol and the teaching profession in general. This policy, therefore, is developed to foster safe student/teacher interaction on Social Media sites. They may also be applied more generally to all online student/teacher/parent/community interactions.

Maintaining Social Media Accounts:

The International School at Mesa del Sol will maintain central accounts on its own web site and certain Social Media sites for the release of general news and information, and (at the Head of School’s discretion) grade or department-based accounts or fan pages for more specific releases. Employees who manage officially recognized Social Media accounts are expected to post important, relevant, and interesting material. Employees should strive to post only information that will be useful to and appreciated by their community/network.

Social Media accounts require commitment. Fans and followers will expect sites to be maintained as an up-to-date source of information on daily happenings at the school/site. Employees who maintain Social Media accounts/fan pages are expected to post at least 2-3 times per week. Social Media accounts may be linked to other existing Social Media accounts via any of several software products to aid in this requirement. Employees who maintain school-related Social Media accounts are acting as representatives of The International School at Mesa del Sol. As such, they must refrain from allowing personal or political viewpoints to dictate the kind of information they share. Employees will not use derogatory language when posting, and will maintain a positive and friendly tone. Employees are encouraged to share often, and to be genuine, but they must always carry themselves with professionalism. Social media posts, once active on the site, are considered public information.

Examples of post-worthy materials include:

• Good news/What's happening on campus

• Picture of the Day/Other school-related pictures

• Short/Long form videos/People of TIS

• Weather emergencies/bus info

• Food service emergencies

• Other emergencies

• Event reminders

• Congratulations on big accomplishments

• School Connects scripts

In addition to posts, account administrators also may create “tabs” – or separate pages that include Facebook and third-party applications as well as more specific, focused information.

Examples include: Lunch menu listings, contact forms, Flickr or YouTube feeds, surveys, etc.

TIS guidelines apply equally to both posts and tabs.

Use proper spelling and grammar in posts and on tabs. Abstain from using “text talk” unless it is necessary in order to meet character limits. Posts involving students, including photos, videos, news about individual students, and displays of student work, are subject to the rules outlined in Governing Council Policy 37 and 38, including the rights of parents and students to opt out of inclusion in TIS media releases.

Through our Social Media account(s)/fan page(s), The International School at Mesa del Sol strives to provide visitors and subscribers with information on major activities and initiatives, as well as “good news” from around the School. Please remember the following regarding our

Social Media presence:

• Please participate in a way that contributes to a positive dialogue.

• The International School at Mesa del Sol reserves the right to block subscribers who are abusive to employees or other followers.

• The International School at Mesa del Sol reserves the right to delete comments that use foul language, link to unacceptable web sites, or are in any way abusive to employees or other followers.

• *Liking*, linking, *retweeting*, or subscribing to another post or “fan page” does not constitute an endorsement on the part of TIS of that post or “fan page’s” creator, or of his or her opinion, product, or service; the same applies to comments posted by others to TIS Social Media accounts. The posting and presence of content on Social Media does not necessarily mean that TIS agrees with the content, ensures its accuracy, or otherwise approves of it. Nothing on any Social Media account or page constitutes a binding representation, agreement, or an endorsement on the part of TIS. Please review specific Social Media terms of use carefully when engaging on the site.

Social Media and Individual Employees:

The International School at Mesa del Sol recognizes the educational value inherent in the responsible use of Social Media sites. The School also recognizes, however, that potential misuse of these sites by employees and students can do great harm to the safety, reputations, and/or careers of those involved, as well as to the reputation of The International School at Mesa Del Sol and the teaching profession in general. The following guidelines have, therefore, been developed to foster safe student/teacher interaction on Social Media sites. They may also be applied more generally to all online student/teacher interactions.

The International School at Mesa del Sol discourages employees from accepting or initiating invitations to “friend” students (family and relatives excluded) or otherwise providing students with direct access to the employee’s personal Social Media accounts. Employees should establish separate Social Media accounts for their personal and professional purposes. In cases where an employee desires to use Social Media as an enhancement to his or her instructional or school-based responsibilities, the use of a personal Social Media account is prohibited. Instead, TIS encourages the use of professional Social Media accounts as an alternative to “friending” or “following” students from their personal accounts.

Employees who engage students via Social Media must notify the Head of School in writing, as well as provide a link to their Social Media accounts in question. Employees also must provide the Head of School with the username and password for all of their official Social Media accounts. TIS should designate one administrator to be responsible for maintaining staff username and password information.

