



DEPARTMENT OF PUBLIC SAFETY

ANNUAL SECURITY AND FIRE SAFETY REPORT 2025



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A MESSAGE FROM THE COMMANDER OF THE DEPARTMENT OF PUBLIC SAFETY

I am pleased to present the 2025 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 (2024, 2023, & 2022). 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,

Daniel Bauer

Daniel Bauer, Commander
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 there 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 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 where 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 in marked vehicles. Gallaudet's public safety officers are considered "Special Campus 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 of Universities 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 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 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)
- 202-651-5445 (Voice Non-Emergency)
- 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 MPD at 911 and for non-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
- Student Engagement & Leadership -- JSAC Building 202-250-2600
- Residence Life-Ely -- 202-250-2988
- Athletics-Field House -- 202-510-9987
- MSSD Student Life -- 202-250-2152 (VP/VRS)
- MSSD Athletics -- 202-250-2152 (VP/VRS)

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 Student Accountability & Restorative Practices. 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 Executive 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.

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, 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 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 Campus Special Police Officers are trained in the use of C.P.R. and First Aid.

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 Commander of Public Safety or designee is authorized to determine whether an emergency exists, and if so, and upon confirmation, to activate the immediate notification procedures. The Commander will attempt to make contact with the Chief Student Affairs Officer 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 Commander 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/voice 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 Communication Center. Upon activation of a fire alarm, indicated by an audible siren and strobe light, community members must immediately evacuate their building or residence hall's respond to 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 Director Facilities Management completes safety inspections by checking fire extinguishers monthly, 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 completed quarterly.

Visual inspections by Facilities, Residence Life, and Clerc Center 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 2 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 registered 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 (CRE) and residence 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.

IMPORTANT EMERGENCY CONTACTS

Public Safety -- DPS Officers/Administrators: Non-Emergency 202-651-5445-v or 202-651-5555 or 202-651-5444 by text or dps@gallaudet.edu. Open 24-hours X 365-days.

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

Gallaudet University Counseling and Psychological Services (CAPS)

202-250-2300 VP/202-651-6080

M-F 9am to 4pm

Student Health Services 202-921-6211 VP/202-651-5090 V

Business hours - M-F 8:00 AM-4:30 PM / Saturday 10am to 2pm

Facilities Department 202-250-2560 VP/202-651-5181 V

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 their 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 they are 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 Counseling & Psychological Services, 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 investigate 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.

Effective August 01, 2024, Gallaudet University has updated the Title IX/ Equal Opportunity Programs Policies and Procedures in our Administration and Operation Manual, which can be accessed at the following link: <https://gallaudet.edu/title-ix/>. Also, see 3.01, 3.18, 3.19, 3.20, and 3.21 in our [Administration and Operation Manual](#).

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.

[\(EOP Policy & Procedures\)](#) can be found in the Administration and Operations Manual. Complaints of discrimination should be directed to:

Dr. Jesus Remigo Director of Office of Equal Opportunity Programs (EOP) & Title IX Coordinator
800 Florida Avenue, NE; HMB S141, Washington, DC 20002

[Contact](#)

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
800-421-3481-v, 800-877-8339-TDD
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 using 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 based on 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, 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 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 despite 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 constitute consent. Consent can be withdrawn once given, if 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

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 with information and additional resources for 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, reflecting 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 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 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, to ensure the students or employees' 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 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 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 to for informal, remedies-based resolution. The University will take immediate and corrective action through the imposition of individual and community remedies designed to address 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 accommodation, 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 member, 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 decide, 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 is 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 determine 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 consult 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 ground 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, 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 can prove that they can uphold University rules and policies. It may exclude respondents from participating 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. The sanction stipulates that the respondent must have a housing assignment on campus 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. 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 if certain conditions imposed for readmission, if any, have been satisfied. Respondents are 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. **Campus Access Restriction** - prohibits 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. 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 by 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 people 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. 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 with 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, 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 that 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 gathering 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

If 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 incidents 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 conducting 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 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 114-119

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), (202) 921-6208 (VP) 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)

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, HMB S141, [Contact](#)

The EOP/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. 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 necessitate the University to 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 report 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.

Sexual Misconduct 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. Many 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 with 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 can 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 other 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 despite 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 constitute consent. Consent can be withdrawn once given, if the withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop immediately. 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 safer 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 people 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 investigating 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 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;

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). Several 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 - 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 can 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 students. DPS also provides information on how to contact outside agencies and assists in contacting these agencies when necessary.

B. **Title IX Coordinator**, HMB S141, Dr. Jesus Remigio.

The Director of EOP 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.

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, (240) 720-7307-VP
kyle.amber.clark@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, SAC 2200.

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 114-119, (202) 651-5102 (V)

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) 651-5255 (V), 250-2988 (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 provide 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 with information on how to access them. Individuals are advised of options, as provided by District and Federal laws and regulations, regarding 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

1140 Third Street NE

Washington, DC 20002

<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

202-866-0501 (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

202-727-5427

202-698-0289 (V)

202-727-8453 (Fax)

E-mail: slu.adminbox@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)

<https://victimsofcrime.org/>

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)

6955 Willow Street NW, #501
Washington, DC 20012
202-742-1727 (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 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 behavior that intimidate, manipulate, humiliate, isolates, frightens, terrorizes, coerces, threatens, blames, hurts, injures or wounds 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 2024

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

CSA Training: January & August

"Alcohol & Drugs Training!" -October Hosted by Residence Life

"Healthy Relationships" - October & November-Hosted by GSR 101

"QPR Training" (Suicide Awareness) August, September, November & December- for SHA's sponsored by CAPS

"Safe Partying"- September & October taught in GSR 101 classes

Addressing Safety- to our High School students on January & August

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, Dr. Jesus Remingio, via e-mail [contact](#) or in person at HMB S141 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 providing 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 incidents 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 incidents.

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/> .

TITLE IX SEXUAL HARASSMENT POLICY

Introduction

Gallaudet University and the Clerc Center, hereinafter referred to as “the Institution” are committed to providing a workplace and environment, as well as other benefits, programs, and activities, free from sexual harassment and retaliation. To ensure compliance with federal and D.C. civil rights laws and

regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the Institution has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment or retaliation. Gallaudet values and upholds the equal dignity of all members of its community and strives to respect the rights of the parties in the grievance process during what is often a difficult time for all those involved.

This policy is intended to guide University and the Clerc Center community members that may have observed, become aware of, or experienced sexual harassment. Gallaudet strictly prohibits retaliatory discrimination or harassment against any person(s) for reporting an incident of sexual harassment or for participating, or refusing to participate, in any manner, in procedures to redress complaints related to a report of sexual harassment.

This policy pertains to acts of prohibited conduct committed by or against Gallaudet or the Clerc Center community members on University property (i.e., on campus) or other property owned by the University, or at Gallaudet University or the Clerc Center 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; when Clerc Center students are under the care of the Clerc Center; and/or online and social media conduct that may affect the educational experience.

All members of the campus 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 campus community. Every member of the campus community also has a responsibility to become familiar with the Gallaudet University and the Clerc Center Sexual Harassment Policy.

Scope

The core purpose of this policy is the prohibition of sexual harassment and discrimination and ensuring that sexual harassment and discrimination does not interfere with the ability of members of the Gallaudet University community to participate in Gallaudet’s educational

program and activities. When an alleged violation of policy is reported, the allegations are subject to resolution using one of Gallaudet's grievance processes, as determined by the Title IX Coordinator or designee and as detailed in the links below. When the respondent is a member of the Gallaudet or the Clerc Center community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Gallaudet community.

