

Office of Equal Opportunity Programs and Title IX

Authority: Administrative Policy 3.18

EOP.01: Discrimination and Retaliation Complaint and Resolution Procedures

Effective: August 1, 2024

Commitment to Resolution

Gallaudet University is committed to taking appropriate action against those who violate this policy.

Individuals should clearly object to any form of harassment, discrimination, or retaliation. Complaints regarding Student Handbook violations should be made pursuant to the Office of Student Conduct procedures, and Sexual Misconduct and related retaliation violations should be made pursuant to the [Sexual Misconduct](#) or [Title IX procedures](#); all other complaints should be made to:

Director of Office of Equal Opportunity Programs (EOP)

800 Florida Avenue, NE; Washington, DC 20002

Telephone:

202-651-5462 [voice];

202-559-5683 [videophone]E-mail:eop@gallaudet.edu

Complaints should be made in writing, and individuals are strongly encouraged to file them within 45 days of the alleged discrimination, harassment, or retaliation. In certain circumstances, at the discretion of EOP, complaints outside of this time limit or not put in writing may be investigated.

To raise complaints of discrimination, harassment, or retaliation, EOP offers several options that may be appropriate depending on the circumstances surrounding the alleged conduct:

- ***Inquiry:*** Individuals who feel they are being treated unfairly or adversely because of a Protected Characteristic or engagement in protected activity should feel free to contact the Director of EOP to talk through the situation and may do so without necessarily initiating a formal complaint, provided that EOP reserves the right to initiate an investigation if it is determined that it has a duty to do so based on the nature of the alleged conduct.
- ***Informal Resolution:*** This process may be used as a prelude to filing a formal complaint or as an alternative to filing a formal complaint, if appropriate under the circumstances. The informal process is optional and does not require filing a formal complaint. This process consists of gathering information to resolve a disagreement without filing a formal complaint. Similar to the inquiry process, EOP reserves the right to initiate an investigation at any time in lieu of, during or after an informal process if warranted under the circumstances.
- ***Formal Investigation:*** The process of the EOP investigating a case of alleged discrimination and deciding as to whether or not discrimination and/or policy violation occurred and, where appropriate, providing a resolution to the complaint.

Procedures

Complaint Procedure

Discrimination, harassment, or retaliation complaints that do not involve the Student Code of Conduct, Sexual Misconduct or Title IX, shall be filed with the Office of Equal Opportunity Programs (EOP), and preferably should be in writing. The written complaint must be signed by the complainant, identify the respondent(s), fully describe the alleged act(s) of discrimination, harassment, or retaliation along with relevant dates/times, and inform EOP whether it is seeking an inquiry, informal resolution or formal investigation.

If a complaint falls within the University's Student Code of Conduct policies and procedures regarding student handbook violations, located at this link, those policies and procedures will be followed.

If a complaint falls within the University's Sexual Misconduct or Title IX policies and procedures regarding sexual misconduct (which includes sexual harassment), located at the [Sexual Misconduct](#) or [Title IX procedures](#), those policies and procedures will be followed. Otherwise, the below procedures will be followed.

As used herein "complaint" is synonymous with "grievance. Individuals filing complaints internally will be:

- Informed of and provided a copy of University policies on non-discrimination, harassment, and/or retaliation;
- Asked if they wish to pursue the complaint through formal or informal basis, or participate in dispute resolution; and;
- Advised that they have the right not to be retaliated against for bringing the complaint or participating in the complaint proceedings, and that they should immediately raise issues of retaliation with EOP or, if they believe that raising the issue with EOP would be inappropriate, with Human Resources.

Any supervisor who has witnessed or becomes aware of alleged discrimination (including prohibited harassment), or who receives a complaint of discrimination (including prohibited harassment), or who witnesses, becomes aware of or receives a complaint of retaliation, must promptly report the matter to the Director of Equal Opportunity Programs. Likewise, an employee or student who witnesses or becomes aware of alleged discrimination, harassment, or retaliation should immediately report such behavior to the appropriate department head, supervisor or EOP.

EOP will review the situation to determine what interim steps, if any, are necessary to prevent retaliation or conflict during the pendency of an investigation, such as placing the alleged wrongdoer on paid administrative leave.

