

Grievance Procedures for Complaints of Discrimination and/or Harassment

For Clerc Center Students	For Clerc Center Employees
<p>Initiating the Complaint Process:</p> <p>Students who wish to make a complaint of discrimination or harassment should contact the Principal or administrative designee as soon as possible but not more than 45 days of the alleged incident. The complaint of alleged discrimination or harassment may be in writing or given verbally, and should state the nature of the alleged harassment, the individual(s) accused and the relief requested. A Clerc Center student may make a verbal complaint, which must be reduced to writing prior to the start of the investigation. Clerc Center students should also consult with appropriate student support personnel for advice and counseling. An administrator will complete a Preliminary Report and decide if the allegations are serious enough to warrant further action.</p> <p>The Principal will send the Preliminary Report Form to the Chief Academic Officer, as appropriate, within 24 hours of receiving the report of the grievance or incident.</p>	<p>Initiating the Informal Complaint Process:</p> <p>Employees who wish to make a complaint of alleged discrimination or harassment should contact the Executive Director, Administration & Operations if the accused is an employee or visitor, or the Principal, if the accused is a student, as soon as possible but not more than 45 days after the alleged incident. The complaint of alleged discrimination or harassment may be in writing or given verbally. A complaint will not be pursued without the authorization of the person making the complaint unless the Clerc Center is legally obligated to do so, or in its judgment, the allegations are serious enough to warrant further action.</p> <p>The Executive Director, Administration & Operations or the Principal will send the Preliminary Report to the Chief Academic Officer, as appropriate, within 24 hours of receiving the report of the grievance or incident.</p>

Student Complaint – Initial Contacts

<i>If the person who allegedly discriminated another or the alleged harasser is:</i>	<i>Contact:</i>
1. Student or student group	<p>Principal</p> <p>MS108A @MSSD, 202/651-5031 (V/VP) KS2101 @KDES, 202/651-5045 (V/VP)</p>
2. Teachers/Staff/Coordinators/Assistant Principal/Managers	<p>Principal</p> <p>MS108A @MSSD, 202/651-5031 (V/VP) KS2101 @KDES, 202/651-5045 (V/VP)</p>
3. Principal	<p>Chief Academic Officer</p> <p>KS3406@ KDES, 202/651-5346 (V/VP)</p>
4. Chief Academic Officer	<p>Vice President, Clerc Center</p>
5. Executive Director, Administration & Operations	<p>KS3200 @ KDES, 202/651-5346 (V/VP)</p>
6. Other Clerc Center or University officials, faculty, staff and employees; visitors and guests	<p>Principal</p> <p>MS108A @MSSD, 202/651-5031 (V/VP) KS2101 @KDES, 202/651-5045 (V/VP)</p>

Staff Complaint – Initial Contacts

<i>If the person who allegedly discriminated another or the alleged harasser is:</i>	<i>Contact:</i>
1. Clerc Center student or student group	Principal MS108A @MSSD, 202/651-5031 (V/VP) KS2101 @KDES, 202/651-5045 (V/VP)
2. Clerc Center Employee	Executive Director, Administration & Operations KS3211B @KDES, 202/651-5346 (V/VP)
3. Principal	
4. Chief Academic Officer	Vice President, Clerc Center KS3200 @KDES, 202/651-5346 (V/VP)
5. Executive Director, Administration & Operations	
6. Other (e.g., visitors, guests, vendors)	Executive Director, Administration & Operations KS3211B @KDES, 202/651-5346 (V/VP)
For Clerc Center Students	For Clerc Center Employees
The person to whom the complaint is brought will, within 10 calendar days (unless there are extenuating circumstances, in which case the complainant will be notified) and without directly accusing, counsel the accused student and caution him/her about the alleged offensive and/or inappropriate behaviors and actions, or will take other appropriate action to resolve the complaint informally without a formal investigation. The complainant will be notified of the outcome at the same time.	The person to whom the complaint is brought will, within 10 calendar days (unless there are extenuating circumstances, in which case the complainant will be notified) and without directly accusing and without divulging the name of the accuser (unless authorized by the complainant), counsel the accused employee or student and caution him/her about the alleged offensive and/or inappropriate behaviors and actions or will take other appropriate action to resolve the complaint informally (e.g., remove offensive pictures). The complainant will be notified of the outcome at the same time.

