

PART B

ORGANIZATIONAL POLICIES

SECTION B-100 UNIT DISTRICT ORGANIZATION

- B-110 Unit Legal Status
- B-120 Unit Organizational Plan
- B-122 Individual School District Responsibilities
- B-125 New Members
- B-126 Withdrawal
- B-127 Dissolution
- B-128 Division of Assets
- B-140 Calendar
- B-150 Emergency Closing
- B-160 Employment and Service Practices

SECTION B-200 BOARD OF EDUCATION

- B-210 Unit Board Authority
- B-220 Membership
- B-221 Qualifications
- B-223 Number/Residence
- B-224 Term of Office
- B-230 Election Procedures
- B-240 Compensations

SECTION B-400 OFFICERS & AUXILIARY PERSONNEL OF THE BOARD

- B-410 Method of Election
- B-421 Duties of the Board President
- B-422 Duties of the Vice President
- B-423 Duties of the Business Manager
- B-424 Duties of the Members
- B-430 Unit Board Meetings
- B-431 Type of Meetings
 - B-431.1 Annual Meeting
 - B-431.2 Regular Meetings
 - B-431.3 Special Meetings
 - B-431.4 Work Session and Retreats
 - B-431.5 Executive Sessions
- B-440 Agenda
- B-445 Minutes
- B-450 Conduct of Business
- B-451 Parliamentary Rules
- B-452 Rule Suspension
- B-453 Executive Suspension
- B-460 Communication to the Board
- B-461 Public to be Heard

- B-462 Communications by Employees to Board
- B-463 Handling of Complaints to Board Members
- B-470 News Coverage
- B-480 Board - Director Relations
- B-490 Board Policy Adoption
- B-491 Administration in Policy Absence

SECTION B-500 UNIT ADMINISTRATION

- B-510 The Director of the Special Education Unit
- B-511 Responsibilities
- B-512 Qualifications
- B-513 Duties
- B-514 Advisory Councils
- B-515 Delegation of Authority
- B-516 Federal Funds
- B-517 Contractual Provisions
- B-550 Administrative Organization
- B-552 Line of Responsibility
- B-554 Educational Evaluation Billings
- B-600 Fraud Prevention and Investigation

PART B ORGANIZATIONAL POLICIES

SECTION B - 100 UNIT ORGANIZATION

B-110 UNIT LEGAL STATUS

The legal status of the East Central Center for Exceptional Children, herein referred to as ECCEC, is a body corporate for special education purposes. The name of each special education unit program must be chosen by the multidistrict board. The multidistrict special education unit shall possess all powers and shall perform all the duties usual to corporations for public purposes as conferred upon it by law. Under its name, it may sue and be sued, enter into contracts, and convey such real and personal property as come into its possession by will or otherwise. It may have a corporate seal by which its official acts may be attested.

LEGAL REF: NDCSC 15-59.2-01.1

B-120 UNIT ORGANIZATION PLAN

The ECCEC consists of member school districts organized into a multidistrict special education unit for purposes of planning and coordinating special education and related services. The multidistrict board shall submit a plan for implementation that meets the guidelines of the Department of Public instruction regulations and guidelines.

The powers and duties of a multidistrict special education board shall be as follows:

1. To prepare, on behalf of the participating school districts, an annual plan for providing special education and related services, such plan to be submitted to the superintendent of public instruction for approval.
2. To receive state and federal funds and distribute them to each of the participating school districts.
3. To employ personnel to carry out administrative, itinerant instruction, coordinative, and related services, who shall have the same statutory rights as school district employees. Rights which teachers shall have during the transition as set forth herein shall include, but not be limited to, those rights available under sections NDCSC 15-47-27 and 15-47-38.
4. To receive and expend any private, local, state, or federal funds for the payment of personnel and for expenses of the multidistrict board.

5. To contract with school districts within and without the multidistrict area to provide special education and related services.
6. To plan and coordinate the transportation of pupils for special education programs within the school districts participating in the multidistrict special education program.