The Gallaudet University and the Clerc Center community includes individuals having an official capacity and includes, but is not limited to, students, student organizations, faculty, teachers, administrators, staff, and third parties such as guests, visitors, volunteers, independent contractors, vendors, alumni, interns, invitees, and campers, and any individual studying, living, or conducting business at/or for the Institution. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

Title IX Coordinator

The Title IX Coordinator* oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating the Institution's efforts related to the intake, investigation, and resolution of notices and complaints of sexual harassment and retaliation prohibited under this policy and for the implementation of supportive measures to stop, remediate, and prevent sexual harassment and retaliation.

- Anywhere this procedure indicates "Title IX Coordinator," Gallaudet or the Clerc Center may substitute a trained designee.

Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures.

The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Executive Director, Human Resources at christina.shen-austin@gallaudet.edu. For the Clerc Center, contact the Chief Administrative Officer Nicole Sutcliffe at Nicole.Sutcliffe@Gallaudet.Edu. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct committed by the Title IX Coordinator should be reported to the Executive Director, Human Resources (christina.shen-austin@gallaudet.edu) or designee; for the Clerc Center, Chief Administrative Officer (Nicole.Sutcliffe@Gallaudet.Edu). Reports of misconduct committed by any other Title IX Team member should be reported to the Title IX Coordinator.

Internal Administrative Contact Information

Questions regarding Title IX, including its application and/or concerns about noncompliance, should be directed at Title IX Coordinator. For a complete copy of the policy or for more information, please visit <https://www.gallaudet.edu/title-ix> or contact the Title IX Coordinator.

Individuals who believe they have experienced sex discrimination, harassment, and/or retaliation in violation of Gallaudet or the Clerc Center's policy should contact:

Individual with Oversight for Sex Discrimination

Sharrell McCaskill

Director, Equal Opportunity Programs

College Hall 322

Gallaudet University

800 Florida Avenue, NE

Washington, DC 20002

(202) 651-5462 (v)

(202) 559-5683 (vp)

Email: sharrell.mccaskill@gallaudet.edu

Gallaudet University Title IX Coordinator Office

Jennie Sivak

Title IX Coordinator

Human Resources

College Hall B18

Gallaudet University

800 Florida Avenue, NE

Washington, DC 20002

(202) 759-1734 (videophone/voice)

Email: titleix@gallaudet.edu

Web: <https://www.gallaudet.edu/title-ix>

Gallaudet University Deputy Title IX Coordinator (students)

Amy Rousseau

Director, Student Accountability and Restorative Practices

Student Center Programs and Services

Ely Center 103

Gallaudet University

800 Florida Avenue, NE

Washington, DC 20002

(202) 759-5598 (videophone)

Email: amy.rousseau@gallaudet.edu

Clerc Center Title IX Team members:
Rosalyn Prickett
Deputy Title IX Coordinator for Clerc Center
KDES, Room 3202
Gallaudet University
800 Florida Avenue, NE
Washington, DC 20002
(202) 651-5788 (voice)
(202) 250-2960 (videophone)
Email: rosalyn.prickett@gallaudet.edu

Bobby (Bo) Acton
Title IX Investigator for Clerc Center
MSSD, Room 214F
Gallaudet University
800 Florida Avenue, NE
Washington, DC 20002
(202) 250-2798 (videophone/voice)
Email: bobby.acton@gallaudet.edu

The above individuals are Officials with Authority (OWA). The Institution has also classified most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing sexual harassment and/or retaliation.

The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

A Formal Complaint, for purposes of the Title IX Procedures, means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment as defined in this by a Respondent and requesting that Gallaudet or the Clerc Center investigate the allegation(s).

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the Institution) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that Gallaudet or the Clerc Center investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Supportive Measures

The Institution will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the Institution's education program or activity, including measures designed to protect the safety of all parties or the Institution's educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Gallaudet or the Clerc Center will inform the Complainant, in writing, that they may file a formal complaint with the Gallaudet or the Clerc Center either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The Institution will maintain the privacy of the supportive measures, provided that privacy does not impair the Institution's ability to provide the supportive measures. The Institution will act to ensure as minimal an academic/occupational impact on the parties as possible. Gallaudet University and the Clerc Center will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-workers
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodation
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-
- Related adjustments
- Trespass, Persona Non Grata (PNG), or access restriction orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator
- Violations of no contact orders will refer to appropriate students or employee conduct processes for enforcement.

Emergency Removal

The Institution can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

This section also applies to any interim restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The Institution will implement the least restrictive emergency actions possible considering the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to:

- removing a student from a residence hall
- temporarily reassigning an employee
- restricting a student's or employee's access or use of facilities or equipment
- allowing a student to withdraw or take grades of incomplete without financial penalty
- authorizing administrative leave and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the respondent is an employee, existing provisions for interim action are applicable. Refer to expected employees conduct A&O 1.01 for Gallaudet Employee and A&O 1.13 for Clerc Center Employee.

Promptness

All allegations are acted upon promptly by the Institution once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the Institution will avoid all undue delays within its control. Any time the general timeframes for resolution outlined in the Institution's procedures will be delayed, the Institution will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed because of the delay.

Privacy

Every effort is made by the Institution to preserve the privacy of reports. The Institution will not share the identity of any individual who has made a report or for the purpose of this policy, privacy and confidentiality have distinct meanings. Privacy means that information related to a complaint will be shared with a limited number of Gallaudet and Clerc Center employees who "need to know" to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the Institution's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the Institution's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies.

Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. Gallaudet and the Clerc Center have designated individuals who can have privileged communications as confidential resources.

When information is shared by a complainant with a confidential resource, the confidential resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18 or individuals with complaint of harassment or retaliation; any complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of

34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The Institution reserves the right to determine which Gallaudet or the Clerc Center officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Student Affairs, Student Accountability and Restorative Practices, Human Resources, Department of Public Safety and/or the Behavioral Intervention Team. The Clerc Center officials may include the Clerc Instructional Leadership Team members, Multi-Tiered Support Team and Student Support Specialists. Information will be shared as necessary with Investigators, Hearing Panel members/decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Gallaudet may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so. Clerc Center will communicate with students' parents/guardians in the same manner and follow the age requirement in releasing information to parents. Confidentiality and mandated reporting are addressed more specifically below.

Jurisdiction of Gallaudet University and the Clerc Center

This policy applies to the education program and activities of the Institution, to conduct that takes place on the campus or on property owned or controlled by Gallaudet. Non-identifiable information may be shared by confidential resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

Gallaudet University and Institution-sponsored events

The respondent must be a member of Gallaudet or the Clerc Center community for its policies to apply. This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Gallaudet or the Clerc Center's educational program. The Institution may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Gallaudet or the Clerc Center interest. Regardless of where the conduct occurred, the Institution will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off campus sponsored program or activity. A substantial Gallaudet or the Clerc Center interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any Gallaudet or Clerc Center student or other individual.

- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of Gallaudet or the Clerc Center.

If the respondent is unknown or is not a member of the Gallaudet or the Clerc Center community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Further, even when the respondent is not a member of Gallaudet or the Clerc Center's community, supportive measures, remedies, and resources may be accessible to the complainant by contacting the Title IX Coordinator.

In addition, the Institution may take other actions as appropriate to protect the complainant against third parties, such as barring individuals from Gallaudet and/or the Clerc Center property and/or events. When the respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies. Similarly, the Title IX Coordinator may be able to assist and support a student or employee complainant who experiences sexual harassment or retaliation in an internship, study abroad program or other environment external to the Institution where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the complainant.

Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the respondent is no longer subject to Gallaudet or the Clerc Center's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate. When notice/complaint is affected by significant time delay, the Institution will typically apply the policy and procedures in place at the time of the alleged misconduct.

Online Sexual Harassment and/or Retaliation

The policies of the Institution are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or influence the Institution's education program and activities or use the Institution's networks, technology, or equipment. Although the Institution may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Gallaudet or the Clerc Center, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Gallaudet or the Clerc Center community.

