



DEPARTMENT OF PUBLIC SAFETY

**ANNUAL SECURITY
AND
FIRE SAFETY REPORT
2022**



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A MESSAGE FROM THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY

I am pleased to present the 2022 Gallaudet University Department of Public Safety (DPS) Annual Security and Fire Safety Report. This report is prepared by Public Safety in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and is intended to disseminate important information to the University community. Crime statistics include those reported to local police, DPS, and designated campus officials from the most recent 3 years (2019, 2020, & 2021). With this publication, it is our intent to communicate not only mandatory information, such as crime statistics and fire safety data, but also to inform current students and employees and assist prospective students and their families in the decision-making process of selecting a college or university by describing the many ways in which we strive to keep this community safe.

Our efforts include high-visibility patrols, responding to and investigating on- and off-campus incidents, providing services at a myriad of University events, and increasing student and employee vigilance through crime prevention seminars, workshops, and other activities. The Department of Public Safety is committed to working with the community to achieve our shared goal: a safe, welcoming campus environment.

While we have developed procedures and policies to ensure that students and their possessions are protected as much as possible, it is primarily the responsibility of the student, faculty or staff member to provide for his or her own safety and security by taking simple, common sense precautions, and by reporting information to DPS or other campus security authorities, including the Student Affairs and Resident Life Departments or the Clerc Center.

The University and DPS strive to promote and maintain a campus environment conducive to academic achievement. A truly safe campus can only be achieved through the cooperation of the entire campus community. With your help and participation and our commitment, we are confident that the time you spend with us will be safe and productive.

Sincerely,

A handwritten signature in cursive script that reads "Patrick W. Rader".

Patrick Rader, Manager Field Services

GALLAUDET UNIVERSITY

A Unique University

Gallaudet University, chartered by the U.S. Congress in 1864, is the only institution of higher education in the world designed especially to educate and serve Deaf and hard of Hearing people. In addition to its undergraduate and graduate schools and programs offering Bachelor's, Master's, and Doctoral degrees in a variety of fields, Gallaudet University is home to the Laurent Clerc National Deaf Education Center, which includes the Kendall Demonstration Elementary School (KDES) and the Model Secondary School for the Deaf (MSSD). Also on campus are a research institute and numerous national and international public service programs.

Gallaudet University receives significant financial support from the U.S. Department of Education. It also relies on private support from its alumni and friends. Although Gallaudet receives substantial federal financial support, it continues to be a private institution.

A Unique Campus

Gallaudet University's 99 acre campus, called Kendall Green, is located in the northeast corner of the Nation's Capital and is just minutes away from many famous historical landmarks, museums, theaters, government agencies, airports, and other sites. Many of the buildings located on Kendall Green date back to the late 1800's. Although they have been renovated over the years with the most modern conveniences and technological improvements, each building remains a tribute to the proud history and tradition of Gallaudet. Nine buildings, including the president's residence, are protected by the National Trust for Historic Preservation.

Since its inception, Gallaudet University has endorsed direct visual communication. Students, faculty, teachers, and staff converse easily and freely with one another using American Sign Language. Gallaudet's campus has a small town feeling. It is a caring environment with a strong sense of community. Diversity is respected and embraced.

THE DEPARTMENT OF PUBLIC SAFETY (DPS)

Mission Statement

Our mission, as the Department of Public Safety, is to promote individual responsibility, community commitment, and involvement through dynamic crime prevention initiatives to create a safe, secure, and informed campus community. By the timely communication of current incidents on and about the campus, the community is enabled to make knowledgeable decisions and strategies to protect life and property.

Enforcement and Arrest Authority

Public Safety Officers are on duty 24 hours a day 365 days a year, and patrol the campus on foot, on bicycles and Segways, and in marked and unmarked vehicles. Gallaudet's public safety officers are considered "Special Police Officers" and are commissioned by the District of Columbia. They have the same powers as laws enforcement officers to arrest without a warrant for offenses committed on the Gallaudet campus. They may also arrest outside of Gallaudet if they are in fresh pursuit for an offense committed on campus.

Officers receive training in criminal law, patrol procedures, use of force, investigations, report writing, and more at the Consortium Public Safety Institute.

Communications Division

The Communications Division of DPS coordinates and supports the events and activities of field personnel from a 24 hour dispatch center located within the department. Dispatchers are certified as Emergency Medical Dispatchers.

Access Control

The Access Control Division is home to the university locksmith. They are responsible for the installation and maintenance of university locks and maintain the campus wide access control software and regulate access levels of students, staff, and faculty throughout campus. They are open during regular business hours Monday-Friday.

Location

The Department of Public Safety is located on the ground floor of Carlin Hall Residential Dormitory; it is open 24 hours a day 365 days a year.

Relationship with the Metropolitan Police Department

The Department of Public Safety works closely and cooperatively with the District of Columbia Metropolitan Police Department (MPD). The MPD assists with specialized, complex investigations on campus and with incidents involving Gallaudet that occur off campus. Metropolitan police are contacted and dispatched to campus in most arrest situations. MPD is also contacted at the request of a complainant or victim. The MPD keeps the Gallaudet University Department of Public Safety updated on criminal activity in the area, and the two departments work together to keep the Gallaudet neighborhood safe. The MPD also has a liaison unit called the Deaf and Hard of Hearing Unit (DHHU). The unit consists of two veteran officers that are fluent in American Sign Language, knowledgeable in Deaf Culture, and are uniquely familiar with the campus community.

Relationship with Neighboring Community

The University is fortunate to have an excellent relationship with its neighboring community. Gallaudet has established a Community Relations Council that meets regularly to discuss issues of mutual concern. This relationship has helped make the area a safer place to learn, work, and live.

Public Safety Services and Security Awareness Programs

The Department of Public Safety offers several programs and services designed to enhance the safety of the community. These programs and services include

- Escort Service to and from a vehicle or building when it is dark
- Personal Safety checks for employees or students who are working or studying late
- Engraved identification of possessions to assist DPS or local police in the event they are stolen or lost.
- Bicycle Registration
- Crime prevention programs, including presentations, public service announcements, crime prevention boards, and brochures.

Reporting Crime and other Emergencies at Gallaudet University

DPS has procedures in place to allow for and facilitate the reporting of criminal offenses in a manner consistent with the requirements of the *Clery Act*. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in a timely manner. When a crime is reported, DPS will dispatch an officer to the appropriate location, conduct a preliminary investigation, and prepare a crime report. When appropriate, DPS will investigate the incident further, or forward the crime report to MPD for additional follow-up. As applicable and necessary, DPS will forward crime reports to SARP for student conduct referrals, or to Human Resources for employee conduct referrals. For any reported crime, if assistance is required from MPD, DPS will contact them immediately.

To report a crime, suspicious activity, or emergency occurring on campus, contact DPS immediately:

- 202-651-5555 (Text/Voice/Videophone Emergency)
- 202-651-5445 (Voice Non-Emergency)
- 202-651-5444 (TTY)
- dps@gallaudet.edu (e-mail)
- Use any blue light stanchion throughout campus
- Come directly to DPS on the ground floor of Carlin Hall

To report crimes occurring off campus contact the Metropolitan Police Department at 911 for non-emergencies and for emergencies.

At this time the University does not have any off-campus student organizations.

In addition, representatives in the following areas have been identified as “*Campus Security Authorities*” and are available to facilitate making a crime report to DPS

- Any DPS Full time staff-Carlin Hall 202-651-5555 or 202-651-5445
- Campus Activities-JSAC Building 202-250-2350
- Residence Life-Ely 132 202-651-5255
- Athletics-Field House 202-651-5603
- MSSD Student Life –202-250-2768
- MSSD Athletics –202-250-2121

In the event that a reported incident manifests evidence of a hate crime or act of intolerance, DPS will coordinate with multiple offices on campus to provide support services, facilitate investigation, and to determine an appropriate response. If a reported incident involves a hate

crime, DPS will be responsible for the investigation and possibly refer it to MPD. If a reported incident does not constitute a hate crime but involves an alleged act of intolerance, the incident will be investigated by other designated University officials. For such incidents against students, reports will be forwarded to the Dean of Student Affairs. Reports against staff will be forwarded to Human Resources, while reports against faculty will be forwarded to the Provost, and/or their respective Dean's Office. As appropriate and necessary, the Crisis Leadership Team will be notified to review the incident and determine the appropriate response.

Pastoral and Professional Counselors

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors", acting as such, are not considered to be campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. They are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary and confidential basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

Pastoral Counselor: An employee of an institution, who is associated with a religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution community and who is functioning within the scope of his or her license or certification.

Voluntary Confidential & Anonymous Reporting

Occasionally, victims of crime wish to report a crime but do not want to give their name and/or do not want to pursue action through the criminal justice or university judicial systems.

As allowed by the Clery Act, pastoral and professional counselors who receive confidential reports are not required to report these crimes to the Department of Public Safety for inclusion into the annual disclosure of crime statistics or for the purpose of a timely warning. Please see previous section for description of these positions.

Certain other university departments may accept confidential reports from a victim. The Clery Act, however, requires these departments to report the crime to the Department of Public Safety.

This reporting allows the university to maintain accurate records on the number of incidents, determine if there is a pattern of crime with regard to a particular location, method or assailant, and alert the campus community of an ongoing threat if needed. The Department of Public Safety will investigate crime that is reported to them.

Individuals may also report incidents or information anonymously at the Department of Public Safety through the Anonymous Reporting form.

Timely Warnings

Gallaudet University is responsible for issuing timely warnings in compliance with the Jeanne Clery Act, 20 U.S.C. 1092(f). Timely warnings will be issued in response to reported crimes committed either on campus or, in some cases, off campus that, in the judgment of the University, constitute an ongoing or continuing threat to students and employees.

Anyone with information believed to warrant a timely warning should promptly report the circumstances to the Department of Public Safety by phone or text at (202)-651-5555 or by email at dps@gallaudet.edu, or in person. The Department of Public Safety will consult, as appropriate and necessary, with other university officials regarding whether a timely warning should be issued. The decision to issue a timely warning shall be made on a case by case basis after consideration of the available facts, including factors such as the nature of the crime, the continuing danger or risk to the campus community, and the possible risk of compromising law enforcement efforts. Timely warnings are considered for the following classifications of reported crimes: criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Timely warnings may also be issued for other reported crimes as deemed appropriate under the circumstances. The decision will be made in compliance with the Clery Act and in an effort to prevent similar crimes from occurring.

When a determination is made that a timely warning should be issued, the Department of Public Safety will take appropriate steps to ensure timely notification of the campus community. Options for notification include, but are not necessarily limited to, the university's mass notification system (desktop alerts or emails), campus wide emails, physical postings, officer notification, and in addition may be posted on the Gallaudet University and Department of Public Safety website. The warnings will include some or all of the following information: the date, time and location of the reported crime; a summary of the incident; a description of the suspect and/or vehicle, if available; and any other special instructions or incident specific safety tips.

DPS recognizes the importance of alerting the campus community to crimes reported on or off campus that may not meet the criteria for a timely warning, but still have the potential to impact the campus community. In these situations, which are also evaluated on a case-by-case basis,

DPS will release Crime, Safety, and/or Security Alerts that may include physical postings in the impacted campus area, campus wide e-mails, or postings on the DPS website. These alerts will contain a concise summary of the reported incident, directions to contact DPS if there is additional information, and, depending on the situation, specific crime prevention or personal security tactics recommended by DPS.

Daily Crime & Fire Log

Gallaudet University's policy is to comply with the Clery Act. As a component of compliance, the Daily Crime & Fire Log is written and updated on a daily basis by DPS personnel, and contains information regarding crimes, fires, and other major incidents reported to DPS. The most recent 60 days are available for public inspection during regular business hours at DPS at Carlin Hall.

Security Programs, Services, & Resources

DPS recognizes the key role education plays in generating security-conscious behavior. Security awareness and crime prevention programs are offered in a variety of formats and can be tailored to meet the changing needs of the campus community. Programs are open to any and all campus community members, and are scheduled throughout the year. Programs address topics such as sexual assault awareness, crime prevention tactics, and personal safety when on or off campus, but can include a variety of other safety and security information. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. Individuals and groups are encouraged to contact DPS to schedule a program, or to visit the Department website at <https://gallaudet.edu/public-safety/> for more information.

In addition to formal training, information is disseminated to students and employees through crime prevention brochures, displays, videos, and articles using various publications.

Listed below are samples of the variety of security awareness and crime prevention programs or services that DPS offers:

SafeWalk: When a student, faculty or staff member feels that that may be uncomfortable walking alone anywhere on campus or walking to their vehicle they may request an escort from an officer or representative from the Department of Public Safety.

Personal Safety Check: If any community member is staying late working or studying anywhere on the campus, they may request that a DPS officer check on their well-being during the time they remain in that area.

Crime Alert Bulletins: When DPS receives a report of a situation in which the campus community may be at special risk due to a crime incident or possible suspect, Public Safety will publish and distribute a crime alert bulletin to notify the campus community as quickly as possible.

Emergency Mass Notification Systems: In the event of an emergency, DPS will employ our all-campus alert systems. The Alertus and Blackboard Connect mass notification system will send an email as well as capture all computers on campus and activate beacons. Additionally, all community members are encouraged to sign up for the Gallaudet Alert system and update their personal information.

Emergency Call Boxes: Emergency call boxes are located throughout the Gallaudet campus. All of these stanchions are marked as emergency call boxes and are also marked by a blue light on top of the stanchions. The buttons are directly connected to our 24 hour Dispatch center and to be used for emergency response. These are also monitored by surveillance cameras.

First Aid: All Special Police Officers are trained in the use of C.P.R. and First Aid. There are also 6 Automated External Defibrillators throughout campus.

Lost & Found: The University's Lost and Found service is located at DPS. If you have lost an item, you can contact dps@gallaudet.edu or call 202-651-5445.

Operation Identification: In addition to encouraging basic theft prevention through property identification and keeping records of serial numbers and descriptions of valuable items, DPS also offers engraving of personal property, free of charge for all campus community members.

Video Surveillance: Video surveillance cameras are located throughout the Gallaudet campus and assist DPS in the prevention and investigation of crimes on campus.

Emergency & Disaster Response

Immediate (Emergency) Notifications will be issued for all incidents occurring on campus that, in the judgment of the University, constitute an immediate threat to the health and safety of the campus community. Anyone with information believed to warrant immediate notification should promptly report the circumstances to DPS by phone at 202-651-5555 or email at dps@gallaudet.edu, or in person at the ground floor of Carlin Hall. Once information constituting an immediate threat is received, the Director of Public Safety (Chief) or designee is authorized to determine whether an emergency exists, and if so, and upon confirmation, to activate the immediate notification procedures. The Director will attempt to make contact with the Executive Director of Business and Support Services or other senior administrative designee, but will not delay notification if they are not immediately available. The Crisis Leadership Team may also be convened and will collaborate as necessary with the Director or DPS designee. In the event that an emergency is determined, DPS will, without delay and taking into account factors that may compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the incident, notify the campus community by activating either or both of the University's campus alert systems. The Mass Notification System disseminates emergency information to the campus community via concurrent emails, Alertus Beacons throughout campus, and desktop/laptop takeover and is equipped to broadcast announcements throughout the campus. DPS may also collaborate with the Gallaudet Technology Services to post pertinent information on closed circuit television throughout campus. When possible, other notification methods may include utilizing the Emergency Blue lights, person to person message, and orange flags carried by DPS officers on campus to indicate an emergency with messages to follow, and utilizing the fire alarm and strobe light system.

Some threats to the Gallaudet community may require occupants to immediately evacuate buildings or to seek shelter within buildings. Evacuation of buildings will be signaled by activation of the audible/visual fire alarm evacuation systems. The assembly locations have been predetermined and are practiced during evacuation exercises throughout the year. In the event an emergency occurs which dictates safety be sought within university buildings, appropriate information will be announced over the University's Alertus System as well as mass emails and person to person message.

With either emergency scenario, updated instructions and information will be made available to all community members by any or all of the above mentioned methods including Gallaudet University websites and local media announcements.

FIRE SAFETY

Reporting a Fire on Campus

Any community member who discovers a fire or other burning on campus should immediately contact DPS at 202-651-5555 text/V or email dps@gallaudet.edu . DPS will then notify the District of Columbia Fire Department and guide them quickly to the location of the fire. If a community member finds evidence of a fire that has been extinguished, they should also immediately contact DPS to ensure that DPS is aware and has responded to and documented the incident.

Fire Safety Systems

Fire alarms or smoke detectors are installed in every campus building, including residential buildings, and alert the occupants of potential hazards when activated. These alarms are connected to control panels that are monitored 24/7 in the DPS Dispatch Center. Upon activation of a fire alarm, indicated by an audible siren and strobe light, community members must immediately evacuate to their building or residence hall's pre-determined evacuation area, exiting through stairwells not elevators (if someone is in the elevator there is a panic button that automatically contacts DPS). Community members should not reenter any building unless authorized to do so by DCFD or DPS personnel, or in some cases, authorized Residential Life Personnel.

Since every building and residence hall is unique, specific evacuation procedures are in place and posted and or/discussed throughout the year. Fire Safety emergency procedures are communicated through residence hall meetings, new student orientation meetings, and by placards detailing evacuation procedures and locations.

Health and Safety Checks

Health and safety checks are an important component to ensure that fire safety systems are in proper working order. The Access Control Division completes safety inspections by checking fire extinguishers monthly, panic buttons, sprinkler systems, and kitchen hoods twice yearly, strobes, bells and fire pumps (turned weekly) annually. Fire Drills are conducted monthly in the dormitories at the Clerc Center and university dormitories are drilled quarterly.

Visual inspections by Access Control, Residence Life, Clerc Center and Campus Activities staff specifically seek to identify all possible fire, safety, and health hazards within residential facilities. Such fire hazards include, but are not limited to, burning incense, burning candles, halogen lamps, exposed heating elements, personal barbecues, and flammable liquids and solvents (i.e. gasoline, kerosene, lighter fluid, propane, etc.) Such items are strictly prohibited

in and around any living area, as outlined in the Student Handbook and reviewed and signed by all resident students at time of check in. Smoking and the use of any tobacco products, including hookahs, are also prohibited at all times in all residence hall areas. Gallaudet University remains a smoke-free environment with 4 designated smoking areas if campus community members choose to smoke.

Additional fire safety components that are addressed in these inspections include ensuring that fire-rated, emergency exit are not propped open or tampered with, and any misuse and/or tampering of fire equipment (i.e. fire alarms, smoke detectors, fire extinguishers or hoses) has not occurred.

Inspections of safety and health standards in residence halls may include assessments of general room cleanliness, proper use of furniture (i.e. stacked bunks, closet doors, etc.) and properly secured window screens, among other expectations further detailed in the Student Handbook. Students found in violation of these standards may be referred for possible disciplinary action.

Maintenance of Campus Facilities

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions; DPS regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to the Facilities Department for correction. Other members of the university community are helpful when they report equipment problems to DPS or the Facilities Department.

ACCESS TO CAMPUS FACILITIES

Academic and Administrative Buildings

Gallaudet University is private university but buildings and facilities do remain open during regular business hours. Most facilities have individual hours, and hours may vary at different times of the year. Access to some of these buildings is also controlled by card access after normal business hours, and all of these buildings have varied levels of access. Buildings do not have officers assigned to them on a regular basis however; DPS officers patrol the academic and administrative buildings on a regular basis. For more information please contact the Access Control Department, building manager, or department head.

Residence Halls

Access to residence halls is restricted to residents, their approved guests, and other approved members of the university community. Residents gain entry by waving their cards near the card reader. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their own access cards. DPS officers patrol the residence halls regularly.

Coordinator of Residence Educators and Residential Life staff also enforce security measures in the halls and work with residents to achieve a community respectful of individual and group rights and responsibilities. CRE's and Residential Life staff also conduct periodic educational sessions on prevention of various crimes, including sexual assault and acquaintance rape.

IMPORTANT EMERGENCY CONTACTS

Public Safety -- DPS Officers/Administrators: Non-Emergency 202-651-5445-v or 202-651-5555 or tty 202-651-5444 by text or dps@gallaudet.edu

Emergency, Ambulance, Fire, Explosion, or chemical spill-202-651-5555 or dps@gallaudet.edu

Gallaudet University Counseling and Psychological Services (CAPS)

202-250-2300 Videophone/202-651-6080 Voice

Student Health Services -- Business hours - M-F 8:00 AM-4:00 PM at 202-651-5090

Facilities Department -- 202-250-2560 Videophone/202-651-5181 Voice

NOTIFICATION FOR MISSING STUDENTS

If a member of the university community has reason to believe that a student is missing, whether or not the student resides on campus, that individual should contact the University's Department of Public Safety at 202-651-5555 text/voice or email dps@gallaudet.edu. DPS will collaborate with Student Life, other university officials, and/or the appropriate law enforcement agency to make an effort to locate the student and determine his or her state of health and well-being. Public Safety will gather pertinent information about the student from the reporting person or others. Such information may include but is not limited to the student's description, mobile number, clothes last worn, vehicle description, information about the student's health or well-being, or an up-to-date photograph.

University officials also will endeavor to determine the student's whereabouts by contacting friends, associates, faculty members, and/or employers of the student, and/or determining whether the student has been attending classes, scheduled organizational or academic meetings, and work. If the student is an on-campus resident, DPS officers may make a welfare entry into the student's room. If the student resides off-campus, DPS may enlist the aid of the neighboring police agency having jurisdiction.

For residential students and for students who live off-campus, notices will be made to each of the following individuals within 24 hours of Public Safety's determination that the student is missing:

- The student's parent or guardian. The university is required by law to notify the student's custodial parent or guardian if the student is under age 18 and is not emancipated at the time he or she is determined to be missing. If the student is age 18 or over, notification may be provided to the student's parent or guardian, in addition to any other person identified as the student's designated emergency contact.
- Local law enforcement personnel
- The student's designated emergency contact (if any). Students are given the opportunity through Blackboard to designate an individual to be contacted by the university if the student is determined to be missing or otherwise in the case of an emergency. The designation will remain in effect until changed or revoked by the student. The contact information will be confidential and will be accessible only to authorized university officials or law enforcement personnel.

After the student has been located, DPS will attempt to verify the student's state of health, well-being, and intention of returning to campus. When and where appropriate, a referral may be made to the Mental Health Center, Student Health Services, and/or a community provider.

SEXUAL MISCONDUCT POLICY

Scope of Policy

This policy applies to all members of the Gallaudet University community - students, employees and individuals having any official capacity at Gallaudet - as well as third parties (volunteers, independent contractors, vendors, alumni, interns, and visitors), and any individuals studying, living, or conducting business at Gallaudet. KDES and MSSD students are excluded from the scope of this policy.

Introduction

Gallaudet University is committed to and seeks to maintain an equitable and inclusive campus free from all forms of harassment, exploitation, intimidation, and/or violence based on protected characteristics, including all forms of sexual misconduct. The University will not tolerate any type of sexual and/or gender-based harassment, discrimination and violence, and will be prompt, fair, and impartial in its investigation and resolution of sexual misconduct reports. The University also strictly prohibits retaliatory discrimination or harassment against any person(s) for reporting an incident of sexual misconduct or for participating, in any manner, in procedures to redress complaints related to a report of sexual misconduct. All members of the University community are expected to conduct themselves in a manner that demonstrates respect for the rights of others.

Creating a safe and non-discriminatory educational environment is the responsibility of all members of the University community. The University is committed to addressing sexual misconduct, fostering an environment that promotes prompt reporting of all types of sexual misconduct, and ensuring the prompt, equitable and impartial resolution of all complaints from the initial assessment and investigation to the final outcome. Every member of the University community has a responsibility to become familiar with the Gallaudet University Sexual Misconduct Policy and Procedures.

Policy

This policy is intended to guide University community members that may have observed, become aware of, or experienced sexual misconduct. This policy pertains to acts of Prohibited Conduct committed by or against Gallaudet community members on University property (i.e., on campus) or other property owned by the University, or at University sanctioned events or programs that take place off campus or occurring in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, or internship programs; and/or online and social media conduct that may affect the educational experience. The University may concern itself with conduct off University property (i.e., off campus) or outside the University's educational programs and activities when such conduct may have a substantial and/or continuing adverse effect or could create a hostile environment for any member of the Gallaudet community or the University. All actions by a

member of the University community that involve the use of the University computing and network resources from a remote location, including but not limited to accessing email accounts, are under the scope of this policy.

Gallaudet has an obligation to maintain a safe and non-discriminatory educational environment and may also address the behavior of non-members of the University community who have been accused of violation(s) of this policy. The University typically will not conduct an investigation for non-members of the University community (including where the respondent has graduated or left the University) but may address the situation and provide appropriate resources to impacted individuals and, where appropriate, the broader University community. A non-member of the University community's role in the University's investigatory and disciplinary procedures may be limited. The University may also take appropriate action against non-members of the University community that may include, but is not limited to, barring the non-community member from University property or other property owned by the University, or at University sanctioned events or programs that take place off campus, and reporting the incident to another school or community law enforcement agency that has jurisdiction over the individual's behavior.

Notice of Non-Discrimination

It is the policy of Gallaudet University to provide an educational and working environment that provides equal opportunity to all members of the University community. Any Gallaudet employee, student, applicant for admission or employment, or other participant in Gallaudet University programs or activities, who believes that they have been discriminated against on the basis of race, color, sex (including sexual harassment), religion, national origin, sexual orientation, gender identity and/or gender expression, age, disability, veteran status or other items listed in the D.C. Human Rights Act may direct complaints of discrimination and harassment to the Director of the Office of Equal Opportunity Programs (EOP).

In accordance with Federal and District of Columbia law, the University policy prohibits retaliation of any kind against any individual who has filed a complaint regarding discrimination or has participated in procedures to redress complaints of discrimination. Gallaudet University is committed to taking appropriate action against those who violate its policy of non-discrimination.

[Policy #2.28 \(Anti-Discrimination Policy and Complaint Procedure\)](#) can be found in the Administration and Operations Manual. Complaints of discrimination should be directed to:

Director of Office of Equal Opportunity Programs (EOP)
800 Florida Avenue, NE; Washington, DC 20002
(202) 651-5462 (v)
(202) 559-5683 (vp)

Individuals seeking further information or guidance may contact the Office for Civil Rights (OCR) of the U.S. Department of Education. Individuals experiencing harassment or discrimination also have the right to file a formal grievance with OCR:

U.S. Department of Education
Office for Civil Rights (OCR)
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
1-800-421-3481
Email: ocr@ed.gov

Prohibited Conduct

Gallaudet University prohibits all forms of sexual and/or gender-based discrimination, including but not limited to, sexual harassment, sexual assault and sexual violence, which are referred to as sexual misconduct in this policy. It is a violation of this policy to commit these acts or attempt to commit them; attempts to commit acts prohibited by the Sexual Misconduct Policy may be disciplined to the same extent as completed violations. Prohibited conduct may be committed by individuals of any sex or gender, including same sex/gender individuals. It can occur between strangers or acquaintances as well as individuals involved in intimate or sexual relationships. In determining whether the alleged conduct violates University policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. In most circumstances, the University will treat attempts to commit any of the prohibited conduct as if those attempts had been completed.

The prohibited conduct is as follows:

Bullying - a pattern of repeated behavior that is sex and/or gender-based, or in the context of an intimate partner relationship, that a reasonable person would find hostile, offensive, and unrelated to the University's legitimate business interests.

Cyberbullying - bullying that is sex and/or gender-based, or in the context of an intimate partner relationship, that takes place online or is perpetrated using electronic means of communication even when aimed indirectly at an individual or a group.

Intimate Partner Violence - any instance of violence or abuse (verbal, physical, or psychological) that occurs between those who are in or have been in an intimate relationship with each other. To be considered intimate, a relationship must have (or have included) some romantic, sexual, and/or domestic element. Common intimate partner relationships are married partners, domestic partners, dating partners, and sexual partners.

Non-Consensual Sexual Contact - any intentional sexual touching, however slight, by a person upon another person that occurs without consent and/or by force. Some examples of a policy violation involving non-consensual sexual contact would be the touching of a person's private parts (such as penis, vagina, groin, breast, buttocks, mouth, and/or clothing covering them); touching another person with one's own intimate parts; or forcing a person to touch another's intimate parts.

Non-Consensual Sexual Intercourse - sexual intercourse, however slight, by a person upon another person that occurs without consent and/or by force. An example of a policy violation involving non-consensual sexual intercourse would include vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact) no matter how slight the penetration or contact, without consent or through the use of coercion or by use of force, violence, threat, or intimidation.

Sex Discrimination - actions that deprive other members of the community of educational or employment access, benefits, or opportunities on the basis of sex or gender. Sex discrimination includes discrimination based on pregnancy or discrimination in athletics.

Sexual Exploitation - taking sexual advantage of another person without effective consent, and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over the other person; causing the prostitution of another person; recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts (including penis, vagina, vulva, buttocks, anus, groin, and/or breasts) of another person; allowing third parties to observe private sexual acts; going beyond the boundaries of consent (such as letting others watch you have consensual sex or consensual sexual contact with another person); engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV; or exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals.

Sexual Harassment - the unwelcome, sexual, sex-based or gender-based verbal, written, online and/ or physical conduct. The three types of sexual harassment include 1) hostile environment harassment, 2) *quid pro quo* harassment, and 3) retaliatory harassment.

Hostile Environment Harassment includes any situation in which there is harassing conduct that is severe, or pervasive or persistent, and objectively offensive unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the University's education or employment programs. The determination of whether an environment is "hostile" will consider factors such as those listed below:

- the frequency of the conduct;
- the nature and severity of the conduct;
- whether the conduct was physically threatening;

- whether the conduct was humiliating;
- the effect of the conduct on the reporting party's mental or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct; and
- whether the conduct unreasonably interfered with the reporting party's educational or work performance or the educational/work experience of others.

Quid pro quo Harassment exists when there are:

- unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature by a person having power or authority over another; and
- submission to or rejection of such conduct results in adverse educational or employment action.

Retaliatory Harassment includes any adverse action taken against any person(s) for reporting or participating, in any manner, in procedures to redress complaints related to a report of sexual misconduct.

Sexual Intimidation - includes, but is not limited to, threatening another with non-consensual sexual conduct, and stalking or cyber-stalking, which is the repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

Consent

Consent represents the basis of respectful and healthy intimate relationships. Consent is effective when it is clear, knowing, and voluntary by using mutually understandable words or actions that give permission for specific sexual activity or contact. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused individual knows or reasonably should have known of such incapacitation. Passivity is not permission; consent is not the absence of resistance, and silence, in and of itself, cannot be interpreted as consent. Consent to one form of sexual contact or activity does not imply consent to another form of sexual activity. Consent also has time boundaries; consent given at one time does not imply future consent or consent at any other time. The existence of a prior or current relationship does not, in itself, constitute consent. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop immediately. In order to give consent, one must be of legal age (16 or older in D.C.).

The Impact of Alcohol or Other Drugs on Consent

The use of alcohol or other drugs can have unintended consequences. Alcohol or other drugs complicate the situation further and can place the capacity to consent into question when compared with sober sexual activity. The University considers sexual contact while under the influence of alcohol and other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. An individual who is physically incapacitated as a result of alcohol or drug consumption (voluntary or involuntary), or who is unconscious or otherwise physically helpless, is incapable of giving consent.

Individuals who consent to any form of sexual activity must be able to understand what they are doing. "No" always means "No", but "Yes" may not always mean "Yes". Anything but effective consent to any sexual activity is equivalent to a "No".

Consensual Relationships

The University's educational mission is promoted by professionalism in University employee relationships with other employees and students. University employees may be in positions of authority; trust and respect are diminished when those in positions of authority abuse or appear to abuse their power.

There are special risks in any sexual or romantic relationship between individuals of inherently unequal power. Such relationships have the potential for conflict of interest, favoritism, exploitation, and bias, and may undermine the real or perceived integrity of the supervision and evaluation provided. There is the potential for sexual harassment when inappropriate personal attention occurs between individuals of inherently unequal power. Such relationships seriously undermine the atmosphere of professionalism, trust and respect essential to the University and hinder fulfillment of the University's educational mission.

For these reasons, sexual or romantic relationships or encounters - whether regarded as consensual or otherwise - between individuals of inherently unequal power are strongly discouraged, and in some circumstances, are strictly prohibited by this policy. The fact that a relationship was initially consensual does not insulate the person with greater power from a sexual harassment or sexual misconduct complaint.

Consensual Relationships between Faculty and Undergraduate Students*

No Gallaudet University faculty member shall initiate or accept offers for sexual or romantic encounters or relationships with any undergraduate student.

Consensual Relationships between Faculty and Graduate Students*

Sexual or romantic encounters or relationships between faculty and graduate students in the instructional context, or under their academic supervision is prohibited. Sexual encounters or romantic relationships outside of the instructional context or academic supervision can lead to difficulties. Instructors or other officers should be sensitive to the possibility that he or she may

unexpectedly be placed in a position of responsibility for a graduate student's instruction or evaluation, including mentoring, advising, serving on an admissions or selection committee or being called upon to write a letter of recommendation. Even in consensual relationships there are certain conditions where a faculty member, by virtue of their special responsibilities and the core educational mission of the University, could be held accountable should a problem arise.

*The Handbook of the University Faculty, #3.2, contains a more detailed policy governing faculty/student relationships.

Consensual Relationships in Other Contexts between Staff and Students

Relationships between staff with direct or indirect authority over the other (deans and directors of any rank, coaches, academic advisors, residence hall professional staff, security personnel, and other similar employees who advise, mentor or evaluate students) and students can be potentially problematic and is prohibited. Other consensual sexual or romantic relationships between staff and students is not prohibited and should generally be avoided; one needs to be mindful that one may unexpectedly be placed in a position of power over the student in the future.

Consensual Relationships between Student Paraprofessionals and Students

Sexual or romantic encounters or relationships between students and student paraprofessionals in a teaching, evaluating, advising, mentoring, disciplinary or other position of inherently unequal power is prohibited. Existing relationships that existed prior to obtaining such paraprofessional relationships must be disclosed.

Consensual Relationships between Employees

Consensual relationships between employees is not prohibited by this policy. However, relationships between employees who have direct or indirect authority over the other are potentially problematic and must be disclosed. This includes relationships between supervisors and their employees.

Consensual Relationships between Clerc Center Employees and Students

The Clerc Center prohibits relationships between their employees and Clerc Center students. Refer to [Administrations and Operations Policy 1.13: Code of Conduct With Clerc Center Students](#).

Notification and Recusal for Prior Relationships

The University is a small community, where there exist many opportunities for faculty, staff and students to form relationships prior to a situation that creates a potential power imbalance. In such instances, employees and student paraprofessionals are required to disclose to their supervisor(s) in writing of the relationship prior to or immediately when there will be inherently unequal power. It may require recusal from certain supervision, evaluation, or oversight over individuals with whom they have a prior relationship with. This ensures that alternate supervisory or evaluative arrangements are put in place. Such notification is always required where recusal is required. This obligation to notify and recuse is required, and the failure to

disclose a prior relationship in a timely fashion will itself be considered a violation of the consensual relationship policy.

Review, Investigation, and Resolution Procedures

All University personnel involved in the resolution of sexual misconduct allegations receive annual Title IX and other appropriate training, including but not limited to, training on the University Sexual Misconduct Policy and Procedures and how to handle and resolve allegations of sexual misconduct; training on the dynamics of sexual and/or gender-based harassment, discrimination and violence; and trauma-informed training.

Gallaudet community members and third parties who believe they are directly affected by conduct of students or employees in violation of the Sexual Misconduct Policy may request information or advice, including whether certain conduct may violate this policy, seek informal resolution (remedies-based resolution), or make a formal complaint (discipline-based resolution). These options are described below. Gallaudet will also provide the reporting parties information and additional resources of the complainant's rights and options when addressing conduct that falls within the purview of this policy.

Individuals affected are encouraged to bring their concerns and report the conduct in violation of this policy to the Title IX Coordinator. Upon receipt of a report or actual notice, the University will generally proceed as described below. The procedures for handling allegations of sexual misconduct are generally similar for faculty, staff and students, and differ slightly in the panel membership composition and the routing of the appeal, to reflect the differing nature of each respondent's relationship to the University.

IMMEDIATE RESPONSE

As part of the initial assessment of facts, the University will:

- address immediate physical safety and emotional well-being;
- notify the complainant of the right to contact law enforcement;
- notify the complainant of the right to seek medical treatment at the Washington Hospital Center (WHC);
- notify the complainant about resources available at the University and elsewhere that provide counseling and support;
- notify the complainant about the steps involved in pursuing informal, remedies-based resolution or formal, discipline-based resolution; and
- conduct an Initial Review (described below).

INITIAL REVIEW

The Title IX Deputy Coordinator(s) or Title IX Investigator(s), hereinafter referred to as the Investigative Team, will consult further with the complainant to gather information and to discuss their interest in participating in an investigation. Ordinarily, the initial review will be concluded within one week of the date the allegation was received. Based on the information gathered from the initial review the Investigative Team will determine:

1. whether the allegation(s), if true, would rise to the level of Prohibited Conduct and would constitute a violation of this policy such that an investigation is warranted, or
2. whether the information warrants an administrative closure and/or referral (i.e. dismissal of the allegation or referral for adjudication in a different department, i.e. Human Resources, Equal Employment Officer, Student Accountability and Restorative Practices, Academic Dean, etc.) if the alleged violation(s) or additional violations identified during the initial review are a Student Code of Conduct, Administrations and Operations Policy or other University violation not covered by this policy.

Upon approval by the Title IX Coordinator, the Investigative Team's determination will be shared with the complainant.

The complainant may request reconsideration of the decision to close a case administratively to the Title IX Coordinator within seven business days on the grounds that there is substantive and relevant new information that was not available at the time of the decision, or a significant procedural error occurred that may change the outcome of the decision. The Title IX Coordinator will consider requests for reconsideration and inform the complainant of the outcome in writing, ordinarily within one week of the date of the request.

In addition, this initial review will consider the nature of the report, the safety of the individual and the campus community, the complainant's expressed preference for resolution, and the necessity for any interim measures designed to eliminate the reported hostile environment and protect the parties involved, if they are reasonably available. Interim measures may be appropriate regardless of whether a formal complaint is sought by the complainant or the University or regardless of whether the complainant chooses to report the crime to campus police or local law enforcement in order to ensure the preservation of the complainant's educational or employment experience and the overall University environment.

The University will notify the parties about available interim measures and will ask the parties what measures are sought. Interim measures are individualized services offered as appropriate to either or both the complainant and respondent involved in the incident, prior to an investigation or while an investigation is pending. The University will determine which measures are appropriate for either or both parties on a case-by-case basis. Not all of the measures listed below are necessary or appropriate in every case. The University reserves the

right to take whatever measures it deems necessary in response to an allegation of sexual misconduct as appropriate and if such alternative arrangements are reasonably available, in order to ensure the student's or employee's safety and equal access to employment and/or educational programs and activities. Interim measures or alternative arrangements that may be implemented at any time may include, but are not limited to:

1. voluntary access to counseling services and assistance in setting up the initial appointment;
2. referral to health and/or victim services;
3. education to the community;
4. implementing contact limitations between the parties;
5. referral to the Employee Assistance Program;
6. limits on access to certain University facilities or activities;
7. change in student's residence hall assignment;
8. change in the employee's work or workspace assignment;
9. course schedule alterations, adjustments to academic deadlines, or class reassignments, including the ability to transfer course sections or withdrawal from a course without penalty, and a change to independent study, if the option exists;
10. change in work schedule or job assignment;
11. voluntary leave of absence;
12. interim suspension of the respondent from the University or University-imposed administrative leave; and
13. any other remedy or action which would stop the prohibited conduct, prevent its recurrence, and redress its effects.

Any alternative arrangements or remedies issued will be maintained as private as possible to the extent that it will not impair the ability of University officials or individuals with authority to provide such arrangements or protective measures.

The University will seek action consistent with the complainant's request when possible. If the complainant requests confidentiality or asks that the report of sexual misconduct, intimate relationship violence, stalking, or other Prohibited Conduct not be pursued, the University will generally respect and follow the request. The Title IX Coordinator and/or the Investigative Team will still provide the complainant with resources and remedies, if reasonably available, in such instances. It should be noted that University has a dual obligation to provide a safe environment on campus and address and remedy discrimination under Title IX. The

Investigative Team, in consultation with the Title IX Coordinator, will weigh the request for confidentiality against the need to provide a safe and non-discriminatory environment and determine whether the request for confidentiality will be followed or the investigation should nonetheless go forward. In some circumstances a request for confidentiality may mean an investigation cannot go forward or can be appropriately resolved without further investigation and without revealing the complainant's identity. In other circumstances the decision may be to go forward without the complainant.

If the Investigative Team determines that the allegation or report would, if substantiated, constitute a violation of this policy, the University may proceed with a remedies-based resolution that does not involve disciplinary action against a respondent, or may proceed with a discipline-based resolution by initiating an investigation to determine if disciplinary action is warranted. The Investigative Team may also determine that the allegation, even if substantiated, would not rise to the level of a policy violation, that there will be insufficient information to investigate the matter, or, after consultation with the complainant about the complainant's preferences regarding participation, may administratively close or dismiss the complaint. The Investigative Team may also determine that the allegation is outside the scope of this policy and refer the allegation to another office for review. The Investigative Team also reserves the authority to pursue any additional potential violations of University policy that have been identified through the investigation and will determine whether such allegations are within the scope of this policy or will be considered in another University process.

Each resolution process is guided by the same principles of fairness and respect for all parties, through a process that protects the rights of both the complainant and the respondent. Each party will have similar, timely access to information, and equal opportunity to identify relevant witnesses and relevant information.

INTERIM SUSPENSION OR ADMINISTRATIVE LEAVE

When the report of sexual misconduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the community, or the performance of normal University functions, the University, in consultation with the Title IX Coordinator, may impose an interim suspension or administrative leave. The University may place a student or student organization on interim suspension, and employees may be placed on administrative leave or suspended indefinitely, depending on their employment classification, pending the resolution of the case. In all cases in which an interim suspension or administrative leave is imposed, the student, employee, or student organization will be given the option to meet with the appropriate administrator (divisional Vice President, Provost, or Dean of Student Affairs) prior to such suspension or leave being imposed, or as soon thereafter as reasonably possible, to show cause for why the suspension or leave should not be implemented. The divisional Vice President, Provost, Dean of Student Affairs or their designee has the sole discretion to implement or stay an interim suspension or administrative leave, and to determine its conditions and duration. Pending the resolution of the case the individual or organization may

be denied access to campus premises and University sponsored activities or events on and off campus, or all other University activities or privileges for which the student or employee might otherwise be eligible, as the University determines appropriate. In such instances, students and/or employees will be permitted on campus only for meetings related to their case at the specific dates and times as arranged with the Title IX Coordinator or the Investigative Team. When an interim suspension or administrative leave is imposed, the University will make reasonable efforts to complete the investigation and resolution as soon as possible. At the discretion of the appropriate administrative officer or Academic Dean, alternative coursework options or employee responsibilities may be pursued to ensure as minimal an impact as possible on the respondent.

INFORMAL RESOLUTION

Remedies-Based Resolution

The remedies-based resolution is designed to eliminate a hostile environment without taking disciplinary action against the respondent. The University recognizes that in some limited circumstances remedies-based resolution may be an appropriate means of addressing some behaviors reported under this policy. Mediation is never appropriate in sexual assault cases. A remedies-based resolution may also be an option for complainants or third parties who are seeking confidentiality or for those whom pursuing formal disciplinary action may be a barrier to reporting or moving forward. Complainants may make a request, either verbally or in writing, for informal resolution to the Investigative Team. Participation by the complainant and respondent in informal, remedies-based resolution is voluntary and either party can withdraw from participating at any time and initiate the formal process. The request should identify the alleged harasser (if known) and describe the allegation with specificity. The Investigative Team will assess the severity of the alleged harassment or misconduct and the potential risk of a hostile environment for others in the community in order to determine whether informal resolution may be appropriate.

Upon determining that informal resolution is appropriate, the Investigative Team will consult further with the complainant, inform the respondent, and gather additional relevant information as necessary from the parties and others to the extent necessary. Interim measures may be put in place at any time. The Investigative Team will attempt to aid the parties in finding a mutually acceptable resolution. The complainant is not required to resolve the problem directly with the respondent. The University may offer mediation or other restorative justice approaches for appropriate cases (mediation, even if voluntary, may not be used in cases involving sexual assault or when violent behavior is involved). In every instance the University will not compel a complainant to engage in such mediation or any particular form of informal resolution/remedies-based resolution. Participating parties must have voluntarily elected to pursue informal resolution process without pressure or compulsion from others and will be advised that they can withdraw from the process at any time. In addition, the respondent must

acknowledge the substance of the underlying events and that the complainant and/or other affected parties have reported experiencing harm as a result.

The resolution will be deemed satisfactorily resolved when both parties expressly agree to an outcome that is also acceptable to the Investigative Team. At any point prior to such an expressed agreement in writing the parties may request to end the informal resolution.

The informal, remedies-based resolution will ordinarily be concluded within three weeks of the date of the request. Circumstances that may extend this timeline are further described under "Time Frames" in this policy.

Once the informal, remedies-based resolution is concluded the matter will be considered closed nor can a formal resolution be requested. The agreed upon outcome between the parties is not appealable. The Investigative Team will maintain records of all reports and conduct referred for informal, remedies-based resolution. The University will take immediate and corrective action through the imposition of individual and community remedies designed to address the parties access to the educational, extracurricular and employment activities at the University and to eliminate a hostile environment. Non-compliance of the agreed upon outcome may result in an allegation of non-compliance with a University decision.