LEGAL REF: NDCSC 15-59.2-05

ORGANIZATIONAL PLAN - CONTENTS (See Appendix A)

The organizational plan has been submitted to the superintendent of public instruction and includes the number of members on the ECCEC special education board, how each district will be represented, selection of officers, terms of office, meeting times, requirements for a quorum, and such other items as may be required by regulation of the superintendent of public instruction. Representatives on the ECCEC Board have been appointed by the school boards of the participating districts. Compensation for board members shall be the same as the allowed school board members pursuant to section NDCSC 15-29-05.

LEGAL REF: NDCSC 15-59.2-02

B-122 INDIVIDUAL SCHOOL DISTRICT RESPONSIBILITIES

Each school district within the Unit retains ultimate responsibility for each student within its district. East Central Special Education Unit in no way abrogates the responsibility of individual school districts for students receiving special education services. Ultimate responsibility for the provision of free and appropriate public education for the disabled student (in accordance with state and federal regulations) remains with the individual school district regardless of the location of the provision of those services.

B-125 NEW MEMBERS

A district wishing to become a member of the cooperative should submit a request in writing to the ECCEC Board prior to December 1 of the year preceding the actual application for membership. The following criteria shall be used in considering the request:

1. Size of the district.
2. Geographic location.
3. Effect on existing program.

4. Willingness to accept East Central Center for Exceptional Children's policies, procedures and plans.
5. The reason for requesting admittance.

The ECCEC Board shall consider such request and render a decision by February 1 of the year preceding the actual application for membership. Any school board of any school district which has been excluded from a multi-district special education program, and wishes to have its school district included in such program, may make a written petition to the Superintendent of Public Instruction, requesting inclusion in the multi-district program. The petition shall contain the requirements specified in the Department of Public Instruction's guidelines and regulations for such a petition. Appeals may be made to the state board of public education.

LEGAL REF: NDCSC 15-59.2-03

Approval for membership in East Central must be 60% of board members. Any district accepted shall be required to pay an admission fee based on the fund balance of East Central at the close of the preceding fiscal year.

In making the charge for admission to the program the following two calculations will be used with a weight of 50% each:

1.
$$\frac{\text{Current number of K-12 students in the district}}{\text{Number of K-12 students in the unit}} = \%$$
2.
$$\frac{\text{Preceding year taxable valuation of the district}}{\text{Total taxable valuation of the districts in the unit}} = \%$$

(Revised 11/18/2020)

B-126 WITHDRAWAL

In order to withdraw from a multidistrict special education program, a school district must, on or before January first prior to the beginning of the school year for which it seeks withdrawal:

1. Approve the withdrawal by a majority vote of the school board.
2. Notify the multidistrict board of the withdrawal.
3. Submit a plan to the superintendent of public instruction for providing services to children with disabilities.

ECCEC Procedure: The withdrawing district shall receive a percentage of the unit's

carryover balance at the end of the fiscal year, subject to the following provisions:

1. The percentage shall be determined by dividing the district's contributions by the unit's contributions over a five year period.
2. The withdrawing district may access the percentage of funds twenty-four (24) months later, after the potential for unemployment claims has been exhausted.

(Revised 12/16/2020)

B-127 DISSOLUTION

Any participating member may present a written motion to dissolve the unit at the conclusion of the fiscal year, no later than the December board meeting. Notice of the motion will be distributed to each individual school board in the unit. Such motion must be voted upon at the February meeting. A majority vote will be required. Should the motion be affirmed, the dissolution will commence June 30 at close of the fiscal year and conclude THIRTY (30) MONTHS later. During the thirty months a business manager will be retained on an hourly, as needed basis, to process unemployment or other fiscal claims to unit funds. Interim board meetings may be scheduled by mutual agreement and will be chaired by the immediate past board chairperson.