Notice of Non-Discrimination

It is the policy of Gallaudet University and the Clerc Center to provide an educational and working environment that provides equal opportunity to all members of the University community. Any Gallaudet or Clerc Center employee, student, applicant for admission or employment, or other participant in Gallaudet University and Clerc Center 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).

Definition of Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the District of Columbia regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. As a result of the U.S. Department of Education's Final Rule under Title IX of the Education Amendments of 1972 issued on May 19, 2020, the Institution must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Final Rule's definition of sexual harassment will be investigated and if appropriate, brought to a live hearing through the Title IX Sexual Harassment Policy defined below.

Gallaudet University and the Clerc Center remain committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, the Institution has a Code of Conduct that defines certain behavior as a violation of campus policy, and a separate Sexual Misconduct Policy that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses. To the extent that alleged misconduct falls outside the Title IX Sexual Harassment Policy, or misconduct falling outside the Title IX Sexual Harassment Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Sexual Misconduct Policy through a separate grievance proceeding.

The elements established in the Title IX Sexual Harassment Policy under the Final Rule have no effect and are not transferable to any other policy of Gallaudet University for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of Gallaudet

University or the Clerc Center and may not be cited for or against any right or aspect of any other policy or process.

Gallaudet has adopted the following definition of sexual harassment in order to address the unique environment of an academic community. Any conduct on the basis of sex that meets the following definition may be considered a Title IX violation, and will be addressed using the appropriate Title IX procedures.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex that satisfies one or more of the following:

1. Quid Pro Quo:
 - a. an employee of Gallaudet University/Clerc Center, conditions the provision of an aid, benefit, or service of Gallaudet University/Clerc Center, on an individual's participation in unwelcome sexual conduct; and/or
2. Sexual Harassment:
 - a. unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive and objectively offensive, that it effectively denies a person equal access to the University or Clerc Center's education program or activity.
3. Sexual assault, defined as a sex offense, forcible:
 - a. Any sexual act directed against another person; and/or without the consent of the complainant, including instances in which the complainant is incapable of giving consent.

Sexual Acts include:

Forcible Rape

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 Complainant.

Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object

The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling

The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sex Offenses, Non-Forcible

Incest

Non-forcible sexual intercourse between people who are related to each other, within the degree wherein marriage is prohibited by District of Columbia law.

Statutory Rape

Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 16.

Dating Violence, defined as:

Violence, based on sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the people 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.

Domestic Violence, defined as:

Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner or by a person similarly situated to a spouse of the complainant under the domestic or family violence laws (intrafamily offenses) of the District of Columbia or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws (intrafamily offenses) of the District of Columbia. To categorize an incident as domestic violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Stalking, defined as:

Engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition

1. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

3. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Sex Discrimination

Sex discrimination is defined as 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. Such discrimination is addressed by Policy #2.28 (Anti-Discrimination Policy and Complaint Procedure) in the Administrations and Operations Manual. Complaints should be directed to the Director of the Office of Equal Opportunity Programs (EOP). Where there is an indication that reported harassment may be based on both gender (including sexual orientation, gender identity, or gender expression) and another protected class basis (e.g., race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status), the Title IX Coordinator and the Director of EOP will assess the available information in order to determine whether the matter is most appropriately addressed under this Policy, under Policy #2.28, or for different aspects of the matter to be addressed separately under each.

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. Reasonable reciprocation can be implied. Consent cannot be gained by force, by ignoring or acting despite 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. Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. There should not be unreasonable pressure for sexual activity, which is coercive conduct. 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 constitute consent. Consent can be withdrawn once given, if the withdrawal is reasonably and clearly communicated. Once consent is withdrawn, sexual activity must stop immediately.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Gallaudet or the Clerc Center to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Age of Consent

Gallaudet University and the Clerc Center follow the laws of the District of Columbia concerning sexual activity, including regulations regarding age of consent and the age differences between participants in consensual sexual activities. Specifically, in the District of Columbia, the age of consent for sex is 16 years old. The exception to the age of consent law is if the individuals involved in sexual activity are both minors (younger than 18 years old) and close in age (less than four years apart). While the Clerc Center is in session or while Clerc Center students are under the care of the Clerc Center, all types of sexual activity, on or off campus, are prohibited. Clerc Center students who engage in sexual activity receive consequences outlined in their school Parent-Student Handbook. Consequences differ for sexual activity determined to be consensual than for sexual activity determined to be nonconsensual. A student who engages in sexual activity that violates the District of Columbia age of consent law and/or without the effective consent of the other individual is committing a crime and may be prosecuted.

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.

Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a complainant or respondent, assisting in providing information relevant to an investigation and/or acting in good faith to oppose conduct that constitutes a violation of this policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The Institution will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation. The Institution and any member of the Institution's community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Filing a complaint within the Sexual Harassment process could be considered retaliatory if those charges could be applicable under the Title IX process, when the Sexual Misconduct Process charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Title IX Process that is not provided by the Sexual Misconduct process. Therefore, the Institution vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided

that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

REPORTING CONSIDERATIONS

Mandated Reporting

All Gallaudet and Clerc Center employees (faculty, teachers, staff, administrators) are required to report actual or suspected sexual harassment or retaliation to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources.

Privacy and Confidentiality

Different employees, including student employees 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 harassment. 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 harassment or 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 harassment. 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. Employees who are confidential and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner. 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 harassment or sexual misconduct 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 "mandatory reporters" 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. University 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 will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

Title IX Coordinator, College Hall B18, (202) 759-1734 (videophone), jennie.sivak@gallaudet.edu.

Director, Student Accountability and Restorative Practices, Ely Center 103, (202) 759-5598 (videophone), amy.rousseau@gallaudet.edu.

Deputy Title IX Coordinator for Clerc Center, KDES, Room 3202, (202) 651-5788 (voice), (202) 250-2960 (videophone), rosalyn.prickett@gallaudet.edu

Title IX Investigator for Clerc Center, MSSD, Room 214F, (202) 250-2798 (videophone), bobby.acton@gallaudet.edu

Department of Public Safety, Carlin Hall Basement, (202) 651-5555, dps@gallaudet.edu.

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 people or with their families or guardians. All individuals involved in the process should understand that 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.

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the Institution proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Gallaudet or the Clerc Center's ability to pursue a Formal Grievance Process fairly and effectively. When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. When the Institution proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation.

Note that the Institution's ability to remedy and respond to notice may be limited if the complainant does not want the Institution to proceed with an investigation and/or grievance process. The goal is to provide the complainant with as much control over the process as possible, while balancing the Institution's obligation to protect its community. In cases in which the complainant requests confidentiality/no formal action and the circumstances allow the Institution to honor that request, the Institution will offer informal resolution options (see below), supportive measures, and remedies to the complainant and the community, but will not otherwise pursue formal action.

If the complainant elects not to request an investigation, they can change that decision if they decide to pursue a formal complaint later. Upon making a formal complaint, a complainant has the right, and can expect, to be treated with respect by the Institution, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays in pursuing a Formal Complaint may cause limitations on access to evidence or present issues with respect to the status of the parties.

Federal Statistical Reporting Obligations

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 does not include any identifiable information (e.g. names, addresses, etc.). For more information, visit the DPS website at <http://www.gallaudet.edu/public-safety>. Certain campus officials have a duty to report the following for federal statistical reporting purposes (Clery Act):

1. All "primary crimes," which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft and arson

2. Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
3. VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking
4. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private. Statistical information must be passed along to campus law enforcement regarding the type of incident VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040. 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.

Federal Timely Warning Reporting Obligations

University community members reporting sexual assault, domestic violence, dating violence, and/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 members to make safety decisions considering 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.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith even where those allegations are ultimately shown to be erroneous or do not result in a policy violation determination. Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official investigating can be subject to discipline under the Institution's policies. A determination regarding responsibility, standing alone, is not sufficient to find that a party has violated this requirement.