Confidentiality

While complete confidentiality cannot be guaranteed, confidentiality will be maintained to the extent possible that also allows Gallaudet to adequately address the matter. Complainants, respondents, witnesses and other parties involved in a complaint of discrimination will be requested to refrain from disclosing information about a complaint or investigation under this policy to protect the confidentiality and privacy interests of those involved.

Timelines

As noted above, complaints should be in writing and individuals are strongly encouraged to file them within 45 days of the alleged discriminatory action.

The date in which the Office of Equal Opportunity Programs receives a written complaint (which can be a request for an inquiry or informal resolution) shall be referred to as the Date of Complaint. The Office of Equal Opportunity Programs will make every reasonable attempt to adhere to the time limits as set forth in these procedures. However, circumstances may necessitate the need to extend the time set forth in these procedures for investigations. Therefore, the extensions of time limits are at the discretion of the Director of Equal Opportunity Programs.

In the case of a currently enrolled student, specified time limitations refer to the academic year, September through May. If a student presents a grievance in June or the alleged incident allegedly occurred during the summer months, the time calculation may be suspended between the end of the

academic year and the opening of the following academic year in September. In such a situation, the recommended 45-day timeframe would begin the first day of the academic year. In addition, time limitations do not include official University holidays or other closures during the regular academic year. The term “days” refers to days when the University is open for business.

Jurisdiction Decision

The Office of Equal Opportunity Programs will determine whether issues raised in the complaint fall within the purview of these procedures within 15 working days after receiving the written complaint.

If the allegations fall within the purview of these procedures, the Director of Equal Opportunity Programs will meet with the complainant to discuss next steps and obtain additional information relevant to the investigation.

Dispute Resolution

The complainant may authorize the Office of Equal Opportunity Programs to utilize dispute resolution techniques, such as mediation, at any stage of the complaint process, and EOP will determine whether such techniques are appropriate under the circumstances, including the procedures found in the Administration and Operations Manual 4.41. These dispute-resolution attempts will focus on resolving the conflict through mediation, managing the conflict, and empowering the parties to devise a settlement agreement.

Investigative Process

After a formal complaint is received and found to fall within the purview of these procedures, the Director of Equal Opportunity Programs may notify the Office of General Counsel (“OGC”) and administrators, where appropriate, of the complaint as soon as possible.

The Director of Equal Opportunity Programs (or their designee), in consultation with the OGC as needed, will determine whether an investigation is warranted and if so, will commence an investigation. OGC may provide legal advice to the University regarding the nature of any investigation and other matters related to the complaint.

Ordinarily, the Director of Equal Opportunity Programs (or their designee) will inform the complainant within 30 days of submission whether or not the complaint will be investigated pursuant to this policy.

If an investigation is conducted: (1) the investigation will be completed promptly, and typically within 90 calendar days of the filing of the complaint, absent extenuating circumstances; (2) the respondent will be permitted to respond in writing to the allegations; (3) both the complainant and respondent may submit relevant documentation for consideration by the investigator. Modifications will be made to these procedures if the respondent is not an employee of the University.

At the conclusion of its investigation, the Director of Equal Opportunity Programs shall ordinarily notify the complainant and respondent whether any University policy was violated. Please note that EOP information regarding disciplinary sanctions (if any) are not shared with the complainant due to privacy rights of the respondent. Where appropriate, the appropriate Administrative Officer will be advised regarding the results of the investigation and has the authority to render disciplinary action or approve, negotiate, or deny redress to resolve the complaint.

Filing a False Complaint or Retaliating Against Participants in the Complaint Process

Retaliating against participants in these proceedings is prohibited. The Office of Equal Opportunity Programs will use the same notification and process guidelines outlined in the discrimination complaint procedure for claims of retaliation.

Similarly, filing a complaint that is intentionally false or made maliciously without regarding for the truth is considered a serious act of misconduct, which is subject to disciplinary action up to and including termination of employment.

Alternative Complaint Procedures

- The complainant shall use the Office of Equal Opportunity Programs complaint procedures for an internal claim of illegal discrimination or retaliation unless another procedure is specifically required or permitted by union contract. Should the complainant elect to use any other internal grievance procedure, s/he may not use the procedure used by the Office of Equal Opportunity Programs for the same complaint.
- Any person who believes that s/he has been discriminated against may contact one of the following agencies listed below for advice, assistance, and explanation of filing deadlines:
- U.S. Equal Employment Opportunity Commission
- D.C. Human Rights Commission
- U.S. Department of Education, Office of Human Rights