B-128 DIVISION OF ASSETS:

Provided a school district has been a contributing member for five years, that school district will be eligible for a percentage of the unit's total assets. Percentage will be defined as the School's 5-Year total dollar contribution through Tax Valuation and Enrollment Excess Cost Assessment divided by the Unit's 5-Year Total Dollar Contribution through Tax Valuation and Enrollment Excess Cost Assessment.

PERCENTAGE = $\frac{\text{School's Five Year Contribution}}{\text{Unit's Five-Year Contribution}}$

B-140 CALENDAR

The New Rockford school calendar for the ensuing school year shall be presented by the ECCEC director for Board approval each year. Any changes in the calendar shall be subject to Board approval.

The calendar shall set forth days of attendance for students, days of in-service and organizational meetings for teachers and administrators, holiday and vacation periods, and other schedules of importance to the staff and public. This calendar is in effect for ECCEC Office Support Staff only.

LEGAL REF: NDCSC 15-47-33. (See also 15-47-04)

B-150 EMERGENCY CLOSING

East Central employees and special education students, including the preschool, will follow the emergency closing procedure of each local school in the event of hazardous weather, epidemics, or other emergencies which threaten the safety or health of students or staff members.

CROSS REF: G-Emergency Closings

LEGAL REF: NDCSC 15-47-33

B-160 EMPLOYMENT AND SERVICE PRACTICES

It is the policy of ECCEC not to discriminate on the basis of race, national origin, sex, religion, disability, or age in its educational programs, activities, employment policies or admission policies and practices as required by Title IV of the Civil Rights Act of 1964; Title IX of the 1972 Education Amendments; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act of 1990. Inquires regarding compliance with any of these may be directed to Denise Brandvold, Director of Special Education, Title IV and IX Coordinator, and 504 Coordinator, at 16 South 8th St., New Rockford, ND

58356, telephone (701) 947-5015 or the Director of the Office for Civil Rights,
PO Box 901381, 10200 N Executive Hills Blvd, 8th Floor, Kansas City, MO
64153-1367 (816) 880-4200; TDD, (816) 891-0582

SECTION B - 200 BOARD OF EDUCATION

B-210 UNIT BOARD AUTHORITY

The Unit Board authority originates from that assigned to it by law. All powers of the Board lie in its action as a body.

LEGAL REF: NDCSC 15-29-01

B-220 MEMBERSHIP

B-221 Qualifications:

Any person who is a qualified elector under the general laws of the state is eligible as a member of the Board.

LEGAL REF: NDCSC 15-47-05

B-223 Number/Residence

The Board is composed of members as appointed by local school districts' board. The number of board members will be based upon the district's K-12 enrollment (using the Spring enrollment report). Schools with enrollment of 250 or more will have two voting board members. Schools with K-12 enrollment of less than 250 will have one voting board member.

LEGAL REF: NDCSC 15-59.2-02

(revised 12/16/2020)

B-224 Term of Office

Members of the Board shall serve for a term of one year.

LEGAL REF: NDCSC 15-59.2-02

B-230 ELECTION PROCEDURES

The school boards of each participating school district shall appoint members to the ECCEC Board.

B-240 COMPENSATIONS

Each member of the Board shall receive ten dollars as compensation for each meeting of the Board actually attended. In addition, each member shall be reimbursed for meals, lodging, mileage or travel expenses incurred while engaged on official business of the Board at the reimbursement rate established by the unit.

LEGAL REF: NDCSC 15-29-05

SECTION B - 400 OFFICERS AND AUXILIARY PERSONNEL OF THE BOARD

At the annual meeting, the Board shall elect from among its members a president and a vice president who shall serve for one year.

The Board shall hire a business manager, not a member of the Board, who shall receive compensation for services as designated by the Board.

LEGAL REF: NDCSC 15-29-03, 15-29-03.1

B-410 METHOD OF ELECTION

At its annual meeting, the Board shall elect from among its members a president who shall serve for one year.

The incumbent president of the Board shall preside until a successor shall have been elected and qualified. A majority vote shall be necessary for the president to be elected.