Formal Investigation

For Clerc Center Students	For Clerc Center Employees
<p>Formal Investigation:</p> <p>A. If the student wishes the matter to receive a formal investigation, the student must notify the Principal within 45 days of being notified of the outcome of the first step of the process. The Administrator may also determine during that time period that a formal investigation is warranted, regardless of whether the student requests an investigation. In either case, the student's statement will be reviewed and additional information will be collected through an investigation.</p>	<p>Formal Investigation:</p> <p>A. An employee who wishes the matter to receive a formal investigation and review must submit a written complaint stating the nature of the alleged harassment, the individual(s) accused and the relief requested. Fairness to all parties involved (accused and the accuser) requires that the person bringing the complaint be identified before the initiation of any investigation. Formal complaints should be filed with the Clerc Center designee (as identified in the chart above) as soon as possible but not later than 90 calendar days of the alleged incident. Additional time to file a complaint will be provided when the individual can show that he or she was unable to meet the timeframe due to circumstances beyond his or her control.</p>
<p>B. The Principal, in consultation with the Chief Academic Officer or Executive Director, Administration & Operations, will determine the method by which the investigation will be conducted. The purpose of the investigation is to establish whether there is a reasonable basis for believing that an alleged violation of the Protection against Harassment or Nondiscrimination policies has occurred. In conducting the investigation, the</p>	<p>B. The Executive Director, Administration & Operations or the Principal, in consultation with the Chief Academic Officer, will determine the method by which the investigation will be conducted. The purpose of the investigation is to establish whether there is a reasonable basis for believing that an alleged violation of the Protection against Harassment or Nondiscrimination policies has occurred. In conducting the investigation, the</p>

<p>Principal/Chief Academic Officer/Executive Director, Administration & Operations may interview the complainant, the accused, and other persons believed to have pertinent factual knowledge; the complainant will have the opportunity to identify witnesses and evidence. The Clerc Center shall protect the confidentiality of all parties involved in a discrimination or harassment complaint to the extent reasonably possible.</p>	<p>Executive Director, Administration & Operations may interview the complainant, the accused, and other persons believed to have pertinent factual knowledge; the complainant will have the opportunity to identify witnesses and evidence. The Clerc Center shall protect the confidentiality of all parties involved in a discrimination or harassment complaint to the extent reasonably possible.</p>
<p>C. Upon receipt of a complaint, the Principal or where the Principal is accused of harassment and/or discrimination, the Chief Academic Officer, will provide the complainant (person filing the complaint) and the respondent (the person accused of discrimination or harassment) with a copy of the Student Guidelines for Reporting Harassment, Discrimination and Other Serious Incidents outlined in the Student Handbook; the respondent will also be provided with a copy of the complaint.</p>	<p>C. Upon receipt of a formal complaint, the Principal or where the Principal is accused of harassment and/or discrimination, the Chief Academic Officer will:</p> <ol style="list-style-type: none"> 1. Provide the complainant (person filing the complaint) with a copy of the guidelines outlined in the Administration and Operations Manual (Policy 4.41-staff and 5/31 Clerc Center teachers) and advise the complainant to present in writing, within ten working days of the Executive Director, Administration & Operations, Principal, or the Chief Academic Officer's request, all the facts that bear on the allegation of harassment or discrimination, including specific details of all aspects of the accusations in the complaint, the names of possible witnesses, and the nature and description of possible evidence. The complainant is to forward promptly to the Executive Director, Administration & Operations, Principal, or the Chief Academic Officer, in writing or otherwise, any supplemental information that subsequently becomes available. 2. Present to the respondent (the person who allegedly discriminated against or harassed the complainant or other individual) a copy of the complaint along with a copy of the policy outlined in the Student Guidelines for Reporting Harassment, Discrimination and Other Serious Incidents (if the accused is a student) or the Clerc Center Handbook (if the accused is an employee). The Executive Director, Administration & Operations, Principal, or the Chief Academic Officer will request the respondent to present in writing, within ten working days of the Executive Director, Administration & Operations, Principal, or the Chief Academic Officer's request, a written statement in response to the complaint, including the names of possible witnesses and the nature and description of possible evidence to rebut the accusation. If the respondent is a Clerc Center student, the response may be made verbally, which is then reduced to writing by the investigating official and signed by the respondent.
<p>D. Unless there are extenuating circumstances, the investigation will be concluded and a Summary report written within 60 calendar days of the receipt of the formal complaint. The parties will be notified of the outcome of the complaint at that time.</p>	<p>D. Unless there are extenuating circumstances, the investigation will be concluded and a Summary report written within 60 calendar days of the receipt of the formal complaint. The parties will be notified of the outcome of the complaint at that time.</p>