FORMAL RESOLUTION

Initiating a Discipline-Based Resolution Complaint

A complainant may request a formal complaint of an alleged violation of this policy by a member of the University community through a formal, discipline-based resolution process, to the Investigative Team. The formal complaint should be in writing, signed and dated (video statements are also acceptable). It should state the name of the responding party, if known, and describe with reasonable specificity the incident(s) of alleged violation(s) of this policy, including the date and place of such incident(s). The statement should provide as much information as possible about the facts surrounding the alleged sexual misconduct incident(s). The complaint must be in the complainant's own words, and may not be authored by others, including family members, advisors, attorneys, or other students, except in instances where assistance is needed for a disabilities-related reason. In lieu of a formal written complaint the complainant may make a signed statement to the Investigative Team. The signed statement will be summarized and the complainant will have the opportunity to review the formal complaint document before signing and dating the complaint. The complaint should also include sources of information (witnesses, correspondence, text messages or other written records, etc.), if available, that the complainant believes may be relevant to the investigation.

The University may not investigate a new complaint if it has already adjudicated a formal complaint based on the same circumstances or if the parties and the University have already agreed to an informal, remedies-based resolution based on the same circumstances.

Investigation

When the initial review concludes that an investigation is warranted and disciplinary action may be appropriate, the Investigative Team will notify the respondent in writing of the allegations and identify the complainant*. The letter will include sufficient details of the allegation(s) constituting the specific policy violation(s) that are alleged to have taken place. The Investigative Team will implement interim measures or accommodations, which may be applied to the complainant and/or the respondent to the extent reasonably available and warranted by the circumstances, as outlined in the "Initial Review" section. The respondent will have five (5) business days to submit a written statement, signed and dated (video signed statements are also acceptable), in response to the allegations. The respondent will not be allowed to see the complainant's statement until after the respondent has already made a statement in response. The statement must be in the respondent's own words, and may not be authored by others, including family members, advisors, attorneys, or other students, except in instances where assistance is needed for a disabilities-related reason. In lieu of a formal written statement in response to the allegation the respondent may make a verbal and/or signed statement to the Investigative Team. The verbal and/or signed statement will be summarized and the respondent will have the opportunity to review the document before signing and dating it. Attached to the statement should be a list of all sources of information (witnesses, correspondence, text messages or other written records, etc.), if available, that the respondent believes may be relevant to the investigation.

The University has the discretion to consolidate multiple reports against a respondent into one investigation if the information related to each incident would be relevant and probative in reaching a determination on the other incident.

The Investigative Team will request individual interviews with the complainant and the respondent, and, as appropriate, with relevant witnesses, which may include those identified by the parties, by the University, or others. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess information about the alleged incident(s) at issue. Witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual's character. The Investigative Team will also gather any available and relevant information, as appropriate. The complainant and the respondent will have an equal opportunity to be heard, to submit information including questions to ask the other party, and to identify witnesses who may have relevant information. The Investigative Team may request individual follow-up interviews with the complainant and respondent to give each an opportunity to respond to the additional information gathered during the investigation. The Investigative Team will determine whether the issues raised and/or documents presented are relevant to the alleged conduct. The Investigative Team has the right to deny questions from either party that are not relevant or inappropriate, such as a question about the prior sexual history with individuals other than the complainant or respondent, or either party's character or reputation, for example.

**If the decision is made to begin an investigation in a case where the complainant is unwilling or unable to participate but the University has assessed the severity of the harassment and potential risk for a hostile environment for others in the community and has determined to proceed, then, for the purpose of these procedures, the University will be considered the complainant.*

Preliminary Investigation Report, Investigation Conclusion, and Final Investigation Report

At the conclusion of the investigation, the Investigative Team will prepare a preliminary investigation report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties, and any relevant supporting information or accounts. The Investigative Team will not assess or offer an opinion on the credibility of any individual in the preliminary investigation report. Before the preliminary investigation report is finalized, the complainant and the respondent will have the opportunity to inspect and review the report, including their own statements, statements of the other party and any witnesses, and a summary of other relevant information collected during the investigation. The complainant and respondent may submit any additional comment or information to the Investigative Team within five (5) business days of the opportunity to review the relevant portions of the report. An individual inspecting and reviewing information or documents through this process has the responsibility of maintaining the privacy of this information.

Upon receipt of any additional information by the complainant and respondent, or after the five (5) business day comment period has lapsed without comment, the Investigative Team will consider any additional comment or information, and submit their final investigation report to the Title IX Coordinator. The final investigation report will include the complainant and respondent's statement(s), statements of the other party and any witnesses, and a summary of other relevant information collected during the investigation; the report will not contain the Investigative Team's opinions regarding the respondent's responsibility for any violation of the prohibited conduct, and any conclusions regarding the credibility of any individual participating in the process. The final investigation report, including any response, objections, or comments provided by the complainant or respondent, will serve as the primary information for the panel to review.

Panel Review for Outcome Determination

The Title IX Coordinator will share the final investigation report with a decision-making panel that will make the outcome determination. Panelists will be selected from a pool of University administrators, faculty and staff, all of whom have been specially trained on at least an annual basis on the Sexual Misconduct Policy and Procedures and on topics relevant to the adjudication of sexual misconduct allegations. The Title IX Coordinator will appoint a three-person panel along with a non-voting panel chair from the pool of panelists, and will ensure that the panel members should not be from departments in which either party is employed or enrolled in a course of study, or has a mentoring relationship or other personal relationship

with either of the parties. The panel membership composition that reviews the final investigative report will vary based upon the responding party's role/relationship with the University. No member of the pool may be a practicing attorney.

The identities of the panel members will be communicated to the complainant and respondent. Either party has the right to raise any concerns they may have regarding the panel membership composition and submit a written request to the Title IX Coordinator that contains the grounds to support a claim of a panel member's bias, conflict of interest, or an inability to be fair and impartial, within three (3) business days after being informed of the panel membership composition. The Title IX Coordinator may choose another trained panel member in place of the original panelist. Decisions regarding the composition of the panel are made at the sole discretion of the Title IX Coordinator.

If the respondent is a member of the University faculty, the panel membership composition will include two faculty and one staff, and a non-voting panel chair. If the respondent is a member of the University staff, the panel membership composition will include two staff and one faculty, and a non-voting panel chair. If the respondent is a student, the panel membership composition will include a mixture of faculty and staff, and a non-voting panel chair. In every panel every effort will be made to ensure that panels are diverse in terms of race, gender, and hearing status.

Panel Review Process

The panel's review will be limited to the final report submitted by the Investigative Team. The purpose of the review is not to re-investigate the case and re-interview all parties involved, as persons involved in the case should have already provided all relevant information to the Investigative Team. The panel, at its discretion, will determine what information is relevant to the alleged conduct and to the determination of responsibility. The panel may contact the Title IX Coordinator and/or the Investigative Team for clarification of any issue or procedure at any time during the review process.

Panel Outcome Determination

The panel will make a determination, by a majority decision, on whether the respondent violated University policy. The outcome determination will be one of the following findings:

- the respondent is responsible for violating this policy;
- the respondent is not responsible for violating this policy; or
- there is insufficient information to determine whether the respondent is responsible for violating this policy.

All outcome determinations will be based on the preponderance of the evidence standard, meaning it is more likely than not that this policy was violated. The panel's outcome determination, which is shared with the Title IX Coordinator, will include the panel's rationale

for the decision. If the respondent is not responsible for violating this policy the Title IX Coordinator will inform the complainant and respondent of the panel's decision simultaneously, usually within five business days after receipt of the outcome determination. The letter to each party will include the rationale for the outcome determination. The letter will also set forth each party's appeal rights, including the time frame for submitting an appeal. More information about the appeal procedures are described below.

Sanction Decision

If the respondent is responsible for violating this policy the Title IX Coordinator, in consultation with the appropriate senior administrator (based on the respondent's role with the University), will make the determination of the most appropriate sanction(s). Sanction(s) imposed are designed to eliminate the misconduct, prevent its recurrence, and remedy its effects. Sanctions may also serve to promote safety or deter individuals from similar future behavior.

The complainant and respondent may submit an impact statement (written or signed) and/or a statement (written or signed) reflecting their views about suitable sanctions, for consideration to the Title IX Coordinator within five (5) business days after receipt of the letter from the Title IX Coordinator. Neither party is required to do so. Such statements by the complainant and/or respondent may not introduce new facts that could have been presented to the Investigative Team. The statements will not be considered in the determination of responsibility, but will be considered by the Title IX Coordinator for consideration in the determination of the sanction(s) and remedy. Upon receipt of any statements by the complainant and/or respondent, or after the five business days impact statement period has lapsed without comment, the Title IX Coordinator will make the determination of the sanction and remedy, if the respondent is found responsible for the violation(s) of this policy.

The Title IX Coordinator is required to consider suspending or expelling a student, or terminating the employment of any employee found responsible for sexual misconduct. The Title IX Coordinator will be guided by a number of considerations, including the nature of the conduct as issue; the impact of the conduct on the complainant and the University community; whether the respondent has accepted or not accepted responsibility for the conduct; the maintenance of a safe and respectful environment conducive to learning; the necessity for specific action in order to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects on the complainant and the University community, and other appropriate considerations. A respondent's disciplinary history and prior record may be considered a factor for more severe sanctions, if appropriate. If, in the past, a respondent was found to have violated the Sexual Misconduct Policy, the information related to the past violation may be considered by the Title IX Coordinator if:

1. the previous violation was substantially similar to the present allegation; and
2. the previous violation indicates a pattern of behavior and substantial conformity with that pattern by the respondent.

The Title IX Coordinator will inform the complainant and respondent of the outcome determination and the sanction decision simultaneously, usually within five business days after receipt of the outcome determination from the panel. The letter to each party will include the rationale for the outcome determination. It will also set forth each party's appeal rights, including the time frame for submitting an appeal. The Deputy Title IX Coordinators in consultation with the Title IX Coordinator will be responsible for ensuring that any sanctions imposed in the final decision are implemented and completed.

The University neither encourages nor discourages the subsequent disclosure or sharing of the written notification by either person. The imposition of sanctions, if issued, will take effect immediately and will not be stayed pending the resolution of the appeal unless the appeal officer delays implementation in extraordinary circumstances, pending the outcome of the appeal.

Appeal

Both parties have equal rights to an impartial appeal and to participate equally in the appeal process, even if the party is not the appealing party. Either party may appeal the outcome determination and/or the sanctions imposed to an appeal officer identified by the Title IX Coordinator. Appeal officers are specially trained in their roles related to the adjudication of sexual misconduct allegations, and receive annual training on the Sexual Misconduct Policy and Procedures as well as on topics relevant to the adjudication of sexual misconduct allegations. The appeal officer selected to review an appeal will vary based upon the respondent's role/relationship with the University. The Provost (or their designee) will handle faculty appeals; the appropriate staff divisional Vice President or Provost (or their designee) will handle staff appeals; and the Dean of Student Affairs and Academic Support (or their designee) will handle student appeals. The appeal officer must be impartial and free from bias or conflict of interest; otherwise they must rescue themselves from the appeal process. In such instances the Title IX Coordinator will identify an alternate appeal officer.

The purpose of the appeal is not to initiate a review of substantive issues of fact, or a new determination of whether a violation of University rules has occurred. Dissatisfaction with the outcome determination is not grounds for appeal. In any request for an appeal, the burden of proof lies with the party requesting the appeal. The appeal to the appeals officer (or their designee) must be in writing or video, and submitted within seven business days of the date of the letter based on the following grounds:

- a procedural error occurred which resulted in an unfair outcome. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant unfairness results;
- there is new or newly discovered information that could not have been produced during the investigation that may change the outcome of the decision. In order for the Appeal Officer (or their designee) to consider new information sufficient to alter a decision, or

other relevant facts not brought out during this process, such information and/or facts must not have been known at the time of the investigation or sanctioning process by the appellant; and/or

- the sanction imposed was excessive or insufficient and not appropriate for the violation.

The review of the appeal will be narrowly tailored to the above stated appeal grounds. The appeal must provide a rationale for the appeal and adequate information, including documentation, in support of the grounds for appeal. The appeals officer will provide a copy of the written appeal and any supporting documentation to the other party, and the other party may submit a written response on the appeal within seven business days of the date the appeal information was received. A copy of other party's response will be sent to the appealing party as well.

The appeals officer will consider the merits of an appeal only on the basis of the three available grounds of appeal. The appeals officer will first consider whether an appeal was timely filed and if so, whether the appeal is properly framed on the three appeal grounds. If the appeal officer determines that the appeal does not properly fit within one of the three grounds, the appeal will be denied.

Except as required to explain the basis of new or newly discovered information that was unavailable during the investigation, the review of the appeal will be limited to the written investigation report and all supporting documents. The appeals officer may consult with the Title IX Coordinator, the Investigative Team, and/or the non-voting Panel Chair in making the appeal determination. The appeal officer has the authority to determine the relevance, strength, and value of the information provided, and/or the appropriateness of the sanction(s) issued.

The appeals officer can affirm the outcome, alter the outcome, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on a procedural error and the appeal officer determines that the deviation from designated procedures results in significant unfairness, the appeals officer may return the report to the Investigative Team with instructions to reconvene to address the procedural error. It may result in the continuance of the investigation and a modification of the Investigation Team's preliminary investigative report. In such instances the Investigative Team's modified investigation report will be shared with both parties, and the parties may submit any additional comment or information to the Investigative Team within five (5) business days of the opportunity to review the new findings before the final report is shared to the Title IX Coordinator. Upon receipt of the modified final report from the Title IX Coordinator the panel will assess the weight and effect of the revised final report in order to determine whether the revisions would impact their original outcome determination. If the panel determines that the revised final report does not impact their original outcome determination, the decision will be shared with the Title IX Coordinator and appeals officer. If the panel determines that the revised final report sufficiently impacts their

original outcome determination, the panel will make a new outcome determination to the Title IX Coordinator, who will then share the revised outcome determination and any revisions in the sanctions, if applicable, with the complainant and respondent. Both parties retain their right to appeal the revised outcome determination and/or sanctions in accordance to the same appeal procedures outlined above.

For appeals based on new or newly discovered information, the appeal officer can recommend that the case be returned to the Investigative Team to investigate further, if it can be verified that the new or newly discovered information was unavailable prior to the outcome determination by the panel, and that the new information could possibly alter the outcome of the complaint. At the Investigative Team's discretion, additional investigation of the new information can be requested. The Investigative Team's written report of their findings solely related to the new or newly discovered information will be shared with both parties, and the parties may submit any additional comment or information to the Investigative Team within five (5) business days of the opportunity to review the new findings before the revised investigative report is shared to the panel. The panel will assess the weight and effect of the new information in order to determine whether the information would impact their original outcome determination. If the panel determines that the new information does not impact their original outcome determination the decision will be shared with the Title IX Coordinator and appeals officer. If the panel determines that the new information sufficiently impacts their original outcome determination, the panel will make a new outcome determination and inform the Title IX Coordinator, who will then share the revised outcome determination and any revisions in the sanctions, if applicable, with the complainant and respondent. Both parties retain their right to appeal the revised outcome determination and/or sanctions in accordance to the same appeal procedures outlined above.

For appeals on the grounds that the sanction imposed was excessive or insufficient, the appeal officer can request additional information from the Title IX Coordinator prior to making a final determination.

Ordinarily the appeals officer will strive to complete review of the appeal within twenty (20) days from the date of the submission of all appeal documents by either or both parties, and the parties will simultaneously be informed of the outcome in writing. In the event the appeals process exceeds the twenty (20) day time frame, the appeals officer will advise the parties in writing of the delay and provide additional information regarding the revised timeline. The decision of the appeals officer is final; no administrative process otherwise available to faculty, staff or students may be used to further appeal the appeal decision.

DISCIPLINARY SANCTIONS AND REMEDIES

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The University will consider the concerns and rights of both the complainant and the respondent. The disciplinary action should be consistent with the severity of the offense. Sanctions may include educational, restorative, rehabilitative and/or punitive components. Attempts to commit acts prohibited by the Sexual Misconduct Policy may be disciplined to the same extent as completed violations. Sanctions are considered to be effective immediately upon receipt of the decision by the Title IX Coordinator. The respondent may request in writing to the appropriate appeal officer a postponement of the effective date of the sanction prior to the appeal deadline and/or while an appeal is under consideration. At the discretion of the appropriate appeal officer, all or some of the sanctions may be suspended pending the receipt of an appeal by the stated deadline or final appeal decision by the appeal officer.

Sanctions Applicable to Students

The following sanctions may be imposed for violations of the Sexual Misconduct Policy. The panel may recommend other sanctions instead of or in addition to those specified below, as deemed appropriate.

- A. **Disciplinary Reprimand** - written notification to respondents that they have violated a University rule or policy and that subsequent wrongful conduct will not be tolerated and may result in severe disciplinary action.
- B. **Rehabilitative Probation** - a period of time, not to exceed one year, during which respondents are required to control questionable behavior. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the respondents are found to be violating any institutional regulation(s) during the probationary period.
- C. **Discretionary Sanctions** - work assignments, essays, educational projects, attendance at sexual assault, intimate relationship violence, and/or stalking awareness or related workshops or training, participation in online sexual assault modules, intimate relationship violence, and/or stalking awareness or related courses, service to Gallaudet University, prohibition from hosting an event including alcohol on- or off-campus, or other discretionary assignments.
- D. **Restitution** - reimbursement for damages to or misappropriation of property and/or compensation for injury. This may take the form of appropriate service and/or monetary or material replacement.

- E. **Disciplinary Probation** - a specified period during which respondents have the opportunity to prove that they can uphold University rules and policies. It may exclude respondents from participation in privileged and/or extracurricular activities, or paraprofessional employment at the University, as set forth in the notice for the specified period of time. Respondents found responsible for violations involving alcohol and other drugs will be referred to the alcohol and other drugs educational programs and counseling offered by the University. Failure to attend will lead to an allegation of non-compliance with a University decision. The terms imply that violation of any provision in the Student Code of Conduct would be viewed not only as a violation of the regulation itself, but also as a violation of the probation and would most likely result in their suspension from the University.
- F. **Residence Hall Suspension** - a separation from the residence halls for a definite period of time after which respondents are eligible to return. The respondents will be required to depart the residence halls within 72 hours or otherwise as specified by University administration. As part of the sanction, suspension does not result in a prorated room refund according to University policy. A ban from access to the residence halls may also be imposed.
- G. **Deferred Residence Hall Suspension** - a suspension that becomes effective after a specified date. This action may be appropriate near the end of the semester to avoid financial and housing hardships that an immediate suspension often entails. A ban from access to the residence halls may also be imposed.
- H. **Residence Hall Expulsion** - permanent separation from residing in the residence halls. A ban from access to the residence halls will also be imposed.
- I. **Loss of Off-Campus Housing Privileges** - the loss of the privilege to live off-campus for a specific period of time. The sanction stipulates that the respondent must have a housing assignment on campus in order to maintain student status.
- J. **Access Restriction** - prohibition from entering certain buildings or the residence halls for any reason. Failure to comply with the terms would result in the person being removed from the premises and an allegation for violating this regulation will be made.
- K. **University Suspension** - the immediate removal of the privilege to attend Gallaudet University for a defined minimum period of time. The suspended respondent will be placed on persona non grata status indefinitely (see definition below). In cases adjudicated prior to the last day of classes, if the final decision is a suspension (or expulsion) from the University the respondents will not earn credit for the semester in which the infraction occurred in most instances. University suspensions may include conditions for readmission. At the end of the suspension, respondents may apply for readmission as long as certain conditions imposed for readmission, if any, have been satisfied. Respondents is expected to inform the vocational rehabilitation counselor or

other agencies through which financial assistance is received. As part of the sanction, a suspension does not result in a prorated room refund according to University policy. The respondent's access to email, Blackboard, BISON, and/or other technological resources and access privileges previously issued by the University will be removed. A denial of service notation will be placed in the student's record that would limit the suspended respondent's ability to obtain a transcript and/or other privileges available for students (Counseling and Psychological Services, Career Center services, etc.).

- L. **Expulsion** - permanent dismissal from Gallaudet University. As part of the sanction, expulsion does not result in a prorated room refund according to University policy. The sanction of expulsion includes the same conditions and limitations as defined under the University Suspension sanction.
- M. **Persona Non Grata** - prohibition from entering campus premises and attending all University-sponsored activities on- and off-campus for any reason. Failure to comply with the terms would result in the respondent being removed from the premises by the Department of Public Safety and/or being charged in D.C. with criminal trespass.
- N. **Community Service** - work assignments may be a part of a disciplinary probation or may be imposed as an independent sanction. Community service hours completed will not count towards fulfilling the respondent's community service requirements for graduation or student organizations (including fraternities and sororities). If the respondents do not complete the community service assignment by the assigned completion date, an allegation of non-compliance of a University decision will result.
- O. **Organizational Sanctions** - sanctions imposed to a student organization that may range from a disciplinary reprimand to the permanent revocation of organizational registration. A complete list of organizational sanctions can be found under the "disciplinary sanctions" section of the Hearing Procedures for Student Organizations.

Sanctions Applicable to Faculty and Staff

The following sanctions may be imposed for violations of the Sexual Misconduct Policy. The panel may recommend other sanctions instead of or in addition to those specified below, as deemed appropriate.

- A. **Disciplinary Reprimand** - written notification to employees that they have violated a University rule or policy and that subsequent wrongful conduct will not be tolerated and may result in severe disciplinary action.
- B. **Censure** - a written reprimand for violating employee standards or other University policy. It may specify that an employee's good standing with the University may be in jeopardy. The individual is officially warned that continuation or repetition of prohibited conduct may be cause for additional conduct action including probation, suspension or termination from the University.

- C. **Training and Education** - a requirement that the employee receive specific training within a designated time period and at their own expense to prevent further misconduct, discrimination or harassment. Failure to submit documentation of completion of training within the specific time period may lead to further disciplinary action.
- D. **Disciplinary Probation** - an exclusion from participation in specified or voluntary activities that are not related to core job responsibilities for a specific period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other University policy may result in further disciplinary action.
- E. **Loss of Oversight, Teaching, or Supervisory Responsibility** - removal of an employee from specific job responsibilities with or without a job title change.
- F. **Demotion** - a reduction in rank, status or job title within the University.
- G. **Access Restriction** - prohibition from entering certain buildings or the residence halls for any reason. Failure to comply with the terms would result in the person being removed from the premises and an allegation for violating this regulation will be made.
- H. **Restitution** - reimbursement for damages to or misappropriation of property and/or compensation for injury. This may take the form of appropriate service and/or monetary or material replacement.
- I. **Suspension** - removal from some or all duties, with or without pay, for a specific period of time, with or without pay. Notice of this action will remain in the employment record. Conditions for return to work may be specified in the suspension notice.
- J. **Termination** - permanent separation of the employee from the University (termination of contract for contractors).

Sanctions or corrective actions may also be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the Administrations and Operations Manual, Faculty Handbook, Supervisor's Handbook, and other policies or handbooks that may be developed over time, or contracts.

ADDITIONAL INFORMATION OR PROCEDURES APPLICABLE TO INFORMAL OR FORMAL RESOLUTION PROCEDURES

Integrity of Procedures

These procedures are entirely administrative in nature and are not legal proceedings. Neither party (the complainant or respondent) may audio or video record the proceedings, nor are attorneys allowed to participate except as outlined in the "Advisors" section of this policy. The complainant and respondent will be allowed to review documentary information that is part of

the case file but will not be provided with copies of such information in order to preserve the integrity and confidentiality of the process. At the Investigative Team's discretion, any person other than the complainant or respondent that disrupts the process may be dismissed from further participation in the proceedings.

Advisors

The complainant and respondent may be accompanied by an advisor of their choice or may choose to proceed without an advisor during the entirety of this process. Advisors may not be persons involved in the matter or process (for example, as a complainant, respondent, or witness) and cannot speak on behalf of the advisee. The University prohibits outside attorneys, or family members acting as attorneys, from participating in proceedings under this policy in any manner other than the role of advisor.

Advisors may assist a complainant or respondent with understanding the University procedures for handling sexual misconduct allegations and preparing for interviews and meetings, attend interviews and meetings, and otherwise assist and support the complainant or respondent as they move through the process. Advisors may view a redacted version of the allegations or other documents shown to their advisee, once the appropriate consent form that authorizes such sharing is received. Advisors are expected to maintain the privacy of the records shared with them. Information from these records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University reserves the right to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The complainant and respondent are expected to present their own information, ask and/or respond to questions on their own behalf, without representation by their advisor. The advisor may not make a presentation or represent the complainant or respondent at any time or otherwise delay, disrupt, or interfere with any meeting or proceeding during the resolution process. The advisor may consult with their advisee quietly or in writing, or outside during breaks, but may not speak on behalf of the advisee.

A student, faculty or staff should select an advisor whose schedule allows attendance at scheduled meetings, as the University must resolve the complaint within the stated time frames of the process. Delays will not be considered due to the scheduling conflicts of an advisor. The University has the right at all times to determine what constitutes appropriate behavior on the part of the advisor. Any advisor who steps outside of this defined role for advisors will be given a warning, and a subsequent violation will result in the advisor being removed from further participation by the University official directly involved in the process at that time.

The University will, at all times, communicate and correspond directly with the complainant and respondent. If a complainant or respondent has an advisor it is their responsibility to communicate and share information with their advisor. Advisors may be copied on email or

written correspondence sent to the complainant and/or respondent, once consent is obtained in writing permitting the release of such information.

Support Persons

The complainant and respondent may also be accompanied by a support person of their choice or may choose to proceed without a support person during the entirety of this process. Support persons may not be persons involved in the matter or process (for example, as a complainant, respondent or witness) and cannot speak on behalf of the advisee. A support person is one who can provide emotional, logistical or other kinds of assistance.

Like advisors, a support person is a silent and non-participating presence, but unlike advisors, a support person is there solely to observe and provide moral support at any time during the entirety of this process. While the support person may be present to hear testimony from the individual receiving the moral support, no written materials, including redacted versions of the allegations or other documents, will be shared with the support person.

Support persons are expected to maintain the privacy of the information shared during the process. The complainant or respondent should select a support person whose schedule allows attendance at scheduled meetings, as the University must resolve the complaint within the stated time frames of the process. Delays will not be considered due to the scheduling conflicts of a support person. The University has the right at all times to determine what constitutes appropriate behavior on the part of the support person. Any support person who steps outside of this defined role for support persons will be given a warning, and a subsequent violation will result in the support person being removed from further participation by the University official directly involved in the process at that time.

Prior Sexual History

In general, a complainant's or respondent's prior sexual history or reputation with other individuals is not relevant and will not be considered as relevant information during an investigation. When there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of sexual communications between the parties. The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent or preclude a finding of sexual misconduct.

Prior or Subsequent Conduct of the Respondent

A respondent's prior or subsequent conduct may be considered for other purposes, such as determining pattern, knowledge, intent, or the respondent's rationale for taking certain actions either before or after the incident in question. A determination of relevance of whether of a pattern of previous or subsequent conduct from a different incident is substantially similar to the conduct under investigation or indicates a pattern of similar prohibitive conduct may be considered as well. The Investigative Team will determine the relevance of the information and

both parties will be informed if the information of prior or subsequent conduct is deemed relevant.

Withdrawal of Complaint

If a complainant wishes to withdraw a complaint prior to the conclusion of the investigation, they may provide the Investigative Team a letter of their desire to do so. Except for extenuating circumstances, a complaint that has been withdrawn cannot be filed again by the complainant within this process. The University, however, reserves the right to move forward with a disciplinary complaint even if the complainant has withdrawn the complaint, in order to provide a safe and non-discriminatory environment. In such instances, the University will become the complainant, and all relevant information gathered prior to the withdrawal of the complaint will still be available to the Investigative Team. Other circumstances may also result in the University's declining a request to withdraw the complaint where, for example, a request to withdraw is made after a significant portion of the investigation has been completed, and terminating the investigation would be inequitable.

If the University chooses to move forward with the investigation without the original complainant's participation, the original complainant will still be informed of the outcome determination (and any sanctions, if applicable) by the Title IX Coordinator. However, since the University is the complainant in this instance the original complainant has no right to appeal. If the University does not choose to move forward, the withdrawal of the complaint will end the formal resolution process for that complaint.

Withdrawal or Resignation of the Respondent from the University

If a respondent withdraws from the University or submits a letter of resignation from a faculty or staff position at any time during the investigation prior to the outcome determination or declines to participate in the proceedings, the matter will be resolved with or without the respondent's input. The University may impose interim measures, such as a prohibition from entering campus premises and attending University events or activities on and off campus, prior to the outcome determination and sanction decision.

Standard of Proof

The standard of proof used to make an outcome determination about facts that are in dispute in all cases and appeals under the purview of this policy is a preponderance of the evidence, which is based upon whether it is more likely than not a violation occurred.

Time Frames

The University's overall goal is to resolve complaints (not including appeals) under this policy within 60 calendar days from receipt of a report, and to resolve appeals within 20 calendar days from receipt of all appeal documents. Circumstances may require extensions of the complaint and/or appeal time frames, or any individual time frame. The University reserves the right to

extend these time frames for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation or to comply with a request from law enforcement to temporarily delay to gather evidence. Other examples of good causes of why time frames may need to be extended include the complexity of the case, the volume of information provided by the parties, the number of witnesses involved, the availability of the parties or witnesses, arranging reasonable accommodations (e.g., interpreters), the effect of a concurrent criminal investigation, delays due to University semester and holiday breaks, inclement weather, and other unforeseen circumstances or legitimate reasons. Exceptions to these time frames will be communicated to the complainant and respondent. The parties will receive periodic updates regarding the status of the investigation.

Timing of Complaints and Availability of Procedures

As long as there is jurisdiction (as defined in the scope of this policy) over the accused University community member, there is no time limit to invoking this policy in response to allegations of sexual misconduct. The policy at the time of the alleged incident will be implemented as appropriate. University community members and third parties are strongly encouraged to report any alleged sexual misconduct as early as possible in order to maximize the University's ability to respond promptly and effectively. Timely reporting also enables the University to provide greater options for support, investigation and adjudication. Delays in reporting an alleged sexual misconduct incident may result in the loss of relevant information, including information from witnesses, and may impair the University's ability to enforce this policy.

If a respondent is no longer a student or employee at the time of the allegation or report, the University's ability to complete its process or take disciplinary action may be limited, but the University will still be able to provide support for the complainant and take steps to end the prohibited behavior, prevent its recurrence, and address its effects. The University may be able to assist the complainant in identifying external reporting options and may take other actions as appropriate.

Reports to Law Enforcement

Because sexual misconduct may constitute both a violation of University policy and the District of Columbia Code (sexual assault, for example), Gallaudet strongly encourages University community members and third parties to promptly report a sexual assault or D.C. Code violation promptly to the Department of Public Safety (DPS) and/or to the D.C. Metropolitan Police Department. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The collection and preservation of such evidence related to the reported sexual assault makes prompt reporting of the incident to law enforcement especially critical.

Related Criminal Proceedings

Because the standards for finding a violation of criminal law are different from the standards of finding a violation of this policy, criminal investigations or reports are not determinative of whether sexual misconduct, for purposes of this policy, has occurred. In other words, conduct may constitute sexual misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. The filing of a complaint of sexual misconduct under this policy is independent of any criminal investigation or proceeding. University community members retain the right to file a criminal complaint and a Title IX complaint simultaneously. The University will fulfill its legal and ethical obligation to take immediate and appropriate action to investigate sexual misconduct allegations even if there are other external processes or procedures pending in connection with that same sexual misconduct report. In other words, the University will not necessarily wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and will take interim measures to protect the complainant and the community, as is appropriate. The University may delay temporarily the fact-finding portion of a Title IX investigation and impose interim measures while the police are gathering evidence.

D.C. Civil Protection Orders

University community members also retain the right to file for a civil protection order in the District of Columbia against another person for sexual assault, sexual abuse, stalking, and domestic violence (including intimate partner violence, intra-family violence, and interpersonal violence).

A Civil Protection Order (CPO) is an instrument of the District of Columbia courts and is enforced by the District of Columbia Metropolitan Police Department (MPD). The Department of Public Safety (DPS) has only a support role assisting MPD in documenting any alleged violations and is not responsible for enforcing the CPO. MPD is responsible for making the final determination whether 1) a CPO has been violated and 2) what action to take. University community members who have a CPO in effect and believe that their CPO has been violated can contact either DPS or MPD. If the alleged violation takes place on-campus, DPS prefers community members to make an initial report of the alleged violation to DPS. DPS will take a report and contact MPD for review and action if needed. If the alleged violation took place off-campus, University community members should contact MPD directly, however, DPS is available to assist in contacting MPD if the community member prefers this option.

If DPS officers witness a situation where violence, threat of violence, and/or intimidation takes place between individuals on-campus, they will intervene as they would for any student, faculty, or staff with or without a CPO. It is important to stress that MPD, not DPS, makes the final determination on how to address the complaint and the final authority concerning CPO enforcement is with MPD and the DC Court system.

Retaliation

Gallaudet University strictly prohibits retaliatory discrimination or harassment against any person(s) for reporting, filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of sexual misconduct. The Campus SaVE Act also prohibits retaliation. Retaliatory discrimination or harassment may include, but is not limited to, intimidation, threats, harassment, violations of no-contact orders, and other intentional, adverse action threatened or taken by any individual or group of individuals, including a complainant, respondent, or third party. The University will take appropriate steps to ensure that a person who, in good faith, reports, or participates in a sexual misconduct investigation will not be subject to retaliation. A retaliation concern will be reviewed as a separate violation under this policy; that is, a person can be found responsible for retaliation even if not found to be responsible for the underlying reported sexual misconduct.

False Reports

Gallaudet University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct and the Standards of Conduct and/or Workplace Violence Policy (A&O Manual, 1.01) to furnish false or misleading information to any University official, of any policy violation including sexual misconduct. University community members are expected to cooperate fully with any investigation. A University community member who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action. This does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by the investigation. Similarly, a respondent or witness who is later proven to have intentionally given false information may be subject to disciplinary action.

University as the Complainant

As necessary, Gallaudet University reserves the right to initiate a complaint, to serve as complainant, and to initiate remedies-based resolutions without a formal complaint from an individual. In certain instances, such as where there exists a risk of imminent harm to an individual or others or a threat to the health and safety of the campus the University reserves the right to take immediate and interim actions, as is appropriate or necessary.

Anonymous Reports

Gallaudet recognizes that deciding whether to make a report alleging a violation of the Sexual Misconduct Policy are personal decisions. Anonymous reports without personally identifiable information from the sender are not considered to be official notice that would trigger an investigation by the University. The University will, however, follow up on anonymous reports for pattern tracking purposes, and will respond with community and/or targeted remedies, depending on what information is shared.

Off-Campus Incidents

Individuals who wish to report off-campus incidents should report to the local police in the jurisdiction where the incident occurred. The individual may also choose to report a sexual misconduct, intimate relationship violence, or stalking incident to the on-campus resources listed below. The University reserves the right to review and make a decision on whether to adjudicate any occurrence of off-campus conduct by University community members in violation of this policy, the Administrations and Operations Manual, and/or the Student Code of Conduct that may have a continuing adverse effect upon the University or members of the University community or could create a hostile environment on campus.

Leniency for Alcohol and Other Drug Use by Students

Sometimes a student complainant is hesitant to report to University officials because they themselves may be accused of other policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many students as possible choose to report a sexual misconduct incident to University officials. To encourage reporting, the University pursues a policy of offering students who may have violated the code of conduct themselves leniency from alcohol and/or other drug policy violations related to the incident. The University may, however, initiate an educational discussion or pursue other educational interventions regarding alcohol and/or other drugs. The seriousness of gender-based and sexual misconduct is a major concern and the University does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

The leniency from alcohol and/or other drug policy violations related to the incident does not preclude or prevent action taken by D.C. Police or other legal authorities. Other applicable student and employee policies include Policy #1.04 (Alcoholic Beverages) and #1.05 (Drug Free Environment) in the Administration and Operations Manual.

Academic, Intellectual and Expressive Freedom

This policy recognizes the importance of academic freedom at Gallaudet and embraces respect for intellectual and expressive freedom and upholds these values by prohibiting all forms of sexual misconduct. This policy recognizes that effective learning may include classroom discussions and engagement with difficult, offensive, and historically charged materials. Such pedagogical experiences related to the course do not constitute violations of this policy and are not considered to be reporting events or notice for the purpose of triggering an obligation to investigate or take action with respect to the information shared, unless an individual initiates a complaint.

Other Information That Does Not Trigger Investigations

In addition to anonymous reports without any personally identifiable information of the reporting party, public awareness events such as "Take Back the Night", candlelight vigils, protests, survivor speak outs or other forums at which individuals disclose experiences with

sexual misconduct are not considered to be reporting events or notice for the purpose of triggering an obligation to investigate or take action with respect to the information shared, unless an individual initiates a complaint. Community members should feel free to participate in preventive education programs and access resources on campus.

Group Infractions

The Sexual Misconduct Policy also applies to recognized student organizations; a student organization or its officers and membership may be held collectively and individually responsible when violations of this policy by the organization or its members take place at organization sponsored events, have received the consent or encouragement of the organization or of the organization's officers, or was known or reasonably should have been known to the membership or its officers.

In any such action, organization and individual determinations as to responsibility will be made, and where appropriate, sanctions may be assigned collectively and individually, in a manner proportionate to the involvement of each individual.

Records

The Title IX Coordinator will retain records of all reports, allegations and complaints, regardless of whether the matter is resolved by the initial review, remedies-based resolution, or discipline-based resolution. Complaints resolved by interim or remedies-based resolutions are not part of a student's disciplinary file maintained by SARP or the employee's Human Resources or Faculty file maintained by the Provost's Office. Complaints resolved with a responsible finding through discipline-based resolution will be maintained by the SARP (students) or the employee's Human Resources or faculty file. Such records will be used in reviewing any further conduct or in determining appropriate sanctions. Each office has its own record retention policy; it should be noted that the Clery Act requires institutions to maintain all supporting records of incidents that were included in the annual security report (ASR) for seven years.

Resources and Support

Gallaudet is committed to treating all members of the community with dignity, care and respect. Any individual who experiences or is affected by sexual misconduct, whether a reporting party, responding party, or third party, will have equal access to support and/or counseling services through the University. Gallaudet takes the necessary steps to reduce the need for reactive intervention by providing preventive and risk education and training and by preparing and disseminating educational print material, videos, workshops, training seminars and academic course offerings related to sexual misconduct. Gallaudet encourages reporting of incidents and also attempts to eliminate pressure that might lead University community members to choose to not report a sexual misconduct incident or to minimize its seriousness by providing a process whereby the parties involved are treated with dignity; privacy and confidentiality are maintained to the fullest extent possible; allegations of sexual misconduct are investigated promptly and thoroughly; and that all members of the Gallaudet University community are provided with full support and assistance.

Immediate Response

Your health, safety, and well-being are the University's primary concern. If you or someone you know may be the victim of any form of sexual misconduct including intimate relationship violence, you are strongly urged to seek immediate assistance. Individuals who may be victims of sexual misconduct or sexual assault (the term used in the District of Columbia Criminal Code) should first go to a safe place where you or the victim is in no immediate danger. Any individual in a medical or other emergency situation should consider going immediately to the Washington Hospital Center for a sexual assault exam or an intimate partner violence (IPV) examination. On-campus contacts identified in the On-Campus Resource listing can provide guidance and support in such instances.

Medical Attention and Preserving the Evidence

Immediately following a sexual misconduct incident, medical attention and preserving the evidence is first and foremost, as the evidence will be helpful if one decides to pursue criminal action. Many sexual misconduct violations are also crimes in D.C. or the locality in which the incident occurred; for that reason, individuals experiencing sexual misconduct often have legal options that they can pursue. Regardless of whether an incident of sexual misconduct is reported to the police or the University, Gallaudet encourages individuals who have experienced sexual misconduct to preserve evidence to the greatest extent possible, as this will best maintain all legal options for them in the future. While the University does not conduct forensic tests for parties involved in a complaint of sexual misconduct, the results of such tests that have been conducted by law enforcement agencies and/or medical assistance providers may be submitted as information to be considered in a University investigation or proceeding, provided that such information is readily available at the time of the investigation or proceeding.

Following a sexual assault incident, one should not douche, bathe, shower, urinate, or change clothes before seeking medical attention, if possible. The location of the incident should not be disturbed, if possible, also to collect evidence for reporting purposes. If there is suspicion that a drink may have been drugged, an individual should inform a medical assistance provider (SANE nurse, for example) and/or law enforcement so that they can attempt to collect possible evidence (e.g. from the drink, through urine or blood sample). Screen shots should be taken of information from electronic communications (text messages, instant messages, social networking pages, or other electronic communications) and photos should be retained. These steps will help to preserve the evidence, if one should choose to report the incident.

Washington Hospital Center is the only local hospital that has a survivor-advocate program and sexual assault nurse examiners (SANE) in the District of Columbia. Washington Hospital Center also offers intimate partner violence (IPV) examinations. Other hospitals or health centers may be visited, but SANE at Washington Hospital Center are specifically trained to work with sexual assault survivors. It is recommended to have a sexual assault nurse examine you within 96 hours of the incident, but even if 96 hours has passed since the incident, a medical examination should be conducted as soon as possible. The sexual assault nurse examination may include STI, HIV, and pregnancy testing and medical treatment. The victim has the right to decline any medical services.

DAWN and the Network for Victim Recovery of DC (NVRDC) offer a survivor-advocate program, if one wishes to have someone with them during the medical exam. The authorities will be contacted to take a report of the incident at the hospital, if requested. An interpreter will be provided by the Washington Hospital Center.

Follow-up Care

Regardless of whether or not a student chooses to formally report sexual misconduct, it is important that he or she get appropriate medical attention and emotional support. University community members can contact any of the listed confidential resources for confidential help in deciding what to do next or for assistance in accessing other resources. Individuals who choose not to formally report an incident can still receive services from the offices listed under "On-Campus Resources" and "Off-Campus Resources."

REPORTING CONSIDERATIONS

Privacy and Confidentiality

Different positions on campus have different reporting responsibilities, and varying requirements to maintain your confidentiality or privacy, depending on their roles at the University. When consulting campus resources, University community members should be aware of the expectations concerning confidentiality and privacy, and that many employees and some student employees are mandatory reporters, in order to make an informed decision.

Privacy and confidentiality have distinctive meanings; privacy generally means that the information will be shared with a limited number of individuals with the "need to know" in order to perform their assigned responsibilities, while confidentiality means that the information cannot be revealed to any other individual without the expressed permission of the individual. Gallaudet is committed to protecting the confidentiality and privacy of all individuals involved in a report of sexual misconduct. On campus, some resources may maintain your confidentiality completely, offering you options and advice without any obligation to tell anyone, unless you want them to. Other resources are expressly there for you to privately report crimes and code of conduct violations, and they will take action when you report to them.

Confidential Communications

When information is shared with a confidential resource identified in this policy, it does not have to be reported further, and will not result in an investigation by the University. Exceptions where a confidential resource will not honor confidentiality are when there is an imminent danger to oneself or to others, or when there is reasonable cause to suspect abuse of a minor. If you desire that details of the incident be kept confidential, you should speak to the following on-campus confidential resources:

Office of the Ombuds, Ely Center 113, (202) 559-5079 (VP), ombuds@gallaudet.edu.

The Office of the Ombuds is where students can go to get confidential, impartial, independent, and informal assistance and conflict resolution.

Counseling and Psychological Services (CAPS), Kellogg Conference Hotel at Gallaudet University, 3rd Floor, (202) 250-2300 (VP), caps@gallaudet.edu.

Counselors are available during the day and may be contacted for emergency situations after office hours by the Department of Public Safety. CAPS provides confidential crisis management, short-term therapy, and group therapy (depending on the number of students with similar concerns/issues). CAPS also provides a referral list of area agencies and private practitioners.

Office of Campus Ministries, Ely Center 114-118, (202) 651-5102 (V), ron.friedrich@gallaudet.edu.

The Office of Campus Ministries (OCM) provides a variety of confidential counseling services to students, including personal counseling and crisis management in either individual or group settings. Members of the clergy acting in their official capacity of providing spiritual counsel, support, or ministry (and including those who act in that role under the supervision of a licensed counselor) are not required to report sexual misconduct. The OCM also makes referrals and works with other on-campus and off-campus offices and agencies to meet the needs of individuals in crisis.

Student Health Service, Peter J. Fine Health Center, (202) 651-5090 (V), shs@gallaudet.edu.

During hours of operation, Student Health Service (SHS) provides confidential first aid and referral services for students who experienced sexual misconduct. SHS also screens and treats sexually transmitted infections (STIs) and provides appropriate follow-up care.

Employee Assistance Program, (800) 607-1552 (V)

The Employee Assistance Program provides assistance to employees who may be experiencing personal difficulties. The program, under APS Healthcare, is available 24 hours a day, 7 days a week. The service is provided to employees at no cost.

Additionally, all of the off-campus resources listed in the Off-Campus Confidential Resource section are confidential resources.

Non-Confidential Communications

University community members or third parties who wish to directly report a concern or complaint relating to sexual misconduct, intimate relationship violence, or stalking may do so by reporting the concern or complaint to the Title IX Coordinator. Individuals may also report a concern or a complaint to any of the non-confidential resources listed on the On-Campus Resources section with their contact information as well as to "responsible employees" on campus. Reports or disclosures made to any other non-confidential University employee will be directed to the Title IX Coordinator for further review. If personally identifiable information must be shared, it will be shared with as few people as possible (on a need-to-know basis), and reasonable efforts will be made to protect privacy.

