



## **The Birches Academy of Academics and Art Conflict Resolution Policy**

*The purpose of this policy is to guide parents and students through the complaint process. This policy does not replace the Sexual Harassment Policy, Anti-Bullying Policy, or Discipline Policy located in the Student Handbook.*

### **Guiding Principles**

The Board encourages students and parents to discuss their concerns and complaints through informal meetings with the appropriate teacher or Dean of School. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

If an informal meeting regarding a complaint fails to reach the outcome requested by the student or parent, the parent may initiate the formal process described below.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A parent whose concerns are resolved may withdraw a formal complaint at any time.

Neither the Board nor any employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

### **General Provisions**

#### **Filing**

Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail to The Birches Academy, 419 South Broadway, Salem NH.

#### **Response Days**

At Levels One and Two, “response” shall mean a written communication to the student or parent from the appropriate administrator. Responses may be emailed, hand-delivered or sent by U.S. Mail to the parent’s mailing address of record.

“Days” shall mean business days. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”



## **Representative**

“Representative” shall mean any person who or organization that is designated by the parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The parent may designate a representative through written notice to the Board at any level of this process. If the parent designates a representative with fewer than three days’ notice to the Board before a scheduled meeting or hearing, the Board may reschedule the meeting or hearing to a later date, if desired, in order to include the Board’s counsel. The Board may be represented by counsel at any level of the process.

## **Consolidating Complaints**

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A parent shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

## **Untimely Filings**

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the parent, at any point during the complaint process. The parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

## **Costs Incurred**

If there are costs incurred in the course of the complaint, each party shall pay their own expenses.

## **Complaint Form**

Complaints under this policy shall be submitted in writing on a form provided by the Board.

Copies of any documents that support the complaint should be attached to the complaint form. If the parent does not have copies of these documents, copies may be presented at the Level One meeting. After the Level One meeting, no new documents may be submitted by the student or parent unless the parent did not know the documents existed before the Level One meeting.



A complaint form that is incomplete in any material aspect may be dismissed, but may be re-filed with all the required information if the re-filing is within the designated time for filing a complaint.

### **Audio/Video Recording**

Level One and Level Two complaints may be recording with written consent. Level Three complaints will be recorded.

### **Conflict Resolution Team (CRT)**

The CRT will be comprised of no more than 1/3 of the Board of Trustees with terms not exceeding 2 years.

### **Level One Complaint**

If an informal meeting regarding a complaint fails to reach the outcome requested by the student or parent, the parent may initiate the formal process described below. The Level One complaint should only include details relevant to the specific complaint being made.

Complaint forms must be filed:

- Within 10 business days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint; and
- With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, parents shall file Level One complaints with the Dean of School.

If the complaint is against the Dean of School, the complaint form should be emailed to [trustees@birchesacademy.org](mailto:trustees@birchesacademy.org) or mailed to the school, attention the Board of Trustees. The complaint will be addressed by the Conflict Resolution Team.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a meeting with the student and parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the meeting.

The administrator shall provide the parent a written response within 10 days following the meeting.



The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One meeting and any other relevant documents or information the administrator believes will help resolve the complaint.

## **Level Two Complaint**

If the parent is not satisfied with the resolution at Level One or if the time for a response has expired, the parent may request a meeting with the Conflict Resolution Team to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the Dean of School, within 10 days of the date of the written Level One response or, if no response was received, within 10 days of the Level One response deadline. The Level Two Complaint form should be emailed to [trustees@birchesacademy.org](mailto:trustees@birchesacademy.org) or mailed to the school, attention the Board of Trustees. The complaint will be addressed by the Conflict Resolution Team.

The Level Two record shall include:

- The original complaint form and any attachments.
- All other documents submitted by the student or parent at Level One.
- The written response issued at Level One and any attachments.
- All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Conflict Resolution Team shall hold a meeting within 10 days after the appeal notice is filed. The meeting shall be limited to the issues presented by the student and parent at Level One and identified in the Level Two appeal notice. At the meeting, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Conflict Resolution Team may set reasonable time limits for the meeting.