In all cases, TIS strongly discourages employees from engaging in private messaging exchanges with students on Social Media sites. Any online conversations between a teacher and his or her students should be carried out on the site’s public messaging/comment area, timeline, etc. TIS recommends restricting all messaging with students to Outlook. Employees, excluding those posting on official school Social Media accounts, should refrain from visiting Social Media sites during student contact hours.

Posts involving students, including photos, videos, news about individual students, and displays of student work, are never appropriate for an employee’s personal Social Media sites. The School’s right to release student works, photos, and “directory information” as outlined in

Governing Council Policy 37 and 38 DOES NOT transfer to individual employees acting outside of their roles as agents of the School. All employees should take adequate precautions to secure their personal Social Media sites/accounts from unwanted intrusion. This can be accomplished by adjusting your profile’s security and privacy settings. At a minimum, educators should have all privacy settings set to “only friends”. The “Friends of friends” and “Networks and Friends” privacy settings potentially open your personal content to large numbers of unknown individuals.

Due to security risks, be cautious when installing the external applications that work with the social networking site. Examples of these sites are calendar programs and games. Run updated malware protection to avoid infections of spyware and adware that social networking sites might place on your computer. Be careful not to fall for phishing scams that arrive via email or are posted to your Facebook “wall” or other Social Media accounts. In all cases, the School accepts no responsibility for the actions of individual employees on Social Media sites.

Reporting

Mandatory reporting policy applies to all interactions on Social Media sites.

Archiving

All interactions, posts, and comments on official Social Media sites are considered public record and are subject to the records retention schedule in Governing Council Policy 37 and the New Mexico Department of State, Division of Library and Information Services. Each individual who initiates a Social Media account is responsible for archiving the account on a regular basis. The School recommends that Social Media sites be archived at least on a monthly basis. Twitter accounts can be archived through Twitter settings. Facebook pages also can be archived, but fan pages do not have that function.

Those pages can be archived by taking screen shots, or by installing the add-on available at https://addons.mozilla.org/en-

US/firefox/addon/archivefacebook/.

Sources:

http://www.nashuatelegraph.com/news/945362-196/facebook-faculty-fan-page-plan-supported.html

http://blog.ecairn.com/2012/03/08/facebook-fan-pages-what-changed-and-what-does-it-mean/

http://www.internetpronews.com/2011/02/28/big-changes-to-facebook-fan-pages-continued/

http://ustandout.com/facebook/changing-facebooks-timeline-fan-pages

Communications & Government Relations Department, 813-794-2717.

**GC 55 Teaching Controversial Subjects**

In accordance with contracts, teachers will observe the following:

1. Without minimizing the importance of generally accepted truths and values, the Governing Council, agrees to foster dispassionate, unprejudiced, scientific studies of controversial issues in an atmosphere free from bias and prejudice.
2. The teacher will serve as an impartial moderator and will not attempt, directly or indirectly, to limit or control the opinion of pupils on controversial issues. It is the intent of the policy that the teacher will foster the study of such issues rather than teach particular viewpoints.
3. Freedom to teach is essential to the accomplishment of the Schools’ goals. Therefore, teachers have the right and responsibility to exercise professional judgment, within the limits of the above guidelines, in initiating and actively pursuing consideration of controversial issues.
4. Teachers must inform the Head of School of guest speakers appearing in their classrooms.
5. In the event the Head of School believes that a teacher’s presentation (oral, written or visual) of a controversial issue falls outside these Guidelines, the Head of School will so advise the teacher, discuss the basis of his/her objections and recommend an alternative approach to the issue.  The teacher shall adopt the Head of Schools’ recommendation pending mediation of the dispute by the GC.

**Students**

In accordance with Board Policy, the following standards will apply:

1. Students have the right to encounter diverse points of view. They will have opportunities to hear speakers and view presentations representing a wide range of views in classes, clubs, and assemblies under guidelines established by the District.
2. If it is established that a student and/or parent objects as a matter of principle to participation in an activity assigned by school personnel, an alternative activity will be assigned without penalty or embarrassment to the student.
3. As a public institution the schools have a commitment to objectivity and fairness in the presentation of all sides of an issue.
4. Appeal of any decision made by the principal is provided for in accordance with the *Parent Student Behavior Handbook*

**GC 56 Title IX**

The School’s Grievance Complaint Procedures is followed when processing all Formal Complaints of discrimination based on sex as defined herein, or retaliation for making complaints about sex discrimination in violation of Title IX.  Every effort to ensure impartiality and non-biased decision making has been employed when appointing those individuals who will implement these Procedures. If at any time a participant believes an administrator of this procedure cannot be impartial, he/she should immediately notify the Title IX Coordinator or the School’s Head Administrator.