Amnesty for Complainants and Witnesses

The Institution community encourages the reporting of misconduct and crimes by complainants and witnesses. Sometimes, complainants or witnesses are hesitant to report to Gallaudet or Clerc Center officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time

of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons. It is in the best interests of the Institution community that complainants choose to report misconduct to Institution officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process. To encourage reporting and participation in the process, Gallaudet maintains a policy of offering parties and witnesses amnesty from minor policy violations related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to a respondent with respect to a complainant. Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves. Gallaudet maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, Gallaudet may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON SEXUAL HARASSMENT

Overview

The Institution will act on any formal or informal notice/complaint of violation of the Policy that is received by the Title IX Coordinator or any other Official with Authority. The procedures below, known as the Title IX Procedures apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, teachers, administrators, or faculty members. The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with alleged sexual harassment (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to allegations of sexual harassment as defined under the policy will be addressed through procedures described in other applicable University and Clerc Center policies and procedures.

Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged incident of sexual harassment under this policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps Gallaudet or the Clerc Center needs to take.

The Title IX Coordinator will initiate at least one of three responses:

1. Offering only supportive measures because the Complainant does not want to file a formal complaint; and/or
2. An informal resolution (upon submission of a formal complaint); and/or
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

The Institution uses the Formal Grievance Process to determine whether the Policy has been violated. If so, the Institution will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects. Initial Assessment Following receipt of notice or a complaint of an alleged incident of sexual harassment under this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

If circumstances require, the Executive Director of Human Resources or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- If notice is given, the Title IX Coordinator seeks to determine if the Complainant wishes to make a formal complaint, and will assist them to do so, if desired.
- If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant, in every instance of a notice or formal complaint of sexual harassment, to offer supportive measures.
- If a formal complaint is received, the Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response, an informal resolution option, or a formal investigation and grievance process.
- If a supportive and remedial only response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
- If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:

If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:

An incident and/or a pattern of alleged misconduct and/or a culture/climate concern, based on the nature of the complaint.

If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply and/or refers the matter for resolution under the Sexual Misconduct procedures if appropriate. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit the Institution’s authority to address a complaint with an appropriate process and remedies.

Dismissal (Mandatory and Discretionary)

Gallaudet University or the Clerc Center must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by the Gallaudet University or the Clerc Center; and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the Institution.

Gallaudet University or Clerc Center may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1. Complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein or
2. The respondent is no longer enrolled in or employed by the Institution; or
3. Specific circumstances prevent the Institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon any dismissal, Gallaudet University or Clerc Center will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. Such a complainant is still entitled to supportive measures, but the formal grievance process is not applicable. This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who asks to withdraw a complaint may later request to reinstate it or refile.

Counterclaims

Gallaudet University and the Clerc Center are obligated to ensure that the grievance process is not abused for retaliatory purposes. Gallaudet University and the Clerc Center permit the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not

made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they choose. The parties may select whoever they wish to serve as their Advisor if the Advisor is eligible and available. Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Who Can Serve as an Advisor

“Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Gallaudet University/Clerc Center community.

The Title IX Coordinator will also offer to assign an Advisor from a pool of available Institution employees for any party if the party chooses. If the parties choose an Advisor from outside the pool of those identified by the Institution, the Advisor may not have been trained by the Gallaudet or the Clerc Center and may not be familiar with the Institution’s policies and procedures. Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to hearing.

Advisor’s Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The Institution cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the Institution is not obligated to provide an attorney.

Advisors in Hearings/University or Clerc Center-Appointed Advisor

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties’ Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the Institution will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses. A party may reject this appointment and choose their own Advisor but they may not proceed without an Advisor. If the party’s Advisor will not conduct questioning, Gallaudet University or the Clerc Center will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in

the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

Advisor Violations of Gallaudet or Clerc Center Policies

All Advisors are subject to the same Gallaudet or the Clerc Center policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Gallaudet or the Clerc Center officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow private consultation. Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Sharing Information with Advisor

The Institution expects that the parties may wish to have the Gallaudet or the Clerc Center share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. The Institution also provides a consent form that authorizes the Gallaudet or the Clerc Center to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Gallaudet or the Clerc Center is able to share records with an Advisor.

Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Gallaudet University or the Clerc Center. Gallaudet or the Clerc Center may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Gallaudet or the Clerc Center's privacy expectations.

Expectations of an Advisor

The Institution generally expects an Advisor to adjust their schedule to allow them to attend Gallaudet or the Clerc Center meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. The Institution may also make reasonable provisions to allow an Advisor who cannot attend a

meeting by telephone, video conferencing or other similar technologies as may be convenient and available.

Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

Resolution Processes

Resolution proceedings are private. All person's present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Gallaudet University or Clerc Center policy. Although there is an expectation of privacy around what investigators share with parties during interviews, the parties have discretion to discuss the allegations under investigation with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. Gallaudet University and the Clerc Center encourage parties to discuss any sharing of information with their Advisors before doing so.

Informal Resolution

1. When the parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, etc., usually before a formal investigation takes place.
2. When the respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (usually occurs post-investigation)

To initiate Informal Resolution, complainant needs to submit a formal complaint, as defined above. A respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. It is not necessary to pursue Informal Resolution first to pursue a Formal Grievance Process and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Gallaudet University or Clerc Center will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Gallaudet University or the Clerc Center. Gallaudet University or the Clerc Center will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism, including mediation, restorative practices, or other appropriate practices by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism. The Title IX Coordinator may look at the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- Parties amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above. If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Gallaudet University or the Clerc Center are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Gallaudet University or the Clerc Center policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators, faculty, teachers and/or staff (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students and prospective employees. The list of Pool members and a description of the Pool will be listed on the Title IX website at a later date.

Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

1. To act as an Advisor to the parties
2. To serve in a facilitation role in Informal Resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
3. To serve as a Decision-maker regarding the complaint

Pool Member Appointment

The Title IX Coordinator, in consultation with the Title IX Team, appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the Institution can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of skills, aptitudes, or talents identified in members of the Pool that make them best suited to roles.

Pool Member Training

The Pool members receive annual training. This training includes, but is not limited to:

- The scope of Gallaudet University and/or the Clerc Center’s Sexual Harassment Policy and Procedures
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to uphold fairness and equity
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity

- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the Institution with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct a grievance process including hearings and the informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations
- Recordkeeping

This does not preclude Gallaudet or Clerc Center from having all members of the Pool go through an application and/or interview/selection process. Specific training is also provided for Appeal Decision-makers and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted on the Title IX website.

Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator or designee will provide written notice of the investigation and allegations (the “NOIA”) to the respondent upon commencement of the Formal Grievance Process. This facilitates the respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA is delivered to the respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Gallaudet or the Clerc Center presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the Institution’s policy on retaliation,
- Information about the privacy of the process,

- Information on the ability of each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor.
- A statement informing the parties that the Institution's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process.
- Detail on how the party may request disability accommodations during the interview process.
- A link to the Institution's VAWA Information.
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges. Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' Gallaudet-issued email or designated accounts. Once emailed, and/or received in-person, notice will be presumptively delivered.

Resolution Timeline

The Institution will make a good faith effort to complete the resolution process, whether informal resolution or through the formal grievance process, within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints one or more individuals to conduct the investigation within two (2) business days of determining that an investigation should proceed.

Ensuring Impartiality

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent. The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Executive Director, Human Resources.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a complainant, respondent, or witness. The Institution operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the respondent is determined to be responsible for a policy violation by the applicable standard of proof.

Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The Institution will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Delays in the Investigation Process and Interactions with Law Enforcement

The Institution may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions. The Institution will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The Institution will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the Institution will implement supportive measures as deemed appropriate. The Institution's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all available, relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses and to fully review and respond to all evidence on record. The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation

- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Write a comprehensive investigation report, fully summarizing the investigation, and that fairly summarizes all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no findings, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic copy of the draft investigation report as well as a secured electronic or hard copy of all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Gallaudet does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator(s) will consider and may elect to respond in writing in the investigation report, to the parties submitted responses. The Investigator may also share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses to the evidence, include any additional relevant evidence, make any necessary revisions, share the report with the Title IX Coordinator and legal counsel as necessary, and finalize the investigation report. The final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the Gallaudet or the Clerc Center are expected to cooperate with and participate in the Gallaudet or the Clerc Center's investigation and resolution process. Student witnesses and witnesses from outside the Gallaudet or the Clerc Center community are encouraged to cooperate with Gallaudet or the

Clerc Center investigations and to share what they know about a complaint. Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determines that timeliness or efficiency dictates a need for remote interviewing. The Institution will take appropriate steps to ensure the security/privacy of remote interviews. Witnesses may also provide written, or video statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written or video statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording. In investigation processes where there is a need to protect all parties in bilingualism translation errors, video recording may support the investigator's ability to transcribe parties' statements with more accuracy. Parties must review the transcript of the translations and approve the final interpretations.

Evidentiary Considerations in the Investigation

The investigation does not consider:

1. incidents not directly related to the possible violation, unless there's evidence of a pattern.
2. questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation—when the final investigation report is transmitted to the parties and the Decision-maker—unless all parties and the Decision-maker agree to an expedited timeline. The Title IX Coordinator will select an appropriate Decision-maker(s) from the Pool depending on whether the Respondent is an employee or a student. **Hearing Decision-maker Composition** The Institution will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed Chair by the Title IX Coordinator. The Decision-maker(s) will not have had any previous involvement with the

investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process if a substitute is needed for any reason. Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter. The Title IX Coordinator will not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if necessary, and if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will be convened at a time determined by the Chair or designee.

Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. Previous disciplinary action of any kind involving the respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process and is not shared with the Decision-maker(s) until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached. After post-hearing deliberation, the Decision-maker(s) renders a determination based on the preponderance of the evidence; whether it is more likely than not that the respondent violated the Policy as alleged.

Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once emailed, and/or received in-person, notice will be presumptively delivered. The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and reminder that attendance is mandatory, superseding all other campus activities and that the Title IX Coordinator will assist the parties with any supportive measures that may be required.
- Identification of any technology that will be used to facilitate hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.

- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker based on demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing by that party or witness will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask of other parties and witnesses. The party must notify the Title IX Coordinator of the identity of their Advisor, or if they do not have an Advisor, at least seven (7) business days in advance of the hearing and Gallaudet or the Clerc Center will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre- hearing that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodation, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Notification that no recording devices can be brought into the hearing and the recording of the proceedings is not allowed by either party.

Hearings for possible violations that occur near or after the end of an academic term (assuming the respondent is still subject to this policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer/winter break, as needed, to meet the resolution timeline followed by Gallaudet or Clerc Center and remain within the 60-90 business day goal for resolution. In these cases, if the respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

Alternative Hearing Participation Options

If a party or parties cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing. The Title IX Coordinator or Chair has the sole discretion to grant or deny the request. The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that the request for remote testimony may be considered and appropriate arrangements can be

made. The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing. The Title IX Coordinator can decide to use technology to allow remote testimony in such instances where the University campus is not open for normal business (such as when the University is open for online learning only) or during the summer/winter break.

Pre-Hearing Preparation

The Title IX Coordinator will provide the Parties the names of persons who will be participating in the hearing and ensure that the Parties have received a copy of all evidence directly related to the allegations and the final investigation report at least ten (10) business days prior to the hearing. Any witness scheduled to participate in the hearing must have been interviewed by the Investigator(s) or have proffered a written or video statement or answered written questions unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s). The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether they have a bias or conflict of interest, they must raise the concern to the Title IX Coordinator as soon as possible. During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not prevent the Advisors from asking a question for the first time at the hearing or from asking for reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion at a pre-hearing meeting. At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified

as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings. The pre-hearing meeting(s) may be recorded. In investigation processes where there is a need to protect all parties in bilingualism translation errors, video recording may support the investigator's ability to transcribe parties' statements with more accuracy. Parties must review the transcript of the translations and approve the final interpretations.

Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy. Participants at the hearing will include the Chair, any additional Decision-makers, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses and anyone providing authorized accommodation or assistive services. The Chair will answer all questions about procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

Joint Hearings

In hearings involving more than one respondent or in which two (2) or more complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each respondent with respect to each alleged policy violation.

The Order of the Hearing – Introductions and Explanation of Procedure:

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by the hearing Chair. The hearing Chair may attend to logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”). All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased. The Chair may invite explanations or persuasive statements regarding relevance to the Advisors, if the Chair chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias by an Investigator or the Title IX Coordinator has not been raised as an issue by the parties, the Chair should not permit irrelevant questions that probe for bias on the part of an Investigator or the Title IX Coordinator.

Refusal to Submit to Cross-Examination and Inferences:

If a party or witnesses choose not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to conduct themselves in a professional, courteous (and in a student hearing, non-adversarial manner consistent with the educational purpose of the proceeding) manner at the hearing, the Institution may require the party to use a different Advisor. If a Gallaudet or Clerc Center provided Advisor refuses to conduct themselves appropriately, Gallaudet or Clerc Center may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

Recording Hearings

Hearings (but not deliberations) are recorded by the Institution for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the Institution will be permitted to watch/listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party. The Decision-maker(s) may at their discretion consider the statements, but they are not binding. The Decision-maker(s) will review the statements and any pertinent conduct history provided by the appropriate administrator and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required. The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions.

This report must be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 7 business days of receiving the Decision-maker(s)' deliberation statement. The Notice of Outcome will then be shared with the parties simultaneously. Notifications will be made in writing and may be delivered by one or more of the following methods in person, or emailed to the parties' University-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Gallaudet or Clerc Center from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the findings on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation; any sanctions issued; and any remedies provided to the complainant designed to ensure access to the Gallaudet or the Clerc Center's educational or employment program or activity, to the extent Gallaudet or the Clerc Center is permitted to share such information under state or federal law (this detail is not typically shared with the respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Gallaudet or the Clerc Center to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Sanctions and Remedies

Not all forms of sexual harassment 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 Institution 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 Harassment Policy may be disciplined to the same extent as completed violations.

Sanctions Applicable to University Students

The following sanctions may be imposed for violations of the Sexual Harassment Policy. The panel may impose 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 can prove that they can uphold University rules and policies. It may exclude respondents from participating in privileged and/or extracurricular activities, or paraprofessional employment at the University, as set forth in the notice for the specified period. 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 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. The sanction stipulates that the respondent must have a housing assignment on campus 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. The suspended respondent will be placed on persona non grata status indefinitely. 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 if 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 or campus access restriction prohibits 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 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 imposed on 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, Teachers and Staff

The following sanctions may be imposed for violations of the Sexual Harassment Policy. The panel may impose other sanctions instead of or in addition to those specified below, as deemed appropriate. Faculty may have additional processes available to them before sanctions become effective.

- 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 & Education is a requirement that the employee receive specific training within a designated time and at their own expense to prevent further misconduct, discrimination or harassment. Failure to submit documentation for completion of training within a specific time may lead to further disciplinary action.
- d. Disciplinary Probation is an exclusion from participation in specified or voluntary activities that are not related to core job responsibilities for a specific period. 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 of 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, 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.

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.