<p>E. Possible outcomes of the investigation are: (a) a judgment that the allegations are not warranted; (b) a negotiated settlement of the complaint; or (c) formal corrective action.</p>	<p>E. Possible outcomes of the investigation are: (a) a judgment that the allegations are not warranted; (b) a negotiated settlement of the complaint; or (c) formal corrective action.</p>
<p>F. Protection of Complainant and Others</p> <ol style="list-style-type: none"> 1. The complainant will be informed of the process of the investigation. 2. All reasonable action will be taken to assure that the complainant and those testifying on behalf of the complainant or supporting the complainant in other ways will suffer no retaliation as a result of their activities in regard to the process. Steps to avoid retaliation may include arrangements that academic and/or employment evaluations concerning the complainant or others be made by an appropriate individual other than the accused. 	<p>F. Protection of Complainant and Others</p> <ol style="list-style-type: none"> 1. Formal investigations of complaints will generally be initiated only with the complainant's consent. The complainant will be informed fully of steps taken during the investigation. 2. All reasonable action will be taken to assure that the complainant and those testifying on behalf of the complainant or supporting the complainant in other ways will suffer no retaliation as a result of their activities in regard to the process. Steps to avoid retaliation may include lateral transfers of one or more of the parties in an employment setting and a comparable move if a classroom setting is involved.
<p>The Chief Academic Officer or administrative designee may take interim measures such as separating the parties or, in extraordinary circumstances, suspending the employee or student accused of discrimination and/or harassment until the matter is resolved.</p>	<p>In extraordinary circumstances, the Chief Academic Officer or administrative designee may suspend an employee or the student accused of discrimination and/or harassment until the matter is resolved.</p>
<p>G. Protection of the Accused</p> <ol style="list-style-type: none"> 1. At the time a formal complaint is issued, the accused will be provided a summary of the facts surrounding the allegations. 2. In the event the allegations are not substantiated, all reasonable steps will be taken to restore the reputation of the accused if it was damaged by the proceeding. 3. A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to disciplinary action. 	<p>G. Protection of the Accused</p> <ol style="list-style-type: none"> 1. At the time a formal complaint is issued, the accused will be informed of the allegations, the identity of the complainant, and the facts surrounding the allegations. 2. In the event the allegations are not substantiated, all reasonable steps will be taken to restore the reputation of the accused if it was damaged by the proceeding. 3. A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to disciplinary action.
<p>H. Protecting Both Parties</p> <ol style="list-style-type: none"> 1. To the extent possible, formal proceedings will be conducted in a way to protect the confidentiality interests of both parties. 2. After the investigation, the parties will be informed of the facts developed in the course of the investigation. 3. The parties will be informed promptly of any delays in the investigation (including the reasons) and the outcome of the proceedings. 	<p>H. Protecting Both Parties</p> <ol style="list-style-type: none"> 1. To the extent possible, formal proceedings will be conducted in a way to protect the interests of both parties. 2. After the investigation, the parties will be informed of the facts developed in the course of the investigation. 3. The parties will be informed promptly of any delays in the investigation (including the reasons) and the outcome of the proceedings.
<p>I. Process of Taking Formal Corrective Action</p> <ol style="list-style-type: none"> 1. If, after the investigation, there is a reasonable basis for believing that an alleged violation of 	<p>I. Process of Taking Formal Corrective Action</p> <ol style="list-style-type: none"> 1. If, after the investigation, there is a reasonable basis for believing that an alleged violation of