NOTE:  Students and employees may address alleged violations of other School polices including the School’s anti-bullying and anti-harassment/discrimination rules, using those procedures as described in the School’s handbooks or related procedures.  These procedures will not be used to address complaints of discrimination or harassment based on other classifications (race, ethnicity, age, physical or mental disability) This Grievance Process and these Procedures are specifically limited to address complaints of discrimination, sexual harassment and retaliation based on sex and according to Title IX of the Education Amendments of 1972.

1. PURPOSE OF THESE PROCEDURES

* These Grievance Complaint Procedures (“Procedures”) are intended to implement the requirements of 34 CFR Part 106 and apply only to complaints raised to address discrimination prohibited by Title IX.
* These Procedures provide students and employees a process to bring formal grievance complaints about conduct that may constitute sex discrimination as defined in these Procedures and to ensure that all parties to a complaint are given fair, even-handed opportunities to present their side of the case before a final determination is reached and before disciplinary actions are imposed, except in emergency situations.

1. DEFINITIONS
   1. Complainant – means the individual who is alleged to be the victim of conduct that could be sexual harassment, discrimination or retaliation for complaining of sexual harassment or sex discrimination as meant by Title IX.
   2. Formal Complaint – is the document submitted by the Complainant or signed by the Title IX Coordinator alleging sexual harassment, discrimination or retaliation against a Respondent and requesting that the School investigate the stated allegations.  If the Formal Complaint is signed by the Title IX Coordinator, the Coordinator does not become the Complainant, nor a party to the Grievance Process. The Title IX Coordinator may submit a Formal Complaint even if the Complainant does not wish to do so on his/her own behalf. If the Title IX Coordinator files the Formal Complaint, he/she must follow the processes stated herein. Additionally, a parent or legal guardian may act on behalf of a Complainant including signing and filing a Formal Complaint.
   3. Impartiality of administrators – Participants in the Grievance Process, to the greatest extent possible, are assured that the  Title IX Coordinator, Investigator, Decision Maker and Appeal Officer as the terms are used in this Procedure shall not have a conflict of interest or bias for or against the Complainant or Respondent,  and shall have received appropriate training for their respective roles in this process.
   4. Respondent – is the individual against whom the allegations of the Formal Complaint are made. A parent or legal guardian may act on behalf of the Respondent as a party to a Formal Complaint
   5. Sexual Discrimination – Excluding a person from participation in, denying the person the benefit of, or subjecting a person to unequal treatment under any academic, extracurricular, occupational training or other education program or activity provided by the School based on sex, e.g. disproportionate funding for athletic programs.  Sexual Discrimination includes Sexual Harassment as defined in paragraph F.  For purposes of these Procedures, “sexual discrimination” shall include “sexual harassment.”
   6. Sexual Harassment – A form of sexual discrimination recently defined by the U.S. Department of Education as conduct based on sex that satisfies one or more of the following:
      1. An employee who conditions the provision of assistance, benefits, or services offered by a School program or activity or unwelcome sexual conduct “quid pro quo” (e.g. sexual favors in exchange for good grades).
      2. Unwelcome conduct that a reasonable person would consider so severe, pervasive and objectively offensive that it denies a person the ability to access her or his educational program or activity; or
      3. “Sexual assault,” “dating violence,” “domestic violence,” or “stalking,” each as defined by federal law and collectively referred to in these Procedures as “sexual violence.”
   7. Education Program or Activity – An education program or activity of this School includes all locations, events, or circumstances where the School has the authority to exercise substantial control over both individuals implicated in a complaint of sexual harassment.  Title IX applies to all School’s programs or activities whether such programs/activities are held on or off campus, but not outside the United States.  Offending conduct covered by these Procedures can occur by e-mail, over the internet, or other technologies, such as social media, if the School has the requisite authority to control the students’ conduct on these technologies.
   8. Title IX Coordinator – an employee of the School who is *duly authorized* to coordinate the School’s efforts to enforce the provisions of Title IX.
2. TITLE IX COORDINATORS’ CONTACT INFORMATION for The International School at Mesa del Sol
   * 1. Title IX Coordinator
        1. Amanda Castaneda
        2. Assistant Head of School, Title IX Coordinator
        3. [acastaneda@tisnm.org](mailto:acastaneda@tisnm.org)
        4. 505-508-3295
        5. 2660 Eastman Crossing SE, Albuquerque, NM 87106
        6. Grievance form can be found on school website [www.tisnm.org](http://www.tisnm.org)
     2. Alternative contact
        1. Mary Vesper
        2. Assistant Head of School
        3. [mvesper@tisnm.org](mailto:mvesper@tisnm.org)
        4. 505-508- 3295 Ext. 202
3. WHO MAY REPORT A COMPLAINT?
   1. Any employee who believes a student has been the subject of sexual discrimination and/or retaliation by a student, employee, or third person (e.g. contractor, visitor, etc.) or who has reason to believe that said conduct has occurred, **must contact** the Title IX Coordinator or Mary Vesper to initiate the filing of a complaint. **This report is in addition to any mandatory obligation to report child abuse or neglect.**
   2. Students are not required to file a Formal Complaint on their own behalf but are encouraged to do so.
   3. Any other person may report sex discrimination whether he/she is the alleged victim of the purported illegal conduct using the methods described in this Procedure.
   4. If Complainant is unwilling or unable to submit a Formal Complaint, the Title IX Coordinator or Alternate may ask for details of the incident in an oral interview.  If the Complainant is a student with disabilities, the Title IX Coordinator shall review the reporting student’s IEP or 504 Plan to determine the specific accommodations that might be necessary to aid the student in filing a Formal Complaint and/or participating in the Grievance Process.