Responsible employees, with the exception of confidential resources as identified in this policy, are mandatory reporters, which means that they are required to share the known details of a report with the Title IX Coordinator, including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time, specific location, and nature of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling Gallaudet's response to the report.

The following offices and individuals are prepared to receive reports of sexual misconduct:

Title IX Coordinator, College Hall 110, (202) 759-1734 (VP), jennie.sivak@gallaudet.edu.

The EOP/AA officer and Title IX Coordinator assist with problem resolution and responds to complaints of sexual misconduct, intimate relationship violence, stalking, and harassment against staff and faculty (and students if a particular complaint not being resolved through the SARP Investigative Team).

Deputy Title IX Coordinator for Students, Director - SARP, Ely Center 103, (202) 759-5598 (VP) or amy.rousseau@gallaudet.edu.

The Director of the SARP serves as the Deputy Title IX Coordinator for Students and a member of the OSC Investigative Team that includes the OSC Title IX Investigator. The Director assists with problem resolution and responds to complaints of sexual misconduct, intimate relationship violence, and stalking against students.

Title IX Investigator - SARP, Ely Center 103, (202) 618-6806 (VP) or travis.clevenger@gallaudet.edu. The Title IX Investigator in SARP reviews and/or investigates reports of sexual misconduct allegedly committed by students, along with the Deputy Title IX Coordinator for Students.

Department of Public Safety, Carlin Hall Basement, (202) 651-5555 V/SMS, dps@gallaudet.edu. The Department of Public Safety (DPS) makes an official report at the request of the reporting party. DPS also provides information on University resources as well as how to contact outside agencies, and assists in contacting these agencies when necessary.

Other Confidentiality Considerations

The University considers complaints and investigations conducted under this policy to be private matters for the parties involved. When a complaint is made the University will take reasonable steps to protect the privacy of all involved. Only the people who need to know as part of their professional responsibilities will be told, and information will be shared as necessary with investigators, witnesses, the complainant and the respondent.

The complainant, respondent and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case and the expectation that they keep such information, including documents they may review, confidential. They are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. The complainant and respondent should understand that the failure to maintain discretion and privacy may result in negative consequences impacting the adjudication of the complaint, and that over-sharing can result in unintended consequences such as retaliation, the creation and exacerbation of a hostile environment, and may damage the credibility and integrity of witnesses or information relevant to the resolution of the complaint.

While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information, such as with others who may support or assist them as advisors or support persons or with their families or guardians.

Complainants and witnesses sometime ask that their names not be disclosed to the individual(s) involved in an alleged violation of this policy or ask that no investigation or disciplinary action be pursued to address the alleged sexual misconduct. The University will try to honor such requests; at the same time this will limit its ability to respond fully to the

incident, including pursuing disciplinary action against any individual. While the University supports such requests for confidentiality there are situations that necessitates the University override an individual's request for confidentiality in order to meet its Title IX obligation to provide a safe and nondiscriminatory environment for all members of the University community. The Title IX Coordinator will evaluate such requests as described in the "Initial Review" section.

It should be noted that compliance with the Violence Against Women's Act (VAWA) or the Clery Act does not violate the Family Educational Rights and Privacy Act (FERPA). The University can disclose to student complainants the final determination of any investigation or disciplinary process involving a "sex offense", including any sanction that is imposed against the respondent.

All individuals involved in the process should understand that any and all documents provided to and maintained by the University - including complaints, responses, statements, investigative reports, documents, and other information in a case file may be subject to disclosure by subpoena or court order at any time. The University will inform the appropriate party of such a request unless otherwise prohibited by law.

Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual misconduct, intimate relationship violence, or stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential. Statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The information shared includes the date, the location of the incident and the crime (using Clery location categories). This reporting protects the identity of the student and may be done anonymously.

The Clery Act is a federal law that requires colleges and universities to disclose information about campus crime. Gallaudet files a report of campus crime statistics annually with the Department of Education. The report includes crime statistics for the past three calendar years, and do not include any identifiable information (e.g. names, addresses, etc.). For more information, visit the DPS website at <http://www.gallaudet.edu/public-safety>.

Federal Timely Warning Reporting Obligations

University community members making complaints of sexual misconduct, intimate relationship violence, or stalking should also be aware that University administrators may issue timely warnings for incidents reported to them, especially those that pose a substantial threat of bodily harm or danger to members of the University community. The Department of Public

Safety makes such determinations. The University will make every effort to ensure that an individual's name and other identifying information is not disclosed, while still providing enough information for community member to make safety decisions in light of the danger. In instances where an alleged incident occurs between two individuals and no ongoing threat to other Gallaudet community members is present, a timely warning notice would not be distributed.

Appendix

Educational and Prevention Programs

Gallaudet is committed to the prevention of sexual misconduct, intimate relationship violence, and stalking through educational and awareness programs. Gallaudet takes the necessary steps to reduce the need for reactive intervention by providing preventive and risk education and training and by preparing and disseminating educational print material, videos, workshops, training seminars and academic course offerings related to sexual misconduct, intimate relationship violence, and stalking throughout the year. Prevention program topics include an overview of the Universities' policies and procedures, relevant definitions, including prohibited conduct, effective consent, the impact of alcohol and illegal drug use, safe and positive options for bystander intervention (including "Green Dot" training), awareness campaigns such as "Take Back the Night" and "Dare to Utter", and information about risk reduction. Incoming first year students are required to take an online course, "Haven" that addresses sexual misconduct, and receive primary prevention and awareness programming as part of their orientation. An online training module provided by EverFi is also offered to all students and employees on an annual basis. A majority of educational programs and materials include a review of resources and reporting options available for students.

Sexual Misconduct - Risk Reduction Tips (from the Association of Title IX Administrators (ATIXA))

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual misconduct are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non-consensual sexual act. The following are suggestions to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

Reducing the risk of victimization:

- If you have limits or boundaries, make them known as early as possible.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from the physical presence of the sexual aggressor.
- Reach out for help, either from someone who is physically nearby or by contacting someone via phone/text message. People around you may be waiting for a signal that you need help.
- Take affirmative responsibility for your alcohol intake/drug consumption. Alcohol and/or drugs can increase your vulnerability to sexual victimization.
- Look out for your friends and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

Reducing the risk of being accused of sexual misconduct:

- Show your potential partner respect if you are in a position of initiating sexual behavior
- If a potential partner says "no", accept it and don't push. If you want a "yes", ask for it, and don't proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what's OK in any interaction, ask.
- Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
- Don't take advantage of the fact that someone may be under the influence of alcohol or drugs, even if that person made that choice. Others' loss of control does not put you in control.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are able to change their minds.
- Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to another types of sexual behaviors. If you are unsure, stop and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.

Safe and Positive Options for Bystander Intervention

Bystander intervention is an act of standing up against power-based personal violence. It can be any behavior, choice, word, or attitude that promotes safety for all our community members and communicates intolerance for violence. We want to have the best college experience and should be able to feel safe on campus. One way to do that is for peers to watch out for each

other. The following strategies of bystander intervention (from the Green Dot program) are options to try when you see something that concerns you.

Direct!

- Ask someone if they are ok or if they need help
- Make eye contact with a person, and make a questioning face and mouth, "ok?"
- Tell someone to stop what they are doing
- Make eye contact with the person and shake head "no"
- Walk a person away from the situation
- Take a person to their dorm
- Set up check points at different locations to make sure people are ok

Delegate!

- Ask someone from their circle of friends to help them out
- Ask a person you trust to walk them back to their dorm
- Get a friend to check on the person
- Notify DPS
- Identify someone who is very good with people and ask them to check out what is going on
- Ask Residence Life to have check points to make sure people are ok
- Notify Campus Activities (student events on campus)

Distract!

- Interrupt the couple and ask to speak with one of them
- Interrupt the couple and get them to come over to play a game or look at something
- Ask the person to come and help you with a task
- Change the subject away from what is causing tension
- Walk the person away from the situation
- Move the person away from the area with alcohol and give them something non-alcoholic to drink and some food

Terminology

The following definitions clarify some terminology as used throughout the policy.

Advisor - an individual who provides support, guidance, and/or advice to the complainant or respondent.

Bullying or cyber-bullying - repeated and/or severe aggressive behaviors likely to intimidate or intentionally harm or control another person physically or mentally. When these acts occur in the context of intimate relationship violence or when the behavior is perpetrated on the basis of sex or gender, the conduct is resolved under this policy.

Complainant - any member of the University community who provides information alleging that a member of the University community violated the Sexual Misconduct Policy. The complainant may be the individual who reportedly experienced any form of sexual misconduct, or the University.

Consent - consent represents the basis of respectful and healthy and intimate relationships. Consent is effective when it is clear, knowing, and voluntary by using mutually understandable words or actions that give permission for specific sexual activity or contact. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused individual knows or reasonably should have known of such incapacitation. Passivity is not permission; consent is not the absence of resistance, and silence, in and of itself, cannot be interpreted as consent. Consent to one form of sexual contact or activity does not imply consent to another form of sexual activity. Consent also has time boundaries; consent given at one time does not imply future consent or consent at any other time. The existence of a prior or current relationship does not, in itself, constitute consent. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop immediately. In order to give consent, one must be of legal age (16 or older in D.C.).

Force - direct or indirect use of physical abuse and/or imposing physically on someone to gain sexual access. Force, unless part of a mutually permissible kink (bondage and domination or similar sexual practice), is a clear demonstration of a lack of effective consent.

Interim Measures - temporary actions taken by the University to foster a more stable and safe environment during the initial review, investigation, and adjudication phases. As appropriate, interim measures may be put in place or revised at any stage of an informal resolution, or before, during or at the conclusion of the formal investigation.

Intimate Relationship - a short or long-term relationship between persons of any gender that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, friends with benefits, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between persons with a child in common.

Incapacitation - the physical and/or mental inability to make informed, rational and reasonable decisions often due to alcohol and/or drug consumption. Individuals cannot give effective consent if they can't understand what is happening (the "who, what, when, where, why or how" of a situation or interaction). Signs or context clues of being incapacitated may include, but are not limited to, disorientation, stumbling or maintaining balance, vomiting or the presence of vomit, incoherent speech or inability to follow a conversation or thought, outrageous or unusual behavior, being asleep, and/or unconsciousness. With regard to alcohol, incapacitation is a higher level of alcohol ingestion than being impaired ("under the influence"), intoxicated, inebriated, or drunk. Consumption of alcohol or drugs alone is insufficient to establish incapacitation; incapacitation is a state beyond drunkenness or intoxication. The question is whether the accused knew, or a sober, reasonable person in the position of the accused individual should have known, that the complainant was incapacitated. Being intoxicated or impaired by drugs or alcohol is never a defense to an allegation of sexual misconduct under this policy and does not diminish one's responsibility to obtain effective consent. The possession, use, distribution, and/or administration of any incapacitating substance(s) is prohibited.

Investigative Team - the team that consists of the Deputy Title IX Coordinator(s) and/or the Title IX Investigator (s) that usually works jointly on a case assigned to them by the Title IX Coordinator. In some instances, only one member of the team will conduct the investigation. Any person conducting an investigation must be impartial, unbiased, and free of any conflicts of interest. In some instances, an external investigator may be brought in to assist the University in its fact gathering.

No-Contact Order - a directive that mandates an individual not to contact another person or persons in any way, including in person, via e-mail, social media, text messaging, written communication, or any other method of electronic or direct communication. The no-contact order also includes communications via third parties acting on the person's behalf.

Preponderance of the Evidence - characterizes the burden of proof standard used in adjudicating all cases adjudicated by this process. The preponderance of evidence means a greater weight of evidence/information, or "more likely than not".

Respondent - the person against whom the allegation is brought. Respondents are also known as the responding party.

Retaliatory Discrimination or Harassment - any adverse employment or educational action taken against a person because of the person's participation in a complaint, investigation, or resolution involving allegations of sexual misconduct, intimate relationship violence, or stalking. It can take many forms, including continued abuse, threats, intimidation, violations of no-contact orders, and prohibited third party contact. Any individual or group of individuals, including a complainant or respondent, can engage in retaliation, and will be held accountable under this policy as a separate violation.

Sexual Assault - an offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape as defined below (see FBI Uniform Crime Reporting Program at <https://www.fbi.gov/about-us/cjis/ucr/ucr>):

Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim;

Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;

Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;

Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.

For the purposes of this policy, sexual assault is defined as sexual misconduct and includes non-consensual sexual intercourse or non-consensual sexual contact.

Sexual Contact - the deliberate touching of a person's private parts (including penis, vagina, vulva, buttocks, anus, groin and/or breasts, or clothing covering any of those areas) or using force to cause a person to touch his or her own or another person's private parts.

Sex/gender-based discrimination -

Sexual Intercourse - penetration (anal, oral or vaginal) by a penis, tongue, finger, or any other object.

Sexual Misconduct - a broad and umbrella term encompassing sexual assault or any non-consensual act of a sexual nature which may or may not involve physical contact. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or by women and it can occur between people of the same or different sex.

Sexual Misconduct Violations - violations that vary in severity and consists of a range of behavior or attempted behavior that includes, but is not limited to:

1. Bullying or cyberbullying
2. Intimate partner violence
3. Non-consensual sexual contact,
4. Non-consensual sexual intercourse,
5. Sexual discrimination

6. Sexual exploitation,
7. Sexual harassment, and/or
8. Sexual Intimidation.

Sexual Violence - the term used to describe physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g. due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

Support Person - an individual that may be chosen by the complainant or respondent to provide moral support in a silent and non-participating way during any phase of the adjudication process.

Title IX of the Education Amendments of 1972 (Title IX) - a Federal law that states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title IX Investigator (OSC) - an appropriately trained University employee who, along with the Deputy Title IX Coordinator for Faculty/Staff or Students, reviews and/or investigates reports of sexual misconduct allegedly committed by students, as assigned by the Title IX Coordinator under this policy.

On-Campus Resources

The on-campus resources listed below are able to assist those who come to them with a concern related to sexual misconduct, intimate relationship violence, or stalking.

A. **Department of Public Safety**, Carlin Hall Basement, (202) 651-5555 V/SMS, dps@gallaudet.edu. The Department of Public Safety (DPS) makes an official report at the request of the student. DPS also provides information on how to contact outside agencies and assists in contacting these agencies when necessary.

B. **Title IX Coordinator**, College Hall 110, (202) 759-1734 (VP), jennie.sivak@gallaudet.edu. The EOP/AA officer and Title IX Coordinator assist with problem resolution and responds to complaints of sexual misconduct, intimate relationship violence, stalking, and harassment against staff and faculty (and students if a particular complainant is not being resolved through the Investigative Team).

C. Deputy Title IX Coordinator for Students, Director - SARP, Ely Center 103, (202) 759-5598 (VP), amy.rousseau@gallaudet.edu.

The Director of SARP serves as the Deputy Title IX Coordinator for Students and a member of the SARP Investigative Team that includes the SARP Title IX Investigator. The Director assists with problem resolution and responds to complaints of sexual misconduct, intimate relationship violence, and stalking against students.

D. Title IX Investigator - SARP, Ely Center 103, (202) 618-6806 (vp) (travis.clevenger@gallaudet.edu).

The Title IX Investigator in the SARP reviews and/or investigates reports of sexual misconduct allegedly committed by students, along with the Deputy Title IX Coordinator for Students.

E. Health and Wellness Programs, Ely Center 103, (202) 651-5432, christine.gannon@gallaudet.edu.

The Director of Health and Wellness Programs serves as the central source of sexual misconduct information and referral for students, and coordinates support for staff and faculty who respond to student concerns. In addition, Health and Wellness Programs develop and conduct prevention/risk reduction workshops for all incoming students and prepares and disseminates educational pamphlets, fact sheets, and articles concerning sexual misconduct.

F. Counseling and Psychological Services (CAPS), Kellogg Conference Hotel at Gallaudet University, 3rd Floor, (202) 250-2300 (VP), caps@gallaudet.edu.

Counselors are available during the day and may be contacted for emergency situations after office hours by the Department of Public Safety. CAPS provides confidential crisis management, short term therapy, and group therapy (depending on the number of students with similar concerns/issues). CAPS also provides a referral list of area agencies and private practitioners.

G. Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, and Ally (LGBTQA) Center, HMB S141.

The LGBTQA Center strives to provide a supportive and responsive environment for individuals of all sexual orientations, gender identities, and expressions that promote equity, inclusion, academic success and social justice.

H. Office of Campus Ministries, Ely Center 114-118, (202) 651-5102 (V), ron.friedrich@gallaudet.edu.

The Office of Campus Ministries (OCM) provides a variety of confidential counseling services to students, including personal counseling and crisis management in either individual or group settings. The OCM also makes referrals and works with other on-campus and off-campus offices and agencies to meet the needs of individuals in crisis.

I. Office of the Ombuds, Ely Center 113, (202) 559-5079 (VP), ombuds@gallaudet.edu.

The Office of the Ombuds is where students can go to get confidential, impartial, independent, and informal assistance and conflict resolution.

J. **Office of Residence Life and Housing**, Ely Center 132, (202) 250-2233 (VP) or at CRE/GA offices in any residence halls.

The Office of Residence Life and Housing provides immediate response through on-site or on-call staff. The Office of Residence Life and Housing, when directly involved in the initial contact of the student, is responsible for stabilizing the situation and assisting with contacts to other campus personnel. The Office of Residence Life and Housing can also provide emergency housing relocation and, together with Counseling and Psychological Services and/or Department of Public Safety, will arrange for transportation to the hospital, if necessary. The Office of Residence Life and Housing also provides educational materials and programs for students.

K. **Student Accountability and Restorative Practices (SARP)**, Ely Center 103, (202) 759-5598 (VP), amy.rousseau@gallaudet.edu.

The SARP office, through the Investigative Team, responds to reports of sexual misconduct and handles each incident according to the disciplinary process outlined in the handbook. The SARP office also provides education and training and advises both the complainant and the respondent of their rights.

L. **Student Health Service**, Peter J. Fine Health Center, (202) 651-5090 (V), shs@gallaudet.edu.

During hours of operation, Student Health Service (SHS) provides confidential first aid and referral services for students who experienced sexual misconduct. SHS also screens and treats sexually transmitted infections (STIs) and provides appropriate follow-up care.

Off-Campus Resources

University community members have the right to file a report with the District of Columbia Police and are provided information on how to access them. Individuals are advised of options, as provided by District and Federal laws and regulations, with regard to testing sexual assault suspects for communicable diseases and the concomitant (accompanying) right to be notified of the results of such testing.

A variety of external resources are available for victims, including the D.C. Rape Crisis Center, which provides counseling sessions and referrals to legal, medical, and counseling facilities and resources.

Washington Hospital Center

Emergency and Trauma

110 Irving Street NW

Washington, DC 20010

<http://www.medstarwashington.org>

202-877-7000 (V)

Provides a Sexual Assault Nurse Examiner (SANE) program (professional rape exam), medical attention, follow-up care and referrals, screening and STI treatment.

DAWN

5321 First Place NE

Washington, DC 20011

<http://www.deafdawn.org>

202-559-5366 (VP)

202-742-1730 (Fax)

hotline@deafdawn.org (Mon - Fri, 9:00 AM - 5:00 PM)

E-mail: info@deafdawn.org

Focuses on deaf, hard of hearing, and deaf-blind survivors of domestic violence and sexual assault; DAWN provides an e-mail hotline Mondays through Fridays between 9:00 AM - 5:00 PM; DAWN also provides individual professional counseling, support groups, and serves as advocates.

D.C. Rape Crisis Center

<http://www.dcrcc.org>

202-232-0789 Business

202-333-RAPE (7273) 24-hour Hotline

202-328-1371 (TTY)

202-387-3812 (Fax)

E-mail: dcrcc@dcrcc.org

Provides individual counseling and companion service.

District of Columbia Metropolitan Police Department

Deaf and Hard of Hearing Liaison Unit (DHHU)

801 Shepherd Street NW

Washington, DC 20011

<http://www.mpdc.dc.gov>

Hours: 24 hours, daily

202-727-5437 (TTY)

202-698-0289 (V)

202-727-8453 (Fax)

E-mail: mpd.dhhu@dc.gov

For immediate police service, always call 911

Provides the following services: sign language interpretation to aid deaf and hard of hearing citizens in their interaction with MPD, making official reports off-campus, assisting in contacting outside organizations, and leading investigations.

Rape, Abuse, and Incest National Network (RAINN)

2000 L Street NW, Suite 406
Washington, DC 20036
1-800-656-HOPE (V)
202-544-1034 (V)
202-544-3556 (Fax)
E-mail: info@rainn.org
<http://www.rainn.org>
<http://online.rainn.org> (online hotline)

National Center for Victims of Crime

Stalking Resource Center
2000 M Street NW, Suite 480
Washington, DC 20036
202-467-8700 (V)
202-467-8701 (V)
<http://www.victimsofcrime.org/our-programs/stalking-resource-center>

The mission of the National Center for Victims of Crime is to forge a national commitment to help victims of crime rebuild their lives. They are dedicated to serving individuals, families, and communities harmed by crime. One of their programs is the Stalking Resource Center.

Network for Victim Recovery of DC (NVRDC)

5321 First Place NE
Washington, DC 20011
202-742-1720 (V)
www.nvrdc.org

Network for Victim Recovery of DC aims to change the impact of victimization by providing holistic, comprehensive services to all crime victims in DC. By meeting a victim where they are at, NVRDC staff provides civil and criminal legal services, advocacy, and case management.

National Domestic Violence Hotline

1-800-799-SAFE (V)
1-800-787-3224 (TTY)
www.thehotline.org

UASK DC

"U ASK DC" phone app
www.uaskdc.org

U ASK is a project of Men Can Stop Rape and the District of Columbia Executive Office of the Mayor Office of Victim Services. It provides secure and confidential services on sexual assault in the District of Columbia and specifically on DC college campuses.

DeafLead Videophone Crisis Line

321-800-3323

Text HAND to 839863

<https://www.deafinc.org/deaflead/>

DeafLEAD has a 24/7/365 nationwide crisis videophone hotline service to Deaf individuals who are victims of crime. Deaf individuals are now able to access immediate assistance and resources that are both culturally and linguistically accessible using a trauma-informed approach.

Licensed Professional Counselors

Inquire with the Counseling and Psychological Services for a list of licensed professional counselors serving the deaf and hard of hearing locally and, if available, in your hometown.

D.C. Code Definitions and Statutes

Sexual Assault

The District of Columbia criminal law does not define the term "sexual assault", as such. However, the District of Columbia has defined crimes known as sexual abuse. The crimes distinguish between sexual acts and sexual contacts. The specified meaning of those terms is set forth below.

Sexual act means:

1. The penetration, however slight, of the anus or vulva of another by a penis;
2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or
3. The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual contact means the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual Abuse in the First Degree (D.C. Code Ann. § 22-3002)

A person commits First Degree Sexual Abuse if that person engages in or causes another person to engage in or submit to a sexual act in the following manner:

1. By using force against that other person;
2. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury or kidnapping;
3. After rendering that other person unconscious; or
4. After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.

Sexual Abuse in the Second Degree (D.C. Code Ann. § 22-3003)

A person commits Second Degree Sexual Abuse if that person engages in or causes another person to engage in or submit to a sexual act in the following manner:

1. By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
2. Where the person knows or has reason to know that the other person is:
 1. Incapable of appraising the nature of the conduct;
 2. Incapable of declining participation in that sexual act; or
 3. Incapable of communicating unwillingness to engage in that sexual act.

Sexual Abuse in the Third Degree (D.C. Code Ann. § 22-3004)

A person commits sexual abuse in the third degree if that person engages in or causes sexual contact with or by another person in the following manner:

1. By using force against that other person;
2. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
3. After rendering that person unconscious; or
4. After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.

Sexual Abuse in the Fourth Degree (D.C. Code Ann. § 22-3005)

A person commits the crime of sexual abuse in the fourth degree, if that person engages in or causes sexual contact with or by another person in the following manner:

1. By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
2. Where the person knows or has reason to know that the other person is:
 1. Incapable of appraising the nature of the conduct;
 2. Incapable of declining participation in that sexual contact; or
 3. Incapable of communicating unwillingness to engage in that sexual contact.

Misdemeanor Sexual Abuse (D.C. Code Ann. § 22-3006)

Whoever engages in a sexual act or sexual contact with another person and who should have knowledge or reason to know that the act was committed without that other person's permission, is guilty of misdemeanor sexual abuse.

Consent

Consent means words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats or coercion by the defendant shall not constitute consent. Consent is a defense to sexual abuse (in the 1st through the 4th degree) and misdemeanor sexual abuse.

Domestic Violence

In the District of Columbia, domestic violence can be defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner, dating partner, or family member. The term "domestic violence" includes physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This consists of any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

The District of Columbia also defines domestic violence by reference to the terms intimate partner violence and IntraFamily Violence.

The term intimate partner violence means "an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

1. To whom the offender is or was married;
2. With whom the offender is or was in a domestic partnership; or

3. With whom the offender is or was in a romantic, dating, or sexual relationship."

The term intrafamily violence means "an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership or with whom the offender has a child in common."

Dating Violence

The District of Columbia does not define the term dating violence, as such. However, reference is made to dating relationships and other intimate relationships in the definition of domestic violence. Accordingly, dating violence is a form of domestic violence.

Dating violence can be properly defined as a pattern of abusive behavior in any romantic, dating, intimate or sexual relationship that is used by one partner to gain or maintain power and control over another intimate partner or dating partner. The term "dating violence" includes physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This consists of any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

Stalking

The act of stalking occurs when a person purposefully engages in a course of conduct directed at a specific individual with the intent to cause that individual to:

1. Fear for his or her safety or the safety of another person;
2. Feel seriously alarmed, disturbed, or frightened; or
3. Suffer emotional distress;

Such conduct constitutes the crime of stalking if that the person knows the conduct would cause that individual reasonably to:

1. Fear for his or her safety or the safety of another person;
2. Feel seriously alarmed, disturbed, or frightened; or
3. Suffer emotional distress.

Such conduct constitutes the crime of stalking if the person should have known the conduct would cause a reasonable person in the individual's circumstances to

1. Fear for his or her safety or the safety of another person;
2. Feel seriously alarmed, disturbed, or frightened; or
3. Suffer emotional distress.

"To engage in a course of conduct" means directly or indirectly, or through one or more third persons, in person or by any means, on 2 or more occasions, to:

1. Follow, monitor, place under surveillance, threaten, or communicate to or about another individual;
2. Interfere with, damage, take, or unlawfully enter an individual's real or personal property or threaten or attempt to do so; or
3. Use another individual's personal identifying information.

Definitions and Terms: Violence Against Women Act (from 42 USC § 13925) and The Clery Center for Security on Campus

Domestic violence:

The term "domestic violence" includes felony or misdemeanor crimes of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime or violence occurred;
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime or violence occurred.

Dating violence:

The term "dating violence" means violence committed by a person:

- A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship
 - b. The type of relationship
 - c. The frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Stalking:

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. fear for his or her safety or the safety of others: or
- B. suffer substantial emotional distress

For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Sexual Assault:

The term "sexual assault" is an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation that meets the definition of rape, fondling, incest or statutory rape

Sex Offenses:

The term "sex offenses" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.
- Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.

Alcohol, Drug, and Sexual Misconduct Awareness Programs, Campaigns, and Workshops

All Programs taking place in 2021

Orientation Programs: DPS personnel participate in orientation programs to help educate new and transfer students on crime prevention and fire safety issues.

BASICS/CASCIS" Multiple times a month each month Health and Wellness

"MOST Training" (Men Can Stop Rape) Provided by DAWN 10/14, 10/21

"Alcohol,Drugs Training!" -10/19 Hosted by Residence Life

"Healthy Relationships"- 10/5, 11/17 and 11/18-Hosted by GSR 101

"QPR Training" (Suicide Awareness) 8/26, 9/16, 9/17, 9/27, 11/22, 11/23, 12/1- for SHA's sponsored by CAPS

"Safe Partying"- 9/17, 10/15 taught in GSR 101 classes

Gordie Watch Party Workshop- 10/21

Expert Alcohol Kahoot- 10/20

Addressing Consent- to our High School students on 3/1

Men's Workshop- 9/16, 9/23, /10/5

Sexual Responsibility Booth- 9/8

Marijuana/Vaping Workshop- with All-Star English Lab- 9/10

Escalation Workshop- Hosted by Title IX Dept. 10/11

Circle of Support Group- 10/8, 10/22, 11/5, 11/12, 11/19, 12/3, 12/17

1 on 1 and group Drug and Alcohol Workshops for students who have violated policy- ongoing throughout the year

Frequently Asked Questions about the Sexual Misconduct Policy

The following Frequently Asked Questions (FAQ) section was developed as a response to commonly asked questions about Gallaudet University's Sexual Misconduct Policy. If you have any question(s) about the Sexual Misconduct Policy that may not have been addressed in this FAQ, please contact the Title IX Coordinator, Jennie Sivak, via e-mail at jennie.sivak@gallaudet.edu or in person at College Hall 1st floor or Deputy Title IX Coordinator for Students, Amy Rousseau, via e-mail at amy.rousseau@gallaudet.edu or in person at Ely Center #103 or any of the on-campus resources listed at this [link](#).

Which University policy for students prohibits sexual assault/sexual misconduct?

The Sexual Misconduct Policy in the Student Code of Conduct prohibits sexual assault/sexual misconduct. Click [here](#) to read it in its entirety. Sexual assault and other forms of sexual misconduct are unacceptable at Gallaudet.

What happens when a Gallaudet student is sexually assaulted?

If a sexual assault or sexual misconduct incident occurs on or off campus, the University's first priority is to ensure the safety of the complainant and the campus community and to make sure he or she receives the appropriate medical care and counseling. Students have many confidential and non-confidential options to report an assault on campus, including the Department of Public Safety, Residence Life, Campus Ministries, Counseling and Psychological Services, the on-campus offices of DAWN (victim support services), a faculty or staff member, or the University's Title IX Coordinator/Deputy Coordinators.

What kinds of support services are available on campus?

Counseling and Psychological Services has counselors on call 24 hours a day, seven days a week and provides students with support through individual or group counseling sessions. Residence Life is also on call 24/7 and can provide emergency housing to students who report an alleged sexual misconduct incident. DAWN has an active presence on campus, offering victim support services every Wednesday from 9 a.m. to 5 p.m. or by appointment in Ely Center room #103.

If I make a report is my information kept confidential?

All the information about sexual misconduct complaints are kept private, with only essential personnel involved to provide the necessary support for the complainant and as needed to assist with an investigation should the complainant wish to pursue charges. Students who wish to maintain confidentiality can contact any of the confidential resources such as Counseling and Psychological Services, Student Health Services, DAWN, or the Office of Campus Ministries staff on campus, or any of the victim service providers off campus in the District of Columbia.

What interim measures can the University take to protect the complainant after a report is made?

If a sexual assault/misconduct complaint is received, the University may decide to pursue interim measures or remedies such as:

- No-contact orders
- Housing reassignments and restricted access to certain buildings
- Leave of absence from a paraprofessional job on campus
- Alternative academic arrangements if the victim and alleged perpetrator have the same classes, such as independent study with a professor or assignment to a different course section
- Interim suspension
- Persona Non Grata (PNG) status assignment, meaning the student is barred from campus

Interim remedies can become effective immediately and last as long as necessary to complete the investigation.

What is Title IX exactly? I thought it had to do with college athletics.

It does, but it is in addition to requiring equity in sports. Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on gender in any University program, service or activity both on and off campus including, but not limited to, admissions, financial aid, class assignments and course offerings, academic advising and instruction, evaluation and grading, discipline, athletics, housing, health and counseling services, recreational, residential life and extracurricular activities, and employment for faculty and staff. The law requires colleges and universities receiving federal funding to combat gender-based violence and harassment, and respond to any complaints in order to ensure that all students have equal access to education. If a school knows or reasonably should know about discrimination, harassment or violence that is creating a "hostile environment" for any student, it must act to eliminate it, remedy the harm caused and prevent its recurrence.

I heard that Gallaudet had the highest number of forcible sexual assaults in the country, is that true?

[According to a report analyzing college and university Clery Act data by The Washington Post](#), Gallaudet had the highest rate of reported forcible sex offenses *per capita* in 2012. In 2012, the university reported 18 sex offenses - forcible on campus. This number reflects the number of reports made. We believe it demonstrates that students are comfortable reporting and though we do not want sexual misconduct on campus we do want it reported when it happens.

What is "Clery data" and "Clery report"?

Clery data and report refers to the information mandated by the Clery Act, which requires that all colleges and universities across the United States disclose information about crime on and around their campuses. The Clery Act, which is a federal law, requires colleges and universities to publish an Annual Security Report (ASR) by October 1 that documents three calendar years of selected campus crime statistics, including the number of forcible sexual assaults. Gallaudet's ASR report can be found at [this link](#).

What does that mean - "per capita"?

That means that the rate is based on the number of incidences per, say, 1,000 students. For example, Harvard has a much higher total number of forcible sexual assaults - the second highest in the nation - but because its campus population is larger than Gallaudet's, it ranks lower than Gallaudet in per capita incidences.

What does "Sex Offenses - Forcible" mean?

The Clery Act defines sex offenses - forcible as anything between unwanted touching up to rape and other acts of sexual violence.

Why are the per capita numbers here so high?

We believe the reason why our per capita numbers measure higher than other universities, is due to the ability of students to have direct access in terms of communication and language with on-campus personnel without requiring the need for an interpreter. We also feel that students here feel more empowered to report on-campus. We think that is a result of our efforts to promote a comfortable, safe environment in which to report and we have built the confidence among our students that we will take action. Our students feel empowered to report.

Gallaudet had 11 reported forcible sexual assaults in 2011, 18 in 2012, and 17 in 2013. Why are the numbers going up?

Many colleges and universities have seen their numbers go up since 2011, after the Office of Civil Rights released its "Dear Colleague" letter that year which spelled out steps that colleges and universities needed to implement, including an expectation that complaints are handled in a uniform way. We have seen an increase in reports as a result of our efforts to promote awareness and to provide a safe environment in which to report sexual assault.

What is Gallaudet doing to address sexual misconduct on campus?

Gallaudet is addressing this very serious issue on many levels. We currently have a three-year, \$300,000 grant from the U.S. Department of Justice Office on Violence Against Women to create and enhance programs and services to combat sexual misconduct such as a successful bystander intervention program, three campus sexual assault resource teams, sexual assault/domestic violence programming including guest speakers, panel discussions, and workshops, and alcohol-free weekend night events. In addition, all new and transfer students participate in a mandatory online course, Haven, which increases sexual assault awareness. This year all employees and students are required to complete an online training module entitled "Preventing Discrimination and Sexual Violence: Title IX and the Campus Sexual Violence Elimination (SaVE) Act," as part of the university's continued efforts toward Title IX compliance.

Can you explain more about the bystander training? How does it work?

Gallaudet is using the *Green Dot* curriculum, a national program on bystander intervention that has been tailored for our community. The goal of *Green Dot* is to increase individual willingness and ability to recognize and intervene to prevent acts of sexual misconduct on campuses. Today, there are more than 195 students and 50 faculty and staff trained for bystander intervention. Trainings are scheduled for the rest of the academic year, and the goal is to have 500 people trained by the end of the 2018-2019 academic year.

What do your sexual assault resource teams do?

Our Sexual Assault Resource Team (SART) was established in August 2012 to discuss policies, protocol, and issues on campus. It consists of deans, directors, and other key staff members who are involved in the prevention and reporting of incidents of sexual misconduct. Since that time, two additional SART-related organizations have formed: Student SART, which meets regularly during the academic year to plan events and share news and other relevant information and Community SART, which is made up of faculty, staff, and several students.

Many people know that drinking and sexual assault can go hand in hand, what is Gallaudet doing to educate students about safety?

Gallaudet has invested in mandatory sexual assault and alcohol and drug awareness programming for incoming freshmen and transfer students, called Haven and Alcohol Edu, respectively. Both are developed by a company called EverFi and advise students on ways to stay safe and how to be socially responsible with a focus on positive behavior reinforcement. When students first arrive to campus, the New Student Orientation (NSO) includes a session entitled, "Healthy Choices on Campus" that focuses on responsible decision-making as well as a session on sexual misconduct that includes an introduction to Title IX and effective consent. In addition, several student organizations (primarily Greek organizations) and athletic teams are proactively involved in bystander intervention and involved in proactive party planning meetings with the Health and Wellness Programs prior to any campus event that includes alcohol.

What if a sexual assault occurs, but the victim has been drinking underage or using illegal drugs? Will they be charged for such violations?

The safety and well-being of the complainant is paramount. If a sexual assault occurs and the victim has been drinking, they will not get into trouble with the University. Gallaudet has an amnesty policy in which an alleged victim will not be charged for underage drinking or use of illegal drugs by the university.

What kinds of events do you have for students who don't want to drink alcohol?

Gallaudet offers university-sponsored alcohol-free weekend evening activities throughout the year. The university's Student Center Programs and Services (SCPS) hosts several "Late Night Gallaudet" (LNG) social events including themed parties such as "Wild Wild West" and "Winter Festival", open gym events at the Field House, drive-in movies on the Gallaudet mall, Oktoberfest with root beer, classic board game events, "Minute to Win It," student competitions, as well as ski trips and paintball event off campus.

WHERE TO FIND INFORMATION ON “REGISTERED SEX OFFENDERS”

In conjunction with the Campus Sex Crimes Prevention Act, the District of Columbia enacted the Sex Offender Registration Act of 1999, which authorized the Metropolitan Police Department to release sex offender information to the public. A list of Class A registered sex offenders is provided on the Metropolitan Police Department’s web site as a service to the community at <http://sexoffender.dc.gov/>.

WEAPONS POLICY

Illegal or Unauthorized Possession of Firearms, Explosives, Other Weapons, or Dangerous Chemicals on University Property - This includes the illegal or unauthorized possession, storage, or use of any kind of ammunition, firearms, explosives, flammable or highly combustible materials, dangerous chemicals, fireworks, martial arts weapons, sling shots, bows and arrows, sabers, swords, knives with blades in excess of three (3) inches except for kitchen knives used in preparation/serving of food, paint, pellet, or Taser guns, "toy" or realistic replica of a real weapon, and other weapons, or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.

As a private university, Gallaudet is permitted to impose a more stringent weapons policy than on public property. Please note that certain items and behaviors that are legal under District of Columbia law are prohibited on the Gallaudet campus and that appropriate disciplinary action will be pursued in the event that an individual is found to have violated the Gallaudet weapons policy.

ALCOHOL AND OTHER DRUG POLICIES

Alcohol and Other Drugs on Campus

Gallaudet University is committed to providing a campus environment that is free from illegal or abusive use of alcohol and other drugs. In doing so, Gallaudet University will implement disciplinary procedures against those who violate University policy related to the illegal or abusive use of alcohol and other drugs and those who interfere with the rights of other students to live and learn in a drug-free environment. In compliance with the Federal Drug-Free Schools and Communities Act, this handbook contains Gallaudet's policies on alcohol and other drugs, applicable laws as well as disciplinary sanctions/legal penalties related to the use, possession and distribution of alcohol and other drugs; information about the risks and effects of drug and alcohol use and dependence; and resources to assist students who may be having a problem with alcohol or other drugs. You are encouraged to read this information in its entirety, as each member of the campus community is responsible for complying with Gallaudet's policy and applicable laws. Ignorance of such rules will not reduce accountability. More importantly, you owe it to yourself.

University Policies

The Student Code of Conduct in the Student Handbook clearly prohibits the following on or off University premises and at University sponsored activities:

Use, Possession, Manufacturing, Sale, or Distribution of Illegal Drugs and/or Drug Paraphernalia - This includes the use, possession, distribution, manufacture, or processing of illegal or non-prescribed narcotics and/or hallucinogens except as expressly permitted by law. This also includes the aroma of marijuana, which is considered evidence of use. Marijuana - medicinal or otherwise - is illegal on campuses that receive Federal funding (which requires it to be in compliance with the Federal Drug-Free Schools and Campuses Act). The University prohibits the possession or use of medical marijuana on campus premises even if and when medical marijuana becomes legal in the District of Columbia. The possession, use, and/or aroma of synthetic marijuana is also prohibited. Use or possession of drug paraphernalia is also prohibited.

Use, Possession, Manufacturing, or Distribution of Alcoholic Beverages - This includes public intoxication and use, possession, or consumption of intoxicants or the manufacture and/or distribution of alcoholic beverages contrary to circumstances and conditions specified by University Alcohol and Other Drugs Policies, residence hall policy, or as expressly permitted by law. Possession or use of kegs, beer balls, large punch bowls, or other common containers of alcoholic beverages of a similar nature is prohibited.

Alcohol Policy

Within the regulations of the law and University policy, the choice of whether or not to drink or how much to drink is a decision of the student. Responsible use of alcohol is controlled behavior that displays the self-respect of the drinker and respect toward those around him/her.

A person under 21 years of age in the United States may not purchase or attempt to purchase alcoholic beverages. It is illegal for minors to possess and/or drink alcoholic beverages in D.C. and anywhere on or off the Gallaudet University campus. A person may not sell, deliver, furnish, or otherwise provide alcoholic beverages to any person under 21 years of age. Drinking games and hazardous or disruptive conduct related to the use of alcoholic beverages is prohibited. Students and their guests of legal age may possess and consume alcoholic beverages in the privacy of their residence hall room (with the exception of selected residence halls that have been designated as "dry residence halls"), in Greek organization spaces on the third floor of Ely Center, or during on-campus student organization events that are supervised by Campus Activities. Under no circumstances are alcoholic beverages to be brought to or consumed in any other spaces on campus not defined above. Irresponsible alcohol use resulting in drunken and/or disorderly conduct is not acceptable and is subject to disciplinary action. Selling or serving alcohol on the Gallaudet University campus without permission is prohibited. "Hard liquor" is not permitted at student-organized events. Kegs and/or "party balls" are not permitted in the residence halls or in student organization spaces, even if it is empty and used for decorative purposes. It is illegal to sell alcohol on- or off-campus without a license from the D.C. Alcoholic Beverage Regulation Administration (ABRA) Board. For a complete copy of the policies and procedures that must be followed by student organizations when serving/selling alcohol on campus or at Gallaudet sponsored activities, contact the Campus Activities Office.

D.C. Codes Regarding Alcohol and Illegal Drugs

Gallaudet University will follow the D.C. Code concerning alcohol sale and usage. Highlights of the D.C. Code include the following:

Penalties for Illegal Possession or Distribution of Alcohol under D.C. Law in the District of Columbia:

- It is unlawful to consume or possess an alcoholic beverage in an open container in a public area or place of business not licensed to sell alcoholic beverages. Violations of this provision may result in a fine of up to \$500 and/or a prison term of up to 90 days (D.C. Code § 25-1001)
- Persons under age 21 are prohibited from possessing, drinking, purchasing, or attempting to purchase an alcoholic beverage. Persons are also prohibited from

falsely representing their age in an attempt to purchase alcohol or enter an establishment where alcohol is served. Violations of this law may result in a fine of up to \$1,000 and suspension of driving privileges for up to one year (D.C. Code § 25-1002).

- Persons who purchase, sell or in any other way deliver alcoholic beverages to persons under 21 may be fined up to \$5,000 and/or imprisoned for up to one year (D.C. Code § 25-785).

Penalties for Illegal Possession or Distribution of Illegal Drugs under D.C. Law in the District of Columbia:

- Intentional possession of a controlled substance (other than pursuant to a valid prescription), is punishable by a fine of up to \$1,000 and/or 180 days imprisonment. The intentional manufacture, distribution, or possession with intent to manufacture or distribute a controlled substance is punishable by prison terms ranging from not more than 180 days to not more than 30 years and/or fines ranging from not more than \$1,000 to not more than \$500,000 (D.C. Code § 48-904.01). Controlled substances are defined in D.C. Code § 48-901.02 and include drugs such as more than 2 oz. of marijuana, cocaine, crack, PCP, LSD, and other narcotics.
- Persons over age 21 who are found to have distributed a controlled substance to anyone under age 18 is subject to even heavier penalties (D.C. Code § 48-904.06).
- Anyone found to have enlisted or encouraged an individual under age 18 to distribute or sell any controlled substance is subject to an additional fine of \$10,000 and an additional prison term of up 10 years.
- A finding that an individual has attempted to commit any of these offenses subjects the individual to the same fines and terms of imprisonment as if the crime were actually committed. Moreover, the D.C. government shall revoke the driver's license of all persons convicted under this law for a period of at least six months and up to two years.
- The use, possession, sale, or delivery of drug paraphernalia to prepare or use illegal controlled substances is prohibited and punishable by a fine of up to \$5,000 or a prison term of up to two years or both. Drug paraphernalia includes pipes, tubes, roach clips, cocaine spoons and vials, bong, ice pipes or chillers, scales, blenders, bowls, containers, spoons and other devices used for mixing or compounding a controlled substance, and capsules, balloons, envelopes and any other containers used to package, use or store a controlled substance (D.C. Code §§ 48-1101, 48-1103).

Penalties for Illegal Possession or Distribution of Illegal Drugs under Federal Law (U.S. Code):

It is a violation of federal law to possess, manufacture, or distribute a controlled substance. Defined by federal statute, controlled substances include marijuana, cocaine, PCP, LSD, and other narcotics. A student or employee found guilty of possessing or distributing a controlled substance in violation of federal law may be subject to some or all of the following sanctions:

- First conviction: Up to one year imprisonment and a fine of at least \$1,000 but not more than \$100,000, or both.
- With one prior drug conviction: At least 15 days in prison, not to exceed two years and fined at least \$2,500 but not more than \$250,000, or both.
- After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and/or a fine of at least \$5,000 but not more than \$250,000 (21 U.S.C. § 844(a))
There are special sentencing requirements for crimes that involve the possession of crack cocaine. Convicted persons will receive a mandatory sentence of at least five years in prison, not to exceed twenty years, and/or will be fined up to \$250,000 if:
 - it is the defendant's first conviction and the amount of crack possessed exceeds 5 grams; or,
 - it is the defendant's second conviction and the amount of crack possessed exceeds 3 grams;
 - it is the defendant's third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram (21 U.S.C. §§ 853(a)(2), 881(a)(7)).