<p>this policy has occurred and a negotiated settlement cannot be reached, formal corrective action may be taken.</p> <ol style="list-style-type: none"> 2. The decision to take formal corrective action will be made by the appropriate administrative officer. 3. Students are subject to all District of Columbia and Federal laws and statutes. 	<p>this policy has occurred and a negotiated settlement cannot be reached, formal corrective action may be taken.</p> <ol style="list-style-type: none"> 2. The decision to take formal corrective action will be made by the appropriate administrative officer. 3. Employees are subject to all District of Columbia and Federal laws and statutes.
<p>J. Formal Corrective Action</p> <p>Formal corrective action may range from counseling to any Code of Conduct Consequence, including expulsion. It will also include any measures necessary to address the harm suffered by the complainant as a result of the discrimination or the harassment.</p> <p>Violations of this policy by KDES/MSSD students will be governed by the student code of conduct and disciplinary processes.</p>	<p>J. Formal Corrective Action</p> <p>Formal corrective action may range from a reprimand to termination of employment or dismissal from the Clerc Center. It will also include any measures necessary to address the harm suffered by the complainant as a result of the discrimination or the harassment.</p> <ol style="list-style-type: none"> 1. Violations of this policy and any appeals by Gallaudet University faculty members (not including staff members who teach) will be governed by the University Faculty Guidelines and By-Laws. Upon motion from one of the parties made before the start of the hearing process, the hearing panel will close all or part of any hearing held under this policy. Upon motion from one of the parties after the hearing has started or from some other interested party, the hearing panel may close all or part of a hearing held under this procedure. 2. Violations of this policy by Clerc Center teachers will be processed by the appropriate administrative officer or his/her designee and may be appealed through the teacher grievance procedure. 3. Violations of this policy by staff members will be processed by the appropriate administrative officer or his/her designee and may be appealed through the dispute resolution procedure. 4. Violations of this policy by University students will be governed by the student judicial program.
<p>K. Preparation and Dissemination of Information</p> <p>The Executive Director, Administration & Operations will ensure that this policy is available to all members of the campus community and to all those who join the community in the future. Copies of this policy will be available in appropriate offices and on the University's web site. Additionally, the Director of Equal Opportunity Programs will offer training sessions for the purpose of educating the community about the harassment and nondiscrimination policies.</p>	<p>K. Preparation and Dissemination of Information</p> <p>The Executive Director, Administration & Operations will ensure that this policy is available to all members of the campus community and to all those who join the community in the future. Copies of this policy will be available in appropriate offices and on the University's web site. Additionally, the Director of Equal Opportunity Programs will offer training sessions for the purpose of educating the community about the harassment and nondiscrimination policies.</p>
<p>L. Retaliation</p> <p>Filing a complaint of discrimination or harassment is a protected activity under the law. Retaliation against anyone who files a complaint, who supports or assists an</p>	<p>L. Retaliation</p> <p>Filing a complaint of discrimination or harassment is a protected activity under the law. Retaliation against anyone who files a complaint, who supports or assists an</p>

<p>individual in pursuing a complaint, or who participates in the resolution of a complaint is prohibited. Any retaliatory action may be the basis for another complaint under this policy.</p>	<p>individual in pursuing a complaint, or who participates in the resolution of a complaint is prohibited. Any retaliatory action may be the basis for another complaint under this policy.</p>
<p>M. Frivolous or False Complaints</p> <p>This policy shall not be used to bring frivolous or knowingly false complaints against students, teachers, or other staff. Those bringing frivolous or knowingly false complaint may be subject to disciplinary action.</p>	<p>M. Frivolous or False Complaints</p> <p>This policy shall not be used to bring frivolous or knowingly false complaints against students, teachers, or other staff. Those bringing frivolous or knowingly false complaint may be subject to disciplinary action.</p>
<p>N. Records</p> <p>All records are confidential with access only to individuals with a legitimate need to know.</p> <p>Records of discrimination and harassment complaints are maintained as follows:</p> <ol style="list-style-type: none"> 1. Information in Preliminary Reports of complaints will be maintained by the Chief Academic Officer or administrative designee for two school years. 2. Information on formal investigations will be maintained in accordance with the hearing/grievance process under which the complaint was heard. In addition, the Clerc Center official who handled the complaint will send all documentation concerning the complaint to Chief Academic Officer or administrative designee. Complaints against staff or teachers which result in a personnel action will also be part of the personnel file. Complaints against students which result in a disciplinary record will be part of the student's disciplinary record. This information will be maintained for seven years. 	<p>N. Records</p> <p>All records are confidential with access only to individuals with a legitimate need to know.</p> <p>Records of discrimination and harassment complaints are maintained as follows:</p> <ol style="list-style-type: none"> 1. Information in Preliminary Reports of complaints will be maintained by the Chief Academic Officer or administrative designee for two school years. 2. Information on formal investigations will be maintained in accordance with the hearing/grievance process under which the complaint was heard. In addition, the Clerc Center official who handled the complaint will send all documentation concerning the complaint to Chief Academic Officer or administrative designee. Complaints against staff or teachers which result in a personnel action will also be part of the personnel file. Complaints against students which result in a disciplinary record will be part of the student's disciplinary record. This information will be maintained for seven years.