   5. The School will promptly notify the parents of the Complainant and the Respondent of a complaint alleging sexual discrimination, unless the student is over eighteen (18).
4. GRIEVANCE COMPLAINT
   1. The Title IX Coordinator, upon learning of a complaint of sexual discrimination, sexual harassment or retaliation, shall contact the Complainant and explain the process for filing a Formal Complaint and of the availability of Support Measures as described in Section VI.
   2. The School has a Grievance Complaint form that may be obtained from the Title IX Coordinator and which is posted at school website [www.tisnm.org](http://www.tisnm.org) .  However, a complaint may be made orally or provided in a writing that contains the following information:
      * 1. Name, address, telephone number, email address of Complainant
        2. Name of person(s) directly responsible for the alleged discrimination or retaliation
        3. Date(s), time(s), and places of alleged discrimination or retaliation
        4. Nature of the alleged violation(s); i.e. discrimination, harassment, retaliation
        5. Detailed description of the specific conduct that is the basis of the alleged violation(s)
        6. Copies of any documents or items related to the alleged violation(s)
        7. Names and contact information for witnesses
        8. Any other important information
   3. If the Complainant does not wish to sign and file a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint, which triggers the Procedures stated herein, even over the objections of the Complainant.  The Title IX Coordinator shall keep the Complainant informed of the process.
   4. A Formal Complaint can be submitted in person, by mail, or by electronic mail by using the contact information stated in Section III.
5. INTERIM SUPPORT MEASURES DURING PROCESS
   1. Upon notice of a complaint, even if a Formal Complaint is not filed, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of Supportive Measures as described herein.  The Title IX Coordinator shall consider the Complainant’s wishes with respect to Supportive Measures.  Supportive Measures shall remain confidential to the extent possible for the School to successfully implement the measure.
   2. The Title IX Coordinator will make sure the Complainant is aware of his/her Title IX rights and the right of the Complainant to report a crime to law enforcement.
   3. Once a Formal Complaint is filed, the Title IX Coordinator will take steps to ensure that both the Complainant and Respondent continue to have equal access to education programs including by providing Support Measures  before for the Investigation is completed and the Written Decision is issued.
   4. Supportive Measures means non-disciplinary, non-punitive individualized services provided by the School before or after filing of a Formal Complaint, or even where no complaint has been filed. These measures are designed to preserve both Complainant’s and Respondent’s equal access to their education program or activity.  Measures will be designed to protect the safety of all parties, the School’s educational environment and to deter sexual harassment or discrimination.
   5. Supportive Measures may include steps such as counseling, extending deadlines or making other course-related adjustments, modifications of work or class schedules, on-campus escort services, mutual restrictions on contact between the parties, leaves of absences (employees), increased security and monitoring, or other measures as appropriate and reasonably available, with no charge to the Complainant or Respondent.
   6. Interim measures afforded will depend on the situation.  The Title IX Coordinator shall take into consideration:  the specific needs expressed by the Complainant; the age of the students involved; the severity or pervasiveness of the alleged conduct; any continuing affects on the Complainant; whether the Complainant and Respondent share classes, transportation, or extra-curricular activities; or whether there are judicial orders in place to protect the Complainant.
   7. A Respondent shall not be disciplined or have punitive measures imposed prior to the outcome of the Investigation and Written Decision.
   8. Emergency Removal.  Respondent may be removed from the School or School activity immediately, provided that the School conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student, not just the Complainant, or other individual arising from the allegations of sexual harassment, discrimination or retaliation, justifies removal.  If removal is warranted, the Respondent shall be afforded the opportunity to challenge the decision immediately following the removal.  The extent of the challenge afforded will depend on the duration of the removal deemed warranted.  An emergency removal cannot modify any rights a student may have under his/her IEP or 504 Plan.
   9. If the Respondent is an employee, he/she may be placed on administrative leave with pay during the pendency of the Grievance Process based on the allegations of the Formal Complaint.
6. FORMAL COMPLAINT PROCESS
   1. Timelines and due dates.
      1. A Formal Complaint under this Procedure should be filled as soon as possible but not later than ninety (90) days after the incident or last incident giving rise to the allegations. Failure to file a Formal Complaint within these timelines may result in dismissal of the Formal Complaint.  Dismissal, however, shall not preclude an individual from pursuing his/her complaint through external enforcement agencies.  *See Section XVI below.*
      2. The Title IX Coordinator and other administrators of this procedure will make every reasonable attempt to adhere to the time limits applicable to each stage of the process.  Requests by the parties for extension of time should be made to the Title IX Coordinator who will decide whether there is good cause for an extension under the circumstances.
   2. Notice of Formal Complaint.  Upon receipt of a Formal Complaint, the School shall provide a written notice that contains the following information to the Complainant and Respondent:
      1. A copy of these Grievance Procedures.
      2. A statement of allegations of the Formal Complaint with sufficient details for the Respondent to prepare a response including, the name of the Complainant and other individuals involved in the incident (if known), the conduct allegedly constituting sexual discrimination, sexual harassment or retaliation, and the date and location of the incident.  The Respondent shall be notified of any amendments to the allegations during the Investigation and a fair opportunity to respond.
      3. A statement that the Respondent is presumed not to be responsible for the alleged conduct and that a determination of responsibility shall not be made until the Grievance Process is completed including any final decision on appeal.