Federal law may also require forfeiture of property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment (21 U.S.C. § 881(a)(4)); forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance (21 U.S.C. § 844a); and civil fines of up to \$10,000 (21 U.S.C. § 853a).

Upon a drug conviction, the federal government may also deny or revoke federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, for up to one year for first offense, and up to five years for second and subsequent offenses, (18 U.S.C. § 922(g)).

A student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance will not be eligible to receive any federal grants, loans, or work assistance for at least one year (for first conviction of possession) and possibly

indefinitely (for third/subsequent conviction of possession or second/subsequent conviction of sale) (20 U.S.C. §1091(r)).

For a complete reading of the relevant codes pertaining to alcohol and other drugs, please refer to both the District of Columbia and/or the United States Code.

Office of Residence Life and Housing Policies Related to Alcoholic Beverages and Other Drugs

Residence Life and Housing policies govern the use, possession, or distribution of alcoholic beverages and other drugs in the residence halls. The policies are as follows:

Dry Residence Halls - Gallaudet University has "dry residence halls" where no alcoholic beverages are permitted, regardless of the age of the residents in those residence halls. The residence halls designated for freshmen students are the designated "dry residence halls" on campus.

Empty Alcohol Bottles or Cans - Residents in dry residence halls or rooms occupied entirely by underage residents cannot possess any empty alcoholic bottles and/or cans in their rooms, even if they are used for decorative purposes. Discovery of such alcoholic bottles and/or cans, in violation of this policy, will result in their confiscation and issuance of points and/or penalty assessment.

Alcoholic Beverages - Students are expected to follow the D.C. Codes and University policies that relate to alcoholic beverages. Students and their guests of legal age may possess and consume alcoholic beverages in the privacy of their residence hall room. Students in the residence halls shall not sell, offer for sale, or offer as credit purchase any alcoholic beverages. An admission charge to pay for alcohol or related party expenses where alcohol is present or served is prohibited. Residents serving alcohol to underage individuals are subject to disciplinary action. No opened bottles or cans of alcoholic beverages are allowed in common areas (hallways, elevators, stairwells, public restrooms, lounges, and lobby areas of the residence halls). Kegs of beer (any containers requiring taps to operate) and/or "party balls" are not permitted in any residence halls, even if it is empty and used for decorative purposes. The number of students attending a private party is limited to four (4) times the occupancy rate of a student room. Concealment activities, including the use of mouthwash prior to a voluntary breathalyzer test or an alcohol strip test will be considered as evidence of use. Gallaudet University has every legal right to take whatever disciplinary actions are necessary. The Residence Life staff is expected to confront and report any violations. Fleeing from the scene of an alleged violation or refusing to provide valid identification when a University official is present will be considered relevant information used to verify the student's consumption and/or knowing presence during the alleged underage consumption of alcohol or other alleged alcohol policy violations. Positive visual identification will be considered in such instances.

Drugs - The possession, use, manufacture, and/or selling of an illicit drug is against Federal regulations and will not be tolerated on University premises. Possession of drug paraphernalia (e.g., hookahs, bong, pipes, or homemade equipment) regardless of intended use, drug remnants (e.g., marijuana seeds, stems, or resin) in the presence of marijuana use (including but not limited to: drug paraphernalia, or residue (seeds, stems or resin) will be held responsible. Concealment activities (such as but not limited to, placing a plastic bag over a room smoke detector or otherwise interfering with the operation of the smoke detector; fan in the window blowing air out of the room; open window when the outside temperatures are not suitable for it, placing towels or similar barriers under the room door; the smell of air fresheners/perfume, incense, candles, etc.) may be considered as confirmation of illegal use of marijuana. The possession, use, and/or aroma of synthetic marijuana (commonly known as K2 or Spice) is also prohibited. Gallaudet University has every legal right to take whatever disciplinary actions are necessary. The Residence Life staff is expected to confront and report any violations. Fleeing from the scene of an alleged violation or refusing to provide valid identification when a University official is present may be considered relevant information used to verify the student's use and/or knowing presence during the alleged use of illegal drugs. Positive visual identification will be considered in such instances.

Mandatory Alcohol and/or Other Drug Educational Program

As an educational component of the University's discipline process, students involved in alcohol and/or other drug violations are required to participate in the University's alcohol and/or other drugs educational program.

Satisfactory completion of on-line educational courses, alcohol and other drugs educational workshops, and/or counseling assessments assigned is mandatory for students required to participate in the program as a result of University disciplinary action, in addition to any fine and/or other sanctions that may have been imposed. Failure to comply with a mandatory requirement by the stated deadline will result in additional disciplinary action imposed by the University, which may include the loss of off-campus housing privileges, residence hall privileges, or University suspension.

STUDENT ACCOUNTABILITY AND RESTORATIVE PRACTICES

It is in the best interests of Gallaudet University and the members of the University community for the University to function as a self-regulated community in an orderly environment. Assurance that sanctions will be promptly imposed on those found responsible for misconduct will help the University preserve order. Having its own responsible student conduct system that follows established procedures will enable the University to deal with internal matters of student discipline. Further, it can deal with such misconduct in ways that encourage positive learning from the experience.

Through a system of SARP and administrative review, students, staff, faculty, and/or administrators are able to participate in the SARP program to resolve complaints made against students. Underlying the program is a deep regard for discipline as a constructive element of education. Stated another way, the philosophy of this program is based on the belief that a disciplinary problem should be handled so as to maximize the educational experience of the students involved. Such an approach does not eliminate punitive action, including suspension or expulsion, as the prescribed disciplinary sanction. It recognizes that the University must protect itself by appropriate means from individuals whose behavior is contrary to the best interests of the University and its community.

It is the intent of the student conduct program that the University, in handling its disciplinary problems, will continue the use of discussion, counseling, conciliation, mediation, and other existing procedures, as long as such measures prove effective. The other provisions of the program will be set in motion in such instances when the informal procedures prove to be, or manifestly appear to be, ineffective, or inappropriate.

Alternative Dispute Resolution

The University believes the conciliation or mediation of disputes will encourage reporting and resolution of complaints. Conciliation or mediation is appropriate when all parties involved-the complainant(s) and respondent(s)-voluntarily agree to engage in this alternative dispute resolution process and the Coordinator (or Director) of SARP agrees that it is an acceptable alternative to resolve the complaint. Mediation is not an appropriate resolution for cases involving complaints of sexual assault or other serious violations of the Student Code of Conduct; the Coordinator (or Director) of SARP will make a determination of whether or not conciliation or mediation is appropriate on a case-by-case basis.

Conciliation or mediation will involve resolution of the incident, and the resolution may include mutually agreeable sanctions if appropriate. Conciliation or mediation agreements are final, and there will be no subsequent proceedings. If conciliation or mediation does not resolve the

situation or if the conciliation or mediation agreements are not adhered to, the case will be adjudicated utilizing established disciplinary proceedings as described below.

Disciplinary Proceedings

Any member of the University community (administration, faculty, staff, and students) may make a formal complaint against any student(s) for alleged violations of the Student Code of Conduct. All allegations of violations should be prepared in writing and directed to the Coordinator of SARP (or the Director of SARP if the Coordinator of SARP is unable to serve in this capacity); however, the Coordinator (or Director) of SARP will not accept anonymous complaints. Complaints alleging gender-based or sexual misconduct will be referred to and investigated by the Title IX Coordinator or the Deputy Title IX Coordinator for Students, and the procedures for handling such complaints can be found under the Gender-Based and Sexual Misconduct Policy and Procedures section of the online student handbook at <http://sa.gallaudet.edu>. Persons should refer to appropriate materials available online or in print for procedures for the resolution of such complaints. Those requesting charges are normally expected to serve as the complainant, and to present relevant information in disciplinary conferences and/or hearings. In addition, any allegation of violations should be submitted as soon as possible after the event takes place. The Coordinator (or Director) of SARP will evaluate all the information, which may include interviews with involved parties and the collection of relevant information as the Coordinator (or Director) of SARP deems necessary, to determine if the reported allegation(s) has merit and/or if they can be disposed of administratively by conciliation, mediation, or mutual consent of the parties involved on a basis acceptable to the Coordinator (or Director) of SARP. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Coordinator (or Director) of SARP may later serve in the same manner as a non-voting member of the SARP in a hearing. The Coordinator (or Director) of SARP may refuse to grant hearings on complaints resulting from incidents that occurred at a time too distant from the date of the filing of charges, or when information or testimony is too vague. Complaints generally should be made within 30 business days after discovery of the alleged violation and/or identification of the alleged violator.

A student charged for alleged violation(s) of the SARP will be entitled to a disciplinary conference or disciplinary hearing. The Coordinator (or Director) of SARP will make a determination of whether a disciplinary conference or disciplinary hearing will be held, based on the range of sanctions that may be issued for the particular violation. The Coordinator (or Director) of SARP will serve as the hearing officer for the disciplinary conference or as a member of the SARP at all disciplinary hearings. In rare occasions, the Director of SARP will assume all roles and responsibilities in the disciplinary process if the Coordinator of SARP is unable to serve in that capacity and the case cannot be rescheduled within a reasonable time.

Formal rules of process, procedures, and/or technical rules of evidence, such as are applied in criminal and civil court, are not used in the SARP disciplinary proceedings.

Disciplinary Conference

In instances where a student is charged with alleged SARP violations that will likely result in a sanction less than removal from University housing, University suspension, or expulsion, the student will be entitled to a disciplinary conference. Minor residence hall violations are usually handled in this manner (for more information on residence hall disciplinary conferences, see pp. 141-142). A disciplinary conference will normally consist of an informal meeting between the respondent and the Coordinator of SARP (or the Director of SARP, if the Coordinator of SARP is unable to serve in this capacity), who will serve as hearing officer. The Coordinator (or Director) of SARP will gather all information necessary to make a just decision in the case. If the Coordinator (or Director) of SARP determines that the student is responsible for the violation, the Coordinator (or Director) of SARP will impose sanctions appropriate for the violation.

Disciplinary Conference Procedures

The following procedural guidelines are established for respondents charged with violations of the Student Code of Conduct and assigned to a disciplinary conference through SARP:

- A. The student will be notified by the Coordinator (or Director) of SARP or his/her designee that a complaint has been made. The Coordinator (or Director) will provide the student with a written statement with the name of the complainant (person(s) or the University), the procedures for resolving the complaint, and the range of sanctions that may be imposed.
- B. The student must make an appointment for a pre-disciplinary conference meeting with the Coordinator (or Director) of SARP no later than three business days after the letter is received.
- C. If the student fails to arrange a meeting with the Coordinator (or Director) of SARP within three business days after receipt of the letter or fails to show up at the scheduled disciplinary conference, information in support of the charge(s) will be presented and considered.
- D. The student will be informed by the Coordinator (or Director) of SARP of two possible ways to handle the case: 1) appear at a scheduled disciplinary conference and present his/her case before the Coordinator (or Director) of SARP, or 2) accept responsibility for the violation(s) as charged, waive his/her right to a disciplinary conference and presenting witnesses on his/her behalf, and accept sanctions imposed by the Coordinator (or Director) of SARP.
- E. The student will be notified at least 72 hours in advance of the time, date, and place of the disciplinary conference. All disciplinary conferences will be conducted in private.

- F. A single disciplinary conference may be held for more than one person charged in a case arising out of a single or multiple occurrence(s). The Coordinator (or Director) of SARP will make such determinations. However, each student retains the right to have his/her case heard individually.
- G. The student will have reasonable access to information pertaining to the case prior to and during the disciplinary conference.
- H. The student may appear in person and present relevant information to the Coordinator (or Director) of SARP and may call witnesses. The student will have the opportunity to hear and question all participants at the conference. Should the student elect not to appear at the conference, it will be held in the absence of the student. In such instances, the information in support of the charge(s) will be present and considered even if the student is not present.
- I. The student may be accompanied by an advisor (the advisor will be a member of the full-time faculty, staff, or student body of Gallaudet University, but not a lawyer). The student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in the disciplinary conference. Advisors may confer with a student only when there is not a question on the table or a response pending from the student. A student should select an advisor or a person whose schedule allows attendance at the scheduled date and time of the disciplinary conference because delays will not be considered due to the scheduling conflicts of an advisor. Violations of any restrictions for advisors will result in the advisor being removed from the disciplinary conference at the discretion of the Coordinator (or Director) of SARP.
- J. Formal rules of processes, procedures, and/or technical rules of evidence will not be applicable to disciplinary conferences. Any information or testimony the Coordinator (or Director) of SARP believes to be relevant may be considered.
- K. After the disciplinary conference, the Coordinator (or Director) of SARP will determine whether the student is responsible for the violation with which he/she is charged. The Coordinator (or Director) of SARP's determination will be made on the basis of whether it is more likely than not that the student violated the Student Code of Conduct.
- L. The student will be informed of the right to appeal a decision to the Associate Dean of Student Center Programs and Services (or the Dean of Student Affairs and Academic Support, if the Associate Dean served as hearing officer in the case). A decision or judgment of the Coordinator (or Director) of SARP may be appealed by either or both of the parties involved on the following grounds:
- The disciplinary conference was not conducted fairly and in conformity with prescribed procedures, which made it unfair. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant unfairness results.
 - There is new or newly discovered information that could not have been produced at the conference. In order for the Associate Dean of Student Center Programs and Services (or the Dean of Student Affairs and Academic Support, if the Associate Dean served as hearing officer in the case) to consider new information sufficient to alter a decision, or other relevant facts not brought out in the original

conference, such information and/or facts must not have been known at the time of the original conference by the appellant.

- The decision was or was not supported by substantial information considering the record as a whole. That is, the facts in the case were or were not sufficient to establish that a violation of the Student Code of Conduct occurred.
- The sanction imposed was excessive or insufficient and not appropriate for the violation.

An appeal must be in writing, must indicate the basis of the appeal with an explanation, and must be made within five business days of the date the parties were notified of the decision. In an appeal case, sanctions assessed by the initial Coordinator (or Director) of SARP may be held in suspense until acted upon in appeal. The appeal will be reviewed by the Associate Dean of Student Center Programs and Services (or Dean of Student Affairs and Academic Support if the Associate Dean served as the hearing officer), and he or she may affirm or reverse the decision, or modify the sanction originally determined. The Associate Dean of Student Center Programs and Services (or Dean of Student Affairs and Academic Support if the Associate Dean served as the hearing officer) may decide to remand the matter back to the Coordinator (or Director) of SARP to reopen the hearing, if appropriate. The Coordinator (or Director) of SARP will convey pertinent information related to the case. The decision of the Associate Dean of Student Center Programs and Services (or Dean of Student Affairs and Academic Support if the Associate Dean served as the hearing officer) is final and is not appealable.

All disciplinary conferences will be closed to the public in order to protect the confidential nature of the proceedings.

Because of time concerns and the expenses it would incur, provisions for written transcripts of disciplinary conferences is not required.

The Coordinator (or Director) of SARP will determine the rules of procedures in addition to those stated herein, and all procedural questions are subject to his/her final decision.

Disciplinary Hearings

In instances where a student is charged with alleged Student Code of Conduct violations that will likely result in a range of sanctions that may include residence hall suspension, University suspension, or expulsion, the student will be entitled to a disciplinary hearing. A disciplinary hearing will involve a SARP or an Administrative SARP Board.

SARP Conduct Board

The SARP Board is a fact-finding and decision-making body consisting of members of the University community (faculty, staff, and/or students who have been selected and received training by SARP), a non-voting Student SARP representative, and a non-voting Coordinator of SARP (or the Director of SARP, if the Coordinator of SARP is unable to serve in this capacity). The

non-voting Coordinator (or Director) of SARP will serve as the hearing official and as a consultant to the Board. The members of the SARP Board have the responsibility for hearing complaints against students, determining whether a student is, more likely than not, responsible for a violation of the Student Code of Conduct, and recommending disciplinary sanctions to the Coordinator (or Director) of SARP.

Administrative SARP Board

The Administrative SARP Board consists of faculty and/or staff representatives and the Coordinator of SARP (or the Director of SARP, if the Coordinator of SARP is unable to serve in this capacity). The non-voting Coordinator (or Director) of SARP will serve as the hearing official and as a consultant to the Board. This Board, which meets when the Student SARP Board is not able to meet and hear a case, is empowered to make decisions and recommend disciplinary sanctions.

Disciplinary Hearing Procedures

The following procedural guidelines are established for the direction of all persons and boards conducting disciplinary hearings on complaints against a student at Gallaudet University.

- A. The student will be notified by the Coordinator (or Director) of SARP that a complaint has been made. The Coordinator (or Director) will provide the student with a written statement containing the name of the complainant (person(s) or the University), the procedures for resolving the conflict, and the range of sanctions that may be imposed.
- B. The student must make an appointment for a pre-hearing meeting with the Coordinator (or Director) of SARP or his/her designee no later than five business days after the letter is received.
- C. If the student fails to arrange a meeting with the Coordinator (or Director) of SARP within five business days after receipt of the letter or fails to show up at the scheduled pre-hearing meeting to decide how the case will be handled, information in support of the charge(s) will be presented and considered, and a decision will be made in the student's absence.
- D. The student will be informed by the Coordinator (or Director) of SARP of two possible ways to handle the case: 1) appear at a scheduled hearing and present his/her case before the Student Conduct Board, 2) accept responsibility for the violation(s) as charged, waive his/her right to a hearing and presenting witnesses on their behalf, and accept sanctions imposed by the Coordinator (or Director) of SARP. In the event of scheduling difficulties or special circumstances warranting it, the complaint may be heard and action decided by an Administrative SARP Board hearing.
- E. The student will be notified at least 72 hours in advance of the time, date, and place of the hearing. Hearings will be conducted in private.
- F. A single hearing may be held for more than one person charged in cases arising out of a single or multiple occurrence(s). The Coordinator (or Director) of SARP will make such determinations. However, each student retains the right to have his/her case heard individually.

- G. The student will have reasonable access to inspect and review information pertaining to the case prior to and during the disciplinary hearing.
- H. The student may appear in person and present relevant information to the SARP Board, and may call witnesses. While efforts will be made to accommodate the schedules of all parties involved, scheduling conflicts or failure of witnesses to appear will not constitute grounds for a continuance of the hearing. The student will have the opportunity to hear and question all participants at the hearing. Should the student elect not to appear at the hearing, it will be held in the absence of the student. In such instances, the information in support of the charge(s) will be presented and considered even if the student is not present.
- I. Students may be accompanied by an advisor (the advisor will be a member of the full-time faculty, staff, or student body of Gallaudet University, but not a lawyer). The student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in the disciplinary hearing. Advisors may confer with a student only when there is not a question on the table or a response pending from the student. In consideration of the limited role of an advisor, a student should select an advisor or a person whose schedule allows attendance at the scheduled date and time of the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. Violations of any restrictions for advisors will result in the advisor being removed from the hearing at the discretion of the Coordinator (or Director) of SARP.
- J. The Board may, by majority vote, limit the number of witnesses because of redundancy or irrelevancy.
- K. The student may remain silent to preserve the right against self-incrimination. In such cases, other available information will be considered.
- L. Formal rules of processes, procedures, and/or technical rules of evidence will not be applicable to campus disciplinary proceedings conducted pursuant to this Code. Any information or testimony the Board or the Coordinator (or Director) of SARP believes to be relevant may be considered.
- M. The Student SARP Board may accommodate concerns for the personal safety, well-being, and or/genuine fears of confrontation of the complainant, respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, videophone, closed circuit television, or video conferences, as determined to be appropriate by the sole judgment of the Coordinator (or Director) of SARP.
- N. The Coordinator (or Director) of SARP will exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the respondent, who disrupts a hearing, may be excluded by the Coordinator (or Director) of SARP.
- O. After the hearing, the Student SARP Board will determine whether the student is responsible for the violation with which he/she is charged. All parties, the witnesses, and the public will be excluded during Board deliberations. The Student SARP Board's determination will be made on the basis of whether it is more likely than not that the accused student violated the Student Code of Conduct. The burden of proof rests on the complainant. The respondent will be entitled to a verbal explanation of any decision, and

a letter summarizing the decision and any disciplinary sanctions, if applicable, will also be sent to the respondent except in certain cases where the complainant will also receive a letter summarizing the decision and any disciplinary sanctions, if applicable.

- P. The student will be informed of the right to appeal a decision to the Dean of Student Affairs and Academic Support. A decision or judgment of the SARP Board or the Coordinator (or Director) of SARP may be appealed by either or both of the parties involved on the following grounds:
- The Student SARP Board hearing was not conducted fairly and in conformity with prescribed procedures, which made it unfair. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant unfairness results.
 - There is new or newly discovered information that could not have been produced at the hearing. In order for the Dean of Student Affairs and Academic Support or his/her designee to consider new information sufficient to alter a decision, or other relevant facts not brought out in the original hearing, such information and/or facts must not have been known at the time of the original hearing by the appellant.
 - The decision was or was not supported by substantial information considering the record as a whole. That is, the facts in the case were or were not sufficient to establish that a violation of the Student Code of Conduct occurred.
 - The sanction imposed was excessive or insufficient and not appropriate for the violation.

An appeal must be in writing, must indicate the basis of the appeal with an explanation, and must be made within five business days of the date the parties were notified of the decision. In an appeal case, action assessed by the initial SARP Board or the Coordinator (or Director) of SARP may be held in suspense until acted upon in appeal, at the discretion of the Dean of Student Affairs and Academic Support or his/her designee. The Coordinator (or Director) of SARP will convey pertinent information to the Dean of Student Affairs and Academic Support or his/her designee. The Dean of Student Affairs and Academic Support or his/her designee may affirm or reverse the decision, or modify the sanction originally assessed. The Dean of Student Affairs and Academic Support or his/her designee may decide to remand the matter back to the Coordinator (or Director) of SARP to reopen the hearing, if appropriate. The decision of the Dean of Student Affairs and Academic Support or his/her designee is final and is not appealable.

No release of information about a case heard by a Student Conduct Board is permitted except jointly by the Coordinator (or Director) of SARP and a higher administrative authority.

All SARP hearings will be closed to the public in order to protect the confidential nature of the proceedings.

Any SARP Board member will elect to abstain from participation in a hearing when the member has a duality of interest in the case or a personal reason that precludes participation without prejudice. Any party may challenge a SARP board member on the grounds of personal bias prior to the beginning of the hearing. A board member or members may be disqualified by the Coordinator (or Director) of SARP upon majority vote of the voting members, conducted by secret ballot.

Because of time concerns and the expenses it would incur, provision for written transcripts of campus disciplinary hearings is not required.

The SARP Board and/or Coordinator (or Director) of SARP will determine the rules of procedure in addition to those stated herein, and all procedural questions are subject to the final decision of the Coordinator (or Director) of SARP.

Disciplinary Sanctions

If a SARP Board or the Coordinator (or Director) of SARP decides that a student should be disciplined, the disciplinary action should be consistent with the severity of the offense. Attempts to commit acts prohibited by the Student Code of Conduct may be disciplined to the same extent as completed violations. Following are sanctions recognized by Gallaudet University; the Board or the Coordinator (or Director) of SARP may implement other sanctions instead of or in addition to those specified below:

- A. **Disciplinary Reprimand** - Verbal warning or written notification to a student that he/she has violated a University rule or policy and that subsequent wrongful conduct will not be tolerated and may result in severe disciplinary action.
- B. **Rehabilitative Probation** - A period of time, not to exceed one year, during which the student is required to control questionable behavior. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
- C. **Discretionary Sanctions** - Work assignments, essays, educational projects, service to Gallaudet University, prohibition from hosting an event including alcohol on or off campus, or other discretionary assignments.
- D. **Restitution** - Reimbursement for damages to or misappropriation of property and/or compensation for injury. This may take the form of appropriate service and/or monetary or material replacement.
- E. **Fines or Loss of Housing Priority Points** - Previously established fines or a specific amount decided upon by the Office of Student Conduct and/or the Office of Residence Life and Housing may be imposed. A demotion of a student's housing priority points for room selection by a specific amount of points may be issued.
- F. **Disciplinary Probation** - A specified trial period during which a student whose conduct has been found wrongful has the opportunity to prove that he/she can uphold University

rules and policies. It may exclude a student from participation in privileged and/or extracurricular activities as set forth in the notice for the specified period of time. Students found responsible for violations involving alcohol and other drugs will be referred to the alcohol and other drugs educational programs and counseling offered by the University. Failure to attend will result in charges for failure to comply with the Board's decision. The terms imply that violation of any provision in the Student Code of Conduct would be viewed not only as a violation of the regulation itself, but also as a violation of the probation and would most likely result in his/her suspension from the University.

- G. **Residence Hall Suspension** - Separation of the student from the residence halls for a definite period of time after which the student is eligible to return. The student will be required to depart the residence halls within 72 hours or otherwise as specified by University administration. Conditions for readmission may be specified, and a ban from the residence halls may be imposed. As part of the sanction, suspension does not result in a prorated room refund according to regular University policy.
- H. **Deferred Residence Hall Suspension** - A suspension that becomes effective after a specified date. This action is appropriate near the end of the semester to avoid financial and housing hardships that an immediate suspension often entails.
- I. **Residence Hall Expulsion** - Permanent separation of the student from the residence halls. A ban from the residence halls will also be imposed.
- J. **Loss of Off-Campus Housing Privileges** - The loss of the privilege to live off-campus for a specific period of time. The sanction stipulates that the student must have a housing assignment on campus in order to maintain student status.
- K. **University Suspension** - The immediate removal of the privilege to attend Gallaudet University for some specific minimum period of time. The student must sever connections completely with the University. The suspended student may also be placed on persona non grata status (see definition of persona non grata below). At the end of the suspension, a student may apply for readmission. The suspended student is expected to inform the vocational rehabilitation counselor or other agencies through which financial assistance is received. As part of the sanction, suspension does not result in a prorated room refund according to regular University policy.
- L. **Deferred University Suspension** - A suspension that becomes effective after a specified date. This action is appropriate near the end of a semester to avoid financial and housing hardships that an immediate suspension often entails.
- M. **Expulsion** - Permanent dismissal from Gallaudet University. Procedures to petition this sanction are similar to those for suspension. As part of the sanction, expulsion does not result in a prorated room refund according to University policy.
- N. **Access Restriction** - Prohibition from entering certain buildings or the residence halls for any reason. Failure to comply with the terms would result in the person being removed from the premises and being charged for violating this regulation.
- O. **Persona Non Grata** - Prohibition from entering campus premises and attending all University-sponsored activities on- and off-campus for any reason. Failure to comply with

the terms would result in the person being removed from the premises by the Department of Public Safety and/or being charged in D.C. with criminal trespass.

- P. **Community Service** - Work assignments may be a part of a disciplinary probation or may be imposed as an independent sanction. Community service hours completed will not count towards fulfilling the student's community service requirements for graduation. If the student does not complete the community service assignment by the assigned completion date, a charge of non-compliance of a University decision will result.

A student's disciplinary history and prior record may be considered a factor for more severe sanctions, if appropriate.

Hearing Procedures for Student Organizations

The discipline of student organizations is incorporated into the general Student Code of Conduct of Gallaudet University and operates according to rules of that system. The University may carry out disciplinary proceedings and impose disciplinary sanctions on a student organization or recognized club found responsible for violation(s) of the Student Code of Conduct without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Any member of the University community may file charges against an organization for misconduct. Charges should be prepared in writing and directed to the Coordinator of SARP (or Director of SARP if the Coordinator of SARP is unable to serve in this capacity). Any charge should be submitted as soon as possible after the event takes place.

The Coordinator (or Director) of SARP may conduct an investigation to decide whether a formal charge will be brought against the organization. The Coordinator (or Director) of SARP may refuse to grant hearings on complaints about incidents that occurred at a time too distant from the date of the filing of charges or when information or testimony is too vague.

The following procedural guidelines are established for the direction of all persons and boards conducting formal hearings on disciplinary complaints against a student organization at Gallaudet University.

- A. The organization will be notified by the Coordinator (or Director) of SARP that a disciplinary complaint has been filed. The president/chair of an organization and/or his/her designee will represent the organization in any proceedings involving alleged violations of the Student Code of Conduct by the organization.
An appointment for a pre-hearing meeting with the Coordinator (or Director) of SARP must be made no later than five business days after the letter is received. If a meeting with the Coordinator (or Director) of SARP is not arranged within five business days after receipt of the letter, or if the organization fails to show up at the scheduled pre-hearing meeting to decide how the case will be handled, information in support of the charge(s)

will be presented and considered, and a decision will be made in the student organization representative's absence.

- B. The Coordinator (or Director) of SARP may conduct an investigation to determine if the charges have merit and/or if they can be disposed of through a mediation committee established for this purpose on a basis acceptable to the Coordinator (or Director) of SARP. The mediation committee will be chaired by a staff or faculty member selected by the Coordinator (or Director) of SARP. If the charges are disposed of by mutual consent through the mediation committee, such disposition will be final, and there will be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the charges will be handled by the SARP Board or Coordinator (or Director) of SARP. The Coordinator (or Director) of SARP, if present at the mediation committee, may later serve in the same manner as a non-voting member of the SARP Board in a hearing.
- C. The organization will be informed by the Coordinator (or Director) of SARP, in cases where a complaint appears to represent substantial misconduct, of two possible ways to handle the case: 1) appear at a scheduled hearing and present its case before the SARP Board; or 2) Accept responsibility for the violation(s) as charged, waive the right to a hearing and present witnesses on your behalf and accept sanctions imposed by the Coordinator (or Director) of SARP. In the event of scheduling difficulties or special circumstances, the complaint may be heard and action decided by an Administrative SARP Board.
- D. The president/chair of the organization and/or his/her designee may appear in person and present relevant information to the Coordinator (or Director) of SARP or the SARP Board, and may call witnesses. While efforts will be made to accommodate the schedules of all parties involved, scheduling conflicts or the failure of witnesses to appear will not constitute grounds for a continuance of the hearing. The designated representatives are responsible for presenting their cases and will have the opportunity to hear and question all participants at the hearing. Should the designated representatives of the organization elect not to appear at the hearing, it will be held in their absence. The failure of an organization to appear may be a factor considered.
- E. The designated representatives of the organization may be accompanied by an advisor (the advisor will be a member of the full-time faculty, staff, or student body of Gallaudet University, but not a lawyer). The designated representatives of the organizations are responsible for presenting information during the hearing, and therefore, advisors are not permitted to speak or to participate directly in the disciplinary hearing. Advisors may confer with a student only when there is not a question on the table or a response pending from the student. In consideration of the limited role of an advisor, the organization should select an advisor or a person whose schedule allows attendance at the scheduled date and time of the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. Violations of any restrictions for advisors will result in the advisor being removed from the hearing at the discretion of the Coordinator (or Director) of SARP.
- F. The organization may remain silent to preserve the right against self-incrimination. In such cases, other available information will be considered.
- G. Formal rules of processes, procedures, and/or technical rules of evidence will not be applicable to campus disciplinary proceedings conducted pursuant to this Code. Any

information or testimony the Board or the Coordinator (or Director) of SARP believes to be relevant may be considered.

- H. The Coordinator (or Director) of SARP will exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the representative of the student organization (the respondent), who disrupts a hearing may be excluded by the Coordinator (or Director) of SARP.
- I. After the hearing, the SARP Board will determine whether the organization is responsible for the violation with which it is charged and will recommend sanctions, if any, to the Coordinator (or Director) of SARP from the range of sanctions applicable for student organizations. All parties, the witnesses, and the public will be excluded during Board deliberations. The SARP Board's determination will be made on the basis of whether it is more likely than not that the accused organization violated the Student Code of Conduct. If the SARP Board, Coordinator (or Director) of SARP, or the mediation committee participants decide that a violation did occur, but the organization is not responsible for the violation, the complainant may proceed with charges against individual(s) through the SARP program in accordance with guidelines in the Student Code of Conduct. The student organization will be entitled to a verbal explanation of any decision, and a letter summarizing the decision and any disciplinary sanctions, if applicable, will be sent to the student organization except in certain cases (e.g. sexual misconduct) where the complainant will also receive a letter summarizing the decision and any disciplinary sanctions, if applicable.
- J. The organization will be informed of the right to appeal a decision. A decision or judgment of the SARP Board or the Coordinator (or Director) of SARP may be appealed to the Dean of Student Affairs and Academic Support. A decision or judgment of the SARP Board or the Coordinator (or Director) of SARP may be appealed by either or both of the opposing parties upon the following grounds:
 - The SARP Board hearing was not conducted fairly and in conformity with prescribed procedures, which made it unfair. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant unfairness results.
 - There is new or newly discovered information that could not have been produced at the hearing. For the Dean of Student Affairs and Academic Support or his/her designee to consider new information sufficient to alter a decision, or other relevant facts not brought out in the original hearing, such information and/or facts must not have been known at the time of the original hearing by the appellant.
 - The decision was or was not supported by substantial information considering the record as a whole. That is, the facts in the case were or were not sufficient to establish that a violation of the Student Code of Conduct occurred.
 - The sanction imposed was excessive or insufficient and not appropriate for the violation.

An appeal must be in writing, must indicate the basis of the appeal with an explanation, and must be made within five business days of the date the parties were notified of the decision. In an appeal case, action assessed by the initial SARP Board or the Coordinator (or Director) of SARP may be held in suspense until acted upon in appeal, at the discretion of the Dean of Student Affairs and Academic Support or his/her designee. The Dean of Student Affairs and Academic Support or his/her designee may affirm, reverse, or modify the sanction originally assessed. The Coordinator (or Director) of SARP will convey pertinent information to the Dean of Student Affairs and Academic Support or his/her designee. The decision of the Dean of Student Affairs and Academic Support or his/her designee is final and is not appealable.

All SARP hearings will be closed to the public in order to protect the confidential nature of the proceedings.

Any SARP Board member will elect to abstain from participation in a hearing when the member has a duality of interest in the case or a personal reason that precludes participation without prejudice. Any party may challenge a SARP Board member on the grounds of personal bias prior to the beginning of the hearing. A board member or members may be disqualified by the Coordinator (or Director) of SARP upon majority vote of the voting members, conducted by secret ballot.

Determinations made or sanctions imposed under the Student Code of Conduct will not be subject to change or challenge because criminal charges arising out of the same fact-giving rise to violation of University rules are pending, were dismissed, reduced, or resolved in favor of/or against the criminal law defendant.

Because of time concerns and the expenses it would incur, provision for written transcripts of campus disciplinary hearings is not required.

The SARP Board, mediation committee, and/or Coordinator (or Director) of SARP will determine the rules of procedure in addition to those stated herein and all procedural questions are subject to the final decision of the Coordinator (or Director) of SARP.

Disciplinary Sanctions

If a SARP Board or the Coordinator (or Director) of SARP decides that a student organization should be disciplined, the disciplinary action should be consistent with the severity of the offense. Following are sanctions recognized by Gallaudet University; the Board or the Coordinator (or

Director) of SARP may implement other sanctions instead of or in addition to those specified below:

- A. **Permanent Revocation of Organizational Registration** - The organization will not be represented on any student or University organization, board, or committee. Office or housing space assigned by the University will be vacated within ten (10) business days from the date the notice of revocation is mailed. Space vacated due to this permanent revocation may be reassigned by the University.
- B. **Suspension** - Denial of rights and privileges of a registered organization. Any organization whose registration is suspended must cease all organizational activities upon receiving this sanction. Any member of a suspended organization may not hold an appointed or elected office as a representative of the suspended organization in any other organization or committee for the duration of the organization's period of suspension. The organization may be asked to vacate office or housing space assigned by the University. Office or housing space assigned prior to suspension will not automatically be reassigned. The organization may reapply for space assignment, subject to availability. Suspended organizations will automatically be placed on disciplinary probation for a minimum of one academic year following their renewed registration and may be subject to conditions and/or restrictions during the probationary status.
- C. **Disciplinary Probation** - A period of review and observation during which the student organization whose conduct has been found wrongful will be granted the opportunity to prove that it can uphold University rules and policies. Subsequent violations of University rules, regulations, or policies could result in more severe sanctions. The terms imply that violation of any provision in the Student Code of Conduct would be viewed not only as a violation of the regulation itself, but also as a violation of the probation and would most likely result in the suspension of the organization. During the probation period, the organization may be subject to one or any combination of the following conditions and/or restrictions:
 - Denial of the right to represent the University.
 - Denial of the right to maintain an office or other assigned space on University property.
 - Denial of the privileges of:
 1. Receiving or retaining funding;
 2. Participating in intramurals;
 3. Sponsoring a social event;
 4. Sponsoring any speaker or guest on campus;
 5. Participating in a social event;
 6. Co-sponsoring any social event or other activity;
 7. Rush or membership recruitment;
 8. Eligibility for University awards or recognition;
 9. Representation on University and student committees, organizations, or boards.

10. **Conditions** - Limitations on a student organization's privileges for a period of time or an active obligation to complete a specified activity or activities. This sanction may include the conditions or restrictions listed under the disciplinary probation sanction.

- D. **Disciplinary Reprimand** - Verbal warning or written notification to an organization that it has violated a University rule, regulation, or policy and that subsequent wrongful conduct by the organization will not be tolerated and may result in severe disciplinary sanctions.
- E. **Restitution/Fines** - Reimbursement for damage to, or misappropriation of property and/or compensation for injury to an individual, group, or the University. This may take the form of appropriate service or other compensation.
- F. **Loss of Student Privileges** - Limitations on a student's privileges for a period of time. Principals (officers, etc.) may be prohibited from holding office in any other organization, depending on the severity of the negative leadership displayed. Students from a suspended or revoked organization may also be prohibited from reforming a similar organization under another name.
- G. **Community Service** - Work assignments may be a part of a disciplinary probation or may be imposed as an independent sanction. If the student organization does not complete the community service assignment by the assigned completion date, a charge of non-compliance of a University decision will result. Such assignments will be in addition to the community service requirements as set forth by the student organization guideline.

ANNUAL DISCLOSURE OF CRIME & FIRE STATISTICS

Annual Security & Fire Safety Report

All reported incidents that fall into one of the required reporting classifications will be included as a statistic in this publication, which is compiled and published by DPS on a calendar year basis pursuant to the requirements of the *Clery Act*. DPS works in cooperation with local law enforcement agencies, campus security authorities, and includes statistical information from anonymous reports submitted to DPS. Additionally, statistical information from voluntary confidential reports is also requested and provided to DPS by Counseling Center and Pastoral Care staff, though they are not required by law to provide statistics for this compliance document. All crime statistics included in this publication are also submitted by DPS on an annual basis to the Department of Education.

Statistical information for certain non-campus buildings or property, as well as public property immediately adjacent to and accessible from campus are requested and/or collected from MPD.

By October 1 of each year, the campus community is made aware of the Annual Security & Fire Safety Report by email notification that offers a brief summary of the contents, as well as information on how to view the report via a direct link or obtain a hard copy of the report. This publication is available online at http://www.gallaudet.edu/DPS/Clery_Act_Information.html to all current and prospective students and staff, or in person at the DPS office, Carlin Hall ground floor.

Reportable Crime Definitions

The following criminal offenses that the University is required to report under the *Clery Act* are defined using the FBI Uniform Crime Report (UCR), except for sex and hate crimes. Sex offenses and hate crimes are defined using the UCR-National Incident-Based Reporting System.

Criminal Homicide- The killing of one human being by another.

- *Murder and Non-Negligent Manslaughter* -- The willful (non-negligent) killing of one human being by another.
- *Negligent Manslaughter* -- Killing of another person through gross negligence.

Forcible Sex Offenses -- Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will in instances where the victim is incapable of giving consent.

- *Forcible Rape*: Carnal Knowledge of a person forcibly and/or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- *Forcible Sodomy*: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- *Sexual Assault with an Object*: Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- *Forcible Fondling*: Touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Non-Forcible Sex Offenses -- Unlawful, non-forcible sexual intercourse.

- *Incest*: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Non-forcible Statutory Rape*: Non-forcible sexual intercourse with a person who is under the age of consent. Note: If force was used or threatened, this would be classified as "Forcible Rape" regardless of the age of the victim.

Robbery -- Taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault -- Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Usually accompanied by the use (or threat of use) or a weapon or by means likely to produce death or great bodily harm.

Burglary -- Unlawful entry of a structure to commit a felony or a theft.

- *Burglary Unlawful Entry-No force*: Entry by use of an unlocked door or window, including open garages, open warehouses, open or unlocked dwellings, and open or unlocked common basement areas where entry is someone other than the lawful tenant.
- *Burglary Attempted Forcible Entry*: Forcible entry is attempted but not completed.

Motor Vehicle Theft -- The theft or attempted theft of a motor vehicle. Note: this includes all cases where motor vehicles are taken by persons not having lawful access event though the vehicles are later abandoned including joyriding.

Arson -- Willful or malicious burning or attempt to burn with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Arrests and Referrals for Disciplinary Action -- The University is also required to report for the following categories of arrest or referrals for campus disciplinary action (if an arrest was not made): liquor law violations, drug law violations, and illegal weapons possession.

- *Liquor Law Violations:* The violation of laws ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. Note: drunkenness and driving under the influence are not included in this definition.
- *Drug Abuse Violations:* Violations of state and local laws relating to unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- *Weapons: Carrying, Possessing, Etc.;* The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealment or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

Hate Crimes -- Any crime classification listed above, and also incidents involving larceny, destruction, damage or vandalism of property, intimidation and simple assault that manifest evidence of a hate crime must also be reported by category of prejudice based on the following: race, gender, religion, sexual orientation, ethnicity or disability.

Reportable Geographic Areas

On-campus Building or Property -- Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's education purpose, including residence halls; and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as food or retail vendor). Resident Halls are a subset of on-campus buildings.

Non-Campus Building or Property -- Any building or property owned or controlled by a student organization recognized by the institution and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonable contiguous geographic area of the institution.

Public Property -- All public property that is within the same reasonable contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

(Gallaudet University does not have any officially recognized student organizations that have housing facilities "off-campus".)



DEPARTMENT OF PUBLIC SAFETY

**ANNUAL SECURITY
AND
FIRE SAFETY REPORT
2022**



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A MESSAGE FROM THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY

I am pleased to present the 2022 Gallaudet University Department of Public Safety (DPS) Annual Security and Fire Safety Report. This report is prepared by Public Safety in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and is intended to disseminate important information to the University community. Crime statistics include those reported to local police, DPS, and designated campus officials from the most recent 3 years (2019, 2020, & 2021). With this publication, it is our intent to communicate not only mandatory information, such as crime statistics and fire safety data, but also to inform current students and employees and assist prospective students and their families in the decision-making process of selecting a college or university by describing the many ways in which we strive to keep this community safe.

Our efforts include high-visibility patrols, responding to and investigating on- and off-campus incidents, providing services at a myriad of University events, and increasing student and employee vigilance through crime prevention seminars, workshops, and other activities. The Department of Public Safety is committed to working with the community to achieve our shared goal: a safe, welcoming campus environment.

While we have developed procedures and policies to ensure that students and their possessions are protected as much as possible, it is primarily the responsibility of the student, faculty or staff member to provide for his or her own safety and security by taking simple, common sense precautions, and by reporting information to DPS or other campus security authorities, including the Student Affairs and Resident Life Departments or the Clerc Center.

The University and DPS strive to promote and maintain a campus environment conducive to academic achievement. A truly safe campus can only be achieved through the cooperation of the entire campus community. With your help and participation and our commitment, we are confident that the time you spend with us will be safe and productive.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Rader', with a long horizontal flourish extending to the right.

Patrick Rader, Manager Field Services

GALLAUDET UNIVERSITY

A Unique University

Gallaudet University, chartered by the U.S. Congress in 1864, is the only institution of higher education in the world designed especially to educate and serve Deaf and hard of Hearing people. In addition to its undergraduate and graduate schools and programs offering Bachelor's, Master's, and Doctoral degrees in a variety of fields, Gallaudet University is home to the Laurent Clerc National Deaf Education Center, which includes the Kendall Demonstration Elementary School (KDES) and the Model Secondary School for the Deaf (MSSD). Also on campus are a research institute and numerous national and international public service programs.

Gallaudet University receives significant financial support from the U.S. Department of Education. It also relies on private support from its alumni and friends. Although Gallaudet receives substantial federal financial support, it continues to be a private institution.

A Unique Campus

Gallaudet University's 99 acre campus, called Kendall Green, is located in the northeast corner of the Nation's Capital and is just minutes away from many famous historical landmarks, museums, theaters, government agencies, airports, and other sites. Many of the buildings located on Kendall Green date back to the late 1800's. Although they have been renovated over the years with the most modern conveniences and technological improvements, each building remains a tribute to the proud history and tradition of Gallaudet. Nine buildings, including the president's residence, are protected by the National Trust for Historic Preservation.

Since its inception, Gallaudet University has endorsed direct visual communication. Students, faculty, teachers, and staff converse easily and freely with one another using American Sign Language. Gallaudet's campus has a small town feeling. It is a caring environment with a strong sense of community. Diversity is respected and embraced.

THE DEPARTMENT OF PUBLIC SAFETY (DPS)

Mission Statement

Our mission, as the Department of Public Safety, is to promote individual responsibility, community commitment, and involvement through dynamic crime prevention initiatives to create a safe, secure, and informed campus community. By the timely communication of current incidents on and about the campus, the community is enabled to make knowledgeable decisions and strategies to protect life and property.