Withdrawal or Resignation While Charges Pending

If a student has an allegation pending for violation of the Policy, the Gallaudet University or Clerc Center may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma. Should a student decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student respondent permanently withdraw from Gallaudet University or the Clerc Center, the resolution process ends, as the Gallaudet University or the Clerc Center no longer has disciplinary jurisdiction over the withdrawn student. However, Gallaudet University or the Clerc Center will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the Gallaudet University or the Clerc Center. Such exclusion applies to all campuses of Gallaudet University and/or Clerc Center. A hold will be placed on their ability to be readmitted. They may also be barred from the Institution's property and/or events. If the student respondent only withdraws or takes a leave for a specified period (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Gallaudet University or Clerc Center unless and until all sanctions have been satisfied.

Should an employee respondent resign with unresolved allegations pending, the resolution process ends, as Gallaudet University or Clerc Center no longer has disciplinary jurisdiction over the resigned employee. However, Gallaudet University and the Clerc Center will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation. The employee who resigns with unresolved allegations pending is not eligible for rehire with Gallaudet University or the Clerc Center, and the records retained by the Title IX Coordinator will reflect that status. All Gallaudet University and Clerc Center responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

Appeals

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 harassment allegations and receive annual training on the Sexual Harassment Policy and Procedures as well as on topics relevant to the adjudication of sexual harassment allegations. The appeal officer selected to review an appeal will vary based upon the respondent's role/relationship with the University. The Provost (and the FAC Committee, if applicable – refer to the Title IX Faculty Procedures for Severe Sanctions in the Faculty Handbook) will handle faculty appeals; the appropriate

staff divisional senior administrator or Provost (or their designee) will handle staff appeals; and the Dean of Student Affairs (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 ground 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 (7) business days of the date of the Notice of Outcome based on the following grounds listed below. This review is not a review of the merits of the appeal, but solely determination as to whether the request meets the grounds and is timely filed.

Appeals are limited to the following grounds

- a. Procedural irregularity that affected the outcome of the matter
- b. New evidence that was not reasonably available at the time determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.
- d. The sanction was clearly inappropriate and/or disproportionate to the conduct for which the person was found responsible.

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 to the appeal within seven business days of the date the appeal information was received. A copy of another party's response will be sent to the appealing party as well.

The appeals officer will consider the merits of an appeal only based on the four 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 four grounds, the appeal will be denied. Except as required to explain the basis of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made or the sanction was clearly inappropriate and/or disproportionate to the conduct for which the person was found responsible, the review of the appeal will be limited to the written investigation report with all supporting documents and the recording from the hearing. The appeals officer may consult with the Title IX Coordinator, investigator, and/or Hearing 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

Appeal Officer will render a decision in no more than 7 business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

Notice of Appeal Outcome

Will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the Gallaudet University or Clerc Center is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Gallaudet University or the Clerc Center is permitted to share under D.C. or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods in person or emailed to the parties' Gallaudet-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

Sanctions Status During the Appeal

Any sanctions imposed because of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive procedures above. If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation. Gallaudet or Clerc Center may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for full rehearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Officer/Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultations will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).

- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the Appeal Officer may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of the new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to Gallaudet University or the Clerc Center, or resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodation
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by the Institution to the Respondent to ensure no effective denial of educational access. The Institution will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the Institution's ability to provide these services.

Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Officer). Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Gallaudet University or the Clerc

Center. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Recordkeeping

The Institution will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation.
2. Any disciplinary sanctions imposed on the respondent.
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the Gallaudet University or the Clerc Center's education program or activity.
4. Any appeal and the result therefrom.
5. Any Informal Resolution and the result therefrom.
6. All materials are used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The Institution will make these training materials publicly available on the Title IX website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions is that the response was not deliberately indifferent.
 - b. Any measures designed to restore or preserve equal access to the Gallaudet or the Clerc Center's education program or activity; and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable considering the known circumstances. The Institution will also maintain any and all records in accordance with D.C. and federal laws.

Disabilities Accommodations in the Resolution Process

The Institution is committed to providing reasonable accommodation and support to qualified students, employees, or others with disabilities to ensure equal access to the Institution's resolution process. Anyone needing such accommodation or support should contact the Office of Students with Disabilities (OSWD) or the Equal Opportunity Programs (EOP) Office who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodation is appropriate and necessary for full participation in the process.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. Gallaudet University and Clerc Center reserve the right to make changes to this document as necessary, and once those changes are posted online, they are in effect. During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that

changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures. If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020.

Approved by: Gallaudet University Administration

THE SEXUAL HARASSMENT POLICY WAS DEVELOPED IN PART FROM THE USE AND ADAPTATION OF THE ATIXA 2020 INTERIM MODEL SEXUAL HARASSMENT POLICIES AND PROCEDURES WITH CITATION TO ATIXA IS PERMITTED THROUGH A LIMITED LICENSE TO GALLAUDET UNIVERSITY AND THE CLERC CENTER. ALL OTHER RIGHTS RESERVED. ©2020. ATIXA.

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Important Links

Administrations and Operations Policy #1.13 (Clerc Center)

Administrations and Operations Policy #1.27: Bullying in the Workplace

Administrations and Operations Policy #2.28: Anti-Discrimination Policy and Complaint Procedure Title IX Office

Administration and Operations Policy #3.01: Equal Employment Opportunity

The Handbook of the University Faculty

Appendix:

A. Glossary

B. Resources and Support

C. Educational and Prevention Programs

D. Sexual Misconduct Risk Reduction Tips

E. Safe and Positive Options for Bystander Intervention

F. On and Off Campus Resources

G. DC Code Definitions and Statutes

H. Definition of Terms: Violence Against Women Act (VAWA) and the Clery Center for Security on Campus

Glossary

- Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

- Complainant means an individual who is alleged to be the victim of conduct that could sexual harassment based on a protected class; or retaliation for engaging in a protected activity.
- Complaint (formal) means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in a protected activity against a Respondent and requesting that the Institution investigate the allegation.
- Confidential Resource means an employee who is not a Mandated Reporter of notice of harassment and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- Day means a business day when the Institution is in normal operation.
- Education program or activity means locations, events, or circumstances where Gallaudet or the Clerc Center exercise substantial control over both the Respondent and the context in which the sexual harassment occurs.
- Final Determination: A conclusion by preponderance of the evidence that the alleged conduct did or did not violate policy.
- Finding: A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment by a Respondent.
- Formal Grievance Process means “Title IX Process,” a method of formal resolution designated by the Institution to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
- Grievance Process Pool includes any investigators, decision maker(s), appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- Hearing Decision-maker or Panel refers to those who have decision- making and sanctioning authority within the Institution’s Formal Grievance process.
- Investigator means the person or persons charged by the Title IX Coordinator or designee with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- Mandated Reporter means an employee of Gallaudet University or the Clerc Center who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator.
- Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- Official with Authority (OWA) means an employee of Gallaudet University or the Clerc Center explicitly vested with the responsibility to implement corrective measures for sexual harassment and/or retaliation on behalf of the Institution.
- Parties include the Complainant(s) and Respondent(s), collectively.

- Title IX Process means the Formal Grievance Process detailed below and defined above.
- Sexual Misconduct Process means any process designated by the Gallaudet University or the Clerc Center to apply only when the alleged misconduct falls outside the Title IX Sexual Harassment Policy, as determined by the Title IX Coordinator.
- Gallaudet University means a postsecondary education program that is an Institution of federal funding.
- The Clerc Center means an elementary and secondary education program that is an Institution of federal funding.
- Remedies are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Gallaudet or the Clerc Center's educational program.
- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.
- Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.
- Resolution means the result of an informal or Formal Grievance Process.
- Sanction means a consequence imposed by the Institution on a Respondent who is found to have violated this policy.
- Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.
- Title IX Coordinator is the official designated by Gallaudet University and the Clerc Center to ensure compliance with Title IX and Gallaudet University/the Clerc Center's Title IX program. References to the
- Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and/or any member of the Grievance Process Pool.