      4. Inform the parties that they may have a representative of their choice, who may be, but is not required to be an attorney. If represented by an attorney, the attorney’s name and contact information must be provided to the Title IX Coordinator within five (5) business days of the notice of the complaint or no later than three (3) days prior to any interview or meeting on behalf of the represented party.
      5. The right to inspect and review evidence presented to the Investigator.
      6. An explanation that an Informal Resolution Process is available, but only if both parties agree in writing to the process as described in these Procedures.
      7. A statement that the making of false statements or knowingly submitting false information during the Grievance Process may result in closure of the Formal Complaint as described in Section XI, or greater weight given to evidence presented by the other party during the Investigation and/or the final determination process.
   3. Confidentiality.
      1. Limitations. The School shall maintain confidentiality to the extent possible. The School cannot assure complete confidentiality but will treat sensitive information as not to be shared with others except in limited circumstances.  Exemptions may include but are not limited to the following examples:  information required by law to be reported; information imparted to others in supervisory positions to further an Investigation or to stop a discriminatory or harassing practice; information given to the Respondent that is necessary for Respondent to have a fair opportunity to provide a response to the allegations of the Formal Complaint.
      2. Considerations before Disclosure.  The School will evaluate a confidentiality request in the context of whether it can maintain a safe and nondiscriminatory environment for all students, and will weigh the request against other factors it deems relevant, including without limitation:
         1. The Complainant’s age;
         2. Circumstances that suggest there is an increased risk of future acts of harassment and/or sexual violence under similar circumstances; and
         3. Whether the School possesses other means to obtain relevant evidence (e.g. security cameras or personnel, physical evidence).
      3. All parties to a Formal Complaint under this Procedure, including Complainant, Respondent, and witnesses, are cautioned to not divulge or publicize the nature of the proceedings or the identity of those involved outside the scope of the Investigation.
   4. Formal Investigation Process
      1. The School, through its Investigator, shall be responsible for gathering evidence sufficient to reach a determination.   The burden of supporting the final determination is on the School, not the Complainant or the Respondent.  The School shall establish a violation of Title IX by a preponderance of the evidence obtained through Investigation Process.
      2. The parties  will be provided the opportunity to present witnesses and documents to support their positions within the timeframes set forth by the Investigator.
      3. The Investigation shall be completed withing thirty (30) calendar days unless scheduling conflicts or other circumstances necessitate a delay as approved by the Title IX Coordinator.
      4. The parties will be provided no less than three (3) business days’ notice of the time, date, location, participants and purpose of all meetings, interviews, or other meetings.
      5. After the Investigator has completed the investigation, and prior to completing the Investigation Report, the Investigator shall send each party and their representatives, if any, the evidence the Investigator has collected and which is subject to inspection (and not otherwise confidential) by email or print copy.  Each party shall have ten (10) business days to prepare a response to the evidence, which the Investigator shall consider before completing the Investigation Report.
      6. The Investigator shall issue a written Investigation Report summarizing the information collected during the Investigation and provided by the parties within ten (10) business days from the date the Responses are due and provide a copy simultaneously by email to the parties and their representatives, if any.
      7. Before the Decision Maker renders a decision and after receipt of the Investigation Report, each party shall have five (5) calendar days to submit written questions to the Decision Maker that any party wants asked of any party or witness.  The Decision Maker shall provide each party with answers within  ten (10) business days.  Each party shall have three (3) calendar days to submit any follow up questions.  The Decision Maker must provide a reason for not responding to questions presented by the parties.
   5. Decision Maker’s Written Determination
      1. The Decision Maker, who shall not be the Title IX Coordinator or the Investigator and shall render a Written Determination within thirty (30) days  from the date of the Investigation Report.
      2. The Written Determination shall include:
         1. Identification of the allegations that potentially constitute sexual discrimination.
         2. Procedural history from the date the Formal Complaint was received by the Title IX Coordinator through the date of the Written Determination, including notices to parties, interviews with parties and witnesses site visits, methods used to gather other evidence and meetings held.
         3. Findings of facts supporting the determination and if a violation is found that it is supported by the preponderance of the evidence.
         4. Conclusions regarding the application of the School’s code of conduct to the facts, if any.
         5. Statement of and rationale for determination as to each allegation, any finding of responsibility, any discipline imposed and whether any actions taken are designed to ensure that equal access to educational opportunities are preserved or restored on behalf of Complainant.
         6. Statement of the discipline to be imposed on Respondent and, if the discipline includes a long-term suspension or expulsion, Respondent’s rights to a due process hearing pursuant to 6.11.2 NMAC.
         7. Statement of the appeal rights with deadline for filing an appeal.
      3. A copy of the Written Determination shall be provided to the Complainant and Respondent, and their representatives, if any, simultaneously via email.
7. INFORMAL RESOLUTION PROCESS
   1. After the Formal Complaint has been filed, and at any time prior to issuance of the Investigator’s Report, the parties may agree in writing to engage in an informal resolution process, unless the Formal Complaint alleges sexual violence, or when the complaint is against an employee of the School, which must be investigated and finally processed as described above.
   2. An Informal Resolution Process may include:

