



Early Childhood Program
4280 Broadway, 2nd Floor
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Elementary
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Middle School
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Formal Complaint Process

TEP pledges to provide a cooperative and comfortable community in which all parties share mutual respect, dignity, and security. There are two categories of complaints: (a) allegations of violence, harassment or misconduct against a TEP staff member and (b) other conflicts.

A. ALLEGATIONS AGAINST A TEP STAFF MEMBER

TEP pledges to provide a cooperative and comfortable community in which all parties share mutual respect, dignity, and security. TEP aims to prevent and forbids all forms of violence and harassment against any employee, student, parent, visitor, guest, or candidate for employment.

It is essential that any allegation of violence, harassment, or other misconduct made against a staff member in our setting is dealt with fairly, quickly, confidentially, and consistently, in a way that protects the victim, supports the person who is the subject of the allegation, and restores community relations. TEP pledges to investigate all allegations of misconduct with respect, objectivity and efficiency. The Head of School/Director/Assistant Director overseeing the allegation will use their best efforts to ensure that a thorough investigation leads to a just and effective resolution. The Head of School/Director/Assistant Director is expected to lead the investigation and resolution process using their best judgment, with consideration of two principal concerns: (1) causes of harm, and (2) appropriate treatments and consequences. To reach these aims, TEP has adopted the following guidelines to deal with misconduct that may occur within its purview.

1. **REPORTING:** TEP encourages individuals to report allegations of violence, harassment or other unwelcome conduct as soon as possible after misconduct occurs. Allegations should be reported to the Head of School, School Director, or Assistant School Director. A few notes regarding reporting:
 - i. **Imminent Harm:** If you or someone for whom you are advocating is in danger or has been a victim of physical violence or threats of violence, **immediately report** the conduct to the Head of School, School Director or Assistant School Director. This includes threats by employees, students, or visitors. Reports should be as specific and detailed as possible. If the allegation includes abuse or other criminal conduct, the Head of School or Directors will immediately engage the proper law enforcement authorities.
 - ii. **Allegation Involving Students:** If an allegation involves conduct towards a student, the parents or caregivers of the child or children will be informed as soon as possible by the Head of School, Campus



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Directors, or Social Worker. In addition, the child's designated Social Worker will conduct an assessment, and consult with the parents or caregivers to create an immediate and ongoing treatment plan.

2. **DOCUMENTATION:** Once an allegation has been reported, the Head of School or Director to whom it was reported will begin careful, confidential, and consistent documentation. The Head of School /Director/Assistant Director will oversee the documentation of the entire process. This will culminate in a clear and comprehensive summary of the allegation made, details of how the allegation was investigated and resolved, and a note of any action taken and decisions reached.
3. **INFORMING THE ACCUSED:** The Head of School/Director/Assistant Director overseeing the allegation will inform the accused person(s) about the allegation as soon as possible. However, the Head of School/Director/Assistant Director may use his/her judgement to decide that in some cases communication with the accused person(s) must wait until the Head of School/Director/Assistant Director has consulted with other authorities to determine what information can be disclosed to the accused person.
4. **INVESTIGATION:** If no person is in immediate danger, the Head of School/Director/Assistant Director will consult with the parties involved, appropriate school leaders, or relevant agencies to conduct a comprehensive and confidential investigation. To determine whether the allegation is substantiated, unfounded, or demonstrably false, the Head of School/Director/Assistant Director and other parties will investigate the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred. Throughout the investigation, confidentiality will be maintained and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of allegations.
5. **OUTCOMES:** At the conclusion of a thorough investigation and after consulting with TEP school leaders, the Head of School/Director/Assistant Director will determine if the accused employee is guilty of the misconduct alleged against them. The resulting consequences will depend on the type of misconduct and the surrounding circumstances. Any employee determined to be guilty of misconduct toward a student, or other criminal conduct, may also face consequences served by relevant legal authorities.