Enforcement and Arrest Authority

Public Safety Officers are on duty 24 hours a day 365 days a year, and patrol the campus on foot, on bicycles and Segways, and in marked and unmarked vehicles. Gallaudet's public safety officers are considered "Special Police Officers" and are commissioned by the District of Columbia. They have the same powers as laws enforcement officers to arrest without a warrant for offenses committed on the Gallaudet campus. They may also arrest outside of Gallaudet if they are in fresh pursuit for an offense committed on campus.

Officers receive training in criminal law, patrol procedures, use of force, investigations, report writing, and more at the Consortium Public Safety Institute.

Communications Division

The Communications Division of DPS coordinates and supports the events and activities of field personnel from a 24 hour dispatch center located within the department. Dispatchers are certified as Emergency Medical Dispatchers.

Access Control

The Access Control Division is home to the university locksmith. They are responsible for the installation and maintenance of university locks and maintain the campus wide access control software and regulate access levels of students, staff, and faculty throughout campus. They are open during regular business hours Monday-Friday.

Location

The Department of Public Safety is located on the ground floor of Carlin Hall Residential Dormitory; it is open 24 hours a day 365 days a year.

Relationship with the Metropolitan Police Department

The Department of Public Safety works closely and cooperatively with the District of Columbia Metropolitan Police Department (MPD). The MPD assists with specialized, complex investigations on campus and with incidents involving Gallaudet that occur off campus. Metropolitan police are contacted and dispatched to campus in most arrest situations. MPD is also contacted at the request of a complainant or victim. The MPD keeps the Gallaudet University Department of Public Safety updated on criminal activity in the area, and the two departments work together to keep the Gallaudet neighborhood safe. The MPD also has a liaison unit called the Deaf and Hard of Hearing Unit (DHHU). The unit consists of two veteran officers that are fluent in American Sign Language, knowledgeable in Deaf Culture, and are uniquely familiar with the campus community.

Relationship with Neighboring Community

The University is fortunate to have an excellent relationship with its neighboring community. Gallaudet has established a Community Relations Council that meets regularly to discuss issues of mutual concern. This relationship has helped make the area a safer place to learn, work, and live.

Public Safety Services and Security Awareness Programs

The Department of Public Safety offers several programs and services designed to enhance the safety of the community. These programs and services include

- Escort Service to and from a vehicle or building when it is dark
- Personal Safety checks for employees or students who are working or studying late
- Engraved identification of possessions to assist DPS or local police in the event they are stolen or lost.
- Bicycle Registration
- Crime prevention programs, including presentations, public service announcements, crime prevention boards, and brochures.

Reporting Crime and other Emergencies at Gallaudet University

DPS has procedures in place to allow for and facilitate the reporting of criminal offenses in a manner consistent with the requirements of the *Clery Act*. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in a timely manner. When a crime is reported, DPS will dispatch an officer to the appropriate location, conduct a preliminary investigation, and prepare a crime report. When appropriate, DPS will investigate the incident further, or forward the crime report to MPD for additional follow-up. As applicable and necessary, DPS will forward crime reports to SARP for student conduct referrals, or to Human Resources for employee conduct referrals. For any reported crime, if assistance is required from MPD, DPS will contact them immediately.

To report a crime, suspicious activity, or emergency occurring on campus, contact DPS immediately:

- 202-651-5555 (Text/Voice/Videophone Emergency)
- 202-651-5445 (Voice Non-Emergency)
- 202-651-5444 (TTY)
- dps@gallaudet.edu (e-mail)
- Use any blue light stanchion throughout campus
- Come directly to DPS on the ground floor of Carlin Hall

To report crimes occurring off campus contact the Metropolitan Police Department at 911 for non-emergencies and for emergencies.

At this time the University does not have any off-campus student organizations.

In addition, representatives in the following areas have been identified as “*Campus Security Authorities*” and are available to facilitate making a crime report to DPS

- Any DPS Full time staff-Carlin Hall 202-651-5555 or 202-651-5445
- Campus Activities-JSAC Building 202-250-2350
- Residence Life-Ely 132 202-651-5255
- Athletics-Field House 202-651-5603
- MSSD Student Life –202-250-2768
- MSSD Athletics –202-250-2121

In the event that a reported incident manifests evidence of a hate crime or act of intolerance, DPS will coordinate with multiple offices on campus to provide support services, facilitate investigation, and to determine an appropriate response. If a reported incident involves a hate

crime, DPS will be responsible for the investigation and possibly refer it to MPD. If a reported incident does not constitute a hate crime but involves an alleged act of intolerance, the incident will be investigated by other designated University officials. For such incidents against students, reports will be forwarded to the Dean of Student Affairs. Reports against staff will be forwarded to Human Resources, while reports against faculty will be forwarded to the Provost, and/or their respective Dean's Office. As appropriate and necessary, the Crisis Leadership Team will be notified to review the incident and determine the appropriate response.

Pastoral and Professional Counselors

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors", acting as such, are not considered to be campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. They are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary and confidential basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

Pastoral Counselor: An employee of an institution, who is associated with a religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution community and who is functioning within the scope of his or her license or certification.

Voluntary Confidential & Anonymous Reporting

Occasionally, victims of crime wish to report a crime but do not want to give their name and/or do not want to pursue action through the criminal justice or university judicial systems.

As allowed by the Clery Act, pastoral and professional counselors who receive confidential reports are not required to report these crimes to the Department of Public Safety for inclusion into the annual disclosure of crime statistics or for the purpose of a timely warning. Please see previous section for description of these positions.

Certain other university departments may accept confidential reports from a victim. The Clery Act, however, requires these departments to report the crime to the Department of Public Safety.

This reporting allows the university to maintain accurate records on the number of incidents, determine if there is a pattern of crime with regard to a particular location, method or assailant, and alert the campus community of an ongoing threat if needed. The Department of Public Safety will investigate crime that is reported to them.

Individuals may also report incidents or information anonymously at the Department of Public Safety through the Anonymous Reporting form.

Timely Warnings

Gallaudet University is responsible for issuing timely warnings in compliance with the Jeanne Clery Act, 20 U.S.C. 1092(f). Timely warnings will be issued in response to reported crimes committed either on campus or, in some cases, off campus that, in the judgment of the University, constitute an ongoing or continuing threat to students and employees.

Anyone with information believed to warrant a timely warning should promptly report the circumstances to the Department of Public Safety by phone or text at (202)-651-5555 or by email at dps@gallaudet.edu, or in person. The Department of Public Safety will consult, as appropriate and necessary, with other university officials regarding whether a timely warning should be issued. The decision to issue a timely warning shall be made on a case by case basis after consideration of the available facts, including factors such as the nature of the crime, the continuing danger or risk to the campus community, and the possible risk of compromising law enforcement efforts. Timely warnings are considered for the following classifications of reported crimes: criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Timely warnings may also be issued for other reported crimes as deemed appropriate under the circumstances. The decision will be made in compliance with the Clery Act and in an effort to prevent similar crimes from occurring.

When a determination is made that a timely warning should be issued, the Department of Public Safety will take appropriate steps to ensure timely notification of the campus community. Options for notification include, but are not necessarily limited to, the university's mass notification system (desktop alerts or emails), campus wide emails, physical postings, officer notification, and in addition may be posted on the Gallaudet University and Department of Public Safety website. The warnings will include some or all of the following information: the date, time and location of the reported crime; a summary of the incident; a description of the suspect and/or vehicle, if available; and any other special instructions or incident specific safety tips.

DPS recognizes the importance of alerting the campus community to crimes reported on or off campus that may not meet the criteria for a timely warning, but still have the potential to impact the campus community. In these situations, which are also evaluated on a case-by-case basis,

DPS will release Crime, Safety, and/or Security Alerts that may include physical postings in the impacted campus area, campus wide e-mails, or postings on the DPS website. These alerts will contain a concise summary of the reported incident, directions to contact DPS if there is additional information, and, depending on the situation, specific crime prevention or personal security tactics recommended by DPS.

Daily Crime & Fire Log

Gallaudet University's policy is to comply with the Clery Act. As a component of compliance, the Daily Crime & Fire Log is written and updated on a daily basis by DPS personnel, and contains information regarding crimes, fires, and other major incidents reported to DPS. The most recent 60 days are available for public inspection during regular business hours at DPS at Carlin Hall.

Security Programs, Services, & Resources

DPS recognizes the key role education plays in generating security-conscious behavior. Security awareness and crime prevention programs are offered in a variety of formats and can be tailored to meet the changing needs of the campus community. Programs are open to any and all campus community members, and are scheduled throughout the year. Programs address topics such as sexual assault awareness, crime prevention tactics, and personal safety when on or off campus, but can include a variety of other safety and security information. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. Individuals and groups are encouraged to contact DPS to schedule a program, or to visit the Department website at <https://gallaudet.edu/public-safety/> for more information.

In addition to formal training, information is disseminated to students and employees through crime prevention brochures, displays, videos, and articles using various publications.

Listed below are samples of the variety of security awareness and crime prevention programs or services that DPS offers:

SafeWalk: When a student, faculty or staff member feels that that may be uncomfortable walking alone anywhere on campus or walking to their vehicle they may request an escort from an officer or representative from the Department of Public Safety.

Personal Safety Check: If any community member is staying late working or studying anywhere on the campus, they may request that a DPS officer check on their well-being during the time they remain in that area.

Crime Alert Bulletins: When DPS receives a report of a situation in which the campus community may be at special risk due to a crime incident or possible suspect, Public Safety will publish and distribute a crime alert bulletin to notify the campus community as quickly as possible.

Emergency Mass Notification Systems: In the event of an emergency, DPS will employ our all-campus alert systems. The Alertus and Blackboard Connect mass notification system will send an email as well as capture all computers on campus and activate beacons. Additionally, all community members are encouraged to sign up for the Gallaudet Alert system and update their personal information.

Emergency Call Boxes: Emergency call boxes are located throughout the Gallaudet campus. All of these stanchions are marked as emergency call boxes and are also marked by a blue light on top of the stanchions. The buttons are directly connected to our 24 hour Dispatch center and to be used for emergency response. These are also monitored by surveillance cameras.

First Aid: All Special Police Officers are trained in the use of C.P.R. and First Aid. There are also 6 Automated External Defibrillators throughout campus.

Lost & Found: The University's Lost and Found service is located at DPS. If you have lost an item, you can contact dps@gallaudet.edu or call 202-651-5445.

Operation Identification: In addition to encouraging basic theft prevention through property identification and keeping records of serial numbers and descriptions of valuable items, DPS also offers engraving of personal property, free of charge for all campus community members.

Video Surveillance: Video surveillance cameras are located throughout the Gallaudet campus and assist DPS in the prevention and investigation of crimes on campus.

Emergency & Disaster Response

Immediate (Emergency) Notifications will be issued for all incidents occurring on campus that, in the judgment of the University, constitute an immediate threat to the health and safety of the campus community. Anyone with information believed to warrant immediate notification should promptly report the circumstances to DPS by phone at 202-651-5555 or email at dps@gallaudet.edu, or in person at the ground floor of Carlin Hall. Once information constituting an immediate threat is received, the Director of Public Safety (Chief) or designee is authorized to determine whether an emergency exists, and if so, and upon confirmation, to activate the immediate notification procedures. The Director will attempt to make contact with the Executive Director of Business and Support Services or other senior administrative designee, but will not delay notification if they are not immediately available. The Crisis Leadership Team may also be convened and will collaborate as necessary with the Director or DPS designee. In the event that an emergency is determined, DPS will, without delay and taking into account factors that may compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the incident, notify the campus community by activating either or both of the University's campus alert systems. The Mass Notification System disseminates emergency information to the campus community via concurrent emails, Alertus Beacons throughout campus, and desktop/laptop takeover and is equipped to broadcast announcements throughout the campus. DPS may also collaborate with the Gallaudet Technology Services to post pertinent information on closed circuit television throughout campus. When possible, other notification methods may include utilizing the Emergency Blue lights, person to person message, and orange flags carried by DPS officers on campus to indicate an emergency with messages to follow, and utilizing the fire alarm and strobe light system.

Some threats to the Gallaudet community may require occupants to immediately evacuate buildings or to seek shelter within buildings. Evacuation of buildings will be signaled by activation of the audible/visual fire alarm evacuation systems. The assembly locations have been predetermined and are practiced during evacuation exercises throughout the year. In the event an emergency occurs which dictates safety be sought within university buildings, appropriate information will be announced over the University's Alertus System as well as mass emails and person to person message.

With either emergency scenario, updated instructions and information will be made available to all community members by any or all of the above mentioned methods including Gallaudet University websites and local media announcements.

FIRE SAFETY

Reporting a Fire on Campus

Any community member who discovers a fire or other burning on campus should immediately contact DPS at 202-651-5555 text/V or email dps@gallaudet.edu . DPS will then notify the District of Columbia Fire Department and guide them quickly to the location of the fire. If a community member finds evidence of a fire that has been extinguished, they should also immediately contact DPS to ensure that DPS is aware and has responded to and documented the incident.

Fire Safety Systems

Fire alarms or smoke detectors are installed in every campus building, including residential buildings, and alert the occupants of potential hazards when activated. These alarms are connected to control panels that are monitored 24/7 in the DPS Dispatch Center. Upon activation of a fire alarm, indicated by an audible siren and strobe light, community members must immediately evacuate to their building or residence hall's pre-determined evacuation area, exiting through stairwells not elevators (if someone is in the elevator there is a panic button that automatically contacts DPS). Community members should not reenter any building unless authorized to do so by DCFD or DPS personnel, or in some cases, authorized Residential Life Personnel.

Since every building and residence hall is unique, specific evacuation procedures are in place and posted and or/discussed throughout the year. Fire Safety emergency procedures are communicated through residence hall meetings, new student orientation meetings, and by placards detailing evacuation procedures and locations.

Health and Safety Checks

Health and safety checks are an important component to ensure that fire safety systems are in proper working order. The Access Control Division completes safety inspections by checking fire extinguishers monthly, panic buttons, sprinkler systems, and kitchen hoods twice yearly, strobes, bells and fire pumps (turned weekly) annually. Fire Drills are conducted monthly in the dormitories at the Clerc Center and university dormitories are drilled quarterly.

Visual inspections by Access Control, Residence Life, Clerc Center and Campus Activities staff specifically seek to identify all possible fire, safety, and health hazards within residential facilities. Such fire hazards include, but are not limited to, burning incense, burning candles, halogen lamps, exposed heating elements, personal barbecues, and flammable liquids and solvents (i.e. gasoline, kerosene, lighter fluid, propane, etc.) Such items are strictly prohibited

in and around any living area, as outlined in the Student Handbook and reviewed and signed by all resident students at time of check in. Smoking and the use of any tobacco products, including hookahs, are also prohibited at all times in all residence hall areas. Gallaudet University remains a smoke-free environment with 4 designated smoking areas if campus community members choose to smoke.

Additional fire safety components that are addressed in these inspections include ensuring that fire-rated, emergency exit are not propped open or tampered with, and any misuse and/or tampering of fire equipment (i.e. fire alarms, smoke detectors, fire extinguishers or hoses) has not occurred.

Inspections of safety and health standards in residence halls may include assessments of general room cleanliness, proper use of furniture (i.e. stacked bunks, closet doors, etc.) and properly secured window screens, among other expectations further detailed in the Student Handbook. Students found in violation of these standards may be referred for possible disciplinary action.

Maintenance of Campus Facilities

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions; DPS regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to the Facilities Department for correction. Other members of the university community are helpful when they report equipment problems to DPS or the Facilities Department.

ACCESS TO CAMPUS FACILITIES

Academic and Administrative Buildings

Gallaudet University is private university but buildings and facilities do remain open during regular business hours. Most facilities have individual hours, and hours may vary at different times of the year. Access to some of these buildings is also controlled by card access after normal business hours, and all of these buildings have varied levels of access. Buildings do not have officers assigned to them on a regular basis however; DPS officers patrol the academic and administrative buildings on a regular basis. For more information please contact the Access Control Department, building manager, or department head.

Residence Halls

Access to residence halls is restricted to residents, their approved guests, and other approved members of the university community. Residents gain entry by waving their cards near the card reader. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their own access cards. DPS officers patrol the residence halls regularly.

Coordinator of Residence Educators and Residential Life staff also enforce security measures in the halls and work with residents to achieve a community respectful of individual and group rights and responsibilities. CRE's and Residential Life staff also conduct periodic educational sessions on prevention of various crimes, including sexual assault and acquaintance rape.

IMPORTANT EMERGENCY CONTACTS

Public Safety -- DPS Officers/Administrators: Non-Emergency 202-651-5445-v or 202-651-5555 or tty 202-651-5444 by text or dps@gallaudet.edu

Emergency, Ambulance, Fire, Explosion, or chemical spill-202-651-5555 or dps@gallaudet.edu

Gallaudet University Counseling and Psychological Services (CAPS)

202-250-2300 Videophone/202-651-6080 Voice

Student Health Services -- Business hours - M-F 8:00 AM-4:00 PM at 202-651-5090

Facilities Department -- 202-250-2560 Videophone/202-651-5181 Voice

NOTIFICATION FOR MISSING STUDENTS

If a member of the university community has reason to believe that a student is missing, whether or not the student resides on campus, that individual should contact the University's Department of Public Safety at 202-651-5555 text/voice or email dps@gallaudet.edu. DPS will collaborate with Student Life, other university officials, and/or the appropriate law enforcement agency to make an effort to locate the student and determine his or her state of health and well-being. Public Safety will gather pertinent information about the student from the reporting person or others. Such information may include but is not limited to the student's description, mobile number, clothes last worn, vehicle description, information about the student's health or well-being, or an up-to-date photograph.

University officials also will endeavor to determine the student's whereabouts by contacting friends, associates, faculty members, and/or employers of the student, and/or determining whether the student has been attending classes, scheduled organizational or academic meetings, and work. If the student is an on-campus resident, DPS officers may make a welfare entry into the student's room. If the student resides off-campus, DPS may enlist the aid of the neighboring police agency having jurisdiction.

For residential students and for students who live off-campus, notices will be made to each of the following individuals within 24 hours of Public Safety's determination that the student is missing:

- The student's parent or guardian. The university is required by law to notify the student's custodial parent or guardian if the student is under age 18 and is not emancipated at the time he or she is determined to be missing. If the student is age 18 or over, notification may be provided to the student's parent or guardian, in addition to any other person identified as the student's designated emergency contact.
- Local law enforcement personnel
- The student's designated emergency contact (if any). Students are given the opportunity through Blackboard to designate an individual to be contacted by the university if the student is determined to be missing or otherwise in the case of an emergency. The designation will remain in effect until changed or revoked by the student. The contact information will be confidential and will be accessible only to authorized university officials or law enforcement personnel.

After the student has been located, DPS will attempt to verify the student's state of health, well-being, and intention of returning to campus. When and where appropriate, a referral may be made to the Mental Health Center, Student Health Services, and/or a community provider.

SEXUAL MISCONDUCT POLICY

Scope of Policy

This policy applies to all members of the Gallaudet University community - students, employees and individuals having any official capacity at Gallaudet - as well as third parties (volunteers, independent contractors, vendors, alumni, interns, and visitors), and any individuals studying, living, or conducting business at Gallaudet. KDES and MSSD students are excluded from the scope of this policy.

Introduction

Gallaudet University is committed to and seeks to maintain an equitable and inclusive campus free from all forms of harassment, exploitation, intimidation, and/or violence based on protected characteristics, including all forms of sexual misconduct. The University will not tolerate any type of sexual and/or gender-based harassment, discrimination and violence, and will be prompt, fair, and impartial in its investigation and resolution of sexual misconduct reports. The University also strictly prohibits retaliatory discrimination or harassment against any person(s) for reporting an incident of sexual misconduct or for participating, in any manner, in procedures to redress complaints related to a report of sexual misconduct. All members of the University community are expected to conduct themselves in a manner that demonstrates respect for the rights of others.

Creating a safe and non-discriminatory educational environment is the responsibility of all members of the University community. The University is committed to addressing sexual misconduct, fostering an environment that promotes prompt reporting of all types of sexual misconduct, and ensuring the prompt, equitable and impartial resolution of all complaints from the initial assessment and investigation to the final outcome. Every member of the University community has a responsibility to become familiar with the Gallaudet University Sexual Misconduct Policy and Procedures.

Policy

This policy is intended to guide University community members that may have observed, become aware of, or experienced sexual misconduct. This policy pertains to acts of Prohibited Conduct committed by or against Gallaudet community members on University property (i.e., on campus) or other property owned by the University, or at University sanctioned events or programs that take place off campus or occurring in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, or internship programs; and/or online and social media conduct that may affect the educational experience. The University may concern itself with conduct off University property (i.e., off campus) or outside the University's educational programs and activities when such conduct may have a substantial and/or continuing adverse effect or could create a hostile environment for any member of the Gallaudet community or the University. All actions by a

member of the University community that involve the use of the University computing and network resources from a remote location, including but not limited to accessing email accounts, are under the scope of this policy.

Gallaudet has an obligation to maintain a safe and non-discriminatory educational environment and may also address the behavior of non-members of the University community who have been accused of violation(s) of this policy. The University typically will not conduct an investigation for non-members of the University community (including where the respondent has graduated or left the University) but may address the situation and provide appropriate resources to impacted individuals and, where appropriate, the broader University community. A non-member of the University community's role in the University's investigatory and disciplinary procedures may be limited. The University may also take appropriate action against non-members of the University community that may include, but is not limited to, barring the non-community member from University property or other property owned by the University, or at University sanctioned events or programs that take place off campus, and reporting the incident to another school or community law enforcement agency that has jurisdiction over the individual's behavior.

Notice of Non-Discrimination

It is the policy of Gallaudet University to provide an educational and working environment that provides equal opportunity to all members of the University community. Any Gallaudet employee, student, applicant for admission or employment, or other participant in Gallaudet University programs or activities, who believes that they have been discriminated against on the basis of race, color, sex (including sexual harassment), religion, national origin, sexual orientation, gender identity and/or gender expression, age, disability, veteran status or other items listed in the D.C. Human Rights Act may direct complaints of discrimination and harassment to the Director of the Office of Equal Opportunity Programs (EOP).

In accordance with Federal and District of Columbia law, the University policy prohibits retaliation of any kind against any individual who has filed a complaint regarding discrimination or has participated in procedures to redress complaints of discrimination. Gallaudet University is committed to taking appropriate action against those who violate its policy of non-discrimination.

[Policy #2.28 \(Anti-Discrimination Policy and Complaint Procedure\)](#) can be found in the Administration and Operations Manual. Complaints of discrimination should be directed to:

Director of Office of Equal Opportunity Programs (EOP)
800 Florida Avenue, NE; Washington, DC 20002
(202) 651-5462 (v)
(202) 559-5683 (vp)

Individuals seeking further information or guidance may contact the Office for Civil Rights (OCR) of the U.S. Department of Education. Individuals experiencing harassment or discrimination also have the right to file a formal grievance with OCR:

U.S. Department of Education
Office for Civil Rights (OCR)
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
1-800-421-3481
Email: ocr@ed.gov

Prohibited Conduct

Gallaudet University prohibits all forms of sexual and/or gender-based discrimination, including but not limited to, sexual harassment, sexual assault and sexual violence, which are referred to as sexual misconduct in this policy. It is a violation of this policy to commit these acts or attempt to commit them; attempts to commit acts prohibited by the Sexual Misconduct Policy may be disciplined to the same extent as completed violations. Prohibited conduct may be committed by individuals of any sex or gender, including same sex/gender individuals. It can occur between strangers or acquaintances as well as individuals involved in intimate or sexual relationships. In determining whether the alleged conduct violates University policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. In most circumstances, the University will treat attempts to commit any of the prohibited conduct as if those attempts had been completed.

The prohibited conduct is as follows:

Bullying - a pattern of repeated behavior that is sex and/or gender-based, or in the context of an intimate partner relationship, that a reasonable person would find hostile, offensive, and unrelated to the University's legitimate business interests.

Cyberbullying - bullying that is sex and/or gender-based, or in the context of an intimate partner relationship, that takes place online or is perpetrated using electronic means of communication even when aimed indirectly at an individual or a group.

Intimate Partner Violence - any instance of violence or abuse (verbal, physical, or psychological) that occurs between those who are in or have been in an intimate relationship with each other. To be considered intimate, a relationship must have (or have included) some romantic, sexual, and/or domestic element. Common intimate partner relationships are married partners, domestic partners, dating partners, and sexual partners.

Non-Consensual Sexual Contact - any intentional sexual touching, however slight, by a person upon another person that occurs without consent and/or by force. Some examples of a policy violation involving non-consensual sexual contact would be the touching of a person's private parts (such as penis, vagina, groin, breast, buttocks, mouth, and/or clothing covering them); touching another person with one's own intimate parts; or forcing a person to touch another's intimate parts.

Non-Consensual Sexual Intercourse - sexual intercourse, however slight, by a person upon another person that occurs without consent and/or by force. An example of a policy violation involving non-consensual sexual intercourse would include vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact) no matter how slight the penetration or contact, without consent or through the use of coercion or by use of force, violence, threat, or intimidation.

Sex Discrimination - actions that deprive other members of the community of educational or employment access, benefits, or opportunities on the basis of sex or gender. Sex discrimination includes discrimination based on pregnancy or discrimination in athletics.

Sexual Exploitation - taking sexual advantage of another person without effective consent, and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over the other person; causing the prostitution of another person; recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts (including penis, vagina, vulva, buttocks, anus, groin, and/or breasts) of another person; allowing third parties to observe private sexual acts; going beyond the boundaries of consent (such as letting others watch you have consensual sex or consensual sexual contact with another person); engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV; or exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals.

Sexual Harassment - the unwelcome, sexual, sex-based or gender-based verbal, written, online and/ or physical conduct. The three types of sexual harassment include 1) hostile environment harassment, 2) *quid pro quo* harassment, and 3) retaliatory harassment.

Hostile Environment Harassment includes any situation in which there is harassing conduct that is severe, or pervasive or persistent, and objectively offensive unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the University's education or employment programs. The determination of whether an environment is "hostile" will consider factors such as those listed below:

- the frequency of the conduct;
- the nature and severity of the conduct;
- whether the conduct was physically threatening;

- whether the conduct was humiliating;
- the effect of the conduct on the reporting party's mental or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct; and
- whether the conduct unreasonably interfered with the reporting party's educational or work performance or the educational/work experience of others.

Quid pro quo Harassment exists when there are:

- unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature by a person having power or authority over another; and
- submission to or rejection of such conduct results in adverse educational or employment action.

Retaliatory Harassment includes any adverse action taken against any person(s) for reporting or participating, in any manner, in procedures to redress complaints related to a report of sexual misconduct.

Sexual Intimidation - includes, but is not limited to, threatening another with non-consensual sexual conduct, and stalking or cyber-stalking, which is the repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

Consent

Consent represents the basis of respectful and healthy intimate relationships. Consent is effective when it is clear, knowing, and voluntary by using mutually understandable words or actions that give permission for specific sexual activity or contact. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused individual knows or reasonably should have known of such incapacitation. Passivity is not permission; consent is not the absence of resistance, and silence, in and of itself, cannot be interpreted as consent. Consent to one form of sexual contact or activity does not imply consent to another form of sexual activity. Consent also has time boundaries; consent given at one time does not imply future consent or consent at any other time. The existence of a prior or current relationship does not, in itself, constitute consent. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop immediately. In order to give consent, one must be of legal age (16 or older in D.C.).

The Impact of Alcohol or Other Drugs on Consent

The use of alcohol or other drugs can have unintended consequences. Alcohol or other drugs complicate the situation further and can place the capacity to consent into question when compared with sober sexual activity. The University considers sexual contact while under the influence of alcohol and other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. An individual who is physically incapacitated as a result of alcohol or drug consumption (voluntary or involuntary), or who is unconscious or otherwise physically helpless, is incapable of giving consent.

Individuals who consent to any form of sexual activity must be able to understand what they are doing. "No" always means "No", but "Yes" may not always mean "Yes". Anything but effective consent to any sexual activity is equivalent to a "No".

Consensual Relationships

The University's educational mission is promoted by professionalism in University employee relationships with other employees and students. University employees may be in positions of authority; trust and respect are diminished when those in positions of authority abuse or appear to abuse their power.

There are special risks in any sexual or romantic relationship between individuals of inherently unequal power. Such relationships have the potential for conflict of interest, favoritism, exploitation, and bias, and may undermine the real or perceived integrity of the supervision and evaluation provided. There is the potential for sexual harassment when inappropriate personal attention occurs between individuals of inherently unequal power. Such relationships seriously undermine the atmosphere of professionalism, trust and respect essential to the University and hinder fulfillment of the University's educational mission.

For these reasons, sexual or romantic relationships or encounters - whether regarded as consensual or otherwise - between individuals of inherently unequal power are strongly discouraged, and in some circumstances, are strictly prohibited by this policy. The fact that a relationship was initially consensual does not insulate the person with greater power from a sexual harassment or sexual misconduct complaint.

Consensual Relationships between Faculty and Undergraduate Students*

No Gallaudet University faculty member shall initiate or accept offers for sexual or romantic encounters or relationships with any undergraduate student.

Consensual Relationships between Faculty and Graduate Students*

Sexual or romantic encounters or relationships between faculty and graduate students in the instructional context, or under their academic supervision is prohibited. Sexual encounters or romantic relationships outside of the instructional context or academic supervision can lead to difficulties. Instructors or other officers should be sensitive to the possibility that he or she may

unexpectedly be placed in a position of responsibility for a graduate student's instruction or evaluation, including mentoring, advising, serving on an admissions or selection committee or being called upon to write a letter of recommendation. Even in consensual relationships there are certain conditions where a faculty member, by virtue of their special responsibilities and the core educational mission of the University, could be held accountable should a problem arise.

*The Handbook of the University Faculty, #3.2, contains a more detailed policy governing faculty/student relationships.

Consensual Relationships in Other Contexts between Staff and Students

Relationships between staff with direct or indirect authority over the other (deans and directors of any rank, coaches, academic advisors, residence hall professional staff, security personnel, and other similar employees who advise, mentor or evaluate students) and students can be potentially problematic and is prohibited. Other consensual sexual or romantic relationships between staff and students is not prohibited and should generally be avoided; one needs to be mindful that one may unexpectedly be placed in a position of power over the student in the future.

Consensual Relationships between Student Paraprofessionals and Students

Sexual or romantic encounters or relationships between students and student paraprofessionals in a teaching, evaluating, advising, mentoring, disciplinary or other position of inherently unequal power is prohibited. Existing relationships that existed prior to obtaining such paraprofessional relationships must be disclosed.

Consensual Relationships between Employees

Consensual relationships between employees is not prohibited by this policy. However, relationships between employees who have direct or indirect authority over the other are potentially problematic and must be disclosed. This includes relationships between supervisors and their employees.

Consensual Relationships between Clerc Center Employees and Students

The Clerc Center prohibits relationships between their employees and Clerc Center students. Refer to [Administrations and Operations Policy 1.13: Code of Conduct With Clerc Center Students](#).

Notification and Recusal for Prior Relationships

The University is a small community, where there exist many opportunities for faculty, staff and students to form relationships prior to a situation that creates a potential power imbalance. In such instances, employees and student paraprofessionals are required to disclose to their supervisor(s) in writing of the relationship prior to or immediately when there will be inherently unequal power. It may require recusal from certain supervision, evaluation, or oversight over individuals with whom they have a prior relationship with. This ensures that alternate supervisory or evaluative arrangements are put in place. Such notification is always required where recusal is required. This obligation to notify and recuse is required, and the failure to

disclose a prior relationship in a timely fashion will itself be considered a violation of the consensual relationship policy.

Review, Investigation, and Resolution Procedures

All University personnel involved in the resolution of sexual misconduct allegations receive annual Title IX and other appropriate training, including but not limited to, training on the University Sexual Misconduct Policy and Procedures and how to handle and resolve allegations of sexual misconduct; training on the dynamics of sexual and/or gender-based harassment, discrimination and violence; and trauma-informed training.

Gallaudet community members and third parties who believe they are directly affected by conduct of students or employees in violation of the Sexual Misconduct Policy may request information or advice, including whether certain conduct may violate this policy, seek informal resolution (remedies-based resolution), or make a formal complaint (discipline-based resolution). These options are described below. Gallaudet will also provide the reporting parties information and additional resources of the complainant's rights and options when addressing conduct that falls within the purview of this policy.

Individuals affected are encouraged to bring their concerns and report the conduct in violation of this policy to the Title IX Coordinator. Upon receipt of a report or actual notice, the University will generally proceed as described below. The procedures for handling allegations of sexual misconduct are generally similar for faculty, staff and students, and differ slightly in the panel membership composition and the routing of the appeal, to reflect the differing nature of each respondent's relationship to the University.

IMMEDIATE RESPONSE

As part of the initial assessment of facts, the University will:

- address immediate physical safety and emotional well-being;
- notify the complainant of the right to contact law enforcement;
- notify the complainant of the right to seek medical treatment at the Washington Hospital Center (WHC);
- notify the complainant about resources available at the University and elsewhere that provide counseling and support;
- notify the complainant about the steps involved in pursuing informal, remedies-based resolution or formal, discipline-based resolution; and
- conduct an Initial Review (described below).

INITIAL REVIEW

The Title IX Deputy Coordinator(s) or Title IX Investigator(s), hereinafter referred to as the Investigative Team, will consult further with the complainant to gather information and to discuss their interest in participating in an investigation. Ordinarily, the initial review will be concluded within one week of the date the allegation was received. Based on the information gathered from the initial review the Investigative Team will determine:

1. whether the allegation(s), if true, would rise to the level of Prohibited Conduct and would constitute a violation of this policy such that an investigation is warranted, or
2. whether the information warrants an administrative closure and/or referral (i.e. dismissal of the allegation or referral for adjudication in a different department, i.e. Human Resources, Equal Employment Officer, Student Accountability and Restorative Practices, Academic Dean, etc.) if the alleged violation(s) or additional violations identified during the initial review are a Student Code of Conduct, Administrations and Operations Policy or other University violation not covered by this policy.

Upon approval by the Title IX Coordinator, the Investigative Team's determination will be shared with the complainant.

The complainant may request reconsideration of the decision to close a case administratively to the Title IX Coordinator within seven business days on the grounds that there is substantive and relevant new information that was not available at the time of the decision, or a significant procedural error occurred that may change the outcome of the decision. The Title IX Coordinator will consider requests for reconsideration and inform the complainant of the outcome in writing, ordinarily within one week of the date of the request.

In addition, this initial review will consider the nature of the report, the safety of the individual and the campus community, the complainant's expressed preference for resolution, and the necessity for any interim measures designed to eliminate the reported hostile environment and protect the parties involved, if they are reasonably available. Interim measures may be appropriate regardless of whether a formal complaint is sought by the complainant or the University or regardless of whether the complainant chooses to report the crime to campus police or local law enforcement in order to ensure the preservation of the complainant's educational or employment experience and the overall University environment.

The University will notify the parties about available interim measures and will ask the parties what measures are sought. Interim measures are individualized services offered as appropriate to either or both the complainant and respondent involved in the incident, prior to an investigation or while an investigation is pending. The University will determine which measures are appropriate for either or both parties on a case-by-case basis. Not all of the measures listed below are necessary or appropriate in every case. The University reserves the

right to take whatever measures it deems necessary in response to an allegation of sexual misconduct as appropriate and if such alternative arrangements are reasonably available, in order to ensure the student's or employee's safety and equal access to employment and/or educational programs and activities. Interim measures or alternative arrangements that may be implemented at any time may include, but are not limited to:

1. voluntary access to counseling services and assistance in setting up the initial appointment;
2. referral to health and/or victim services;
3. education to the community;
4. implementing contact limitations between the parties;
5. referral to the Employee Assistance Program;
6. limits on access to certain University facilities or activities;
7. change in student's residence hall assignment;
8. change in the employee's work or workspace assignment;
9. course schedule alterations, adjustments to academic deadlines, or class reassignments, including the ability to transfer course sections or withdrawal from a course without penalty, and a change to independent study, if the option exists;
10. change in work schedule or job assignment;
11. voluntary leave of absence;
12. interim suspension of the respondent from the University or University-imposed administrative leave; and
13. any other remedy or action which would stop the prohibited conduct, prevent its recurrence, and redress its effects.

Any alternative arrangements or remedies issued will be maintained as private as possible to the extent that it will not impair the ability of University officials or individuals with authority to provide such arrangements or protective measures.

The University will seek action consistent with the complainant's request when possible. If the complainant requests confidentiality or asks that the report of sexual misconduct, intimate relationship violence, stalking, or other Prohibited Conduct not be pursued, the University will generally respect and follow the request. The Title IX Coordinator and/or the Investigative Team will still provide the complainant with resources and remedies, if reasonably available, in such instances. It should be noted that University has a dual obligation to provide a safe environment on campus and address and remedy discrimination under Title IX. The

Investigative Team, in consultation with the Title IX Coordinator, will weigh the request for confidentiality against the need to provide a safe and non-discriminatory environment and determine whether the request for confidentiality will be followed or the investigation should nonetheless go forward. In some circumstances a request for confidentiality may mean an investigation cannot go forward or can be appropriately resolved without further investigation and without revealing the complainant's identity. In other circumstances the decision may be to go forward without the complainant.

If the Investigative Team determines that the allegation or report would, if substantiated, constitute a violation of this policy, the University may proceed with a remedies-based resolution that does not involve disciplinary action against a respondent, or may proceed with a discipline-based resolution by initiating an investigation to determine if disciplinary action is warranted. The Investigative Team may also determine that the allegation, even if substantiated, would not rise to the level of a policy violation, that there will be insufficient information to investigate the matter, or, after consultation with the complainant about the complainant's preferences regarding participation, may administratively close or dismiss the complaint. The Investigative Team may also determine that the allegation is outside the scope of this policy and refer the allegation to another office for review. The Investigative Team also reserves the authority to pursue any additional potential violations of University policy that have been identified through the investigation and will determine whether such allegations are within the scope of this policy or will be considered in another University process.

Each resolution process is guided by the same principles of fairness and respect for all parties, through a process that protects the rights of both the complainant and the respondent. Each party will have similar, timely access to information, and equal opportunity to identify relevant witnesses and relevant information.

INTERIM SUSPENSION OR ADMINISTRATIVE LEAVE

When the report of sexual misconduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the community, or the performance of normal University functions, the University, in consultation with the Title IX Coordinator, may impose an interim suspension or administrative leave. The University may place a student or student organization on interim suspension, and employees may be placed on administrative leave or suspended indefinitely, depending on their employment classification, pending the resolution of the case. In all cases in which an interim suspension or administrative leave is imposed, the student, employee, or student organization will be given the option to meet with the appropriate administrator (divisional Vice President, Provost, or Dean of Student Affairs) prior to such suspension or leave being imposed, or as soon thereafter as reasonably possible, to show cause for why the suspension or leave should not be implemented. The divisional Vice President, Provost, Dean of Student Affairs or their designee has the sole discretion to implement or stay an interim suspension or administrative leave, and to determine its conditions and duration. Pending the resolution of the case the individual or organization may

be denied access to campus premises and University sponsored activities or events on and off campus, or all other University activities or privileges for which the student or employee might otherwise be eligible, as the University determines appropriate. In such instances, students and/or employees will be permitted on campus only for meetings related to their case at the specific dates and times as arranged with the Title IX Coordinator or the Investigative Team. When an interim suspension or administrative leave is imposed, the University will make reasonable efforts to complete the investigation and resolution as soon as possible. At the discretion of the appropriate administrative officer or Academic Dean, alternative coursework options or employee responsibilities may be pursued to ensure as minimal an impact as possible on the respondent.

INFORMAL RESOLUTION

Remedies-Based Resolution

The remedies-based resolution is designed to eliminate a hostile environment without taking disciplinary action against the respondent. The University recognizes that in some limited circumstances remedies-based resolution may be an appropriate means of addressing some behaviors reported under this policy. Mediation is never appropriate in sexual assault cases. A remedies-based resolution may also be an option for complainants or third parties who are seeking confidentiality or for those whom pursuing formal disciplinary action may be a barrier to reporting or moving forward. Complainants may make a request, either verbally or in writing, for informal resolution to the Investigative Team. Participation by the complainant and respondent in informal, remedies-based resolution is voluntary and either party can withdraw from participating at any time and initiate the formal process. The request should identify the alleged harasser (if known) and describe the allegation with specificity. The Investigative Team will assess the severity of the alleged harassment or misconduct and the potential risk of a hostile environment for others in the community in order to determine whether informal resolution may be appropriate.

Upon determining that informal resolution is appropriate, the Investigative Team will consult further with the complainant, inform the respondent, and gather additional relevant information as necessary from the parties and others to the extent necessary. Interim measures may be put in place at any time. The Investigative Team will attempt to aid the parties in finding a mutually acceptable resolution. The complainant is not required to resolve the problem directly with the respondent. The University may offer mediation or other restorative justice approaches for appropriate cases (mediation, even if voluntary, may not be used in cases involving sexual assault or when violent behavior is involved). In every instance the University will not compel a complainant to engage in such mediation or any particular form of informal resolution/remedies-based resolution. Participating parties must have voluntarily elected to pursue informal resolution process without pressure or compulsion from others and will be advised that they can withdraw from the process at any time. In addition, the respondent must

acknowledge the substance of the underlying events and that the complainant and/or other affected parties have reported experiencing harm as a result.

The resolution will be deemed satisfactorily resolved when both parties expressly agree to an outcome that is also acceptable to the Investigative Team. At any point prior to such an expressed agreement in writing the parties may request to end the informal resolution.

The informal, remedies-based resolution will ordinarily be concluded within three weeks of the date of the request. Circumstances that may extend this timeline are further described under "Time Frames" in this policy.

Once the informal, remedies-based resolution is concluded the matter will be considered closed nor can a formal resolution be requested. The agreed upon outcome between the parties is not appealable. The Investigative Team will maintain records of all reports and conduct referred for informal, remedies-based resolution. The University will take immediate and corrective action through the imposition of individual and community remedies designed to address the parties access to the educational, extracurricular and employment activities at the University and to eliminate a hostile environment. Non-compliance of the agreed upon outcome may result in an allegation of non-compliance with a University decision.

FORMAL RESOLUTION

Initiating a Discipline-Based Resolution Complaint

A complainant may request a formal complaint of an alleged violation of this policy by a member of the University community through a formal, discipline-based resolution process, to the Investigative Team. The formal complaint should be in writing, signed and dated (video statements are also acceptable). It should state the name of the responding party, if known, and describe with reasonable specificity the incident(s) of alleged violation(s) of this policy, including the date and place of such incident(s). The statement should provide as much information as possible about the facts surrounding the alleged sexual misconduct incident(s). The complaint must be in the complainant's own words, and may not be authored by others, including family members, advisors, attorneys, or other students, except in instances where assistance is needed for a disabilities-related reason. In lieu of a formal written complaint the complainant may make a signed statement to the Investigative Team. The signed statement will be summarized and the complainant will have the opportunity to review the formal complaint document before signing and dating the complaint. The complaint should also include sources of information (witnesses, correspondence, text messages or other written records, etc.), if available, that the complainant believes may be relevant to the investigation.

The University may not investigate a new complaint if it has already adjudicated a formal complaint based on the same circumstances or if the parties and the University have already agreed to an informal, remedies-based resolution based on the same circumstances.

Investigation

When the initial review concludes that an investigation is warranted and disciplinary action may be appropriate, the Investigative Team will notify the respondent in writing of the allegations and identify the complainant*. The letter will include sufficient details of the allegation(s) constituting the specific policy violation(s) that are alleged to have taken place. The Investigative Team will implement interim measures or accommodations, which may be applied to the complainant and/or the respondent to the extent reasonably available and warranted by the circumstances, as outlined in the "Initial Review" section. The respondent will have five (5) business days to submit a written statement, signed and dated (video signed statements are also acceptable), in response to the allegations. The respondent will not be allowed to see the complainant's statement until after the respondent has already made a statement in response. The statement must be in the respondent's own words, and may not be authored by others, including family members, advisors, attorneys, or other students, except in instances where assistance is needed for a disabilities-related reason. In lieu of a formal written statement in response to the allegation the respondent may make a verbal and/or signed statement to the Investigative Team. The verbal and/or signed statement will be summarized and the respondent will have the opportunity to review the document before signing and dating it. Attached to the statement should be a list of all sources of information (witnesses, correspondence, text messages or other written records, etc.), if available, that the respondent believes may be relevant to the investigation.

The University has the discretion to consolidate multiple reports against a respondent into one investigation if the information related to each incident would be relevant and probative in reaching a determination on the other incident.

The Investigative Team will request individual interviews with the complainant and the respondent, and, as appropriate, with relevant witnesses, which may include those identified by the parties, by the University, or others. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess information about the alleged incident(s) at issue. Witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual's character. The Investigative Team will also gather any available and relevant information, as appropriate. The complainant and the respondent will have an equal opportunity to be heard, to submit information including questions to ask the other party, and to identify witnesses who may have relevant information. The Investigative Team may request individual follow-up interviews with the complainant and respondent to give each an opportunity to respond to the additional information gathered during the investigation. The Investigative Team will determine whether the issues raised and/or documents presented are relevant to the alleged conduct. The Investigative Team has the right to deny questions from either party that are not relevant or inappropriate, such as a question about the prior sexual history with individuals other than the complainant or respondent, or either party's character or reputation, for example.