* Informal inquiry and discussion
* Mediation
* Or other dispute resolution processes agreed to by the parties
  1. Any evidence or information shared during the Informal Resolution Process may be used during the Formal Complaint Investigation if either party terminates the Informal Resolution Process prior to reaching a final agreement.
  2. Either party may withdraw their consent to the Information Resolution Process at any time and proceed with the Formal Complaint procedures described herein.  The party choosing to end the Information Process must provide written notice to the other party and to the Title IX Coordinator.
  3. If a resolution is reached it shall be documented, and signed by both parties, their representatives and the Title IX Coordinator.  A resolution through this process ends the Formal Complaint process, which may not be resubmitted or appealed.

1. POTENTIAL DISCIPLINARY ACTIONS
   1. Employees and students may be disciplined, but only if it is determined through these Procedures that discriminatory action, treatment, harassment or retaliation for complaining has occurred in violation of Title IX or School policies.  The Title IX Coordinator shall refer imposition of discipline to the School’s Head Administrator.
   2. Discipline may include counseling, restrictions on contact between the parties, modifications of work or class schedules, other course-related adjustments, suspension, expulsion, restorative justice participation, or other forms of discipline deemed appropriate under the School’s discipline policies.   If a student is expelled or long term suspended, he/she shall be entitled to a due process hearing as afforded pursuant to 6.11.2 NMAC.
   3. Employees will be placed on administrative leave with pay pending the outcome of the Investigation.  If the Decision Maker determines there has been a violation of Title IX policies, the employee will be disciplined up to termination or discharge from employment in accordance with the requirements of the New Mexico School Personnel Act.
2. APPEALS
   1. Respondent.  If there is a finding that Respondent’s conduct resulted in sexual discrimination as the term is defined by Title IX and these Procedures, and disciplinary action is imposed, the Respondent may request an appeal within five (5) calendar days of the Written Determination.
   2. Complainant.  If Complainant believes that a finding that the Respondent’s conduct did not constitute sex discrimination as the term is defined by Title IX was wrong or that the discipline was inadequate, the Complainant may request an appeal within five (5) calendar days of the date Written Determination.
   3. Request for Appeal.  A request for appeal must be in writing, signed by the party initiating the appeal and state why that party disagrees with the Written Determination. The request for appeal must be submitted to the Title IX Coordinator who will provide a copy indicating receipt to all parties, and notifying the parties that each shall have the option to submit a written statement in support or opposition to the request for appeal.  The statement must be submitted within five (5) calendar days of receipt from this notice and delivered to the Title IX Coordinator.
   4. The Appeal Officer who may not be the Title IX Coordinator, Investigator or the Decision Maker, will review the request for appeal, the investigation documents, statements in response to the request for appeal and may interview the Complainant and Respondent if necessary, to make a determination.  An Appeal Determination will be made within fifteen (15) working days from the date the request for appeal was made.
   5. The Appeal Determination shall be a written decision and include the Appeal Officer’s rationale for the decision.
   6. The Appeal Determination shall be sent to both parties simultaneously and the Appeal Officer’s decision is final at the School level.   *See Section XVI below for further redress.*
3. DISMISSAL OF FORMAL COMPLAINT
   1. A Formal Complaint may be dismissed and not processed if:
      1. The Complainant, even after contact and follow up with the Investigator, fails to describe in sufficient detail the conduct that is the basis of the complaint and it is determined that the complaint does not provide sufficient facts to support a potential Title IX  violation.
      2. The conduct alleged in the Formal Complaint does not state a claim, even if true under Title IX.
      3. The Complainant refuses to cooperate with the Investigation.
   2. The School may dismiss the Formal Complaint, or any allegations therein, if at any time during the Investigation the Complainant notifies the Title IX Coordinator in writing that the Complainant wants to withdraw the Formal Complaint, the Respondent is no longer enrolled or employed by the School, or the School is prevented from gathering evidence to make a determination.
   3. The parties to the Formal Complaint will be promptly notified in writing with an explanation of the School’s decision to dismiss the Complaint. This decision may be appealed by the Complainant within seven (7) calendar days of notice of a decision not to proceed.  The request for appeal must include a written explanation for why the Complainant believes the decision not to process the Formal Complaint was wrong. An Appeal officer will review the decision to not proceed as well as the Complainant’s written appeal statement and render a decision within seven (7) calendar days.
   4. An Appeal Officer’s decision to uphold the decision not to proceed with investigating the Complaint shall be final at the School level.
   5. If the Appeal Officer overturns the decision not to proceed, the Formal Complaint will be sent back for investigation according to the Procedures described above.
4. ABUSE OF GRIEVANCE PROCESS

