

NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

ETHICAL MISCONDUCT INVESTIGATION AND REPORTING POLICY

New Mexico School for the Arts employees, NMSA volunteers and NMSA contractors/contractor's employees who know or who have a reasonable suspicion that a child or student has been subject to ethical misconduct by an NMSA employee, an NMSA volunteer, an NMSA contractor or a contractor's employee, shall report the matter immediately to:

- (1) the Head Administrator; or
- (2) the NMPED.

If the Head Administrator receives a report of known/suspected ethical misconduct against a child/student, the Head Administrator shall immediately transmit to the NMPED by telephone the facts of the report and the name, address and telephone number of the reporter. The Head Administrator shall transmit the same information to NMPED in writing within forty-eight hours. A written report to NMPED shall contain the name, address and age of the child or student; the child's or student's parents, guardians or custodians; the school personnel, school employee, school volunteer, contractor or contractor's employee who is alleged to have committed ethical misconduct; and any evidence of ethical misconduct, including the nature and extent of any injuries and other information that the maker of the report believes might be helpful to investigate a report of ethical misconduct. The written report shall be submitted upon a standardized form developed by NMPED.

The Head Administrator receiving the initial report of ethical misconduct against a child or student shall take immediate steps to ensure prompt investigation of the report. The investigation shall ensure that immediate steps are taken to protect the health or welfare of a student or child who is the subject of the report. NMSA shall take immediate steps to ensure the safety of enrolled students. After a report of suspected ethical misconduct against a student or child is made to the Head Administrator, the Head Administrator shall notify the person making the report within five days after the report was made that the Head Administrator is investigating the matter.

A law enforcement agency, the NMPED and/or the Head Administrator shall have access to any records and documents pertaining to an ethical misconduct case maintained by the NMSA, NMSA employees, NMSA volunteers, and/or NMSA contractors/contractor's employees. All investigations shall be kept confidential insofar as possible in compliance with applicable laws. The identity of any alleged victim(s) shall be kept confidential in accordance with applicable laws.

For purposes of this Policy, "ethical misconduct" means the following behavior or conduct by school personnel, school employees, school volunteers, school contractors or contractors' employees:

NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

- (1) discriminatory practice based on race, age, color, national origin, ethnicity, sex, pregnancy, sexual orientation, gender identity, mental or physical disability, marital status, religion, citizenship, domestic abuse reporting status or serious medical condition;
- (2) sexual misconduct or any sexual offense prohibited by Chapter 30, Article 6A or 9 NMSA 1978 involving an adult or child, regardless of a child's enrollment status;
- (3) fondling a child or student, including touching private body parts, such as breasts, buttocks, genitals, inner thighs, groin or anus; or
- (4) any other behavior, including licentious, enticing or solicitous behavior, that is reasonably apparent to result in inappropriate sexual contact with a child or student or to induce a child or student into engaging in illegal, immoral or other prohibited behavior.

Ref: NMSA 1978 §22-10A-5.1 (2021); 22-10A-2(F)

This Ethical Misconduct Investigation and Reporting Policy was adopted by the Governing Council of the New Mexico School for the Arts, effective January 19, 2022.

NEW MEXICO SCHOOL FOR THE ARTS

ATTEST;



Bill Beacham, Chair
of the Governing Council



PAULA TACKETT, Secretary
of the Governing Council