LEGAL REF: NDCSC 15-29-03

B-421 DUTIES OF THE BOARD PRESIDENT

The president shall preside at all meetings of the Board, appoint all committees subject to approval of the Board, administer any oath required in unit affairs, sign all warrants ordered by the Board to be drawn upon the business manager for unit moneys, and perform other acts required by law.

In addition, the Board president as presiding officer shall:

1. Call the meeting to order at the appointed time;

2. Conduct the business to come before the meeting in its proper order;
3. Assign the floor members who desire to speak. Once, he/she has recognized the right of a member to the floor, it shall be his/her duty to protect the speaker from disturbances or interference;
4. Insofar as possible, explain what the effect of a motion would be if it's not clear to every member; he/she shall make certain that members are informed as to what business is pending;
5. Restrict discussion to the question before the Board;
6. Answer all parliamentary inquiries and decide points of order and questions of privilege as soon as they arise;
7. Sign all acts or orders necessary to carry out the will of the Board;
8. Put motions to a vote, state definitely and clearly the vote and the result thereof;
9. Be spokesman for the Board at all times except as this responsibility is specifically delegated to others;
10. Participate as a regular voting member of the Board.

LEGAL REF: NDCSC 15-29-04

B-422 DUTIES OF THE VICE PRESIDENT

The vice-president of the board shall assume the responsibilities of the president in his/her absence, and shall perform such other duties as may be assigned by the board. Absence shall be defined as including the unavailability of the president.

B-423 DUTIES OF THE BUSINESS MANAGER

The business manager of the Board shall:

1. Keep a true and complete record of all of the proceedings of the unit board.
2. Take charge of all the books and documents of the unit and deliver them to his/her successor in office.
3. Prepare and submit to the Board and to the county superintendent of schools an annual report which shall contain such items as may be required by the superintendent of public instruction.

4. Countersign all warrants for school moneys drawn upon the school district treasurer by order of the Board.
5. Perform such other duties as the Board may require.
6. Keep a separate true and correct account of the receipts and expenditures of each fund of the unit.
7. Prepare and submit monthly to the Board a written report of the state of the finances of the multidistrict, and to submit such report at any other time upon the request of the Board.
8. Produce at any meeting of the Board or of any committee appointed to examine his/her accounts, whenever ordered to do so by the by the Board, all of the books and papers pertaining to the business manager's office;
9. Keep safely in possession or under control all unit moneys coming into the business manager's hands.
10. Pay out district moneys under the business manager's control in accordance with the provisions of NDCSC 15-29-13. The form of warrants shall be prescribed by the superintendent of public instruction and shall be so drawn that when signed by the business manager in an appropriate place, it becomes a check on the unit district depository.
11. Receive and have custody of all moneys from every source which the Board is authorized to receive.

LEGAL REF: NDCSC 15-29-11, 15-29-03.1

B-424 DUTIES OF MEMBERS

The Board, being composed of members appointed by the ECCEC participating school districts, exercises its power only as it sits in official session and votes to take action.

The agreement of the majority of the Board members present shall be necessary to transact business.

Individual members outside of regularly constituted meetings of the Board shall have no authority to make decisions, to commit the Board to actions, and shall have no power or right to act for the schools.

LEGAL REF: NDCSC 15-29-01

B-430 UNIT BOARD MEETINGS

All meetings of the Board shall be held at the ECCEC Office in New Rockford unless each member of the Board has been notified and a public notice has been posted on the door of The ECCEC Office. Meetings will normally be scheduled for 10:00 A.M. on the third Wednesday of each month unless advertised otherwise.

B-431 TYPE OF MEETINGS

B-431.1 Annual Meeting

The annual meeting shall be held as the regular meeting in July, at which time the newly elected members assume their duties. At this meeting, the Board shall elect from among its members a President and Vice President who shall serve for one year.

LEGAL REF: NDCSC 15-29-02

B-431.2 Regular Meetings

Regularly scheduled meetings of the East Central Unit shall be held on the third Wednesday of the month. Bills shall be approved at the regular monthly meeting and any other official action may be taken as necessary on items on the agenda. The schedule of regular meetings for the year shall be posted in the offices of the Unit and will be available to anyone requesting it. There will be a minimum of six (6) meetings per year. An agenda for the meeting shall be sent to each board member prior to the meeting.