If the preponderance of the evidence supports a finding that the Complainant submitted a false or misleading Formal Complaint alleging harassment, discrimination or retaliation, the Formal Complaint will be dismissed, the student or employee who submitted the complaint will be recommended for discipline according to School policies.

1. RETALIATION
   1. Students, employees or parents who make a complaint of discrimination in good faith, shall be free from retaliation, coercion, and reprisal in seeking resolution to a complaint, whether filed as a Formal Complaint under this policy or otherwise.  Prohibition against retaliation applies to witnesses and others who cooperate in the Grievance Process at any level.
   2. Complainants, Respondents and others participating in the Grievance Process are hereby notified that retaliation is a separate violation distinct from the underlying discrimination or harassment allegation. Claims of retaliation, submitted in good faith and in writing to the Title IX Coordinator, shall be investigated pursuant to these Procedures.  Individuals who engage in retaliation shall be subject to discipline, regardless of whether there has been a finding of cause for the underlying complaint.
2. COMPLAINTS TO LAW ENFORCEMENT/EFFECTS ON PROCESS
   1. If a person believes he or she is a victim of sexual violence, the School recommends that the incident be reported to law enforcement immediately.  The School has a mandatory reporting requirement under said circumstances.
   2. The Title IX Coordinator will not postpone processing of a Formal Grievance if a criminal complaint has been filed.  However, the School may be required to delay the Investigation while local law enforcement officials are gathering evidence.  During any delay caused by law enforcement efforts, the Title IX Coordinator will ensure that interim Supportive Measures will be implemented, continued and revised, if necessary.  The Title IX Coordinator will make every effort, contingent on receipt of timely information from law enforcement, to update the parties on the status of the investigation.
3. MAINTENANCE OF RECORDS
   1. Records relating to a Formal Complaint pursuant to this Procedure must be maintained by the School for seven (7) years.
   2. Records to be preserved include all documents, audio or audio-visual recordings, or transcripts that were received, produced or kept by the School or its designees related to a Formal Complaint process, any Informal Complaint Resolution process, all interim supportive measures provided, or documentation of why such measures were not provided, evidence to support that the School’s response in this matter was not deliberately indifferent and that measures were taken to preserve or restore equal access to the educational program or activity.
   3. All material used to train Title IX Coordinators, Investigators, Decision Makers and any person who facilitates an informal resolution process, must be retained for seven (7) years.
4. REPORTS TO STATE AND FEDERAL AGENCIES/ADDITIONAL INFORMATION

Individuals may pursue claims with the agencies listed below as well as obtain additional information about their rights and the obligations of the School.