The Conflict Resolution Team shall provide the parent a written response within three days following the meeting. The written response shall set forth the basis of the decision and, unless appealed by the Level Three Complaint, shall be considered final.

In reaching a decision, the Conflict Resolution Team may consider the Level One record, information provided at the Level Two meeting, and any other relevant documents or information the Conflict Resolution Team believes will help resolve the complaint.

Recordings of the Level One and Level Two meetings, if any, shall be maintained with the Level One and Level Two records.



## Level Three Complaint

If the parent is not satisfied with the resolution requested at Level Two or if the time for a response has expired, the parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the Conflict Resolution Team, within ten days of the date of the written Level Two response.

The Board or designee shall inform the parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Level Three record shall include:

- The Level One and Level Two record.
- The notice of appeal from Level Two to Level Three.
- The written response issued at Level Two and any attachments.
- All other documents relied upon by the Conflict Resolution Team in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the parent notice of the nature of the evidence at least three days before the hearing.

The Board shall determine whether the complaint will be presented in open or closed meeting.

The Board may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning of the student and/or parent by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. The decision of the Board shall be final.





Complaint Received Date/Initials \_\_\_\_\_ DOS/CRT Response Date \_\_\_\_\_

DOS Response/CRT Response \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Follow-up contact (if applicable) \_\_\_\_\_

Next action (if applicable) \_\_\_\_\_



## LEVEL TWO COMPLAINT FORM (Provided to Conflict Resolution Team)

This form must be filled out completely by a parent appealing a Level One decision to the Conflict Resolution Team. Please provide the parent a copy of this report at filing.

1. Student's Name \_\_\_\_\_ Grade \_\_\_\_\_

2. Parent's Name \_\_\_\_\_ Phone \_\_\_\_\_

3. Parent's Address \_\_\_\_\_ email \_\_\_\_\_

4. Date of Incident \_\_\_\_\_

5. Please provide new information or comments not included in the Level One complaint

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5. Has this incident been reported to anyone else? \_\_\_\_\_

Name & Position

6. Attach a copy of your original Level One complaint.

7. Attach a copy of the Level One decision.

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Student/Parent Signature Date

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Student/Parent Signature Date

I give consent that meetings may be recorded by video/audio recording or court reporter.

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Student/Parent Signature Date





Complaint Received Date/Initials \_\_\_\_\_ CRT Response Date \_\_\_\_\_

CRT Response \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Follow-up contact (if applicable) \_\_\_\_\_

Next action (if applicable) \_\_\_\_\_



### LEVEL THREE COMPLAINT FORM (Provided to Board of Trustees)

This form must be filled out completely by a parent appealing a Level Two decision to the Board. Please provide the parent a copy of this report at filing.

1. Student's Name \_\_\_\_\_ Grade \_\_\_\_\_

2. Address \_\_\_\_\_ Phone \_\_\_\_\_

3. To whom did you last present this complaint? \_\_\_\_\_

Date(s) of Meeting(s) \_\_\_\_\_

4. If you will be represented by another person in pursuing your complaint, please identify the person representing you.

Name \_\_\_\_\_

—

Address \_\_\_\_\_

City, State,

Zip \_\_\_\_\_ Phone \_\_\_\_\_

5. Attach copies of the Original Level One and Level Two Complaint

6. Attach copies of the Level One and Level Two decisions

\_\_\_\_\_  
Student/Parent Signature Date

\_\_\_\_\_  
Received by/ Date

I give consent that meetings may be recorded by video/audio recording or court reporter.



Student/Parent Signature Date \_\_\_\_\_

Complaint Received Date/Initials \_\_\_\_\_ Board Response Date \_\_\_\_\_

Board Response \_\_\_\_\_

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