

**Russell Byers Charter School  
1911 Arch Street  
Philadelphia, PA 19103**

**Board of Trustees Policy**

**STUDENT COMPLAINT PROCESS POLICY**

**Purpose**

The Board of Trustees ("Board") of Russell Byers Charter School ("Charter School"), recognizes that students have the right to request redress of complaints. Further, the Board believes that it is critical to emphasize of respect for lawful procedures as an important part of the educational process. Accordingly, individual and group complaints should be recognized and appropriate appeal procedures provided.

**Definition**

For purposes of this policy, student "complaint" shall be any that arise from action that directly affects the student's participation in an approved educational program.

If the complaint involves bullying, cyberbullying, hazing or sexual or gender harassment or other Title IX misconduct, the complaint should be sent to and handled by the Charter School Title IX Coordinator.

**Authority**

The Board or its employees will recognize the complaints of the students of the Charter School provided that such complaints are made according to procedures established by Board policy.

**Guidelines**

Students are to be encouraged to first discuss the complaint with the staff member involved and, in the process, may seek the assistance and be accompanied by another Charter School student, student's parent or guardian and/or the Title IX Coordinator, Head of School or other Administrator.

If the problem is not solved, the Title IX Coordinator, the Head of School or other Administrator shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Title IX Coordinator if faculty or staff is the subject of the complaint. If the Head of School is the Title IX Coordinator, complaints about other Administrators may be referred to the Title IX Coordinator. Refer the complainant to the Board of Trustees if the Head of School is the subject of the complaint.

### **Guidelines/Complaint Procedure - Student/Third Party**

#### **Step 1 - Reporting.**

A Charter School student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Title IX Coordinator, Head of School or other Administrator. While oral complaints are acceptable, the Title IX Coordinator, Head of School or other Administrator shall have the student or third party complete a written complaint form which sets forth the following:

1. The specific nature of the complaint and a brief statement of the facts giving rise to it;
2. The manner in which and the extent to which the student believes s/he has been adversely affected;
3. The relief sought by the student;

4. The reasons why the student feels s/he is entitled to the relief sought.

A Charter School employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator, Head of School or other Administrator. In either instance, if the Head of School is the subject of a complaint, the student, third party or employee shall report the incident directly to the Title IX Coordinator, unless the Head of School is the Title IX Coordinator. The report shall then be referred directly to the Board of Trustees. If the subject of the complaint is the Title IX Coordinator and this position is not filled by the Head of School, the student, third party or employee shall report the incident directly to the Head of School.

Step 2 - Investigation upon receiving a complaint of discrimination.

The Head of School or other Administrator shall immediately notify the Title IX Coordinator. The Title IX Coordinator shall authorize an Administrator to investigate the complaint, unless the Administrator is the subject of the complaint or is unable to conduct the investigation. The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

Step 3 - Investigative Report.

The person conducting the investigation, whether an Administrator or Title IX Coordinator, shall prepare a written report within fifteen (15) school days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint. Findings of the investigation shall be provided to the complainant, the accused, and the Title IX Coordinator, if the investigation and report were completed by the Administrator.

Step 4 - Charter School Action.

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the Charter School shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

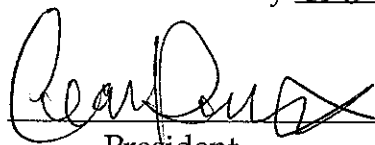
Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies, Charter School administrative procedures, and state and federal laws.

### Appeal Procedure

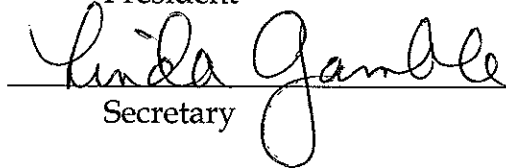
1. If the complainant or the accused is not satisfied with the Title IX/ Administrator determination, a written appeal may be submitted within fifteen (15) days to the Board of Trustees.
2. The Board of Trustees shall convene a hearing within ten (10) school days of receipt of written notice of appeal. The hearing will be closed to the public. Parties shall be advised, in writing, of their right to be represented by counsel, right to cross-examine witnesses and to present testimony and evidence.
3. After close of the hearing, the Board of Trustees shall issue a written determination within five (5) school days. This written determination shall be mailed to Parents of both students with notice of any right to appeal.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENTS.**

ADOPTED this day 30 of November 2016.

  
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President

  
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Secretary

*References: Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.*