* 1. Employment discrimination complaints may be filed with the New Mexico Human Rights Bureau or the United States Equal Opportunity Commission.

New Mexico Human Rights Division

1595 Pacheco St., Suite 103

Santa Fe, NM 87505

<https://www.dws.state.nm.us/Filing-a-Charge-of-Discrimination>

U.S. Equal Employment Opportunity Commission

505 Marquette Avenue, NW

Albuquerque, NM 87102

<https://www.eeoc.gov/filing-charge-discrimination>

[Las Cruces – EL Paso Office]

100 Stanton Towers

100 N. Stanton Street, Suite 600

El Paso, TX  79901-1433

* 1. Students may file discrimination complaints through the United States Department of Education – Office for Civil Rights <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> .

Denver Office

Office for Civil Rights

U.S. Department of Education

Cesar E. Chavez Memorial Building

1244 Speer Boulevard, Suite 310

Denver, CO  80204-3582

**GC 57 SECTION 504**

The International School at Mesa del Sol affords certain rights to students with disabilities and their parents as set forth in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec.706(8)).  Section 504 of the Rehabilitation Act states: “No qualified individual with a disability shall, solely on the basis of his or her disability, be denied participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

What is Section 504?

Section 504 is a civil rights statute that provides certain protections to special education and general education students, employees, parents, and community members with disabilities.  The Americans with Disabilities Act is an extension of Section 504 into the private sector.  Its protections for individuals at TIS that are essentially the same as Section 504.  Students with disabilities who do not qualify for services under the Individuals with Disabilities Education Act of 1990 (IDEA) may have rights if they are eligible under Section 504.  A person who has a physical or mental impairment which substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working, has a disability under 504.

What Are the Rights of Students Qualified under Section 504?

Those students eligible for services under Section 504 have a right to:

* A free appropriate public education (FAPE) that is individually designed to meet the student’s individual needs as adequately as the needs of non-handicapped persons are met.
* Evaluation and periodic reevaluation to determine their needs.
* Physical access to facilities provided for their education.
* Take part in, and to receive benefits from, public education programs without discrimination because of disability.
* Reasonable accommodations/ modifications/supplementary aids and services to allow the student an equal opportunity to participate in school and school related activities.
* Be educated in facilities comparable to those provided to non-disabled students.

What Are the Rights of Parents of Students with a Disability under Section 504?

* The parent or guardian shall be notified in writing of all school decisions concerning the identification, evaluation, or educational placement of the student.
* The parent/guardian has a right to examine relevant educational records.
* The parent/guardian may obtain copies of educational records at a reasonable cost unless the fee would effectively deny him/her the records.
* The parent/guardian may request amendment to his/her child’s educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of the child.
* If a parent/guardian disagrees with the school decision regarding the identification, evaluation, or educational placement of his/her child, he/she may request mediation by writing to the Head of School.
* If the parent/guardian cannot reach agreement with the Head of School informally, he/she may:
  1. Request an Impartial Due Process Hearing with opportunity for participation by the parent/guardian and legal counsel.
  2. and/or file a written complaint with the Office for Civil Rights.

504 Process

1. Student is referred to 504 Committee by parent or school staff.  Parents are notified of referral.
2. Evaluation information is gathered. Documentation regarding medical diagnosis from a licensed physician and how it impacts their education.
3. 504 Conference is scheduled to determine eligibility.
4. Parents are notified in writing of the 504 Conference.
5. Parent and school staff concerns are documented during the 504 Conference.
6. 504 eligibility is determined by the summarization of evaluation/ assessment data provided by school and parents:
   * Does the committee find that the student has a physical or mental impairment?
   * If the student has impairment; does the impairment substantially limit a major life activity?
   * Does the committee have sufficient data to determine that the student has a disability under 504?
7. A 504 Accommodation Plan is developed for eligible students.
8. If a student is found to be non-eligible, a referral to the school Student Assistance Team may be appropriate.