**If the decision is made to begin an investigation in a case where the complainant is unwilling or unable to participate but the University has assessed the severity of the harassment and potential risk for a hostile environment for others in the community and has determined to proceed, then, for the purpose of these procedures, the University will be considered the complainant.*

Preliminary Investigation Report, Investigation Conclusion, and Final Investigation Report

At the conclusion of the investigation, the Investigative Team will prepare a preliminary investigation report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties, and any relevant supporting information or accounts. The Investigative Team will not assess or offer an opinion on the credibility of any individual in the preliminary investigation report. Before the preliminary investigation report is finalized, the complainant and the respondent will have the opportunity to inspect and review the report, including their own statements, statements of the other party and any witnesses, and a summary of other relevant information collected during the investigation. The complainant and respondent may submit any additional comment or information to the Investigative Team within five (5) business days of the opportunity to review the relevant portions of the report. An individual inspecting and reviewing information or documents through this process has the responsibility of maintaining the privacy of this information.

Upon receipt of any additional information by the complainant and respondent, or after the five (5) business day comment period has lapsed without comment, the Investigative Team will consider any additional comment or information, and submit their final investigation report to the Title IX Coordinator. The final investigation report will include the complainant and respondent's statement(s), statements of the other party and any witnesses, and a summary of other relevant information collected during the investigation; the report will not contain the Investigative Team's opinions regarding the respondent's responsibility for any violation of the prohibited conduct, and any conclusions regarding the credibility of any individual participating in the process. The final investigation report, including any response, objections, or comments provided by the complainant or respondent, will serve as the primary information for the panel to review.

Panel Review for Outcome Determination

The Title IX Coordinator will share the final investigation report with a decision-making panel that will make the outcome determination. Panelists will be selected from a pool of University administrators, faculty and staff, all of whom have been specially trained on at least an annual basis on the Sexual Misconduct Policy and Procedures and on topics relevant to the adjudication of sexual misconduct allegations. The Title IX Coordinator will appoint a three-person panel along with a non-voting panel chair from the pool of panelists, and will ensure that the panel members should not be from departments in which either party is employed or enrolled in a course of study, or has a mentoring relationship or other personal relationship

with either of the parties. The panel membership composition that reviews the final investigative report will vary based upon the responding party's role/relationship with the University. No member of the pool may be a practicing attorney.

The identities of the panel members will be communicated to the complainant and respondent. Either party has the right to raise any concerns they may have regarding the panel membership composition and submit a written request to the Title IX Coordinator that contains the grounds to support a claim of a panel member's bias, conflict of interest, or an inability to be fair and impartial, within three (3) business days after being informed of the panel membership composition. The Title IX Coordinator may choose another trained panel member in place of the original panelist. Decisions regarding the composition of the panel are made at the sole discretion of the Title IX Coordinator.

If the respondent is a member of the University faculty, the panel membership composition will include two faculty and one staff, and a non-voting panel chair. If the respondent is a member of the University staff, the panel membership composition will include two staff and one faculty, and a non-voting panel chair. If the respondent is a student, the panel membership composition will include a mixture of faculty and staff, and a non-voting panel chair. In every panel every effort will be made to ensure that panels are diverse in terms of race, gender, and hearing status.

Panel Review Process

The panel's review will be limited to the final report submitted by the Investigative Team. The purpose of the review is not to re-investigate the case and re-interview all parties involved, as persons involved in the case should have already provided all relevant information to the Investigative Team. The panel, at its discretion, will determine what information is relevant to the alleged conduct and to the determination of responsibility. The panel may contact the Title IX Coordinator and/or the Investigative Team for clarification of any issue or procedure at any time during the review process.

Panel Outcome Determination

The panel will make a determination, by a majority decision, on whether the respondent violated University policy. The outcome determination will be one of the following findings:

- the respondent is responsible for violating this policy;
- the respondent is not responsible for violating this policy; or
- there is insufficient information to determine whether the respondent is responsible for violating this policy.

All outcome determinations will be based on the preponderance of the evidence standard, meaning it is more likely than not that this policy was violated. The panel's outcome determination, which is shared with the Title IX Coordinator, will include the panel's rationale

for the decision. If the respondent is not responsible for violating this policy the Title IX Coordinator will inform the complainant and respondent of the panel's decision simultaneously, usually within five business days after receipt of the outcome determination. The letter to each party will include the rationale for the outcome determination. The letter will also set forth each party's appeal rights, including the time frame for submitting an appeal. More information about the appeal procedures are described below.

Sanction Decision

If the respondent is responsible for violating this policy the Title IX Coordinator, in consultation with the appropriate senior administrator (based on the respondent's role with the University), will make the determination of the most appropriate sanction(s). Sanction(s) imposed are designed to eliminate the misconduct, prevent its recurrence, and remedy its effects. Sanctions may also serve to promote safety or deter individuals from similar future behavior.

The complainant and respondent may submit an impact statement (written or signed) and/or a statement (written or signed) reflecting their views about suitable sanctions, for consideration to the Title IX Coordinator within five (5) business days after receipt of the letter from the Title IX Coordinator. Neither party is required to do so. Such statements by the complainant and/or respondent may not introduce new facts that could have been presented to the Investigative Team. The statements will not be considered in the determination of responsibility, but will be considered by the Title IX Coordinator for consideration in the determination of the sanction(s) and remedy. Upon receipt of any statements by the complainant and/or respondent, or after the five business days impact statement period has lapsed without comment, the Title IX Coordinator will make the determination of the sanction and remedy, if the respondent is found responsible for the violation(s) of this policy.

The Title IX Coordinator is required to consider suspending or expelling a student, or terminating the employment of any employee found responsible for sexual misconduct. The Title IX Coordinator will be guided by a number of considerations, including the nature of the conduct as issue; the impact of the conduct on the complainant and the University community; whether the respondent has accepted or not accepted responsibility for the conduct; the maintenance of a safe and respectful environment conducive to learning; the necessity for specific action in order to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects on the complainant and the University community, and other appropriate considerations. A respondent's disciplinary history and prior record may be considered a factor for more severe sanctions, if appropriate. If, in the past, a respondent was found to have violated the Sexual Misconduct Policy, the information related to the past violation may be considered by the Title IX Coordinator if:

1. the previous violation was substantially similar to the present allegation; and
2. the previous violation indicates a pattern of behavior and substantial conformity with that pattern by the respondent.

The Title IX Coordinator will inform the complainant and respondent of the outcome determination and the sanction decision simultaneously, usually within five business days after receipt of the outcome determination from the panel. The letter to each party will include the rationale for the outcome determination. It will also set forth each party's appeal rights, including the time frame for submitting an appeal. The Deputy Title IX Coordinators in consultation with the Title IX Coordinator will be responsible for ensuring that any sanctions imposed in the final decision are implemented and completed.

The University neither encourages nor discourages the subsequent disclosure or sharing of the written notification by either person. The imposition of sanctions, if issued, will take effect immediately and will not be stayed pending the resolution of the appeal unless the appeal officer delays implementation in extraordinary circumstances, pending the outcome of the appeal.

Appeal

Both parties have equal rights to an impartial appeal and to participate equally in the appeal process, even if the party is not the appealing party. Either party may appeal the outcome determination and/or the sanctions imposed to an appeal officer identified by the Title IX Coordinator. Appeal officers are specially trained in their roles related to the adjudication of sexual misconduct allegations, and receive annual training on the Sexual Misconduct Policy and Procedures as well as on topics relevant to the adjudication of sexual misconduct allegations. The appeal officer selected to review an appeal will vary based upon the respondent's role/relationship with the University. The Provost (or their designee) will handle faculty appeals; the appropriate staff divisional Vice President or Provost (or their designee) will handle staff appeals; and the Dean of Student Affairs and Academic Support (or their designee) will handle student appeals. The appeal officer must be impartial and free from bias or conflict of interest; otherwise they must rescue themselves from the appeal process. In such instances the Title IX Coordinator will identify an alternate appeal officer.

The purpose of the appeal is not to initiate a review of substantive issues of fact, or a new determination of whether a violation of University rules has occurred. Dissatisfaction with the outcome determination is not grounds for appeal. In any request for an appeal, the burden of proof lies with the party requesting the appeal. The appeal to the appeals officer (or their designee) must be in writing or video, and submitted within seven business days of the date of the letter based on the following grounds:

- a procedural error occurred which resulted in an unfair outcome. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant unfairness results;
- there is new or newly discovered information that could not have been produced during the investigation that may change the outcome of the decision. In order for the Appeal Officer (or their designee) to consider new information sufficient to alter a decision, or

other relevant facts not brought out during this process, such information and/or facts must not have been known at the time of the investigation or sanctioning process by the appellant; and/or

- the sanction imposed was excessive or insufficient and not appropriate for the violation.

The review of the appeal will be narrowly tailored to the above stated appeal grounds. The appeal must provide a rationale for the appeal and adequate information, including documentation, in support of the grounds for appeal. The appeals officer will provide a copy of the written appeal and any supporting documentation to the other party, and the other party may submit a written response on the appeal within seven business days of the date the appeal information was received. A copy of other party's response will be sent to the appealing party as well.

The appeals officer will consider the merits of an appeal only on the basis of the three available grounds of appeal. The appeals officer will first consider whether an appeal was timely filed and if so, whether the appeal is properly framed on the three appeal grounds. If the appeal officer determines that the appeal does not properly fit within one of the three grounds, the appeal will be denied.

Except as required to explain the basis of new or newly discovered information that was unavailable during the investigation, the review of the appeal will be limited to the written investigation report and all supporting documents. The appeals officer may consult with the Title IX Coordinator, the Investigative Team, and/or the non-voting Panel Chair in making the appeal determination. The appeal officer has the authority to determine the relevance, strength, and value of the information provided, and/or the appropriateness of the sanction(s) issued.

The appeals officer can affirm the outcome, alter the outcome, and/or alter the sanctions, depending on the basis of the requested appeal. If the appeal is based on a procedural error and the appeal officer determines that the deviation from designated procedures results in significant unfairness, the appeals officer may return the report to the Investigative Team with instructions to reconvene to address the procedural error. It may result in the continuance of the investigation and a modification of the Investigation Team's preliminary investigative report. In such instances the Investigative Team's modified investigation report will be shared with both parties, and the parties may submit any additional comment or information to the Investigative Team within five (5) business days of the opportunity to review the new findings before the final report is shared to the Title IX Coordinator. Upon receipt of the modified final report from the Title IX Coordinator the panel will assess the weight and effect of the revised final report in order to determine whether the revisions would impact their original outcome determination. If the panel determines that the revised final report does not impact their original outcome determination, the decision will be shared with the Title IX Coordinator and appeals officer. If the panel determines that the revised final report sufficiently impacts their

original outcome determination, the panel will make a new outcome determination to the Title IX Coordinator, who will then share the revised outcome determination and any revisions in the sanctions, if applicable, with the complainant and respondent. Both parties retain their right to appeal the revised outcome determination and/or sanctions in accordance to the same appeal procedures outlined above.

For appeals based on new or newly discovered information, the appeal officer can recommend that the case be returned to the Investigative Team to investigate further, if it can be verified that the new or newly discovered information was unavailable prior to the outcome determination by the panel, and that the new information could possibly alter the outcome of the complaint. At the Investigative Team's discretion, additional investigation of the new information can be requested. The Investigative Team's written report of their findings solely related to the new or newly discovered information will be shared with both parties, and the parties may submit any additional comment or information to the Investigative Team within five (5) business days of the opportunity to review the new findings before the revised investigative report is shared to the panel. The panel will assess the weight and effect of the new information in order to determine whether the information would impact their original outcome determination. If the panel determines that the new information does not impact their original outcome determination the decision will be shared with the Title IX Coordinator and appeals officer. If the panel determines that the new information sufficiently impacts their original outcome determination, the panel will make a new outcome determination and inform the Title IX Coordinator, who will then share the revised outcome determination and any revisions in the sanctions, if applicable, with the complainant and respondent. Both parties retain their right to appeal the revised outcome determination and/or sanctions in accordance to the same appeal procedures outlined above.

For appeals on the grounds that the sanction imposed was excessive or insufficient, the appeal officer can request additional information from the Title IX Coordinator prior to making a final determination.

Ordinarily the appeals officer will strive to complete review of the appeal within twenty (20) days from the date of the submission of all appeal documents by either or both parties, and the parties will simultaneously be informed of the outcome in writing. In the event the appeals process exceeds the twenty (20) day time frame, the appeals officer will advise the parties in writing of the delay and provide additional information regarding the revised timeline. The decision of the appeals officer is final; no administrative process otherwise available to faculty, staff or students may be used to further appeal the appeal decision.

DISCIPLINARY SANCTIONS AND REMEDIES

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The University will consider the concerns and rights of both the complainant and the respondent. The disciplinary action should be consistent with the severity of the offense. Sanctions may include educational, restorative, rehabilitative and/or punitive components. Attempts to commit acts prohibited by the Sexual Misconduct Policy may be disciplined to the same extent as completed violations. Sanctions are considered to be effective immediately upon receipt of the decision by the Title IX Coordinator. The respondent may request in writing to the appropriate appeal officer a postponement of the effective date of the sanction prior to the appeal deadline and/or while an appeal is under consideration. At the discretion of the appropriate appeal officer, all or some of the sanctions may be suspended pending the receipt of an appeal by the stated deadline or final appeal decision by the appeal officer.

Sanctions Applicable to Students

The following sanctions may be imposed for violations of the Sexual Misconduct Policy. The panel may recommend other sanctions instead of or in addition to those specified below, as deemed appropriate.

- A. **Disciplinary Reprimand** - written notification to respondents that they have violated a University rule or policy and that subsequent wrongful conduct will not be tolerated and may result in severe disciplinary action.
- B. **Rehabilitative Probation** - a period of time, not to exceed one year, during which respondents are required to control questionable behavior. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the respondents are found to be violating any institutional regulation(s) during the probationary period.
- C. **Discretionary Sanctions** - work assignments, essays, educational projects, attendance at sexual assault, intimate relationship violence, and/or stalking awareness or related workshops or training, participation in online sexual assault modules, intimate relationship violence, and/or stalking awareness or related courses, service to Gallaudet University, prohibition from hosting an event including alcohol on- or off-campus, or other discretionary assignments.
- D. **Restitution** - reimbursement for damages to or misappropriation of property and/or compensation for injury. This may take the form of appropriate service and/or monetary or material replacement.

- E. **Disciplinary Probation** - a specified period during which respondents have the opportunity to prove that they can uphold University rules and policies. It may exclude respondents from participation in privileged and/or extracurricular activities, or paraprofessional employment at the University, as set forth in the notice for the specified period of time. Respondents found responsible for violations involving alcohol and other drugs will be referred to the alcohol and other drugs educational programs and counseling offered by the University. Failure to attend will lead to an allegation of non-compliance with a University decision. The terms imply that violation of any provision in the Student Code of Conduct would be viewed not only as a violation of the regulation itself, but also as a violation of the probation and would most likely result in their suspension from the University.
- F. **Residence Hall Suspension** - a separation from the residence halls for a definite period of time after which respondents are eligible to return. The respondents will be required to depart the residence halls within 72 hours or otherwise as specified by University administration. As part of the sanction, suspension does not result in a prorated room refund according to University policy. A ban from access to the residence halls may also be imposed.
- G. **Deferred Residence Hall Suspension** - a suspension that becomes effective after a specified date. This action may be appropriate near the end of the semester to avoid financial and housing hardships that an immediate suspension often entails. A ban from access to the residence halls may also be imposed.
- H. **Residence Hall Expulsion** - permanent separation from residing in the residence halls. A ban from access to the residence halls will also be imposed.
- I. **Loss of Off-Campus Housing Privileges** - the loss of the privilege to live off-campus for a specific period of time. The sanction stipulates that the respondent must have a housing assignment on campus in order to maintain student status.
- J. **Access Restriction** - prohibition from entering certain buildings or the residence halls for any reason. Failure to comply with the terms would result in the person being removed from the premises and an allegation for violating this regulation will be made.
- K. **University Suspension** - the immediate removal of the privilege to attend Gallaudet University for a defined minimum period of time. The suspended respondent will be placed on persona non grata status indefinitely (see definition below). In cases adjudicated prior to the last day of classes, if the final decision is a suspension (or expulsion) from the University the respondents will not earn credit for the semester in which the infraction occurred in most instances. University suspensions may include conditions for readmission. At the end of the suspension, respondents may apply for readmission as long as certain conditions imposed for readmission, if any, have been satisfied. Respondents is expected to inform the vocational rehabilitation counselor or

other agencies through which financial assistance is received. As part of the sanction, a suspension does not result in a prorated room refund according to University policy. The respondent's access to email, Blackboard, BISON, and/or other technological resources and access privileges previously issued by the University will be removed. A denial of service notation will be placed in the student's record that would limit the suspended respondent's ability to obtain a transcript and/or other privileges available for students (Counseling and Psychological Services, Career Center services, etc.).

- L. **Expulsion** - permanent dismissal from Gallaudet University. As part of the sanction, expulsion does not result in a prorated room refund according to University policy. The sanction of expulsion includes the same conditions and limitations as defined under the University Suspension sanction.
- M. **Persona Non Grata** - prohibition from entering campus premises and attending all University-sponsored activities on- and off-campus for any reason. Failure to comply with the terms would result in the respondent being removed from the premises by the Department of Public Safety and/or being charged in D.C. with criminal trespass.
- N. **Community Service** - work assignments may be a part of a disciplinary probation or may be imposed as an independent sanction. Community service hours completed will not count towards fulfilling the respondent's community service requirements for graduation or student organizations (including fraternities and sororities). If the respondents do not complete the community service assignment by the assigned completion date, an allegation of non-compliance of a University decision will result.
- O. **Organizational Sanctions** - sanctions imposed to a student organization that may range from a disciplinary reprimand to the permanent revocation of organizational registration. A complete list of organizational sanctions can be found under the "disciplinary sanctions" section of the Hearing Procedures for Student Organizations.

Sanctions Applicable to Faculty and Staff

The following sanctions may be imposed for violations of the Sexual Misconduct Policy. The panel may recommend other sanctions instead of or in addition to those specified below, as deemed appropriate.

- A. **Disciplinary Reprimand** - written notification to employees that they have violated a University rule or policy and that subsequent wrongful conduct will not be tolerated and may result in severe disciplinary action.
- B. **Censure** - a written reprimand for violating employee standards or other University policy. It may specify that an employee's good standing with the University may be in jeopardy. The individual is officially warned that continuation or repetition of prohibited conduct may be cause for additional conduct action including probation, suspension or termination from the University.

- C. **Training and Education** - a requirement that the employee receive specific training within a designated time period and at their own expense to prevent further misconduct, discrimination or harassment. Failure to submit documentation of completion of training within the specific time period may lead to further disciplinary action.
- D. **Disciplinary Probation** - an exclusion from participation in specified or voluntary activities that are not related to core job responsibilities for a specific period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other University policy may result in further disciplinary action.
- E. **Loss of Oversight, Teaching, or Supervisory Responsibility** - removal of an employee from specific job responsibilities with or without a job title change.
- F. **Demotion** - a reduction in rank, status or job title within the University.
- G. **Access Restriction** - prohibition from entering certain buildings or the residence halls for any reason. Failure to comply with the terms would result in the person being removed from the premises and an allegation for violating this regulation will be made.
- H. **Restitution** - reimbursement for damages to or misappropriation of property and/or compensation for injury. This may take the form of appropriate service and/or monetary or material replacement.
- I. **Suspension** - removal from some or all duties, with or without pay, for a specific period of time, with or without pay. Notice of this action will remain in the employment record. Conditions for return to work may be specified in the suspension notice.
- J. **Termination** - permanent separation of the employee from the University (termination of contract for contractors).

Sanctions or corrective actions may also be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the Administrations and Operations Manual, Faculty Handbook, Supervisor's Handbook, and other policies or handbooks that may be developed over time, or contracts.

ADDITIONAL INFORMATION OR PROCEDURES APPLICABLE TO INFORMAL OR FORMAL RESOLUTION PROCEDURES

Integrity of Procedures

These procedures are entirely administrative in nature and are not legal proceedings. Neither party (the complainant or respondent) may audio or video record the proceedings, nor are attorneys allowed to participate except as outlined in the "Advisors" section of this policy. The complainant and respondent will be allowed to review documentary information that is part of

the case file but will not be provided with copies of such information in order to preserve the integrity and confidentiality of the process. At the Investigative Team's discretion, any person other than the complainant or respondent that disrupts the process may be dismissed from further participation in the proceedings.

Advisors

The complainant and respondent may be accompanied by an advisor of their choice or may choose to proceed without an advisor during the entirety of this process. Advisors may not be persons involved in the matter or process (for example, as a complainant, respondent, or witness) and cannot speak on behalf of the advisee. The University prohibits outside attorneys, or family members acting as attorneys, from participating in proceedings under this policy in any manner other than the role of advisor.

Advisors may assist a complainant or respondent with understanding the University procedures for handling sexual misconduct allegations and preparing for interviews and meetings, attend interviews and meetings, and otherwise assist and support the complainant or respondent as they move through the process. Advisors may view a redacted version of the allegations or other documents shown to their advisee, once the appropriate consent form that authorizes such sharing is received. Advisors are expected to maintain the privacy of the records shared with them. Information from these records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University reserves the right to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The complainant and respondent are expected to present their own information, ask and/or respond to questions on their own behalf, without representation by their advisor. The advisor may not make a presentation or represent the complainant or respondent at any time or otherwise delay, disrupt, or interfere with any meeting or proceeding during the resolution process. The advisor may consult with their advisee quietly or in writing, or outside during breaks, but may not speak on behalf of the advisee.

A student, faculty or staff should select an advisor whose schedule allows attendance at scheduled meetings, as the University must resolve the complaint within the stated time frames of the process. Delays will not be considered due to the scheduling conflicts of an advisor. The University has the right at all times to determine what constitutes appropriate behavior on the part of the advisor. Any advisor who steps outside of this defined role for advisors will be given a warning, and a subsequent violation will result in the advisor being removed from further participation by the University official directly involved in the process at that time.

The University will, at all times, communicate and correspond directly with the complainant and respondent. If a complainant or respondent has an advisor it is their responsibility to communicate and share information with their advisor. Advisors may be copied on email or

written correspondence sent to the complainant and/or respondent, once consent is obtained in writing permitting the release of such information.

Support Persons

The complainant and respondent may also be accompanied by a support person of their choice or may choose to proceed without a support person during the entirety of this process. Support persons may not be persons involved in the matter or process (for example, as a complainant, respondent or witness) and cannot speak on behalf of the advisee. A support person is one who can provide emotional, logistical or other kinds of assistance.

Like advisors, a support person is a silent and non-participating presence, but unlike advisors, a support person is there solely to observe and provide moral support at any time during the entirety of this process. While the support person may be present to hear testimony from the individual receiving the moral support, no written materials, including redacted versions of the allegations or other documents, will be shared with the support person.

Support persons are expected to maintain the privacy of the information shared during the process. The complainant or respondent should select a support person whose schedule allows attendance at scheduled meetings, as the University must resolve the complaint within the stated time frames of the process. Delays will not be considered due to the scheduling conflicts of a support person. The University has the right at all times to determine what constitutes appropriate behavior on the part of the support person. Any support person who steps outside of this defined role for support persons will be given a warning, and a subsequent violation will result in the support person being removed from further participation by the University official directly involved in the process at that time.

Prior Sexual History

In general, a complainant's or respondent's prior sexual history or reputation with other individuals is not relevant and will not be considered as relevant information during an investigation. When there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of sexual communications between the parties. The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent or preclude a finding of sexual misconduct.

Prior or Subsequent Conduct of the Respondent

A respondent's prior or subsequent conduct may be considered for other purposes, such as determining pattern, knowledge, intent, or the respondent's rationale for taking certain actions either before or after the incident in question. A determination of relevance of whether of a pattern of previous or subsequent conduct from a different incident is substantially similar to the conduct under investigation or indicates a pattern of similar prohibitive conduct may be considered as well. The Investigative Team will determine the relevance of the information and

both parties will be informed if the information of prior or subsequent conduct is deemed relevant.

Withdrawal of Complaint

If a complainant wishes to withdraw a complaint prior to the conclusion of the investigation, they may provide the Investigative Team a letter of their desire to do so. Except for extenuating circumstances, a complaint that has been withdrawn cannot be filed again by the complainant within this process. The University, however, reserves the right to move forward with a disciplinary complaint even if the complainant has withdrawn the complaint, in order to provide a safe and non-discriminatory environment. In such instances, the University will become the complainant, and all relevant information gathered prior to the withdrawal of the complaint will still be available to the Investigative Team. Other circumstances may also result in the University's declining a request to withdraw the complaint where, for example, a request to withdraw is made after a significant portion of the investigation has been completed, and terminating the investigation would be inequitable.

If the University chooses to move forward with the investigation without the original complainant's participation, the original complainant will still be informed of the outcome determination (and any sanctions, if applicable) by the Title IX Coordinator. However, since the University is the complainant in this instance the original complainant has no right to appeal. If the University does not choose to move forward, the withdrawal of the complaint will end the formal resolution process for that complaint.

Withdrawal or Resignation of the Respondent from the University

If a respondent withdraws from the University or submits a letter of resignation from a faculty or staff position at any time during the investigation prior to the outcome determination or declines to participate in the proceedings, the matter will be resolved with or without the respondent's input. The University may impose interim measures, such as a prohibition from entering campus premises and attending University events or activities on and off campus, prior to the outcome determination and sanction decision.

Standard of Proof

The standard of proof used to make an outcome determination about facts that are in dispute in all cases and appeals under the purview of this policy is a preponderance of the evidence, which is based upon whether it is more likely than not a violation occurred.

Time Frames

The University's overall goal is to resolve complaints (not including appeals) under this policy within 60 calendar days from receipt of a report, and to resolve appeals within 20 calendar days from receipt of all appeal documents. Circumstances may require extensions of the complaint and/or appeal time frames, or any individual time frame. The University reserves the right to

extend these time frames for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation or to comply with a request from law enforcement to temporarily delay to gather evidence. Other examples of good causes of why time frames may need to be extended include the complexity of the case, the volume of information provided by the parties, the number of witnesses involved, the availability of the parties or witnesses, arranging reasonable accommodations (e.g., interpreters), the effect of a concurrent criminal investigation, delays due to University semester and holiday breaks, inclement weather, and other unforeseen circumstances or legitimate reasons. Exceptions to these time frames will be communicated to the complainant and respondent. The parties will receive periodic updates regarding the status of the investigation.

Timing of Complaints and Availability of Procedures

As long as there is jurisdiction (as defined in the scope of this policy) over the accused University community member, there is no time limit to invoking this policy in response to allegations of sexual misconduct. The policy at the time of the alleged incident will be implemented as appropriate. University community members and third parties are strongly encouraged to report any alleged sexual misconduct as early as possible in order to maximize the University's ability to respond promptly and effectively. Timely reporting also enables the University to provide greater options for support, investigation and adjudication. Delays in reporting an alleged sexual misconduct incident may result in the loss of relevant information, including information from witnesses, and may impair the University's ability to enforce this policy.

If a respondent is no longer a student or employee at the time of the allegation or report, the University's ability to complete its process or take disciplinary action may be limited, but the University will still be able to provide support for the complainant and take steps to end the prohibited behavior, prevent its recurrence, and address its effects. The University may be able to assist the complainant in identifying external reporting options and may take other actions as appropriate.

Reports to Law Enforcement

Because sexual misconduct may constitute both a violation of University policy and the District of Columbia Code (sexual assault, for example), Gallaudet strongly encourages University community members and third parties to promptly report a sexual assault or D.C. Code violation promptly to the Department of Public Safety (DPS) and/or to the D.C. Metropolitan Police Department. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The collection and preservation of such evidence related to the reported sexual assault makes prompt reporting of the incident to law enforcement especially critical.

Related Criminal Proceedings

Because the standards for finding a violation of criminal law are different from the standards of finding a violation of this policy, criminal investigations or reports are not determinative of whether sexual misconduct, for purposes of this policy, has occurred. In other words, conduct may constitute sexual misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. The filing of a complaint of sexual misconduct under this policy is independent of any criminal investigation or proceeding. University community members retain the right to file a criminal complaint and a Title IX complaint simultaneously. The University will fulfill its legal and ethical obligation to take immediate and appropriate action to investigate sexual misconduct allegations even if there are other external processes or procedures pending in connection with that same sexual misconduct report. In other words, the University will not necessarily wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and will take interim measures to protect the complainant and the community, as is appropriate. The University may delay temporarily the fact-finding portion of a Title IX investigation and impose interim measures while the police are gathering evidence.

D.C. Civil Protection Orders

University community members also retain the right to file for a civil protection order in the District of Columbia against another person for sexual assault, sexual abuse, stalking, and domestic violence (including intimate partner violence, intra-family violence, and interpersonal violence).

A Civil Protection Order (CPO) is an instrument of the District of Columbia courts and is enforced by the District of Columbia Metropolitan Police Department (MPD). The Department of Public Safety (DPS) has only a support role assisting MPD in documenting any alleged violations and is not responsible for enforcing the CPO. MPD is responsible for making the final determination whether 1) a CPO has been violated and 2) what action to take. University community members who have a CPO in effect and believe that their CPO has been violated can contact either DPS or MPD. If the alleged violation takes place on-campus, DPS prefers community members to make an initial report of the alleged violation to DPS. DPS will take a report and contact MPD for review and action if needed. If the alleged violation took place off-campus, University community members should contact MPD directly, however, DPS is available to assist in contacting MPD if the community member prefers this option.

If DPS officers witness a situation where violence, threat of violence, and/or intimidation takes place between individuals on-campus, they will intervene as they would for any student, faculty, or staff with or without a CPO. It is important to stress that MPD, not DPS, makes the final determination on how to address the complaint and the final authority concerning CPO enforcement is with MPD and the DC Court system.

Retaliation

Gallaudet University strictly prohibits retaliatory discrimination or harassment against any person(s) for reporting, filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of sexual misconduct. The Campus SaVE Act also prohibits retaliation. Retaliatory discrimination or harassment may include, but is not limited to, intimidation, threats, harassment, violations of no-contact orders, and other intentional, adverse action threatened or taken by any individual or group of individuals, including a complainant, respondent, or third party. The University will take appropriate steps to ensure that a person who, in good faith, reports, or participates in a sexual misconduct investigation will not be subject to retaliation. A retaliation concern will be reviewed as a separate violation under this policy; that is, a person can be found responsible for retaliation even if not found to be responsible for the underlying reported sexual misconduct.

False Reports

Gallaudet University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct and the Standards of Conduct and/or Workplace Violence Policy (A&O Manual, 1.01) to furnish false or misleading information to any University official, of any policy violation including sexual misconduct. University community members are expected to cooperate fully with any investigation. A University community member who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action. This does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by the investigation. Similarly, a respondent or witness who is later proven to have intentionally given false information may be subject to disciplinary action.

University as the Complainant

As necessary, Gallaudet University reserves the right to initiate a complaint, to serve as complainant, and to initiate remedies-based resolutions without a formal complaint from an individual. In certain instances, such as where there exists a risk of imminent harm to an individual or others or a threat to the health and safety of the campus the University reserves the right to take immediate and interim actions, as is appropriate or necessary.

Anonymous Reports

Gallaudet recognizes that deciding whether to make a report alleging a violation of the Sexual Misconduct Policy are personal decisions. Anonymous reports without personally identifiable information from the sender are not considered to be official notice that would trigger an investigation by the University. The University will, however, follow up on anonymous reports for pattern tracking purposes, and will respond with community and/or targeted remedies, depending on what information is shared.

Off-Campus Incidents

Individuals who wish to report off-campus incidents should report to the local police in the jurisdiction where the incident occurred. The individual may also choose to report a sexual misconduct, intimate relationship violence, or stalking incident to the on-campus resources listed below. The University reserves the right to review and make a decision on whether to adjudicate any occurrence of off-campus conduct by University community members in violation of this policy, the Administrations and Operations Manual, and/or the Student Code of Conduct that may have a continuing adverse effect upon the University or members of the University community or could create a hostile environment on campus.

Leniency for Alcohol and Other Drug Use by Students

Sometimes a student complainant is hesitant to report to University officials because they themselves may be accused of other policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many students as possible choose to report a sexual misconduct incident to University officials. To encourage reporting, the University pursues a policy of offering students who may have violated the code of conduct themselves leniency from alcohol and/or other drug policy violations related to the incident. The University may, however, initiate an educational discussion or pursue other educational interventions regarding alcohol and/or other drugs. The seriousness of gender-based and sexual misconduct is a major concern and the University does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

The leniency from alcohol and/or other drug policy violations related to the incident does not preclude or prevent action taken by D.C. Police or other legal authorities. Other applicable student and employee policies include Policy #1.04 (Alcoholic Beverages) and #1.05 (Drug Free Environment) in the Administration and Operations Manual.

Academic, Intellectual and Expressive Freedom

This policy recognizes the importance of academic freedom at Gallaudet and embraces respect for intellectual and expressive freedom and upholds these values by prohibiting all forms of sexual misconduct. This policy recognizes that effective learning may include classroom discussions and engagement with difficult, offensive, and historically charged materials. Such pedagogical experiences related to the course do not constitute violations of this policy and are not considered to be reporting events or notice for the purpose of triggering an obligation to investigate or take action with respect to the information shared, unless an individual initiates a complaint.

Other Information That Does Not Trigger Investigations

In addition to anonymous reports without any personally identifiable information of the reporting party, public awareness events such as "Take Back the Night", candlelight vigils, protests, survivor speak outs or other forums at which individuals disclose experiences with

sexual misconduct are not considered to be reporting events or notice for the purpose of triggering an obligation to investigate or take action with respect to the information shared, unless an individual initiates a complaint. Community members should feel free to participate in preventive education programs and access resources on campus.

Group Infractions

The Sexual Misconduct Policy also applies to recognized student organizations; a student organization or its officers and membership may be held collectively and individually responsible when violations of this policy by the organization or its members take place at organization sponsored events, have received the consent or encouragement of the organization or of the organization's officers, or was known or reasonably should have been known to the membership or its officers.

In any such action, organization and individual determinations as to responsibility will be made, and where appropriate, sanctions may be assigned collectively and individually, in a manner proportionate to the involvement of each individual.

Records

The Title IX Coordinator will retain records of all reports, allegations and complaints, regardless of whether the matter is resolved by the initial review, remedies-based resolution, or discipline-based resolution. Complaints resolved by interim or remedies-based resolutions are not part of a student's disciplinary file maintained by SARP or the employee's Human Resources or Faculty file maintained by the Provost's Office. Complaints resolved with a responsible finding through discipline-based resolution will be maintained by the SARP (students) or the employee's Human Resources or faculty file. Such records will be used in reviewing any further conduct or in determining appropriate sanctions. Each office has its own record retention policy; it should be noted that the Clery Act requires institutions to maintain all supporting records of incidents that were included in the annual security report (ASR) for seven years.

Resources and Support

Gallaudet is committed to treating all members of the community with dignity, care and respect. Any individual who experiences or is affected by sexual misconduct, whether a reporting party, responding party, or third party, will have equal access to support and/or counseling services through the University. Gallaudet takes the necessary steps to reduce the need for reactive intervention by providing preventive and risk education and training and by preparing and disseminating educational print material, videos, workshops, training seminars and academic course offerings related to sexual misconduct. Gallaudet encourages reporting of incidents and also attempts to eliminate pressure that might lead University community members to choose to not report a sexual misconduct incident or to minimize its seriousness by providing a process whereby the parties involved are treated with dignity; privacy and confidentiality are maintained to the fullest extent possible; allegations of sexual misconduct are investigated promptly and thoroughly; and that all members of the Gallaudet University community are provided with full support and assistance.

Immediate Response

Your health, safety, and well-being are the University's primary concern. If you or someone you know may be the victim of any form of sexual misconduct including intimate relationship violence, you are strongly urged to seek immediate assistance. Individuals who may be victims of sexual misconduct or sexual assault (the term used in the District of Columbia Criminal Code) should first go to a safe place where you or the victim is in no immediate danger. Any individual in a medical or other emergency situation should consider going immediately to the Washington Hospital Center for a sexual assault exam or an intimate partner violence (IPV) examination. On-campus contacts identified in the On-Campus Resource listing can provide guidance and support in such instances.

Medical Attention and Preserving the Evidence

Immediately following a sexual misconduct incident, medical attention and preserving the evidence is first and foremost, as the evidence will be helpful if one decides to pursue criminal action. Many sexual misconduct violations are also crimes in D.C. or the locality in which the incident occurred; for that reason, individuals experiencing sexual misconduct often have legal options that they can pursue. Regardless of whether an incident of sexual misconduct is reported to the police or the University, Gallaudet encourages individuals who have experienced sexual misconduct to preserve evidence to the greatest extent possible, as this will best maintain all legal options for them in the future. While the University does not conduct forensic tests for parties involved in a complaint of sexual misconduct, the results of such tests that have been conducted by law enforcement agencies and/or medical assistance providers may be submitted as information to be considered in a University investigation or proceeding, provided that such information is readily available at the time of the investigation or proceeding.

Following a sexual assault incident, one should not douche, bathe, shower, urinate, or change clothes before seeking medical attention, if possible. The location of the incident should not be disturbed, if possible, also to collect evidence for reporting purposes. If there is suspicion that a drink may have been drugged, an individual should inform a medical assistance provider (SANE nurse, for example) and/or law enforcement so that they can attempt to collect possible evidence (e.g. from the drink, through urine or blood sample). Screen shots should be taken of information from electronic communications (text messages, instant messages, social networking pages, or other electronic communications) and photos should be retained. These steps will help to preserve the evidence, if one should choose to report the incident.

Washington Hospital Center is the only local hospital that has a survivor-advocate program and sexual assault nurse examiners (SANE) in the District of Columbia. Washington Hospital Center also offers intimate partner violence (IPV) examinations. Other hospitals or health centers may be visited, but SANE at Washington Hospital Center are specifically trained to work with sexual assault survivors. It is recommended to have a sexual assault nurse examine you within 96 hours of the incident, but even if 96 hours has passed since the incident, a medical examination should be conducted as soon as possible. The sexual assault nurse examination may include STI, HIV, and pregnancy testing and medical treatment. The victim has the right to decline any medical services.

DAWN and the Network for Victim Recovery of DC (NVRDC) offer a survivor-advocate program, if one wishes to have someone with them during the medical exam. The authorities will be contacted to take a report of the incident at the hospital, if requested. An interpreter will be provided by the Washington Hospital Center.

Follow-up Care

Regardless of whether or not a student chooses to formally report sexual misconduct, it is important that he or she get appropriate medical attention and emotional support. University community members can contact any of the listed confidential resources for confidential help in deciding what to do next or for assistance in accessing other resources. Individuals who choose not to formally report an incident can still receive services from the offices listed under "On-Campus Resources" and "Off-Campus Resources."

REPORTING CONSIDERATIONS

Privacy and Confidentiality

Different positions on campus have different reporting responsibilities, and varying requirements to maintain your confidentiality or privacy, depending on their roles at the University. When consulting campus resources, University community members should be aware of the expectations concerning confidentiality and privacy, and that many employees and some student employees are mandatory reporters, in order to make an informed decision.

Privacy and confidentiality have distinctive meanings; privacy generally means that the information will be shared with a limited number of individuals with the "need to know" in order to perform their assigned responsibilities, while confidentiality means that the information cannot be revealed to any other individual without the expressed permission of the individual. Gallaudet is committed to protecting the confidentiality and privacy of all individuals involved in a report of sexual misconduct. On campus, some resources may maintain your confidentiality completely, offering you options and advice without any obligation to tell anyone, unless you want them to. Other resources are expressly there for you to privately report crimes and code of conduct violations, and they will take action when you report to them.

Confidential Communications

When information is shared with a confidential resource identified in this policy, it does not have to be reported further, and will not result in an investigation by the University. Exceptions where a confidential resource will not honor confidentiality are when there is an imminent danger to oneself or to others, or when there is reasonable cause to suspect abuse of a minor. If you desire that details of the incident be kept confidential, you should speak to the following on-campus confidential resources:

Office of the Ombuds, Ely Center 113, (202) 559-5079 (VP), ombuds@gallaudet.edu.

The Office of the Ombuds is where students can go to get confidential, impartial, independent, and informal assistance and conflict resolution.

Counseling and Psychological Services (CAPS), Kellogg Conference Hotel at Gallaudet University, 3rd Floor, (202) 250-2300 (VP), caps@gallaudet.edu.

Counselors are available during the day and may be contacted for emergency situations after office hours by the Department of Public Safety. CAPS provides confidential crisis management, short-term therapy, and group therapy (depending on the number of students with similar concerns/issues). CAPS also provides a referral list of area agencies and private practitioners.

Office of Campus Ministries, Ely Center 114-118, (202) 651-5102 (V), ron.friedrich@gallaudet.edu.

The Office of Campus Ministries (OCM) provides a variety of confidential counseling services to students, including personal counseling and crisis management in either individual or group settings. Members of the clergy acting in their official capacity of providing spiritual counsel, support, or ministry (and including those who act in that role under the supervision of a licensed counselor) are not required to report sexual misconduct. The OCM also makes referrals and works with other on-campus and off-campus offices and agencies to meet the needs of individuals in crisis.

Student Health Service, Peter J. Fine Health Center, (202) 651-5090 (V), shs@gallaudet.edu.

During hours of operation, Student Health Service (SHS) provides confidential first aid and referral services for students who experienced sexual misconduct. SHS also screens and treats sexually transmitted infections (STIs) and provides appropriate follow-up care.

Employee Assistance Program, (800) 607-1552 (V)

The Employee Assistance Program provides assistance to employees who may be experiencing personal difficulties. The program, under APS Healthcare, is available 24 hours a day, 7 days a week. The service is provided to employees at no cost.

Additionally, all of the off-campus resources listed in the Off-Campus Confidential Resource section are confidential resources.

Non-Confidential Communications

University community members or third parties who wish to directly report a concern or complaint relating to sexual misconduct, intimate relationship violence, or stalking may do so by reporting the concern or complaint to the Title IX Coordinator. Individuals may also report a concern or a complaint to any of the non-confidential resources listed on the On-Campus Resources section with their contact information as well as to "responsible employees" on campus. Reports or disclosures made to any other non-confidential University employee will be directed to the Title IX Coordinator for further review. If personally identifiable information must be shared, it will be shared with as few people as possible (on a need-to-know basis), and reasonable efforts will be made to protect privacy.

Responsible employees, with the exception of confidential resources as identified in this policy, are mandatory reporters, which means that they are required to share the known details of a report with the Title IX Coordinator, including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time, specific location, and nature of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling Gallaudet's response to the report.

The following offices and individuals are prepared to receive reports of sexual misconduct:

Title IX Coordinator, College Hall 110, (202) 759-1734 (VP), jennie.sivak@gallaudet.edu.

The EOP/AA officer and Title IX Coordinator assist with problem resolution and responds to complaints of sexual misconduct, intimate relationship violence, stalking, and harassment against staff and faculty (and students if a particular complaint not being resolved through the SARP Investigative Team).

Deputy Title IX Coordinator for Students, Director - SARP, Ely Center 103, (202) 759-5598 (VP) or amy.rousseau@gallaudet.edu.

The Director of the SARP serves as the Deputy Title IX Coordinator for Students and a member of the OSC Investigative Team that includes the OSC Title IX Investigator. The Director assists with problem resolution and responds to complaints of sexual misconduct, intimate relationship violence, and stalking against students.

Title IX Investigator - SARP, Ely Center 103, (202) 618-6806 (VP) or travis.clevenger@gallaudet.edu. The Title IX Investigator in SARP reviews and/or investigates reports of sexual misconduct allegedly committed by students, along with the Deputy Title IX Coordinator for Students.

Department of Public Safety, Carlin Hall Basement, (202) 651-5555 V/SMS, dps@gallaudet.edu. The Department of Public Safety (DPS) makes an official report at the request of the reporting party. DPS also provides information on University resources as well as how to contact outside agencies, and assists in contacting these agencies when necessary.

Other Confidentiality Considerations

The University considers complaints and investigations conducted under this policy to be private matters for the parties involved. When a complaint is made the University will take reasonable steps to protect the privacy of all involved. Only the people who need to know as part of their professional responsibilities will be told, and information will be shared as necessary with investigators, witnesses, the complainant and the respondent.

The complainant, respondent and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case and the expectation that they keep such information, including documents they may review, confidential. They are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. The complainant and respondent should understand that the failure to maintain discretion and privacy may result in negative consequences impacting the adjudication of the complaint, and that over-sharing can result in unintended consequences such as retaliation, the creation and exacerbation of a hostile environment, and may damage the credibility and integrity of witnesses or information relevant to the resolution of the complaint.

While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information, such as with others who may support or assist them as advisors or support persons or with their families or guardians.

Complainants and witnesses sometime ask that their names not be disclosed to the individual(s) involved in an alleged violation of this policy or ask that no investigation or disciplinary action be pursued to address the alleged sexual misconduct. The University will try to honor such requests; at the same time this will limit its ability to respond fully to the

incident, including pursuing disciplinary action against any individual. While the University supports such requests for confidentiality there are situations that necessitates the University override an individual's request for confidentiality in order to meet its Title IX obligation to provide a safe and nondiscriminatory environment for all members of the University community. The Title IX Coordinator will evaluate such requests as described in the "Initial Review" section.

It should be noted that compliance with the Violence Against Women's Act (VAWA) or the Clery Act does not violate the Family Educational Rights and Privacy Act (FERPA). The University can disclose to student complainants the final determination of any investigation or disciplinary process involving a "sex offense", including any sanction that is imposed against the respondent.

All individuals involved in the process should understand that any and all documents provided to and maintained by the University - including complaints, responses, statements, investigative reports, documents, and other information in a case file may be subject to disclosure by subpoena or court order at any time. The University will inform the appropriate party of such a request unless otherwise prohibited by law.

Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual misconduct, intimate relationship violence, or stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential. Statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The information shared includes the date, the location of the incident and the crime (using Clery location categories). This reporting protects the identity of the student and may be done anonymously.

The Clery Act is a federal law that requires colleges and universities to disclose information about campus crime. Gallaudet files a report of campus crime statistics annually with the Department of Education. The report includes crime statistics for the past three calendar years, and do not include any identifiable information (e.g. names, addresses, etc.). For more information, visit the DPS website at <http://www.gallaudet.edu/public-safety>.

Federal Timely Warning Reporting Obligations

University community members making complaints of sexual misconduct, intimate relationship violence, or stalking should also be aware that University administrators may issue timely warnings for incidents reported to them, especially those that pose a substantial threat of bodily harm or danger to members of the University community. The Department of Public

Safety makes such determinations. The University will make every effort to ensure that an individual's name and other identifying information is not disclosed, while still providing enough information for community member to make safety decisions in light of the danger. In instances where an alleged incident occurs between two individuals and no ongoing threat to other Gallaudet community members is present, a timely warning notice would not be distributed.

Appendix

Educational and Prevention Programs

Gallaudet is committed to the prevention of sexual misconduct, intimate relationship violence, and stalking through educational and awareness programs. Gallaudet takes the necessary steps to reduce the need for reactive intervention by providing preventive and risk education and training and by preparing and disseminating educational print material, videos, workshops, training seminars and academic course offerings related to sexual misconduct, intimate relationship violence, and stalking throughout the year. Prevention program topics include an overview of the Universities' policies and procedures, relevant definitions, including prohibited conduct, effective consent, the impact of alcohol and illegal drug use, safe and positive options for bystander intervention (including "Green Dot" training), awareness campaigns such as "Take Back the Night" and "Dare to Utter", and information about risk reduction. Incoming first year students are required to take an online course, "Haven" that addresses sexual misconduct, and receive primary prevention and awareness programming as part of their orientation. An online training module provided by EverFi is also offered to all students and employees on an annual basis. A majority of educational programs and materials include a review of resources and reporting options available for students.

Sexual Misconduct - Risk Reduction Tips (from the Association of Title IX Administrators (ATIXA))

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual misconduct are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non-consensual sexual act. The following are suggestions to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

Reducing the risk of victimization:

- If you have limits or boundaries, make them known as early as possible.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from the physical presence of the sexual aggressor.
- Reach out for help, either from someone who is physically nearby or by contacting someone via phone/text message. People around you may be waiting for a signal that you need help.
- Take affirmative responsibility for your alcohol intake/drug consumption. Alcohol and/or drugs can increase your vulnerability to sexual victimization.
- Look out for your friends and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

Reducing the risk of being accused of sexual misconduct:

- Show your potential partner respect if you are in a position of initiating sexual behavior
- If a potential partner says "no", accept it and don't push. If you want a "yes", ask for it, and don't proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what's OK in any interaction, ask.
- Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
- Don't take advantage of the fact that someone may be under the influence of alcohol or drugs, even if that person made that choice. Others' loss of control does not put you in control.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are able to change their minds.
- Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to another types of sexual behaviors. If you are unsure, stop and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.

Safe and Positive Options for Bystander Intervention

Bystander intervention is an act of standing up against power-based personal violence. It can be any behavior, choice, word, or attitude that promotes safety for all our community members and communicates intolerance for violence. We want to have the best college experience and should be able to feel safe on campus. One way to do that is for peers to watch out for each

other. The following strategies of bystander intervention (from the Green Dot program) are options to try when you see something that concerns you.

Direct!

- Ask someone if they are ok or if they need help
- Make eye contact with a person, and make a questioning face and mouth, "ok?"
- Tell someone to stop what they are doing
- Make eye contact with the person and shake head "no"
- Walk a person away from the situation
- Take a person to their dorm
- Set up check points at different locations to make sure people are ok

Delegate!

- Ask someone from their circle of friends to help them out
- Ask a person you trust to walk them back to their dorm
- Get a friend to check on the person
- Notify DPS
- Identify someone who is very good with people and ask them to check out what is going on
- Ask Residence Life to have check points to make sure people are ok
- Notify Campus Activities (student events on campus)

Distract!

- Interrupt the couple and ask to speak with one of them
- Interrupt the couple and get them to come over to play a game or look at something
- Ask the person to come and help you with a task
- Change the subject away from what is causing tension
- Walk the person away from the situation
- Move the person away from the area with alcohol and give them something non-alcoholic to drink and some food

Terminology

The following definitions clarify some terminology as used throughout the policy.

Advisor - an individual who provides support, guidance, and/or advice to the complainant or respondent.

Bullying or cyber-bullying - repeated and/or severe aggressive behaviors likely to intimidate or intentionally harm or control another person physically or mentally. When these acts occur in the context of intimate relationship violence or when the behavior is perpetrated on the basis of sex or gender, the conduct is resolved under this policy.

Complainant - any member of the University community who provides information alleging that a member of the University community violated the Sexual Misconduct Policy. The complainant may be the individual who reportedly experienced any form of sexual misconduct, or the University.

Consent - consent represents the basis of respectful and healthy and intimate relationships. Consent is effective when it is clear, knowing, and voluntary by using mutually understandable words or actions that give permission for specific sexual activity or contact. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused individual knows or reasonably should have known of such incapacitation. Passivity is not permission; consent is not the absence of resistance, and silence, in and of itself, cannot be interpreted as consent. Consent to one form of sexual contact or activity does not imply consent to another form of sexual activity. Consent also has time boundaries; consent given at one time does not imply future consent or consent at any other time. The existence of a prior or current relationship does not, in itself, constitute consent. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop immediately. In order to give consent, one must be of legal age (16 or older in D.C.).

Force - direct or indirect use of physical abuse and/or imposing physically on someone to gain sexual access. Force, unless part of a mutually permissible kink (bondage and domination or similar sexual practice), is a clear demonstration of a lack of effective consent.

Interim Measures - temporary actions taken by the University to foster a more stable and safe environment during the initial review, investigation, and adjudication phases. As appropriate, interim measures may be put in place or revised at any stage of an informal resolution, or before, during or at the conclusion of the formal investigation.

Intimate Relationship - a short or long-term relationship between persons of any gender that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, friends with benefits, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between persons with a child in common.

Incapacitation - the physical and/or mental inability to make informed, rational and reasonable decisions often due to alcohol and/or drug consumption. Individuals cannot give effective consent if they can't understand what is happening (the "who, what, when, where, why or how" of a situation or interaction). Signs or context clues of being incapacitated may include, but are not limited to, disorientation, stumbling or maintaining balance, vomiting or the presence of vomit, incoherent speech or inability to follow a conversation or thought, outrageous or unusual behavior, being asleep, and/or unconsciousness. With regard to alcohol, incapacitation is a higher level of alcohol ingestion than being impaired ("under the influence"), intoxicated, inebriated, or drunk. Consumption of alcohol or drugs alone is insufficient to establish incapacitation; incapacitation is a state beyond drunkenness or intoxication. The question is whether the accused knew, or a sober, reasonable person in the position of the accused individual should have known, that the complainant was incapacitated. Being intoxicated or impaired by drugs or alcohol is never a defense to an allegation of sexual misconduct under this policy and does not diminish one's responsibility to obtain effective consent. The possession, use, distribution, and/or administration of any incapacitating substance(s) is prohibited.

Investigative Team - the team that consists of the Deputy Title IX Coordinator(s) and/or the Title IX Investigator (s) that usually works jointly on a case assigned to them by the Title IX Coordinator. In some instances, only one member of the team will conduct the investigation. Any person conducting an investigation must be impartial, unbiased, and free of any conflicts of interest. In some instances, an external investigator may be brought in to assist the University in its fact gathering.

No-Contact Order - a directive that mandates an individual not to contact another person or persons in any way, including in person, via e-mail, social media, text messaging, written communication, or any other method of electronic or direct communication. The no-contact order also includes communications via third parties acting on the person's behalf.

Preponderance of the Evidence - characterizes the burden of proof standard used in adjudicating all cases adjudicated by this process. The preponderance of evidence means a greater weight of evidence/information, or "more likely than not".

Respondent - the person against whom the allegation is brought. Respondents are also known as the responding party.

Retaliatory Discrimination or Harassment - any adverse employment or educational action taken against a person because of the person's participation in a complaint, investigation, or resolution involving allegations of sexual misconduct, intimate relationship violence, or stalking. It can take many forms, including continued abuse, threats, intimidation, violations of no-contact orders, and prohibited third party contact. Any individual or group of individuals, including a complainant or respondent, can engage in retaliation, and will be held accountable under this policy as a separate violation.

Sexual Assault - an offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape as defined below (see FBI Uniform Crime Reporting Program at <https://www.fbi.gov/about-us/cjis/ucr/ucr>):

Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim;

Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;

Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;

Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.

For the purposes of this policy, sexual assault is defined as sexual misconduct and includes non-consensual sexual intercourse or non-consensual sexual contact.

Sexual Contact - the deliberate touching of a person's private parts (including penis, vagina, vulva, buttocks, anus, groin and/or breasts, or clothing covering any of those areas) or using force to cause a person to touch his or her own or another person's private parts.

Sex/gender-based discrimination -

Sexual Intercourse - penetration (anal, oral or vaginal) by a penis, tongue, finger, or any other object.

Sexual Misconduct - a broad and umbrella term encompassing sexual assault or any non-consensual act of a sexual nature which may or may not involve physical contact. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or by women and it can occur between people of the same or different sex.

Sexual Misconduct Violations - violations that vary in severity and consists of a range of behavior or attempted behavior that includes, but is not limited to:

1. Bullying or cyberbullying
2. Intimate partner violence
3. Non-consensual sexual contact,
4. Non-consensual sexual intercourse,
5. Sexual discrimination

6. Sexual exploitation,
7. Sexual harassment, and/or
8. Sexual Intimidation.

Sexual Violence - the term used to describe physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g. due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

Support Person - an individual that may be chosen by the complainant or respondent to provide moral support in a silent and non-participating way during any phase of the adjudication process.

Title IX of the Education Amendments of 1972 (Title IX) - a Federal law that states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title IX Investigator (OSC) - an appropriately trained University employee who, along with the Deputy Title IX Coordinator for Faculty/Staff or Students, reviews and/or investigates reports of sexual misconduct allegedly committed by students, as assigned by the Title IX Coordinator under this policy.

On-Campus Resources

The on-campus resources listed below are able to assist those who come to them with a concern related to sexual misconduct, intimate relationship violence, or stalking.

A. **Department of Public Safety**, Carlin Hall Basement, (202) 651-5555 V/SMS, dps@gallaudet.edu. The Department of Public Safety (DPS) makes an official report at the request of the student. DPS also provides information on how to contact outside agencies and assists in contacting these agencies when necessary.

B. **Title IX Coordinator**, College Hall 110, (202) 759-1734 (VP), jennie.sivak@gallaudet.edu. The EOP/AA officer and Title IX Coordinator assist with problem resolution and responds to complaints of sexual misconduct, intimate relationship violence, stalking, and harassment against staff and faculty (and students if a particular complainant is not being resolved through the Investigative Team).

C. Deputy Title IX Coordinator for Students, Director - SARP, Ely Center 103, (202) 759-5598 (VP), amy.rousseau@gallaudet.edu.

The Director of SARP serves as the Deputy Title IX Coordinator for Students and a member of the SARP Investigative Team that includes the SARP Title IX Investigator. The Director assists with problem resolution and responds to complaints of sexual misconduct, intimate relationship violence, and stalking against students.

D. Title IX Investigator - SARP, Ely Center 103, (202) 618-6806 (vp) (travis.clevenger@gallaudet.edu).

The Title IX Investigator in the SARP reviews and/or investigates reports of sexual misconduct allegedly committed by students, along with the Deputy Title IX Coordinator for Students.

E. Health and Wellness Programs, Ely Center 103, (202) 651-5432, christine.gannon@gallaudet.edu.

The Director of Health and Wellness Programs serves as the central source of sexual misconduct information and referral for students, and coordinates support for staff and faculty who respond to student concerns. In addition, Health and Wellness Programs develop and conduct prevention/risk reduction workshops for all incoming students and prepares and disseminates educational pamphlets, fact sheets, and articles concerning sexual misconduct.

F. Counseling and Psychological Services (CAPS), Kellogg Conference Hotel at Gallaudet University, 3rd Floor, (202) 250-2300 (VP), caps@gallaudet.edu.

Counselors are available during the day and may be contacted for emergency situations after office hours by the Department of Public Safety. CAPS provides confidential crisis management, short term therapy, and group therapy (depending on the number of students with similar concerns/issues). CAPS also provides a referral list of area agencies and private practitioners.

G. Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, and Ally (LGBTQA) Center, HMB S141.

The LGBTQA Center strives to provide a supportive and responsive environment for individuals of all sexual orientations, gender identities, and expressions that promote equity, inclusion, academic success and social justice.

H. Office of Campus Ministries, Ely Center 114-118, (202) 651-5102 (V), ron.friedrich@gallaudet.edu.

The Office of Campus Ministries (OCM) provides a variety of confidential counseling services to students, including personal counseling and crisis management in either individual or group settings. The OCM also makes referrals and works with other on-campus and off-campus offices and agencies to meet the needs of individuals in crisis.

I. Office of the Ombuds, Ely Center 113, (202) 559-5079 (VP), ombuds@gallaudet.edu.

The Office of the Ombuds is where students can go to get confidential, impartial, independent, and informal assistance and conflict resolution.

J. **Office of Residence Life and Housing**, Ely Center 132, (202) 250-2233 (VP) or at CRE/GA offices in any residence halls.

The Office of Residence Life and Housing provides immediate response through on-site or on-call staff. The Office of Residence Life and Housing, when directly involved in the initial contact of the student, is responsible for stabilizing the situation and assisting with contacts to other campus personnel. The Office of Residence Life and Housing can also provide emergency housing relocation and, together with Counseling and Psychological Services and/or Department of Public Safety, will arrange for transportation to the hospital, if necessary. The Office of Residence Life and Housing also provides educational materials and programs for students.

K. **Student Accountability and Restorative Practices (SARP)**, Ely Center 103, (202) 759-5598 (VP), amy.rousseau@gallaudet.edu.

The SARP office, through the Investigative Team, responds to reports of sexual misconduct and handles each incident according to the disciplinary process outlined in the handbook. The SARP office also provides education and training and advises both the complainant and the respondent of their rights.

L. **Student Health Service**, Peter J. Fine Health Center, (202) 651-5090 (V), shs@gallaudet.edu.

During hours of operation, Student Health Service (SHS) provides confidential first aid and referral services for students who experienced sexual misconduct. SHS also screens and treats sexually transmitted infections (STIs) and provides appropriate follow-up care.

Off-Campus Resources

University community members have the right to file a report with the District of Columbia Police and are provided information on how to access them. Individuals are advised of options, as provided by District and Federal laws and regulations, with regard to testing sexual assault suspects for communicable diseases and the concomitant (accompanying) right to be notified of the results of such testing.

A variety of external resources are available for victims, including the D.C. Rape Crisis Center, which provides counseling sessions and referrals to legal, medical, and counseling facilities and resources.

Washington Hospital Center

Emergency and Trauma

110 Irving Street NW

Washington, DC 20010

<http://www.medstarwashington.org>

202-877-7000 (V)

Provides a Sexual Assault Nurse Examiner (SANE) program (professional rape exam), medical attention, follow-up care and referrals, screening and STI treatment.

DAWN

5321 First Place NE

Washington, DC 20011

<http://www.deafdawn.org>

202-559-5366 (VP)

202-742-1730 (Fax)

hotline@deafdawn.org (Mon - Fri, 9:00 AM - 5:00 PM)

E-mail: info@deafdawn.org

Focuses on deaf, hard of hearing, and deaf-blind survivors of domestic violence and sexual assault; DAWN provides an e-mail hotline Mondays through Fridays between 9:00 AM - 5:00 PM; DAWN also provides individual professional counseling, support groups, and serves as advocates.

D.C. Rape Crisis Center

<http://www.dcrcc.org>

202-232-0789 Business

202-333-RAPE (7273) 24-hour Hotline

202-328-1371 (TTY)

202-387-3812 (Fax)

E-mail: dcrcc@dcrcc.org

Provides individual counseling and companion service.

District of Columbia Metropolitan Police Department

Deaf and Hard of Hearing Liaison Unit (DHHU)

801 Shepherd Street NW

Washington, DC 20011

<http://www.mpdc.dc.gov>

Hours: 24 hours, daily

202-727-5437 (TTY)

202-698-0289 (V)

202-727-8453 (Fax)

E-mail: mpd.dhhu@dc.gov

For immediate police service, always call 911

Provides the following services: sign language interpretation to aid deaf and hard of hearing citizens in their interaction with MPD, making official reports off-campus, assisting in contacting outside organizations, and leading investigations.

Rape, Abuse, and Incest National Network (RAINN)

2000 L Street NW, Suite 406
Washington, DC 20036
1-800-656-HOPE (V)
202-544-1034 (V)
202-544-3556 (Fax)
E-mail: info@rainn.org
<http://www.rainn.org>
<http://online.rainn.org> (online hotline)

National Center for Victims of Crime

Stalking Resource Center
2000 M Street NW, Suite 480
Washington, DC 20036
202-467-8700 (V)
202-467-8701 (V)
<http://www.victimsofcrime.org/our-programs/stalking-resource-center>

The mission of the National Center for Victims of Crime is to forge a national commitment to help victims of crime rebuild their lives. They are dedicated to serving individuals, families, and communities harmed by crime. One of their programs is the Stalking Resource Center.

Network for Victim Recovery of DC (NVRDC)

5321 First Place NE
Washington, DC 20011
202-742-1720 (V)
www.nvrdc.org

Network for Victim Recovery of DC aims to change the impact of victimization by providing holistic, comprehensive services to all crime victims in DC. By meeting a victim where they are at, NVRDC staff provides civil and criminal legal services, advocacy, and case management.

National Domestic Violence Hotline

1-800-799-SAFE (V)
1-800-787-3224 (TTY)
www.thehotline.org

UASK DC

"U ASK DC" phone app
www.uaskdc.org

U ASK is a project of Men Can Stop Rape and the District of Columbia Executive Office of the Mayor Office of Victim Services. It provides secure and confidential services on sexual assault in the District of Columbia and specifically on DC college campuses.

DeafLead Videophone Crisis Line

321-800-3323

Text HAND to 839863

<https://www.deafinc.org/deaflead/>

DeafLEAD has a 24/7/365 nationwide crisis videophone hotline service to Deaf individuals who are victims of crime. Deaf individuals are now able to access immediate assistance and resources that are both culturally and linguistically accessible using a trauma-informed approach.

Licensed Professional Counselors

Inquire with the Counseling and Psychological Services for a list of licensed professional counselors serving the deaf and hard of hearing locally and, if available, in your hometown.

D.C. Code Definitions and Statutes

Sexual Assault

The District of Columbia criminal law does not define the term "sexual assault", as such. However, the District of Columbia has defined crimes known as sexual abuse. The crimes distinguish between sexual acts and sexual contacts. The specified meaning of those terms is set forth below.

Sexual act means:

1. The penetration, however slight, of the anus or vulva of another by a penis;
2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or
3. The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual contact means the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual Abuse in the First Degree (D.C. Code Ann. § 22-3002)

A person commits First Degree Sexual Abuse if that person engages in or causes another person to engage in or submit to a sexual act in the following manner:

1. By using force against that other person;
2. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury or kidnapping;
3. After rendering that other person unconscious; or
4. After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.

Sexual Abuse in the Second Degree (D.C. Code Ann. § 22-3003)

A person commits Second Degree Sexual Abuse if that person engages in or causes another person to engage in or submit to a sexual act in the following manner:

1. By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
2. Where the person knows or has reason to know that the other person is:
 1. Incapable of appraising the nature of the conduct;
 2. Incapable of declining participation in that sexual act; or
 3. Incapable of communicating unwillingness to engage in that sexual act.

Sexual Abuse in the Third Degree (D.C. Code Ann. § 22-3004)

A person commits sexual abuse in the third degree if that person engages in or causes sexual contact with or by another person in the following manner:

1. By using force against that other person;
2. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
3. After rendering that person unconscious; or
4. After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.

Sexual Abuse in the Fourth Degree (D.C. Code Ann. § 22-3005)

A person commits the crime of sexual abuse in the fourth degree, if that person engages in or causes sexual contact with or by another person in the following manner:

1. By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
2. Where the person knows or has reason to know that the other person is:
 1. Incapable of appraising the nature of the conduct;
 2. Incapable of declining participation in that sexual contact; or
 3. Incapable of communicating unwillingness to engage in that sexual contact.

Misdemeanor Sexual Abuse (D.C. Code Ann. § 22-3006)

Whoever engages in a sexual act or sexual contact with another person and who should have knowledge or reason to know that the act was committed without that other person's permission, is guilty of misdemeanor sexual abuse.

Consent

Consent means words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats or coercion by the defendant shall not constitute consent. Consent is a defense to sexual abuse (in the 1st through the 4th degree) and misdemeanor sexual abuse.

Domestic Violence

In the District of Columbia, domestic violence can be defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner, dating partner, or family member. The term "domestic violence" includes physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This consists of any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

The District of Columbia also defines domestic violence by reference to the terms intimate partner violence and IntraFamily Violence.

The term intimate partner violence means "an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

1. To whom the offender is or was married;
2. With whom the offender is or was in a domestic partnership; or

3. With whom the offender is or was in a romantic, dating, or sexual relationship."

The term intrafamily violence means "an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership or with whom the offender has a child in common."

Dating Violence

The District of Columbia does not define the term dating violence, as such. However, reference is made to dating relationships and other intimate relationships in the definition of domestic violence. Accordingly, dating violence is a form of domestic violence.

Dating violence can be properly defined as a pattern of abusive behavior in any romantic, dating, intimate or sexual relationship that is used by one partner to gain or maintain power and control over another intimate partner or dating partner. The term "dating violence" includes physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This consists of any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

Stalking

The act of stalking occurs when a person purposefully engages in a course of conduct directed at a specific individual with the intent to cause that individual to:

1. Fear for his or her safety or the safety of another person;
2. Feel seriously alarmed, disturbed, or frightened; or
3. Suffer emotional distress;

Such conduct constitutes the crime of stalking if that the person knows the conduct would cause that individual reasonably to:

1. Fear for his or her safety or the safety of another person;
2. Feel seriously alarmed, disturbed, or frightened; or
3. Suffer emotional distress.

Such conduct constitutes the crime of stalking if the person should have known the conduct would cause a reasonable person in the individual's circumstances to

1. Fear for his or her safety or the safety of another person;
2. Feel seriously alarmed, disturbed, or frightened; or
3. Suffer emotional distress.

"To engage in a course of conduct" means directly or indirectly, or through one or more third persons, in person or by any means, on 2 or more occasions, to:

1. Follow, monitor, place under surveillance, threaten, or communicate to or about another individual;
2. Interfere with, damage, take, or unlawfully enter an individual's real or personal property or threaten or attempt to do so; or
3. Use another individual's personal identifying information.

Definitions and Terms: Violence Against Women Act (from 42 USC § 13925) and The Clery Center for Security on Campus

Domestic violence:

The term "domestic violence" includes felony or misdemeanor crimes of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime or violence occurred;
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime or violence occurred.

Dating violence:

The term "dating violence" means violence committed by a person:

- A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship
 - b. The type of relationship
 - c. The frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Stalking:

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. fear for his or her safety or the safety of others: or
- B. suffer substantial emotional distress

For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Sexual Assault:

The term "sexual assault" is an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation that meets the definition of rape, fondling, incest or statutory rape

Sex Offenses:

The term "sex offenses" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.
- Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.

Alcohol, Drug, and Sexual Misconduct Awareness Programs, Campaigns, and Workshops

All Programs taking place in 2021

Orientation Programs: DPS personnel participate in orientation programs to help educate new and transfer students on crime prevention and fire safety issues.

BASICS/CASCIS Multiple times a month each month Health and Wellness

"MOST Training" (Men Can Stop Rape) Provided by DAWN 10/14, 10/21

"Alcohol, Drugs Training!" -10/19 Hosted by Residence Life

"Healthy Relationships"- 10/5, 11/17 and 11/18-Hosted by GSR 101

"QPR Training" (Suicide Awareness) 8/26, 9/16, 9/17, 9/27, 11/22, 11/23, 12/1- for SHA's sponsored by CAPS

"Safe Partying"- 9/17, 10/15 taught in GSR 101 classes

Gordie Watch Party Workshop- 10/21

Expert Alcohol Kahoot- 10/20

Addressing Consent- to our High School students on 3/1

Men's Workshop- 9/16, 9/23, /10/5

Sexual Responsibility Booth- 9/8

Marijuana/Vaping Workshop- with All-Star English Lab- 9/10

Escalation Workshop- Hosted by Title IX Dept. 10/11

Circle of Support Group- 10/8, 10/22, 11/5, 11/12, 11/19, 12/3, 12/17

1 on 1 and group Drug and Alcohol Workshops for students who have violated policy- ongoing throughout the year

Frequently Asked Questions about the Sexual Misconduct Policy

The following Frequently Asked Questions (FAQ) section was developed as a response to commonly asked questions about Gallaudet University's Sexual Misconduct Policy. If you have any question(s) about the Sexual Misconduct Policy that may not have been addressed in this FAQ, please contact the Title IX Coordinator, Jennie Sivak, via e-mail at jennie.sivak@gallaudet.edu or in person at College Hall 1st floor or Deputy Title IX Coordinator for Students, Amy Rousseau, via e-mail at amy.rousseau@gallaudet.edu or in person at Ely Center #103 or any of the on-campus resources listed at this [link](#).

Which University policy for students prohibits sexual assault/sexual misconduct?

The Sexual Misconduct Policy in the Student Code of Conduct prohibits sexual assault/sexual misconduct. Click [here](#) to read it in its entirety. Sexual assault and other forms of sexual misconduct are unacceptable at Gallaudet.

What happens when a Gallaudet student is sexually assaulted?

If a sexual assault or sexual misconduct incident occurs on or off campus, the University's first priority is to ensure the safety of the complainant and the campus community and to make sure he or she receives the appropriate medical care and counseling. Students have many confidential and non-confidential options to report an assault on campus, including the Department of Public Safety, Residence Life, Campus Ministries, Counseling and Psychological Services, the on-campus offices of DAWN (victim support services), a faculty or staff member, or the University's Title IX Coordinator/Deputy Coordinators.

What kinds of support services are available on campus?

Counseling and Psychological Services has counselors on call 24 hours a day, seven days a week and provides students with support through individual or group counseling sessions. Residence Life is also on call 24/7 and can provide emergency housing to students who report an alleged sexual misconduct incident. DAWN has an active presence on campus, offering victim support services every Wednesday from 9 a.m. to 5 p.m. or by appointment in Ely Center room #103.

If I make a report is my information kept confidential?

All the information about sexual misconduct complaints are kept private, with only essential personnel involved to provide the necessary support for the complainant and as needed to assist with an investigation should the complainant wish to pursue charges. Students who wish to maintain confidentiality can contact any of the confidential resources such as Counseling and Psychological Services, Student Health Services, DAWN, or the Office of Campus Ministries staff on campus, or any of the victim service providers off campus in the District of Columbia.

What interim measures can the University take to protect the complainant after a report is made?

If a sexual assault/misconduct complaint is received, the University may decide to pursue interim measures or remedies such as:

- No-contact orders
- Housing reassignments and restricted access to certain buildings
- Leave of absence from a paraprofessional job on campus
- Alternative academic arrangements if the victim and alleged perpetrator have the same classes, such as independent study with a professor or assignment to a different course section
- Interim suspension
- Persona Non Grata (PNG) status assignment, meaning the student is barred from campus

Interim remedies can become effective immediately and last as long as necessary to complete the investigation.

What is Title IX exactly? I thought it had to do with college athletics.

It does, but it is in addition to requiring equity in sports. Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on gender in any University program, service or activity both on and off campus including, but not limited to, admissions, financial aid, class assignments and course offerings, academic advising and instruction, evaluation and grading, discipline, athletics, housing, health and counseling services, recreational, residential life and extracurricular activities, and employment for faculty and staff. The law requires colleges and universities receiving federal funding to combat gender-based violence and harassment, and respond to any complaints in order to ensure that all students have equal access to education. If a school knows or reasonably should know about discrimination, harassment or violence that is creating a "hostile environment" for any student, it must act to eliminate it, remedy the harm caused and prevent its recurrence.

I heard that Gallaudet had the highest number of forcible sexual assaults in the country, is that true?

[According to a report analyzing college and university Clery Act data by The Washington Post](#), Gallaudet had the highest rate of reported forcible sex offenses *per capita* in 2012. In 2012, the university reported 18 sex offenses - forcible on campus. This number reflects the number of reports made. We believe it demonstrates that students are comfortable reporting and though we do not want sexual misconduct on campus we do want it reported when it happens.

What is "Clery data" and "Clery report"?

Clery data and report refers to the information mandated by the Clery Act, which requires that all colleges and universities across the United States disclose information about crime on and around their campuses. The Clery Act, which is a federal law, requires colleges and universities to publish an Annual Security Report (ASR) by October 1 that documents three calendar years of selected campus crime statistics, including the number of forcible sexual assaults. Gallaudet's ASR report can be found at [this link](#).

What does that mean - "per capita"?

That means that the rate is based on the number of incidences per, say, 1,000 students. For example, Harvard has a much higher total number of forcible sexual assaults - the second highest in the nation - but because its campus population is larger than Gallaudet's, it ranks lower than Gallaudet in per capita incidences.

What does "Sex Offenses - Forcible" mean?

The Clery Act defines sex offenses - forcible as anything between unwanted touching up to rape and other acts of sexual violence.

Why are the per capita numbers here so high?

We believe the reason why our per capita numbers measure higher than other universities, is due to the ability of students to have direct access in terms of communication and language with on-campus personnel without requiring the need for an interpreter. We also feel that students here feel more empowered to report on-campus. We think that is a result of our efforts to promote a comfortable, safe environment in which to report and we have built the confidence among our students that we will take action. Our students feel empowered to report.

Gallaudet had 11 reported forcible sexual assaults in 2011, 18 in 2012, and 17 in 2013. Why are the numbers going up?

Many colleges and universities have seen their numbers go up since 2011, after the Office of Civil Rights released its "Dear Colleague" letter that year which spelled out steps that colleges and universities needed to implement, including an expectation that complaints are handled in a uniform way. We have seen an increase in reports as a result of our efforts to promote awareness and to provide a safe environment in which to report sexual assault.

What is Gallaudet doing to address sexual misconduct on campus?

Gallaudet is addressing this very serious issue on many levels. We currently have a three-year, \$300,000 grant from the U.S. Department of Justice Office on Violence Against Women to create and enhance programs and services to combat sexual misconduct such as a successful bystander intervention program, three campus sexual assault resource teams, sexual assault/domestic violence programming including guest speakers, panel discussions, and workshops, and alcohol-free weekend night events. In addition, all new and transfer students participate in a mandatory online course, Haven, which increases sexual assault awareness. This year all employees and students are required to complete an online training module entitled "Preventing Discrimination and Sexual Violence: Title IX and the Campus Sexual Violence Elimination (SaVE) Act," as part of the university's continued efforts toward Title IX compliance.

Can you explain more about the bystander training? How does it work?

Gallaudet is using the *Green Dot* curriculum, a national program on bystander intervention that has been tailored for our community. The goal of *Green Dot* is to increase individual willingness and ability to recognize and intervene to prevent acts of sexual misconduct on campuses. Today, there are more than 195 students and 50 faculty and staff trained for bystander intervention. Trainings are scheduled for the rest of the academic year, and the goal is to have 500 people trained by the end of the 2018-2019 academic year.

What do your sexual assault resource teams do?

Our Sexual Assault Resource Team (SART) was established in August 2012 to discuss policies, protocol, and issues on campus. It consists of deans, directors, and other key staff members who are involved in the prevention and reporting of incidents of sexual misconduct. Since that time, two additional SART-related organizations have formed: Student SART, which meets regularly during the academic year to plan events and share news and other relevant information and Community SART, which is made up of faculty, staff, and several students.

Many people know that drinking and sexual assault can go hand in hand, what is Gallaudet doing to educate students about safety?

Gallaudet has invested in mandatory sexual assault and alcohol and drug awareness programming for incoming freshmen and transfer students, called Haven and Alcohol Edu, respectively. Both are developed by a company called EverFi and advise students on ways to stay safe and how to be socially responsible with a focus on positive behavior reinforcement. When students first arrive to campus, the New Student Orientation (NSO) includes a session entitled, "Healthy Choices on Campus" that focuses on responsible decision-making as well as a session on sexual misconduct that includes an introduction to Title IX and effective consent. In addition, several student organizations (primarily Greek organizations) and athletic teams are proactively involved in bystander intervention and involved in proactive party planning meetings with the Health and Wellness Programs prior to any campus event that includes alcohol.

What if a sexual assault occurs, but the victim has been drinking underage or using illegal drugs? Will they be charged for such violations?

The safety and well-being of the complainant is paramount. If a sexual assault occurs and the victim has been drinking, they will not get into trouble with the University. Gallaudet has an amnesty policy in which an alleged victim will not be charged for underage drinking or use of illegal drugs by the university.

What kinds of events do you have for students who don't want to drink alcohol?

Gallaudet offers university-sponsored alcohol-free weekend evening activities throughout the year. The university's Student Center Programs and Services (SCPS) hosts several "Late Night Gallaudet" (LNG) social events including themed parties such as "Wild Wild West" and "Winter Festival", open gym events at the Field House, drive-in movies on the Gallaudet mall, Oktoberfest with root beer, classic board game events, "Minute to Win It," student competitions, as well as ski trips and paintball event off campus.

WHERE TO FIND INFORMATION ON “REGISTERED SEX OFFENDERS”

In conjunction with the Campus Sex Crimes Prevention Act, the District of Columbia enacted the Sex Offender Registration Act of 1999, which authorized the Metropolitan Police Department to release sex offender information to the public. A list of Class A registered sex offenders is provided on the Metropolitan Police Department’s web site as a service to the community at <http://sexoffender.dc.gov/>.

WEAPONS POLICY

Illegal or Unauthorized Possession of Firearms, Explosives, Other Weapons, or Dangerous Chemicals on University Property - This includes the illegal or unauthorized possession, storage, or use of any kind of ammunition, firearms, explosives, flammable or highly combustible materials, dangerous chemicals, fireworks, martial arts weapons, sling shots, bows and arrows, sabers, swords, knives with blades in excess of three (3) inches except for kitchen knives used in preparation/serving of food, paint, pellet, or Taser guns, "toy" or realistic replica of a real weapon, and other weapons, or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.

As a private university, Gallaudet is permitted to impose a more stringent weapons policy than on public property. Please note that certain items and behaviors that are legal under District of Columbia law are prohibited on the Gallaudet campus and that appropriate disciplinary action will be pursued in the event that an individual is found to have violated the Gallaudet weapons policy.

ALCOHOL AND OTHER DRUG POLICIES

Alcohol and Other Drugs on Campus

Gallaudet University is committed to providing a campus environment that is free from illegal or abusive use of alcohol and other drugs. In doing so, Gallaudet University will implement disciplinary procedures against those who violate University policy related to the illegal or abusive use of alcohol and other drugs and those who interfere with the rights of other students to live and learn in a drug-free environment. In compliance with the Federal Drug-Free Schools and Communities Act, this handbook contains Gallaudet's policies on alcohol and other drugs, applicable laws as well as disciplinary sanctions/legal penalties related to the use, possession and distribution of alcohol and other drugs; information about the risks and effects of drug and alcohol use and dependence; and resources to assist students who may be having a problem with alcohol or other drugs. You are encouraged to read this information in its entirety, as each member of the campus community is responsible for complying with Gallaudet's policy and applicable laws. Ignorance of such rules will not reduce accountability. More importantly, you owe it to yourself.

University Policies

The Student Code of Conduct in the Student Handbook clearly prohibits the following on or off University premises and at University sponsored activities:

Use, Possession, Manufacturing, Sale, or Distribution of Illegal Drugs and/or Drug Paraphernalia - This includes the use, possession, distribution, manufacture, or processing of illegal or non-prescribed narcotics and/or hallucinogens except as expressly permitted by law. This also includes the aroma of marijuana, which is considered evidence of use. Marijuana - medicinal or otherwise - is illegal on campuses that receive Federal funding (which requires it to be in compliance with the Federal Drug-Free Schools and Campuses Act). The University prohibits the possession or use of medical marijuana on campus premises even if and when medical marijuana becomes legal in the District of Columbia. The possession, use, and/or aroma of synthetic marijuana is also prohibited. Use or possession of drug paraphernalia is also prohibited.

Use, Possession, Manufacturing, or Distribution of Alcoholic Beverages - This includes public intoxication and use, possession, or consumption of intoxicants or the manufacture and/or distribution of alcoholic beverages contrary to circumstances and conditions specified by University Alcohol and Other Drugs Policies, residence hall policy, or as expressly permitted by law. Possession or use of kegs, beer balls, large punch bowls, or other common containers of alcoholic beverages of a similar nature is prohibited.

Alcohol Policy

Within the regulations of the law and University policy, the choice of whether or not to drink or how much to drink is a decision of the student. Responsible use of alcohol is controlled behavior that displays the self-respect of the drinker and respect toward those around him/her.

A person under 21 years of age in the United States may not purchase or attempt to purchase alcoholic beverages. It is illegal for minors to possess and/or drink alcoholic beverages in D.C. and anywhere on or off the Gallaudet University campus. A person may not sell, deliver, furnish, or otherwise provide alcoholic beverages to any person under 21 years of age. Drinking games and hazardous or disruptive conduct related to the use of alcoholic beverages is prohibited. Students and their guests of legal age may possess and consume alcoholic beverages in the privacy of their residence hall room (with the exception of selected residence halls that have been designated as "dry residence halls"), in Greek organization spaces on the third floor of Ely Center, or during on-campus student organization events that are supervised by Campus Activities. Under no circumstances are alcoholic beverages to be brought to or consumed in any other spaces on campus not defined above. Irresponsible alcohol use resulting in drunken and/or disorderly conduct is not acceptable and is subject to disciplinary action. Selling or serving alcohol on the Gallaudet University campus without permission is prohibited. "Hard liquor" is not permitted at student-organized events. Kegs and/or "party balls" are not permitted in the residence halls or in student organization spaces, even if it is empty and used for decorative purposes. It is illegal to sell alcohol on- or off-campus without a license from the D.C. Alcoholic Beverage Regulation Administration (ABRA) Board. For a complete copy of the policies and procedures that must be followed by student organizations when serving/selling alcohol on campus or at Gallaudet sponsored activities, contact the Campus Activities Office.

D.C. Codes Regarding Alcohol and Illegal Drugs

Gallaudet University will follow the D.C. Code concerning alcohol sale and usage. Highlights of the D.C. Code include the following:

Penalties for Illegal Possession or Distribution of Alcohol under D.C. Law in the District of Columbia:

- It is unlawful to consume or possess an alcoholic beverage in an open container in a public area or place of business not licensed to sell alcoholic beverages. Violations of this provision may result in a fine of up to \$500 and/or a prison term of up to 90 days (D.C. Code § 25-1001)
- Persons under age 21 are prohibited from possessing, drinking, purchasing, or attempting to purchase an alcoholic beverage. Persons are also prohibited from

falsely representing their age in an attempt to purchase alcohol or enter an establishment where alcohol is served. Violations of this law may result in a fine of up to \$1,000 and suspension of driving privileges for up to one year (D.C. Code § 25-1002).

- Persons who purchase, sell or in any other way deliver alcoholic beverages to persons under 21 may be fined up to \$5,000 and/or imprisoned for up to one year (D.C. Code § 25-785).

Penalties for Illegal Possession or Distribution of Illegal Drugs under D.C. Law in the District of Columbia:

- Intentional possession of a controlled substance (other than pursuant to a valid prescription), is punishable by a fine of up to \$1,000 and/or 180 days imprisonment. The intentional manufacture, distribution, or possession with intent to manufacture or distribute a controlled substance is punishable by prison terms ranging from not more than 180 days to not more than 30 years and/or fines ranging from not more than \$1,000 to not more than \$500,000 (D.C. Code § 48-904.01). Controlled substances are defined in D.C. Code § 48-901.02 and include drugs such as more than 2 oz. of marijuana, cocaine, crack, PCP, LSD, and other narcotics.
- Persons over age 21 who are found to have distributed a controlled substance to anyone under age 18 is subject to even heavier penalties (D.C. Code § 48-904.06).
- Anyone found to have enlisted or encouraged an individual under age 18 to distribute or sell any controlled substance is subject to an additional fine of \$10,000 and an additional prison term of up 10 years.
- A finding that an individual has attempted to commit any of these offenses subjects the individual to the same fines and terms of imprisonment as if the crime were actually committed. Moreover, the D.C. government shall revoke the driver's license of all persons convicted under this law for a period of at least six months and up to two years.
- The use, possession, sale, or delivery of drug paraphernalia to prepare or use illegal controlled substances is prohibited and punishable by a fine of up to \$5,000 or a prison term of up to two years or both. Drug paraphernalia includes pipes, tubes, roach clips, cocaine spoons and vials, bong, ice pipes or chillers, scales, blenders, bowls, containers, spoons and other devices used for mixing or compounding a controlled substance, and capsules, balloons, envelopes and any other containers used to package, use or store a controlled substance (D.C. Code §§ 48-1101, 48-1103).

Penalties for Illegal Possession or Distribution of Illegal Drugs under Federal Law (U.S. Code):

It is a violation of federal law to possess, manufacture, or distribute a controlled substance. Defined by federal statute, controlled substances include marijuana, cocaine, PCP, LSD, and other narcotics. A student or employee found guilty of possessing or distributing a controlled substance in violation of federal law may be subject to some or all of the following sanctions:

- First conviction: Up to one year imprisonment and a fine of at least \$1,000 but not more than \$100,000, or both.
- With one prior drug conviction: At least 15 days in prison, not to exceed two years and fined at least \$2,500 but not more than \$250,000, or both.
- After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and/or a fine of at least \$5,000 but not more than \$250,000 (21 U.S.C. § 844(a))
There are special sentencing requirements for crimes that involve the possession of crack cocaine. Convicted persons will receive a mandatory sentence of at least five years in prison, not to exceed twenty years, and/or will be fined up to \$250,000 if:
 - it is the defendant's first conviction and the amount of crack possessed exceeds 5 grams; or,
 - it is the defendant's second conviction and the amount of crack possessed exceeds 3 grams;
 - it is the defendant's third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram (21 U.S.C. §§ 853(a)(2), 881(a)(7)).

Federal law may also require forfeiture of property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment (21 U.S.C. § 881(a)(4)); forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance (21 U.S.C. § 844a); and civil fines of up to \$10,000 (21 U.S.C. § 853a).

Upon a drug conviction, the federal government may also deny or revoke federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, for up to one year for first offense, and up to five years for second and subsequent offenses, (18 U.S.C. § 922(g)).

A student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance will not be eligible to receive any federal grants, loans, or work assistance for at least one year (for first conviction of possession) and possibly

indefinitely (for third/subsequent conviction of possession or second/subsequent conviction of sale) (20 U.S.C. §1091(r)).

For a complete reading of the relevant codes pertaining to alcohol and other drugs, please refer to both the District of Columbia and/or the United States Code.

Office of Residence Life and Housing Policies Related to Alcoholic Beverages and Other Drugs

Residence Life and Housing policies govern the use, possession, or distribution of alcoholic beverages and other drugs in the residence halls. The policies are as follows:

Dry Residence Halls - Gallaudet University has "dry residence halls" where no alcoholic beverages are permitted, regardless of the age of the residents in those residence halls. The residence halls designated for freshmen students are the designated "dry residence halls" on campus.

Empty Alcohol Bottles or Cans - Residents in dry residence halls or rooms occupied entirely by underage residents cannot possess any empty alcoholic bottles and/or cans in their rooms, even if they are used for decorative purposes. Discovery of such alcoholic bottles and/or cans, in violation of this policy, will result in their confiscation and issuance of points and/or penalty assessment.

Alcoholic Beverages - Students are expected to follow the D.C. Codes and University policies that relate to alcoholic beverages. Students and their guests of legal age may possess and consume alcoholic beverages in the privacy of their residence hall room. Students in the residence halls shall not sell, offer for sale, or offer as credit purchase any alcoholic beverages. An admission charge to pay for alcohol or related party expenses where alcohol is present or served is prohibited. Residents serving alcohol to underage individuals are subject to disciplinary action. No opened bottles or cans of alcoholic beverages are allowed in common areas (hallways, elevators, stairwells, public restrooms, lounges, and lobby areas of the residence halls). Kegs of beer (any containers requiring taps to operate) and/or "party balls" are not permitted in any residence halls, even if it is empty and used for decorative purposes. The number of students attending a private party is limited to four (4) times the occupancy rate of a student room. Concealment activities, including the use of mouthwash prior to a voluntary breathalyzer test or an alcohol strip test will be considered as evidence of use. Gallaudet University has every legal right to take whatever disciplinary actions are necessary. The Residence Life staff is expected to confront and report any violations. Fleeing from the scene of an alleged violation or refusing to provide valid identification when a University official is present will be considered relevant information used to verify the student's consumption and/or knowing presence during the alleged underage consumption of alcohol or other alleged alcohol policy violations. Positive visual identification will be considered in such instances.