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 harassment or 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 harassment and 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 harassment or 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 harassment and 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 harassment or sexual assault including intimate relationship violence, you are strongly urged to seek immediate assistance. Individuals who may be victims of sexual harassment 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 Evidence

Immediately following a sexual assault 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 assault violations are also crimes in D.C. or the locality in which the incident occurred; for that reason, individuals experiencing sexual assault often have legal options that they can pursue. Regardless of whether an incident of sexual assault is reported to the police or the University, Gallaudet encourages individuals who have experienced sexual assault 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 assault, 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 make 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 a student chooses to formally report sexual harassment including sexual assault, 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.

Educational and Prevention Programs

Gallaudet is committed to the prevention of sexual harassment and sexual misconduct 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 harassment, 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 harassment and 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. Many educational programs and materials include a review of resources and reporting options available for students.

Sexual Misconduct - Risk Reduction Tips 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 with 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 other 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

On and Off Campus Resources

On-Campus Resources

The on-campus resources listed below are able to assist those who come to them with a concern related to sexual harassment, 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 students. DPS also provides information on how to contact outside agencies and assists in contacting these agencies when necessary.
- b. Title IX Coordinator, College Hall B18, (202) 759-1734 (VP), jennie.sivak@gallaudet.edu. Title IX Coordinator assist with problem resolution and responds to complaints of sexual harassment, sexual misconduct, intimate relationship violence, and stalking against students, staff and faculty.

- c. Deputy Title IX Coordinator for Students, Director – Student Accountability and Restorative Practices (SARP), Ely Center 103, (202) 759-5598 (VP), amy.rousseau@gallaudet.edu. The Director of Student Accountability and Restorative Practices serves as the Deputy Title IX Coordinator for Students. The Director assists with problem resolution and responds to complaints of sexual harassment, sexual misconduct, intimate relationship violence, and stalking against students.
- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. Office of Residence Life and Housing, Ely Center 132, (202) 250-2233 (VP), susan.hanrahan@gallaudet.edu, or at CRE/GA offices in any residence halls. The Office of Residence Life and Housing provide 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 provide educational materials and programs for students.

- j. 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 with information on how to access them. Individuals are advised of options, as provided by District and Federal laws and regulations, regarding 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. DHHU 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

321-800-3323Text 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.

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 against 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 behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, blames, hurts, injures or wounds 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 is 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 behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, blames, hurts, injures or wounds 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 of their safety or the safety of another person;
2. Feel seriously alarmed, disturbed, or frightened; or
3. Suffering emotional distress.

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

1. Fear of their safety or the safety of another person.
2. Feel seriously alarmed, disturbed, or frightened; or
3. Suffering 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, too

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 cohabiting 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 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 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 consideration of the following factors
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the people 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 their safety or the safety of others
- 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 people who are related to each other within the degree wherein marriage is prohibited by law.
- Statutory Rape sexual intercourse with a person who is under the statutory age of consent.

Title IX Sex Discrimination, Sex-Based Harassment and Retaliation Resolution Policy **August 1, 2024 - December 2024**

STATEMENT

Gallaudet University is committed to providing an educational and employment environment that is free from sex discrimination, sex-based harassment and retaliation for engaging in protected Title IX activity.

SCOPE

This Policy applies to faculty, teachers, staff, students, and guests participating in or attempting to participate in Gallaudet University and/or Clerc Center education programs or activities, including employment.

This Policy is applicable to alleged incidents of sex discrimination or sexual harassment within the scope of Gallaudet and/or Clerc Center education programs or activities that occur on or after August 1, 2024. For alleged incidents occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Previous versions of these policies and procedures are available from the Title IX Coordinator.

POLICY

It is the policy of Gallaudet University to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. This Policy and related policies protect all members of the Gallaudet and Clerc Center community who experience sex discrimination (including on the basis of gender identity or expression), sex-based harassment, sexual assault, sexual misconduct, interpersonal violence (including dating and domestic violence), stalking, or discrimination on the basis of pregnancy.

To promote an educational and employment environment that is free of sex discrimination, sex-based harassment, and retaliation, the [Office of Equal Opportunity Programs and Title IX](#) shall be responsible for the development and implementation of procedures and training and for responding to any reports or complaints of violations under this Policy.

Mandated Reporters

With limited exceptions, all employees, including student-employees, are Mandated Reporters. Mandated Reporters are required to promptly report all known details of actual or suspected sex discrimination, sex-based harassment, and/or retaliation to the Title IX Coordinator.

Mandated Reporters do not include those employees designated as Confidential Employees and those conducting human subjects research as part of a study approved by Gallaudet University's Institutional Review Board.

Confidential Employees

Confidential Employees are not required to report information upon the request of the complainant; however, they are required to submit anonymized information to the Department of Public Safety ("DPS") for Clery Act reporting purposes unless they believe it would be harmful to their client, patient, or parishioners.

The following employees are designated as Confidential Employees:

- Student Health Service
- Counseling and Psychological Services*
- Office of Campus Ministries (clergy members only)

***Note:** Confidential Employees are required to follow state and federal child abuse reporting requirements.

Designated Confidential Resources

Unless a complainant has requested the information be shared, Designated Confidential Resources are not required to report actual or suspected sex discrimination, sex-based harassment, or retaliation in a way that identifies the parties. They will, however, provide the complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to report the incident to the University or an outside agency. They are

required to submit anonymized information to DPS for Clery Act reporting purposes unless they believe it would be harmful to their client, patient, or parishioners.

The following are Designated Confidential Resources

- Office of the Ombuds
- Employee Assistance Program
- Office of Campus Ministries (non-clergy members only)

Training

All Mandatory Reporters, including student-employees, are required to undergo annual training on Title IX. Employees with heightened reporting expectations, including employees designated as a Confidential Employee or Confidential Resource, shall receive comprehensive annual training on their Title IX obligations.

RESOLUTION PROCESS FOR TITLE IX SEXUAL HARASSMENT CASES

Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged incident of sexual harassment under this Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps. The Title IX Coordinator will initiate at least one of three responses:

1. Offering only supportive measures because the Complainant does not want to file a formal complaint; and/or
2. An informal resolution (upon submission of a formal complaint); and/or
3. A Formal Grievance Process, including an investigation and a hearing (upon submission of a formal complaint).

As used in the Policy, the term “Formal Complaint” means a document or electronic submission (such as by electronic mail or through an online portal provided by Gallaudet or this purpose) that contains the Complainant’s physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint, and requests that Gallaudet investigate the allegations.

Gallaudet’s Files Complaint

Initial Assessment

Following receipt of notice or a complaint of an alleged incident of sexual harassment under this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- If circumstances require, Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Title IX Coordinator or the Title IX Coordinator be otherwise unavailable or unable to fulfill their duties.
- If notice is given, the Title IX Coordinator seeks to determine if the Complainant wishes to make a formal complaint, and will assist them to do so, if desired.
- If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.

- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant, in every instance of a notice or formal complaint of sexual harassment, to offer supportive measures.
- If a formal complaint is received, the Title IX Coordinator works with the Complainant to ensure they know the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response, an informal resolution option, or a formal investigation and grievance process.
- If a supportive and remedial-only response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assess the request, and implement accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later if desired.
- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
- If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
- If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate concern, based on the nature of the complaint.
- If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply and/or refers the matter for resolution under the Sexual Misconduct procedures if appropriate. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit Gallaudet’s authority to address a complaint with an appropriate process and remedies.

Dismissal (Mandatory and Discretionary)

Gallaudet must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by Gallaudet; and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of Gallaudet.

Gallaudet may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein: or
2. The Respondent is no longer enrolled in or employed by Gallaudet; or
3. Specific circumstances prevent Gallaudet from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Gallaudet will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who asks to withdraw a complaint may later request to reinstate it or re-file.