LEGAL REF: NDCSC 15-29-02; 44-04-19 as amended 1979 (HB1380)

B-431.3 Special Meetings

A special meeting of the Board may be called at any time by the President or by any two members of the Board. Written or printed notice of a special meeting shall be given to each member of the Board. Notice shall also be given to participating unit school districts, and anyone who has requested that they be notified of such meetings. The purpose of the meeting shall be included in the notice. Only those items included in the notice may be considered or acted upon.

LEGAL REF: NDCSC 15-29-02

B-431.4 Work Session and Retreats:

The Board may, from time to time, meet in work sessions or extended work sessions at a time and place conducive to in-depth discussion of the policies and goals of the Unit. All such meetings shall be open to the public and subject to the same notice requirements as any other meeting of the Board. No official action may be taken at a work session or retreat.

B-431.5 Executive Sessions

Executive sessions are only permitted as specifically provided by law. This includes the nonrenewal or discharge hearing of a teacher as defined by law, suspension of a teacher, consultation with the unit's attorney concerning reasonably predictable litigation, the discussion of a student's educational records that are protected by the Family Educational Rights and Privacy Act, or to instruct individuals who are negotiating on behalf of the Board.

It shall be the policy of this Board to use executive session for all nonrenewal and discharge hearings of teachers, or others as permitted by law unless the person being considered for such nonrenewal or discharge presents a compelling reason for an open meeting. The Board will also use the executive session permitted when determining whether to suspend a teacher.

If a student's educational records will reflect the results of a Board decision, such as in a suspension or expulsion hearing, or if the Board's discussion will include the student's special educational records, the meeting will be in executive session unless the parent/guardian of the student waives their rights under the Family Educational Rights and Privacy Act and requests that the meeting be held in public.

When the Unit may reasonably expect to be involved in litigation, the Board may meet in executive session to discuss that litigation with the attorney at the attorney's request.

The Board may, from time to time, meet in executive session with persons appointed by the Board to negotiate contracts on behalf of the Board.

All executive sessions of the Board will conform to North Dakota Century Code as to notice of meetings and records and minutes of the meeting.

LEGAL REF: 20 U.S.C. 123g(e)(f) Family Educational Rights and Privacy
45 CFR 99.5 Regulations
NDCC 15-47-26 "Teacher" defined
NDCC 15-47-27.1 First-year teachers - Evaluation - Renewal and
nonrenewal of contracts
NDCC 15-47-38 Legislative intent in employment of
teachers - Notification of discharge or failure to renew -
Hearing
NDCC 15-47-38.2 Evaluation, renewal, or discharge of
superintendents of school districts
NDCC Ch. 44-04 Duties, Records, and meetings
Attorney General's Opinion #94-28

B-440 AGENDA

Agendas for meeting of the Board shall be prepared by the director, in cooperation with the Board president.

Any Board member, staff member, or citizen of the district may suggest items of business; the inclusion of such items shall be at the discretion of the director and Board president.

The Board shall follow the order of business set up by the agenda unless altered by consent of the members present. Other items may be discussed.

Agendas will normally be sent to Board members prior to each meeting allowing time for study.

B-445 MINUTES

The minutes of the meetings of the Board are the written record of all proceedings of the Board.

The minutes shall be signed by the Board president and the business manager. An official record of the minutes shall be kept on file in the multidistrict office and are open to public inspection during the working day.

B-450 CONDUCT OF BUSINESS

B-451 Parliamentary Rules

For the general transaction of business, the ordinary parliamentary rules shall be observed; and in case any disputed questions shall rise, Robert's Rules of Order shall be taken as authority.

B-452 Rule Suspension

Any policy or rule not established by law or contract of the Board of Education may be suspended by a majority vote of the entire board. Such vote shall be taken by roll call and shall be entered in the minutes of the meeting.