Drugs - The possession, use, manufacture, and/or selling of an illicit drug is against Federal regulations and will not be tolerated on University premises. Possession of drug paraphernalia (e.g., hookahs, bong, pipes, or homemade equipment) regardless of intended use, drug remnants (e.g., marijuana seeds, stems, or resin) in the presence of marijuana use (including but not limited to: drug paraphernalia, or residue (seeds, stems or resin) will be held responsible. Concealment activities (such as but not limited to, placing a plastic bag over a room smoke detector or otherwise interfering with the operation of the smoke detector; fan in the window blowing air out of the room; open window when the outside temperatures are not suitable for it, placing towels or similar barriers under the room door; the smell of air fresheners/perfume, incense, candles, etc.) may be considered as confirmation of illegal use of marijuana. The possession, use, and/or aroma of synthetic marijuana (commonly known as K2 or Spice) is also prohibited. Gallaudet University has every legal right to take whatever disciplinary actions are necessary. The Residence Life staff is expected to confront and report any violations. Fleeing from the scene of an alleged violation or refusing to provide valid identification when a University official is present may be considered relevant information used to verify the student's use and/or knowing presence during the alleged use of illegal drugs. Positive visual identification will be considered in such instances.

Mandatory Alcohol and/or Other Drug Educational Program

As an educational component of the University's discipline process, students involved in alcohol and/or other drug violations are required to participate in the University's alcohol and/or other drugs educational program.

Satisfactory completion of on-line educational courses, alcohol and other drugs educational workshops, and/or counseling assessments assigned is mandatory for students required to participate in the program as a result of University disciplinary action, in addition to any fine and/or other sanctions that may have been imposed. Failure to comply with a mandatory requirement by the stated deadline will result in additional disciplinary action imposed by the University, which may include the loss of off-campus housing privileges, residence hall privileges, or University suspension.

STUDENT ACCOUNTABILITY AND RESTORATIVE PRACTICES

It is in the best interests of Gallaudet University and the members of the University community for the University to function as a self-regulated community in an orderly environment. Assurance that sanctions will be promptly imposed on those found responsible for misconduct will help the University preserve order. Having its own responsible student conduct system that follows established procedures will enable the University to deal with internal matters of student discipline. Further, it can deal with such misconduct in ways that encourage positive learning from the experience.

Through a system of SARP and administrative review, students, staff, faculty, and/or administrators are able to participate in the SARP program to resolve complaints made against students. Underlying the program is a deep regard for discipline as a constructive element of education. Stated another way, the philosophy of this program is based on the belief that a disciplinary problem should be handled so as to maximize the educational experience of the students involved. Such an approach does not eliminate punitive action, including suspension or expulsion, as the prescribed disciplinary sanction. It recognizes that the University must protect itself by appropriate means from individuals whose behavior is contrary to the best interests of the University and its community.

It is the intent of the student conduct program that the University, in handling its disciplinary problems, will continue the use of discussion, counseling, conciliation, mediation, and other existing procedures, as long as such measures prove effective. The other provisions of the program will be set in motion in such instances when the informal procedures prove to be, or manifestly appear to be, ineffective, or inappropriate.

Alternative Dispute Resolution

The University believes the conciliation or mediation of disputes will encourage reporting and resolution of complaints. Conciliation or mediation is appropriate when all parties involved—the complainant(s) and respondent(s)—voluntarily agree to engage in this alternative dispute resolution process and the Coordinator (or Director) of SARP agrees that it is an acceptable alternative to resolve the complaint. Mediation is not an appropriate resolution for cases involving complaints of sexual assault or other serious violations of the Student Code of Conduct; the Coordinator (or Director) of SARP will make a determination of whether or not conciliation or mediation is appropriate on a case-by-case basis.

Conciliation or mediation will involve resolution of the incident, and the resolution may include mutually agreeable sanctions if appropriate. Conciliation or mediation agreements are final, and there will be no subsequent proceedings. If conciliation or mediation does not resolve the

situation or if the conciliation or mediation agreements are not adhered to, the case will be adjudicated utilizing established disciplinary proceedings as described below.

Disciplinary Proceedings

Any member of the University community (administration, faculty, staff, and students) may make a formal complaint against any student(s) for alleged violations of the Student Code of Conduct. All allegations of violations should be prepared in writing and directed to the Coordinator of SARP (or the Director of SARP if the Coordinator of SARP is unable to serve in this capacity); however, the Coordinator (or Director) of SARP will not accept anonymous complaints. Complaints alleging gender-based or sexual misconduct will be referred to and investigated by the Title IX Coordinator or the Deputy Title IX Coordinator for Students, and the procedures for handling such complaints can be found under the Gender-Based and Sexual Misconduct Policy and Procedures section of the online student handbook at <http://sa.gallaudet.edu>. Persons should refer to appropriate materials available online or in print for procedures for the resolution of such complaints. Those requesting charges are normally expected to serve as the complainant, and to present relevant information in disciplinary conferences and/or hearings. In addition, any allegation of violations should be submitted as soon as possible after the event takes place. The Coordinator (or Director) of SARP will evaluate all the information, which may include interviews with involved parties and the collection of relevant information as the Coordinator (or Director) of SARP deems necessary, to determine if the reported allegation(s) has merit and/or if they can be disposed of administratively by conciliation, mediation, or mutual consent of the parties involved on a basis acceptable to the Coordinator (or Director) of SARP. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Coordinator (or Director) of SARP may later serve in the same manner as a non-voting member of the SARP in a hearing. The Coordinator (or Director) of SARP may refuse to grant hearings on complaints resulting from incidents that occurred at a time too distant from the date of the filing of charges, or when information or testimony is too vague. Complaints generally should be made within 30 business days after discovery of the alleged violation and/or identification of the alleged violator.

A student charged for alleged violation(s) of the SARP will be entitled to a disciplinary conference or disciplinary hearing. The Coordinator (or Director) of SARP will make a determination of whether a disciplinary conference or disciplinary hearing will be held, based on the range of sanctions that may be issued for the particular violation. The Coordinator (or Director) of SARP will serve as the hearing officer for the disciplinary conference or as a member of the SARP at all disciplinary hearings. In rare occasions, the Director of SARP will assume all roles and responsibilities in the disciplinary process if the Coordinator of SARP is unable to serve in that capacity and the case cannot be rescheduled within a reasonable time.

Formal rules of process, procedures, and/or technical rules of evidence, such as are applied in criminal and civil court, are not used in the SARP disciplinary proceedings.

Disciplinary Conference

In instances where a student is charged with alleged SARP violations that will likely result in a sanction less than removal from University housing, University suspension, or expulsion, the student will be entitled to a disciplinary conference. Minor residence hall violations are usually handled in this manner (for more information on residence hall disciplinary conferences, see pp. 141-142). A disciplinary conference will normally consist of an informal meeting between the respondent and the Coordinator of SARP (or the Director of SARP, if the Coordinator of SARP is unable to serve in this capacity), who will serve as hearing officer. The Coordinator (or Director) of SARP will gather all information necessary to make a just decision in the case. If the Coordinator (or Director) of SARP determines that the student is responsible for the violation, the Coordinator (or Director) of SARP will impose sanctions appropriate for the violation.

Disciplinary Conference Procedures

The following procedural guidelines are established for respondents charged with violations of the Student Code of Conduct and assigned to a disciplinary conference through SARP:

- A. The student will be notified by the Coordinator (or Director) of SARP or his/her designee that a complaint has been made. The Coordinator (or Director) will provide the student with a written statement with the name of the complainant (person(s) or the University), the procedures for resolving the complaint, and the range of sanctions that may be imposed.
- B. The student must make an appointment for a pre-disciplinary conference meeting with the Coordinator (or Director) of SARP no later than three business days after the letter is received.
- C. If the student fails to arrange a meeting with the Coordinator (or Director) of SARP within three business days after receipt of the letter or fails to show up at the scheduled disciplinary conference, information in support of the charge(s) will be presented and considered.
- D. The student will be informed by the Coordinator (or Director) of SARP of two possible ways to handle the case: 1) appear at a scheduled disciplinary conference and present his/her case before the Coordinator (or Director) of SARP, or 2) accept responsibility for the violation(s) as charged, waive his/her right to a disciplinary conference and presenting witnesses on his/her behalf, and accept sanctions imposed by the Coordinator (or Director) of SARP.
- E. The student will be notified at least 72 hours in advance of the time, date, and place of the disciplinary conference. All disciplinary conferences will be conducted in private.

- F. A single disciplinary conference may be held for more than one person charged in a case arising out of a single or multiple occurrence(s). The Coordinator (or Director) of SARP will make such determinations. However, each student retains the right to have his/her case heard individually.
- G. The student will have reasonable access to information pertaining to the case prior to and during the disciplinary conference.
- H. The student may appear in person and present relevant information to the Coordinator (or Director) of SARP and may call witnesses. The student will have the opportunity to hear and question all participants at the conference. Should the student elect not to appear at the conference, it will be held in the absence of the student. In such instances, the information in support of the charge(s) will be present and considered even if the student is not present.
- I. The student may be accompanied by an advisor (the advisor will be a member of the full-time faculty, staff, or student body of Gallaudet University, but not a lawyer). The student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in the disciplinary conference. Advisors may confer with a student only when there is not a question on the table or a response pending from the student. A student should select an advisor or a person whose schedule allows attendance at the scheduled date and time of the disciplinary conference because delays will not be considered due to the scheduling conflicts of an advisor. Violations of any restrictions for advisors will result in the advisor being removed from the disciplinary conference at the discretion of the Coordinator (or Director) of SARP.
- J. Formal rules of processes, procedures, and/or technical rules of evidence will not be applicable to disciplinary conferences. Any information or testimony the Coordinator (or Director) of SARP believes to be relevant may be considered.
- K. After the disciplinary conference, the Coordinator (or Director) of SARP will determine whether the student is responsible for the violation with which he/she is charged. The Coordinator (or Director) of SARP's determination will be made on the basis of whether it is more likely than not that the student violated the Student Code of Conduct.
- L. The student will be informed of the right to appeal a decision to the Associate Dean of Student Center Programs and Services (or the Dean of Student Affairs and Academic Support, if the Associate Dean served as hearing officer in the case). A decision or judgment of the Coordinator (or Director) of SARP may be appealed by either or both of the parties involved on the following grounds:
- The disciplinary conference was not conducted fairly and in conformity with prescribed procedures, which made it unfair. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant unfairness results.
 - There is new or newly discovered information that could not have been produced at the conference. In order for the Associate Dean of Student Center Programs and Services (or the Dean of Student Affairs and Academic Support, if the Associate Dean served as hearing officer in the case) to consider new information sufficient to alter a decision, or other relevant facts not brought out in the original

conference, such information and/or facts must not have been known at the time of the original conference by the appellant.

- The decision was or was not supported by substantial information considering the record as a whole. That is, the facts in the case were or were not sufficient to establish that a violation of the Student Code of Conduct occurred.
- The sanction imposed was excessive or insufficient and not appropriate for the violation.

An appeal must be in writing, must indicate the basis of the appeal with an explanation, and must be made within five business days of the date the parties were notified of the decision. In an appeal case, sanctions assessed by the initial Coordinator (or Director) of SARP may be held in suspense until acted upon in appeal. The appeal will be reviewed by the Associate Dean of Student Center Programs and Services (or Dean of Student Affairs and Academic Support if the Associate Dean served as the hearing officer), and he or she may affirm or reverse the decision, or modify the sanction originally determined. The Associate Dean of Student Center Programs and Services (or Dean of Student Affairs and Academic Support if the Associate Dean served as the hearing officer) may decide to remand the matter back to the Coordinator (or Director) of SARP to reopen the hearing, if appropriate. The Coordinator (or Director) of SARP will convey pertinent information related to the case. The decision of the Associate Dean of Student Center Programs and Services (or Dean of Student Affairs and Academic Support if the Associate Dean served as the hearing officer) is final and is not appealable.

All disciplinary conferences will be closed to the public in order to protect the confidential nature of the proceedings.

Because of time concerns and the expenses it would incur, provisions for written transcripts of disciplinary conferences is not required.

The Coordinator (or Director) of SARP will determine the rules of procedures in addition to those stated herein, and all procedural questions are subject to his/her final decision.

Disciplinary Hearings

In instances where a student is charged with alleged Student Code of Conduct violations that will likely result in a range of sanctions that may include residence hall suspension, University suspension, or expulsion, the student will be entitled to a disciplinary hearing. A disciplinary hearing will involve a SARP or an Administrative SARP Board.

SARP Conduct Board

The SARP Board is a fact-finding and decision-making body consisting of members of the University community (faculty, staff, and/or students who have been selected and received training by SARP), a non-voting Student SARP representative, and a non-voting Coordinator of SARP (or the Director of SARP, if the Coordinator of SARP is unable to serve in this capacity). The

non-voting Coordinator (or Director) of SARP will serve as the hearing official and as a consultant to the Board. The members of the SARP Board have the responsibility for hearing complaints against students, determining whether a student is, more likely than not, responsible for a violation of the Student Code of Conduct, and recommending disciplinary sanctions to the Coordinator (or Director) of SARP.

Administrative SARP Board

The Administrative SARP Board consists of faculty and/or staff representatives and the Coordinator of SARP (or the Director of SARP, if the Coordinator of SARP is unable to serve in this capacity). The non-voting Coordinator (or Director) of SARP will serve as the hearing official and as a consultant to the Board. This Board, which meets when the Student SARP Board is not able to meet and hear a case, is empowered to make decisions and recommend disciplinary sanctions.

Disciplinary Hearing Procedures

The following procedural guidelines are established for the direction of all persons and boards conducting disciplinary hearings on complaints against a student at Gallaudet University.

- A. The student will be notified by the Coordinator (or Director) of SARP that a complaint has been made. The Coordinator (or Director) will provide the student with a written statement containing the name of the complainant (person(s) or the University), the procedures for resolving the conflict, and the range of sanctions that may be imposed.
- B. The student must make an appointment for a pre-hearing meeting with the Coordinator (or Director) of SARP or his/her designee no later than five business days after the letter is received.
- C. If the student fails to arrange a meeting with the Coordinator (or Director) of SARP within five business days after receipt of the letter or fails to show up at the scheduled pre-hearing meeting to decide how the case will be handled, information in support of the charge(s) will be presented and considered, and a decision will be made in the student's absence.
- D. The student will be informed by the Coordinator (or Director) of SARP of two possible ways to handle the case: 1) appear at a scheduled hearing and present his/her case before the Student Conduct Board, 2) accept responsibility for the violation(s) as charged, waive his/her right to a hearing and presenting witnesses on their behalf, and accept sanctions imposed by the Coordinator (or Director) of SARP. In the event of scheduling difficulties or special circumstances warranting it, the complaint may be heard and action decided by an Administrative SARP Board hearing.
- E. The student will be notified at least 72 hours in advance of the time, date, and place of the hearing. Hearings will be conducted in private.
- F. A single hearing may be held for more than one person charged in cases arising out of a single or multiple occurrence(s). The Coordinator (or Director) of SARP will make such determinations. However, each student retains the right to have his/her case heard individually.

- G. The student will have reasonable access to inspect and review information pertaining to the case prior to and during the disciplinary hearing.
- H. The student may appear in person and present relevant information to the SARP Board, and may call witnesses. While efforts will be made to accommodate the schedules of all parties involved, scheduling conflicts or failure of witnesses to appear will not constitute grounds for a continuance of the hearing. The student will have the opportunity to hear and question all participants at the hearing. Should the student elect not to appear at the hearing, it will be held in the absence of the student. In such instances, the information in support of the charge(s) will be presented and considered even if the student is not present.
- I. Students may be accompanied by an advisor (the advisor will be a member of the full-time faculty, staff, or student body of Gallaudet University, but not a lawyer). The student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in the disciplinary hearing. Advisors may confer with a student only when there is not a question on the table or a response pending from the student. In consideration of the limited role of an advisor, a student should select an advisor or a person whose schedule allows attendance at the scheduled date and time of the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. Violations of any restrictions for advisors will result in the advisor being removed from the hearing at the discretion of the Coordinator (or Director) of SARP.
- J. The Board may, by majority vote, limit the number of witnesses because of redundancy or irrelevancy.
- K. The student may remain silent to preserve the right against self-incrimination. In such cases, other available information will be considered.
- L. Formal rules of processes, procedures, and/or technical rules of evidence will not be applicable to campus disciplinary proceedings conducted pursuant to this Code. Any information or testimony the Board or the Coordinator (or Director) of SARP believes to be relevant may be considered.
- M. The Student SARP Board may accommodate concerns for the personal safety, well-being, and or/genuine fears of confrontation of the complainant, respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, videophone, closed circuit television, or video conferences, as determined to be appropriate by the sole judgment of the Coordinator (or Director) of SARP.
- N. The Coordinator (or Director) of SARP will exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the respondent, who disrupts a hearing, may be excluded by the Coordinator (or Director) of SARP.
- O. After the hearing, the Student SARP Board will determine whether the student is responsible for the violation with which he/she is charged. All parties, the witnesses, and the public will be excluded during Board deliberations. The Student SARP Board's determination will be made on the basis of whether it is more likely than not that the accused student violated the Student Code of Conduct. The burden of proof rests on the complainant. The respondent will be entitled to a verbal explanation of any decision, and

a letter summarizing the decision and any disciplinary sanctions, if applicable, will also be sent to the respondent except in certain cases where the complainant will also receive a letter summarizing the decision and any disciplinary sanctions, if applicable.

- P. The student will be informed of the right to appeal a decision to the Dean of Student Affairs and Academic Support. A decision or judgment of the SARP Board or the Coordinator (or Director) of SARP may be appealed by either or both of the parties involved on the following grounds:
- The Student SARP Board hearing was not conducted fairly and in conformity with prescribed procedures, which made it unfair. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant unfairness results.
 - There is new or newly discovered information that could not have been produced at the hearing. In order for the Dean of Student Affairs and Academic Support or his/her designee to consider new information sufficient to alter a decision, or other relevant facts not brought out in the original hearing, such information and/or facts must not have been known at the time of the original hearing by the appellant.
 - The decision was or was not supported by substantial information considering the record as a whole. That is, the facts in the case were or were not sufficient to establish that a violation of the Student Code of Conduct occurred.
 - The sanction imposed was excessive or insufficient and not appropriate for the violation.

An appeal must be in writing, must indicate the basis of the appeal with an explanation, and must be made within five business days of the date the parties were notified of the decision. In an appeal case, action assessed by the initial SARP Board or the Coordinator (or Director) of SARP may be held in suspense until acted upon in appeal, at the discretion of the Dean of Student Affairs and Academic Support or his/her designee. The Coordinator (or Director) of SARP will convey pertinent information to the Dean of Student Affairs and Academic Support or his/her designee. The Dean of Student Affairs and Academic Support or his/her designee may affirm or reverse the decision, or modify the sanction originally assessed. The Dean of Student Affairs and Academic Support or his/her designee may decide to remand the matter back to the Coordinator (or Director) of SARP to reopen the hearing, if appropriate. The decision of the Dean of Student Affairs and Academic Support or his/her designee is final and is not appealable.

No release of information about a case heard by a Student Conduct Board is permitted except jointly by the Coordinator (or Director) of SARP and a higher administrative authority.

All SARP hearings will be closed to the public in order to protect the confidential nature of the proceedings.

Any SARP Board member will elect to abstain from participation in a hearing when the member has a duality of interest in the case or a personal reason that precludes participation without prejudice. Any party may challenge a SARP board member on the grounds of personal bias prior to the beginning of the hearing. A board member or members may be disqualified by the Coordinator (or Director) of SARP upon majority vote of the voting members, conducted by secret ballot.

Because of time concerns and the expenses it would incur, provision for written transcripts of campus disciplinary hearings is not required.

The SARP Board and/or Coordinator (or Director) of SARP will determine the rules of procedure in addition to those stated herein, and all procedural questions are subject to the final decision of the Coordinator (or Director) of SARP.

Disciplinary Sanctions

If a SARP Board or the Coordinator (or Director) of SARP decides that a student should be disciplined, the disciplinary action should be consistent with the severity of the offense. Attempts to commit acts prohibited by the Student Code of Conduct may be disciplined to the same extent as completed violations. Following are sanctions recognized by Gallaudet University; the Board or the Coordinator (or Director) of SARP may implement other sanctions instead of or in addition to those specified below:

- A. **Disciplinary Reprimand** - Verbal warning or written notification to a student that he/she has violated a University rule or policy and that subsequent wrongful conduct will not be tolerated and may result in severe disciplinary action.
- B. **Rehabilitative Probation** - A period of time, not to exceed one year, during which the student is required to control questionable behavior. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
- C. **Discretionary Sanctions** - Work assignments, essays, educational projects, service to Gallaudet University, prohibition from hosting an event including alcohol on or off campus, or other discretionary assignments.
- D. **Restitution** - Reimbursement for damages to or misappropriation of property and/or compensation for injury. This may take the form of appropriate service and/or monetary or material replacement.
- E. **Fines or Loss of Housing Priority Points** - Previously established fines or a specific amount decided upon by the Office of Student Conduct and/or the Office of Residence Life and Housing may be imposed. A demotion of a student's housing priority points for room selection by a specific amount of points may be issued.
- F. **Disciplinary Probation** - A specified trial period during which a student whose conduct has been found wrongful has the opportunity to prove that he/she can uphold University

rules and policies. It may exclude a student from participation in privileged and/or extracurricular activities as set forth in the notice for the specified period of time. Students found responsible for violations involving alcohol and other drugs will be referred to the alcohol and other drugs educational programs and counseling offered by the University. Failure to attend will result in charges for failure to comply with the Board's decision. The terms imply that violation of any provision in the Student Code of Conduct would be viewed not only as a violation of the regulation itself, but also as a violation of the probation and would most likely result in his/her suspension from the University.

- G. **Residence Hall Suspension** - Separation of the student from the residence halls for a definite period of time after which the student is eligible to return. The student will be required to depart the residence halls within 72 hours or otherwise as specified by University administration. Conditions for readmission may be specified, and a ban from the residence halls may be imposed. As part of the sanction, suspension does not result in a prorated room refund according to regular University policy.
- H. **Deferred Residence Hall Suspension** - A suspension that becomes effective after a specified date. This action is appropriate near the end of the semester to avoid financial and housing hardships that an immediate suspension often entails.
- I. **Residence Hall Expulsion** - Permanent separation of the student from the residence halls. A ban from the residence halls will also be imposed.
- J. **Loss of Off-Campus Housing Privileges** - The loss of the privilege to live off-campus for a specific period of time. The sanction stipulates that the student must have a housing assignment on campus in order to maintain student status.
- K. **University Suspension** - The immediate removal of the privilege to attend Gallaudet University for some specific minimum period of time. The student must sever connections completely with the University. The suspended student may also be placed on persona non grata status (see definition of persona non grata below). At the end of the suspension, a student may apply for readmission. The suspended student is expected to inform the vocational rehabilitation counselor or other agencies through which financial assistance is received. As part of the sanction, suspension does not result in a prorated room refund according to regular University policy.
- L. **Deferred University Suspension** - A suspension that becomes effective after a specified date. This action is appropriate near the end of a semester to avoid financial and housing hardships that an immediate suspension often entails.
- M. **Expulsion** - Permanent dismissal from Gallaudet University. Procedures to petition this sanction are similar to those for suspension. As part of the sanction, expulsion does not result in a prorated room refund according to University policy.
- N. **Access Restriction** - Prohibition from entering certain buildings or the residence halls for any reason. Failure to comply with the terms would result in the person being removed from the premises and being charged for violating this regulation.
- O. **Persona Non Grata** - Prohibition from entering campus premises and attending all University-sponsored activities on- and off-campus for any reason. Failure to comply with

the terms would result in the person being removed from the premises by the Department of Public Safety and/or being charged in D.C. with criminal trespass.

- P. **Community Service** - Work assignments may be a part of a disciplinary probation or may be imposed as an independent sanction. Community service hours completed will not count towards fulfilling the student's community service requirements for graduation. If the student does not complete the community service assignment by the assigned completion date, a charge of non-compliance of a University decision will result.

A student's disciplinary history and prior record may be considered a factor for more severe sanctions, if appropriate.

Hearing Procedures for Student Organizations

The discipline of student organizations is incorporated into the general Student Code of Conduct of Gallaudet University and operates according to rules of that system. The University may carry out disciplinary proceedings and impose disciplinary sanctions on a student organization or recognized club found responsible for violation(s) of the Student Code of Conduct without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Any member of the University community may file charges against an organization for misconduct. Charges should be prepared in writing and directed to the Coordinator of SARP (or Director of SARP if the Coordinator of SARP is unable to serve in this capacity). Any charge should be submitted as soon as possible after the event takes place.

The Coordinator (or Director) of SARP may conduct an investigation to decide whether a formal charge will be brought against the organization. The Coordinator (or Director) of SARP may refuse to grant hearings on complaints about incidents that occurred at a time too distant from the date of the filing of charges or when information or testimony is too vague.

The following procedural guidelines are established for the direction of all persons and boards conducting formal hearings on disciplinary complaints against a student organization at Gallaudet University.

- A. The organization will be notified by the Coordinator (or Director) of SARP that a disciplinary complaint has been filed. The president/chair of an organization and/or his/her designee will represent the organization in any proceedings involving alleged violations of the Student Code of Conduct by the organization.
An appointment for a pre-hearing meeting with the Coordinator (or Director) of SARP must be made no later than five business days after the letter is received. If a meeting with the Coordinator (or Director) of SARP is not arranged within five business days after receipt of the letter, or if the organization fails to show up at the scheduled pre-hearing meeting to decide how the case will be handled, information in support of the charge(s)

will be presented and considered, and a decision will be made in the student organization representative's absence.

- B. The Coordinator (or Director) of SARP may conduct an investigation to determine if the charges have merit and/or if they can be disposed of through a mediation committee established for this purpose on a basis acceptable to the Coordinator (or Director) of SARP. The mediation committee will be chaired by a staff or faculty member selected by the Coordinator (or Director) of SARP. If the charges are disposed of by mutual consent through the mediation committee, such disposition will be final, and there will be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the charges will be handled by the SARP Board or Coordinator (or Director) of SARP. The Coordinator (or Director) of SARP, if present at the mediation committee, may later serve in the same manner as a non-voting member of the SARP Board in a hearing.
- C. The organization will be informed by the Coordinator (or Director) of SARP, in cases where a complaint appears to represent substantial misconduct, of two possible ways to handle the case: 1) appear at a scheduled hearing and present its case before the SARP Board; or 2) Accept responsibility for the violation(s) as charged, waive the right to a hearing and present witnesses on your behalf and accept sanctions imposed by the Coordinator (or Director) of SARP. In the event of scheduling difficulties or special circumstances, the complaint may be heard and action decided by an Administrative SARP Board.
- D. The president/chair of the organization and/or his/her designee may appear in person and present relevant information to the Coordinator (or Director) of SARP or the SARP Board, and may call witnesses. While efforts will be made to accommodate the schedules of all parties involved, scheduling conflicts or the failure of witnesses to appear will not constitute grounds for a continuance of the hearing. The designated representatives are responsible for presenting their cases and will have the opportunity to hear and question all participants at the hearing. Should the designated representatives of the organization elect not to appear at the hearing, it will be held in their absence. The failure of an organization to appear may be a factor considered.
- E. The designated representatives of the organization may be accompanied by an advisor (the advisor will be a member of the full-time faculty, staff, or student body of Gallaudet University, but not a lawyer). The designated representatives of the organizations are responsible for presenting information during the hearing, and therefore, advisors are not permitted to speak or to participate directly in the disciplinary hearing. Advisors may confer with a student only when there is not a question on the table or a response pending from the student. In consideration of the limited role of an advisor, the organization should select an advisor or a person whose schedule allows attendance at the scheduled date and time of the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. Violations of any restrictions for advisors will result in the advisor being removed from the hearing at the discretion of the Coordinator (or Director) of SARP.
- F. The organization may remain silent to preserve the right against self-incrimination. In such cases, other available information will be considered.
- G. Formal rules of processes, procedures, and/or technical rules of evidence will not be applicable to campus disciplinary proceedings conducted pursuant to this Code. Any

information or testimony the Board or the Coordinator (or Director) of SARP believes to be relevant may be considered.

- H. The Coordinator (or Director) of SARP will exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the representative of the student organization (the respondent), who disrupts a hearing may be excluded by the Coordinator (or Director) of SARP.
- I. After the hearing, the SARP Board will determine whether the organization is responsible for the violation with which it is charged and will recommend sanctions, if any, to the Coordinator (or Director) of SARP from the range of sanctions applicable for student organizations. All parties, the witnesses, and the public will be excluded during Board deliberations. The SARP Board's determination will be made on the basis of whether it is more likely than not that the accused organization violated the Student Code of Conduct. If the SARP Board, Coordinator (or Director) of SARP, or the mediation committee participants decide that a violation did occur, but the organization is not responsible for the violation, the complainant may proceed with charges against individual(s) through the SARP program in accordance with guidelines in the Student Code of Conduct. The student organization will be entitled to a verbal explanation of any decision, and a letter summarizing the decision and any disciplinary sanctions, if applicable, will be sent to the student organization except in certain cases (e.g. sexual misconduct) where the complainant will also receive a letter summarizing the decision and any disciplinary sanctions, if applicable.
- J. The organization will be informed of the right to appeal a decision. A decision or judgment of the SARP Board or the Coordinator (or Director) of SARP may be appealed to the Dean of Student Affairs and Academic Support. A decision or judgment of the SARP Board or the Coordinator (or Director) of SARP may be appealed by either or both of the opposing parties upon the following grounds:
 - The SARP Board hearing was not conducted fairly and in conformity with prescribed procedures, which made it unfair. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant unfairness results.
 - There is new or newly discovered information that could not have been produced at the hearing. For the Dean of Student Affairs and Academic Support or his/her designee to consider new information sufficient to alter a decision, or other relevant facts not brought out in the original hearing, such information and/or facts must not have been known at the time of the original hearing by the appellant.
 - The decision was or was not supported by substantial information considering the record as a whole. That is, the facts in the case were or were not sufficient to establish that a violation of the Student Code of Conduct occurred.
 - The sanction imposed was excessive or insufficient and not appropriate for the violation.

An appeal must be in writing, must indicate the basis of the appeal with an explanation, and must be made within five business days of the date the parties were notified of the decision. In an appeal case, action assessed by the initial SARP Board or the Coordinator (or Director) of SARP may be held in suspense until acted upon in appeal, at the discretion of the Dean of Student Affairs and Academic Support or his/her designee. The Dean of Student Affairs and Academic Support or his/her designee may affirm, reverse, or modify the sanction originally assessed. The Coordinator (or Director) of SARP will convey pertinent information to the Dean of Student Affairs and Academic Support or his/her designee. The decision of the Dean of Student Affairs and Academic Support or his/her designee is final and is not appealable.

All SARP hearings will be closed to the public in order to protect the confidential nature of the proceedings.

Any SARP Board member will elect to abstain from participation in a hearing when the member has a duality of interest in the case or a personal reason that precludes participation without prejudice. Any party may challenge a SARP Board member on the grounds of personal bias prior to the beginning of the hearing. A board member or members may be disqualified by the Coordinator (or Director) of SARP upon majority vote of the voting members, conducted by secret ballot.

Determinations made or sanctions imposed under the Student Code of Conduct will not be subject to change or challenge because criminal charges arising out of the same fact-giving rise to violation of University rules are pending, were dismissed, reduced, or resolved in favor of/or against the criminal law defendant.

Because of time concerns and the expenses it would incur, provision for written transcripts of campus disciplinary hearings is not required.

The SARP Board, mediation committee, and/or Coordinator (or Director) of SARP will determine the rules of procedure in addition to those stated herein and all procedural questions are subject to the final decision of the Coordinator (or Director) of SARP.

Disciplinary Sanctions

If a SARP Board or the Coordinator (or Director) of SARP decides that a student organization should be disciplined, the disciplinary action should be consistent with the severity of the offense. Following are sanctions recognized by Gallaudet University; the Board or the Coordinator (or

Director) of SARP may implement other sanctions instead of or in addition to those specified below:

- A. **Permanent Revocation of Organizational Registration** - The organization will not be represented on any student or University organization, board, or committee. Office or housing space assigned by the University will be vacated within ten (10) business days from the date the notice of revocation is mailed. Space vacated due to this permanent revocation may be reassigned by the University.
- B. **Suspension** - Denial of rights and privileges of a registered organization. Any organization whose registration is suspended must cease all organizational activities upon receiving this sanction. Any member of a suspended organization may not hold an appointed or elected office as a representative of the suspended organization in any other organization or committee for the duration of the organization's period of suspension. The organization may be asked to vacate office or housing space assigned by the University. Office or housing space assigned prior to suspension will not automatically be reassigned. The organization may reapply for space assignment, subject to availability. Suspended organizations will automatically be placed on disciplinary probation for a minimum of one academic year following their renewed registration and may be subject to conditions and/or restrictions during the probationary status.
- C. **Disciplinary Probation** - A period of review and observation during which the student organization whose conduct has been found wrongful will be granted the opportunity to prove that it can uphold University rules and policies. Subsequent violations of University rules, regulations, or policies could result in more severe sanctions. The terms imply that violation of any provision in the Student Code of Conduct would be viewed not only as a violation of the regulation itself, but also as a violation of the probation and would most likely result in the suspension of the organization. During the probation period, the organization may be subject to one or any combination of the following conditions and/or restrictions:
 - Denial of the right to represent the University.
 - Denial of the right to maintain an office or other assigned space on University property.
 - Denial of the privileges of:
 1. Receiving or retaining funding;
 2. Participating in intramurals;
 3. Sponsoring a social event;
 4. Sponsoring any speaker or guest on campus;
 5. Participating in a social event;
 6. Co-sponsoring any social event or other activity;
 7. Rush or membership recruitment;
 8. Eligibility for University awards or recognition;
 9. Representation on University and student committees, organizations, or boards.

10. Conditions - Limitations on a student organization's privileges for a period of time or an active obligation to complete a specified activity or activities. This sanction may include the conditions or restrictions listed under the disciplinary probation sanction.

- D. **Disciplinary Reprimand** - Verbal warning or written notification to an organization that it has violated a University rule, regulation, or policy and that subsequent wrongful conduct by the organization will not be tolerated and may result in severe disciplinary sanctions.
- E. **Restitution/Fines** - Reimbursement for damage to, or misappropriation of property and/or compensation for injury to an individual, group, or the University. This may take the form of appropriate service or other compensation.
- F. **Loss of Student Privileges** - Limitations on a student's privileges for a period of time. Principals (officers, etc.) may be prohibited from holding office in any other organization, depending on the severity of the negative leadership displayed. Students from a suspended or revoked organization may also be prohibited from reforming a similar organization under another name.
- G. **Community Service** - Work assignments may be a part of a disciplinary probation or may be imposed as an independent sanction. If the student organization does not complete the community service assignment by the assigned completion date, a charge of non-compliance of a University decision will result. Such assignments will be in addition to the community service requirements as set forth by the student organization guideline.

ANNUAL DISCLOSURE OF CRIME & FIRE STATISTICS

Annual Security & Fire Safety Report

All reported incidents that fall into one of the required reporting classifications will be included as a statistic in this publication, which is compiled and published by DPS on a calendar year basis pursuant to the requirements of the *Clery Act*. DPS works in cooperation with local law enforcement agencies, campus security authorities, and includes statistical information from anonymous reports submitted to DPS. Additionally, statistical information from voluntary confidential reports is also requested and provided to DPS by Counseling Center and Pastoral Care staff, though they are not required by law to provide statistics for this compliance document. All crime statistics included in this publication are also submitted by DPS on an annual basis to the Department of Education.

Statistical information for certain non-campus buildings or property, as well as public property immediately adjacent to and accessible from campus are requested and/or collected from MPD.

By October 1 of each year, the campus community is made aware of the Annual Security & Fire Safety Report by email notification that offers a brief summary of the contents, as well as information on how to view the report via a direct link or obtain a hard copy of the report. This publication is available online at http://www.gallaudet.edu/DPS/Clery_Act_Information.html to all current and prospective students and staff, or in person at the DPS office, Carlin Hall ground floor.

Reportable Crime Definitions

The following criminal offenses that the University is required to report under the *Clery Act* are defined using the FBI Uniform Crime Report (UCR), except for sex and hate crimes. Sex offenses and hate crimes are defined using the UCR-National Incident-Based Reporting System.

Criminal Homicide- The killing of one human being by another.

- *Murder and Non-Negligent Manslaughter* -- The willful (non-negligent) killing of one human being by another.
- *Negligent Manslaughter* -- Killing of another person through gross negligence.

Forcible Sex Offenses -- Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will in instances where the victim is incapable of giving consent.

- *Forcible Rape*: Carnal Knowledge of a person forcibly and/or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- *Forcible Sodomy*: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- *Sexual Assault with an Object*: Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- *Forcible Fondling*: Touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Non-Forcible Sex Offenses -- Unlawful, non-forcible sexual intercourse.

- *Incest*: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Non-forcible Statutory Rape*: Non-forcible sexual intercourse with a person who is under the age of consent. Note: If force was used or threatened, this would be classified as "Forcible Rape" regardless of the age of the victim.

Robbery -- Taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault -- Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Usually accompanied by the use (or threat of use) or a weapon or by means likely to produce death or great bodily harm.

Burglary -- Unlawful entry of a structure to commit a felony or a theft.

- *Burglary Unlawful Entry-No force*: Entry by use of an unlocked door or window, including open garages, open warehouses, open or unlocked dwellings, and open or unlocked common basement areas where entry is someone other than the lawful tenant.
- *Burglary Attempted Forcible Entry*: Forcible entry is attempted but not completed.

Motor Vehicle Theft -- The theft or attempted theft of a motor vehicle. Note: this includes all cases where motor vehicles are taken by persons not having lawful access even though the vehicles are later abandoned including joyriding.

Arson -- Willful or malicious burning or attempt to burn with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Arrests and Referrals for Disciplinary Action -- The University is also required to report for the following categories of arrest or referrals for campus disciplinary action (if an arrest was not made): liquor law violations, drug law violations, and illegal weapons possession.

- *Liquor Law Violations:* The violation of laws ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. Note: drunkenness and driving under the influence are not included in this definition.
- *Drug Abuse Violations:* Violations of state and local laws relating to unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- *Weapons: Carrying, Possessing, Etc.;* The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealment or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

Hate Crimes -- Any crime classification listed above, and also incidents involving larceny, destruction, damage or vandalism of property, intimidation and simple assault that manifest evidence of a hate crime must also be reported by category of prejudice based on the following: race, gender, religion, sexual orientation, ethnicity or disability.

Reportable Geographic Areas

On-campus Building or Property -- Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's education purpose, including residence halls; and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as food or retail vendor). Resident Halls are a subset of on-campus buildings.

Non-Campus Building or Property -- Any building or property owned or controlled by a student organization recognized by the institution and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonable contiguous geographic area of the institution.

Public Property -- All public property that is within the same reasonable contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

(Gallaudet University does not have any officially recognized student organizations that have housing facilities "off-campus".)

Gallaudet University Crime and Fire Safety Statistics

GEOGRAPHIC LOCATION					
Crimes	Year	Campus Property	Non-Campus Property	On Campus Student Housing	Total On Campus
Aggravated Assault	2021	0	0	1	1
	2020	1	0	0	1
	2019	1	0	2	3
Burglary (I & II)	2021	8	0	2	10
	2020	4	0	10	14
	2019	7	0	8	15
Murder/Non-Negligent Manslaughter	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2020	1	0	0	1
	2019	4	0	0	4
Robbery	2021	1	0	0	1
	2020	0	0	0	0
	2019	1	0	0	1
Arson	2021	0	0	0	0
	2020	0	0	1	1
	2019	0	0	2	2
Drug Law Arrests	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Liquor Law Arrests	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Weapons Law Arrests	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Rape	2021	3	0	7	10
	2020	1	0	1	2
	2019	0	1	12	13
Fondling	2021	2	0	4	6
	2020	1	0	7	8
	2019	7	1	5	13
Incest	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2020	0	0	0	0
	2019	1	0	0	1

GEOGRAPHIC LOCATION					
Crimes	Year	Campus Property	Non-Campus Property	On Campus Student Housing	Total On Campus
Drug Law Violations/Referral	2021	3	0	5	8
	2020	2	0	3	5
	2019	15	0	6	21
Liquor Law Violation/Referral	2021	28	0	131	159
	2020	0	0	23	23
	2019	11	0	157	168
Weapons Law Violations	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	4	4
Domestic Violence	2021	3	0	9	12
	2020	1	0	17	18
	2019	3	0	18	21
Dating Violence	2021	3	0	2	5
	2020	2	0	4	6
	2019	5	0	11	16
Stalking	2021	10	0	9	19
	2020	4	0	3	7
	2019	11	0	15	26
Hate Crimes	2021	0	0	1	1
	2020	1	0	0	1
	2019	2	0	1	3
Unfounded	2021				2
	2020				1
	2019				1

Hate Breakdown

2021

1-hate crime; bias toward race by intimidation, on campus housing

2019

2-hate; 2 simple assault/2-race
1-hate/religion/intimidation on campus
2-hate/2-orientation/2-damage, destruction of property; 1-on campus, 1-residential building

2020

1-hate crime; disability, intimidation on campus

Unfounded

- Sworn commissioned law enforcement personnel have fully investigated the reported crime and based on the results of this full investigation and evidence have made a formal determination that the crime reported is false or baseless and therefore “unfounded.”

Fire Information and Statistics in Residential Facilities

UNIVERSITY RESIDENTIAL FIRE SAFETY OVERVIEW FOR 2021						
Residential Dorms	North	West	Benson	Carlin	Clerc	LLRH6
Fire Extinguishers	Yes	Yes	Yes	Yes	Yes	Yes
Smoke Detectors	Yes	Yes	Yes	Yes	Yes	Yes
Manual Pull Stations	Yes	Yes	Yes	Yes	Yes	Yes
Fire Sprinklers	Yes	Limited	Yes	Yes	Limited	Yes
Fire Alarm Systems	Yes	Yes	Yes	Yes	Yes	Yes

UNIVERSITY RESIDENTIAL FIRE SAFETY REPORT FOR 2021						
Residential Dorms	North	West	Benson	Carlin	Clerc	LLRH6
Number of Fires	0	0	0	0	1	1
Number of Fire Related Injuries	0	0	0	0	0	0
Number of Fire Related Deaths	0	0	0	0	0	0
Value of Fire Related Damage	\$0	\$0	\$0	\$0	\$50	\$>100
Cause of Fire	N/A	N/A	N/A	N/A	Electrical	Cooking

Fire Information and Statistics in Residential Facilities

CLERC CENTER RESIDENTIAL FIRE SAFETY OVERVIEW 2021			CLERC CENTER RESIDENTIAL FIRE SAFETY REPORT 2021		
Residential Dorms	KDES Apts	MSSD Dorm	Residential Dorms	KDES Apts	MSSD Dorm
Fire Extinguishers	Yes	Yes	Number of Fires	0	0
Smoke Detectors	Yes	Yes	Number of Fire Related Injuries	0	0
Manual Pull Stations	Yes	Yes	Number of Fire Related Deaths	0	0
Fire Sprinklers	No	Yes	Value of Fire Related Damage	\$0	\$0
Fire Alarm Systems	Yes	Yes	Cause of Fire	0	0

Crime Statistics-Public Property

Crimes	Year	WVA	FL Ave	6th St.	Brentwood	Corcoran	Mt.Olivet	Total
Aggravated Assault	2021	0	1	0	0	0	0	1
	2020	1	0	0	0	0	0	1
	2019	0	0	0	0	0	1	1
Burglary (I & II)	2021	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
Murder	2021	0	0	0	1	0	0	1
	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	1	0	1
Motor Vehicle Theft	2021	7	2	0	0	2	0	11
	2020	4	2	1	0	1	2	8
	2019	2	0	0	0	0	0	2
Robbery	2021	2	1	0	0	0	0	3
	2020	4	0	0	0	0	2	6
	2019	5	1	0	0	0	0	6
Arson	2021	0	0	0	0	0	0	0
	2020	0	0	0	0	1	0	1
	2019	0	0	0	0	0	0	0
Rape	2021	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
Fondling	2021	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0
	2019	1	0	0	0	0	0	1
Incest	2021	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0

Crime Statistics-Public Property Continued...

Crimes	Year	WVA	FL Ave	6th St.	Brentwood	Corcoran	Mt.Olivet	Total
Statutory Rape	2021	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0
Drug Law Arrests	2021	1	1	0	2	1	0	5
	2020	8	1	0	1	5	1	16
	2019	6	0	0	0	4	6	16
Liquor Law Arrests	2021	1	0	0	0	0	1	2
	2020	0	1	0	0	0	3	1
	2019	0	1	1	0	0	3	5
Weapons Arrests	2021	0	2	0	0	0	1	3
	2020	1	0	0	0	0	1	2
	2019	5	1	0	0	0	0	6
Hate Crimes	2021	0	0	0	0	0	0	0
	2020							
	2019	2**	0	0	0	0	0	2
Domestic Violence	2021	0	0	1	0	1	0	2
	2020	*	*	*	*	1	*	*
	2019	*	*	*	*	1	*	1
Dating Violence	2021	0	0	0	0	0	0	0
	2020	*	*	*	*	*	*	*
	2019	*	*	*	*	1	*	1
Stalking	2021	0	0	0	0	0	0	0
	2020	*	*	*	*	*	*	*
	2019	*	*	*	*	*	*	*

These are crimes reported around Gallaudet University campus.

* MPD did not provide statistics for dating/domestic violence or stalking for perimeter public property for the 2019 calendar year.

** 2019 Hate crimes on West Virginia Ave; involving 2-simple assaults, 1-theft & 2-sexual orientation bias