

NEW MEXICO ACADEMY FOR THE MEDIA ARTS GOVERNING COUNCIL POLICY

REDUCTION IN FORCE

New Mexico Academy for the Media Arts (NMAMA) has the authority to discharge certified school personnel during the term of their contracts or to terminate certified school instructors and non-certified employees with rights created by Section 22-10-14 NMSA 1978, after notice and a hearing when a reduction of such personnel is required as a result of decreased enrollment or a decrease or revision of budget. Reduction of force is a “just cause” for discharge of certified school personnel and termination of certified and non-certified employees, when established pursuant to this policy.

The school is vested with the discretion to determine educational programming. The school may revise the educational program or decrease the number of employees of the school at any time and is solely vested with the discretion to determine when decreased enrollment, program needs, financial exigency, or other causes justify a reduction in personnel.

Any RIF plan adopted by New Mexico Academy for the Media Arts shall be made available to all staff, by providing copies thereof in the administrative offices within five working days after approval by the Governing Council.

Each certified instructor discharged and each tenured employee terminated pursuant to this policy shall be entitled to the procedural rights provided under the applicable statutes and regulations of the NM Public Education Department governing discharge of certified school personnel or the termination of tenured employees.

I. PROCEDURES:

1. Situations Justifying Reduction-in-Force

- a. Situations which justify RIF shall include, but are not limited to, the following:
 - Decrease in enrollment
 - Decrease in revenue
 - Change in education program as determined by the NMAMA Governing Council
 - Court Orders
 - Legislative mandates
- b. The school shall exercise its discretion in good faith, and determinations that a RIF is necessary shall be based on bona fide education considerations and not be a subterfuge for discharging or termination of personnel without just cause or impermissible reasons.
- c. Any RIF may occur at any time during the calendar year when the school, in its discretion, determines that it is justified and the procedures prescribed herein are applicable and are followed.

2. Determination of Need for Reduction-in-Force

a. Preliminary Report

The NMAMA Head Administrator or designee shall report to the NMAMA Governing Council the circumstances which may ultimately require a RIF in order that notice be given to personnel of the possibility of a RIF and so that consideration may be given to the means by

which a RIF may be avoided or the efforts mitigated, if possible.

b. Preparation of Plan for RIF

When the Head Administrator or designee concludes that a RIF is necessary, he/she will present a Reduction-in-Force plan to the Governing Council for consideration. The RIF Plan shall not identify individuals to be discharged or terminated, but shall focus upon the education program of the school and how it may be modified to reduce the number of personnel while still providing a quality educational program. The RIF Plan shall include, but not limited to:

- A detailed description of the cause or causes requiring a RIF;
- A designation of the part or parts of the total educational program in which the RIF is proposed and the number of positions to be reduced in each program;
- A discussion of alternatives (if any) considered by the Head Administrator or designee and the management team of New Mexico Academy for the Media Arts and an explanation of why each alternative was rejected.

3. Selection of Personnel to be Released

The following criteria shall be applied in making the selection:

a. Certified Personnel

Certified-Licensure/Qualification: The primary concern and the initial criterion to be applied in making the RIF selections is the official certification or licensure program that meets statutory requirement and accreditation through the NM Public Education Department. Those having proper certification/licensure shall be given preference over those who do not.

b. Additional Training and Experience: Training and experience in activities that are to be retained as part of the school's overall program for its students may be considered a qualification requirement.

c. Seniority: Where certification/licensure qualifications status and additional training and experience are equal between two or more certified instructors being considered for release, the more senior instructor(s) will be given preference.