B-453 Executive Sessions

Except as otherwise specifically provided by law, all meetings of the Board shall all be open to the public.

B-460 COMMUNICATION TO THE BOARD

B-461 Public to Be Heard

All regular meetings of the multidistrict board shall be open to the public. The board may solicit the advise and counsel of citizens in planning and operating the unit. Citizens who wish to present any matter of concern to the unit are requested to contact the director of ECCEC prior to the time of the meeting. The business presented shall be included on the agenda for the convenience of the board.

B-462 Communications by Employees to Board

All communications concerning school business from the Board to employees and from employee to the Board shall be made through the director.

B-463 Handling of Complaints to Board Members

Board members are often confronted by individuals or groups who have suggestions or complaints. These suggestions or complaints should be referred to the director for follow-up action.

B-470 NEWS COVERAGE

The Board believes that one of its most important responsibilities is to keep the public informed of its action. Consequently, the local news media representatives shall be welcome to attend all regular, special and annual meetings of the Board.

LEGAL REF: NDCSC 44-04-19 as amended by H.B. 1380 (1979)

B-480 BOARD - DIRECTOR RELATIONS

The Board believes that the creation of policies is the most important function of a unit board and that the execution of the policies should be the function of the director. The Board holds the director responsible for carrying out its policies within established guidelines and for keeping the Board informed about unit operations. The director shall be the liaison between the Board and staff.

The director is in charge of the Unit's Special Education Programs. The director shall report all significant developments and actions to the Board at the first opportunity.

The Board shall strive to procure, when a vacancy exists, the best professional leader available for the head administrative position.

LEGAL REF: NDCSC 15-29-07

B-490 BOARD POLICY ADOPTION

Adoption of new policies or changing existing policies is solely the responsibility of the Board.

Policies and policy revisions introduced shall require two readings before adoption or rejection. It is important that sufficient time be given to permit further study and to give interested parties an opportunity to react.

During discussion of a policy proposal, the views of the public and staff will be considered. Amendments may be proposed by Board members.

Under unusual circumstances, the Board may temporarily approve a policy to meet emergency conditions. However, a discussion and a final vote must be taken before the policy shall be considered permanent.

B-491 ADMINISTRATION IN POLICY ABSENCE

When the Board has not provided policy for required administrative action, the director shall have the power to act.

The decision shall be subject to Board review at its next regular meeting. The director shall inform the Board promptly of such action and of the need for policy.

SECTION B - 500 UNIT ADMINISTRATION

B-510 THE DIRECTOR OF SPECIAL EDUCATION UNIT

B-511 Responsibilities

The director of special education shall be the chief executive officer of the Board of Education in the administration of the special education unit. Coordination and supervision of special education are primary responsibilities of the director. As chief executive officer of the Board of Education, the director shall be responsible for the efficient operation of the unit in all its divisions. The director of the unit shall also exercise those duties which are provided for by statute and those which are specifically designated by the Board of Education.

B-512 Qualifications

The director of special education shall meet the criteria as established by the North Dakota Department of Public Instruction.

B-513 Duties

The director of special education shall serve as the executive officer of the board of education and shall perform the duties as outlined in the procedure handbook according to statutory duties (NDCSC 15-29-07, 15-29-08, 15-38-01)

B-514 Advisory Councils

The director shall have the authority to form advisory committees or councils of special education employees to advise the director in formulating plans and policies for carrying on the functions of the schools, subject to approval of the board.

B-515 Delegation of Authority

- A. The director of the unit may delegate duties or work to subordinate officers or employees as required for the effective administration of the ECCEC unit, except in such matters as when the statutes or resolutions of the Board of Education prohibit the delegation of such authority.
- B. All reports or recommendations to the Board from any officer or employee under the direction of the director shall be made to the office of the director unless otherwise directed by the Board of Education.

B-516 Federal Funds

The director shall keep the Board informed on availability of federal funds and

make recommendations regarding same.