CHARTER SCHOOL

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- i. Unsubstantiated Allegation: If the allegation is judged to be unsubstantiated, then the consequential course of action is to be determined and documented by the Head of School/Director/Assistant Director, who will make this determination after consulting with relevant school leaders.
- ii. Unwelcome Conduct: In any case where an allegation of inappropriate conduct is substantiated, the Head of School/Director/Assistant Director will consult with relevant school leaders to determine how best to support the v person/people impacted and accused person(s) through strategies including but not limited to counseling, mediation, or treatment from external providers.
- iii. Violence & Harassment: In any case where an allegation of violence or harassment is substantiated, then the guilty employee shall be subject to consequences determined by the Head of School/Director/Assistant Director, who will make this determination after consulting with relevant school leaders. The possible outcomes depend on the nature and circumstances of the allegation and the evidence and information available, and include but are not limited to, warning or reprimand, suspension, or termination.



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B. CONFLICT RESOLUTION

There are some conflicts that arise that do not necessarily fall into the category of an “allegation” against a staff member. Our approach to these conflicts is an expression of our shared commitment to provide the best learning environment for our students. We are collectively able to do so by creating and sustaining a rigorous and pleasant professional culture for our colleagues and ourselves. All parties involved are expected to carry this intention into our approach to conflict, with empathy for one another and an eye for solutions.

In the event of a persistent problem or dispute between staff, students, or student families, any party to the conflict may initiate an informal and/or formal mediation following a process such as the one described below. Careful documentation and communication is key to a successful process.

In order to resolve conflicts with respect and efficiency, all persons are expected to maintain high sensitivity to timeliness and confidentiality throughout the resolution process and thereafter. This applies most significantly in the initiation of next steps, in the exchange of information, as well as in any counsel parties may seek.

1. **Informal Mediation:** Make a good faith effort to work with the adversarial party/parties to the dispute to resolve the conflict within 30 days of an incident. This effort will consist of problem identification, possible solutions, selection of resolution, process for implementation of resolution, and a schedule for follow-up. At this stage in the resolution process, no documentation is necessary.
2. **Conflict Documentation:** If the issue is not resolved after a good faith attempt as outlined above, you may seek assistance and advice from the Head of School, designated as Mediator, by submitting a written letter. The letter must be submitted within 5 business days of your most recent meeting with the parties in dispute. The letter will articulate in detail the problem and the course of action pursued, in accordance with the procedure for Informal Mediation outlined above. This document must also provide explanation of outcomes, why the issue has yet to be resolved, and the need for a Mediator’s intervention.
 - In the event that the Head of School is one of the original parties in dispute, the Chief Executive Officer, the School Director, the Assistant Director, or an otherwise mutually agreeable third party, may serve as Mediator. The letter is to be submitted to whomever serves as Mediator.
 - Important Note: The date upon which the letter is submitted to the Mediator closes the Informal Mediation process and initiates the Formal Mediation process.



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3. **Formal Mediation:** Within 5 business days of receiving a letter, the Mediator will notify all parties to initiate the mediation process. The Mediator will use their discretion, with consideration to the preferences of those parties involved, to determine the format for the mediation process. The Mediator will work with parties in dispute to author new possible solutions, selection of resolution, process for implementation of resolution, and a schedule for follow-up.
4. **Arbitration by the Board:** If the issue is not resolved after a good faith attempt with the Mediator, you may submit a second letter, this one addressed to the Board of Trustees, within 5 business days of the most recent meeting from Formal Mediation. This document will detail the problem and the course of action pursued, through Informal Mediation and Formal Mediation. The report will also explain why the conflict remains open and merits intervention by the Board. At the discretion of the Board, the proposed solution will be binding for all parties involved.
5. **Appeal to the NYC Department of Education:** If the issue is still not resolved after engagement with the Board of Trustees, the parties involved may appeal to the NYC Department of Education. If a conflict is to be brought to the NYCDOE, the parties in dispute should file a complaint with the school's Charter Authorizing Team within the NYCDOE. Any complaint filed to the Charter Authorizing Team must comply with the NYCDOE's protocol, which can be found here: <https://www.schools.nyc.gov/school-life/support/get-help-at-your-charter-school/file-a-formal-complaint-atyour-charter-school>
6. **Resolution:** A conflict will be considered resolved once a resolution is drafted and signed by all parties in dispute and the Mediator. OR, if the conflict requires arbitration by the Board or the NYCDOE, then the conflict will be considered resolved once the Board or NYCDOE provides notice of its decision to all parties.

Any Problem/Conflict Resolution Policy adopted by the TEP Board of Trustees will supersede the Policy described in this section.