B-517 Contractual Provisions

The director's contract shall address duration, compensations and benefits, evaluation procedures, renewal procedures, specific responsibilities with corresponding guidelines of authority, and any additional topics as determined by the multidistrict board or as provided by statute.

B-550 ADMINISTRATIVE ORGANIZATION

The director of the unit shall be guided by the knowledge that the Board of Education values the greatest possible interchange of ideas outside the established framework of direct responsibility as desirable in the schools of the unit. Nothing provided herein shall be interpreted as intended to interrupt the flow of ideas, information, request for assistance and recommendations from personnel at any level.

B-552 LINE OF RESPONSIBILITY

Each employee in the unit shall be responsible to the ECCEC Board through the director.

All personnel shall refer matters requiring administrative action to the person immediately in charge of the area in which the problem arises. It is important to keep in mind that the building principals are the instructional leaders of their schools.

Administrative officers shall refer such matters to the next higher authority when it is necessary to do so.

All employees shall have the right to appeal any decision made by an administrative officer to the next higher authority and on through appropriate successive steps to the ECCEC Board.

B-554 EDUCATIONAL EVALUATION BILLINGS

Multidistrict schools may submit billing for educational evaluations of students who have been placed at institutions by a state agency (i.e. Human Services, Division of Juvenile Services). No payments will be issued for evaluation of a student whose parent(s) have unilaterally placed their child in a hospital or institution setting. Amount of payment for evaluation time will be contingent upon individual

evaluation timelines at each particular institution that a child may be placed. This policy will remain in effect subject to the availability of federal funds in each fiscal year's IDEA appropriation.

B-600 FRAUD PREVENTION AND INVESTIGATION

The ECCEC Board expects all employees, Board members, consultants, vendors, contractors, and other parties maintaining any business relationship with East Central to act with integrity, due diligence, and in accordance with all laws in their duties involving East Central's resources. The Unit is entrusted with public dollars and no person connected with East Central should do anything to erode that trust.

The Business Manager shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the Unit. Every member of the East Central's administrative team shall be alert for any indication of fraud. Financial impropriety, or irregularity within his/her areas of responsibility.

Any employee who suspects fraud, impropriety, or irregularity shall report their suspicions immediately to his/her immediate supervisor and/or the Director. The Director shall have primary responsibility for any necessary investigations and shall coordinate investigative efforts with East Central's legal counsel, auditing firm, and other internal or external departments and agencies, including the Eddy County Prosecutor's Office and law enforcement officials, as the Director may deem appropriate.

In the event the concern or complaint involves the Director of ECCEC, the concern shall be brought to the attention of the President of the Board who shall be empowered to contact East Central's legal counsel, auditing firm, and any other agency to investigate the concern or complaint.

The Director may elect to employ the Unit's auditing firm to conduct a partial forensic/internal control/SAS99 audit annually or otherwise as often as deemed necessary. The Director is authorized to order a complete forensic audit if, in his/her judgment, such an audit would be useful and beneficial to East Central.

Fraud, financial improprieties, or irregularities include, but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to East Central.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in the handling of money or reporting of financial transactions.
5. Profiteering because of “insider” information of ECCEC information or activities.
6. Disclosing confidential and/or proprietary information to outside parties.
7. Accepting or seeking anything of material value, other than items used in the normal course of advertising, from contractors, vendors, or persons providing services to the Unit.
8. Destroying, removing, or inappropriately using ECCEC records, furniture, fixtures, or equipment.
9. Failing to provide financial records to authorized state or local entities.
10. Failure to cooperate fully with any financial auditors or investigators.
11. Any other dishonest or fraudulent act involving ECCEC monies or resources.

The Director shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Director, or Board President if the investigation centers on the Director, shall issue a report to appropriate personnel and to the Board. The final disposition of the matter and any decision to file or not file a criminal complaint or to refer the matter to the appropriate law enforcement and /or regulatory agency for independent investigation may be made in consultation with East Central’s legal counsel. The results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate right to know until the results are made public.