Counterclaims

Gallaudet is obligated to ensure that the grievance process is not abused for retaliatory purposes. Gallaudet permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they choose. The parties may select whoever they wish to serve as their Advisor if the Advisor is eligible and available.

“Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party that chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Gallaudet community. The Title IX Coordinator will also offer to assign an Advisor from a pool of available Gallaudet employees for any party if the party chooses. If the parties choose an Advisor from outside the pool of those identified by Gallaudet, the Advisor may not have been trained by Gallaudet and may not be familiar with Gallaudet’s policies and procedures. Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to hearing.

Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Gallaudet cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Gallaudet is not obligated to provide an attorney.

Advisors in Hearings/Gallaudet-Appointed Advisor

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, Gallaudet will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses. A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor does not conduct questioning, Gallaudet will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

Advisor Violations of Gallaudet Policies

All Advisors are subject to the same Gallaudet's policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Gallaudet officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures will be implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Sharing Information with the Advisor

Gallaudet expects that the parties may wish to have Gallaudet share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly

with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. Gallaudet also provides a consent form that authorizes Gallaudet to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to the release of information to the Advisor before Gallaudet is able to share records with an Advisor.

Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Gallaudet. Gallaudet may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Gallaudet's privacy expectations.

Expectations of an Advisor

Gallaudet generally expects an Advisor to adjust their schedule to allow them to attend Gallaudet's meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. Gallaudet may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

Resolution Processes

Resolution proceedings are private. All people present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Gallaudet's policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to discuss the allegations under investigation with others if they so choose, except for information the parties agree not to disclose related to Informal Resolution, discussed below. Gallaudet encourages parties to discuss any sharing of information with their Advisors before doing so.

Informal Resolution

Informal Resolution can include two different approaches

- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, etc., usually before a formal investigation takes place; see discussion in b., below.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. It is not necessary to pursue Informal Resolution first to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. Prior to implementing Informal Resolution, Gallaudet will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Gallaudet.

Gallaudet will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism, including mediation, restorative practices, or other appropriate practices by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism. The Title IX Coordinator may look at the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution.
- Likelihood of potential resolution, considering any power dynamics between the parties.
- The parties' motivation to participate.
- Civility of the parties.
- Results of a violence risk assessment/ongoing risk analysis.
- Disciplinary history.
- Whether an emergency removal is needed.
- Skill of the Alternate Resolution facilitator with this type of allegation.
- Complaint complexity.
- Emotional investment/capability of the parties.
- Rationality of the parties.
- Goals of the parties.
- Adequate resources to invest in Alternate Resolution (time, staff, etc.),

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution

that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

Respondent Accepts Responsibility for Alleged Violations

The respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the respondent indicates an intent to accept responsibility for all the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Gallaudet are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Gallaudet's policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators, faculty, teachers and/or staff ("the Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees. The list of Pool members and a description of the Pool will be listed on the Title IX website later.

Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator

- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
- To serve as a Decision-maker regarding the complaint

Pool Member Appointment

The Title IX Coordinator, in consultation with the Title IX Team, appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, Gallaudet

can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of skills, aptitudes, or talents identified in members of the Pool that make them best suited to roles. This does not preclude Gallaudet from having all members of the Pool go through an application and/or interview/selection process.

Pool Member Training

The Pool members receive annual training. This training includes, but is not limited to:

- The scope of Gallaudet's Sexual Harassment Policy and Procedures
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to uphold fairness and equity
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Gallaudet with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct a grievance process including hearings and the informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to creating an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers and Chairs. All Pool members are required to attend these courses annually. The materials used to train all members of the Pool are publicly posted on the Title IX website.

Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator or designee will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and

choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Gallaudet presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about Gallaudet's policy on retaliation,
- Information about the privacy of the process,
- Information on the ability of each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that Gallaudet's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A [link](#) to Gallaudet's VAWA Information,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.
- Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.
- Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' Gallaudet-issued email or designated accounts. Once emailed, and/or received in-person, notice will be presumptively delivered.

Resolution Timeline

Gallaudet will make a good faith effort to complete the resolution process, whether informal resolution or through the formal grievance process, within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints one or more individuals to conduct the investigation within two (2) business days of determining that an investigation should proceed.

Ensuring Impartiality

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Executive Director of Belonging & Engagement (BE), Dr. Jeremy Brunson.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. Gallaudet operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Gallaudet will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Delays in the Investigation Process and Interactions with Law Enforcement

Gallaudet may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodation for disabilities or health conditions.

Gallaudet will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. Gallaudet will promptly resume

its investigation and resolution process as soon as feasible. During such a delay, Gallaudet will implement supportive measures as deemed appropriate. Gallaudet's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all available, relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Write a comprehensive investigation report, fully summarizing the investigation, and that fairly summarizes all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no findings, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic copy of the draft investigation report as well as a secured electronic or hard copy of all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Gallaudet does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond

to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

- The Investigator(s) will consider and may elect to respond in writing in the investigation report, to the parties submitted responses. The Investigator may also share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses to the evidence, include any additional relevant evidence, make any necessary revisions, share the report with the Title IX Coordinator and legal counsel as necessary, and finalize the investigation report. The final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of Gallaudet is expected to cooperate with and participate in Gallaudet's investigation and resolution process. Student witnesses and witnesses from outside Gallaudet or the Clerc community are encouraged to cooperate with Gallaudet's investigations and to share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determines that timeliness or efficiency dictate a need for remote interviewing. Gallaudet will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written, or video statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written or video statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording. In investigation processes where there is a need to protect all parties in bilingualism translation errors, video recording may support the investigator's ability to transcribe parties' statements with more accuracy. Parties must review the transcript of the translations and approve the final interpretations.

Evidentiary Considerations in the Investigation

The investigation does not consider

1. incidents not directly related to the possible violation, unless they evidence a pattern
2. questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual

behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation when the final investigation report is transmitted to the parties and the Decision-maker—unless all parties and the Decision-maker agree to an expedited timeline. The Title IX Coordinator will select an appropriate Decision-maker(s) from the Pool depending on whether the Respondent is an employee or a student.

Hearing Decision-maker Composition

Gallaudet will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process if a substitute is needed for any reason. Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter. The Title IX Coordinator will not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if necessary, and if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will be convened at a time determined by the Chair or designee.

Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider

1. incidents not directly related to the possible violation, unless they evidence a pattern
2. questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process and is not shared with the Decision-maker(s) until then. The parties may each submit a written impact statement prior to the hearing for the

consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached. After post-hearing deliberation, the Decision-maker(s) renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities and that the Title IX Coordinator will assist the Parties with any supportive measures that may be required.
- Identification of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker based on demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing by that party or witness will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask of other parties and witnesses. The party must notify the Title IX Coordinator of the identity of their Advisor, or if they do not have an Advisor, at least seven (7) business days in advance of the hearing and Gallaudet will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodation, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

- Notification that no recording devices can be brought into the hearing and the recording of the proceedings is not allowed by either party.

The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer/winter break, as needed, to meet the resolution timeline followed by Gallaudet and remain within the 60-90 business day goal for resolution. In these cases, if the respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

Alternative Hearing Participation Options

If a party or parties cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing. The Title IX Coordinator or Chair has the sole discretion to grant or deny the request.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that the request for remote testimony may be considered and appropriate arrangements can be made.

The Title IX Coordinator can decide to use technology to allow remote testimony in such instances where Gallaudet campus is not open for normal business (such as when Gallaudet is open for online learning only) or during the summer/winter break.

Pre-Hearing Preparation

The Title IX Coordinator will provide the Parties the names of persons who will be participating in the hearing and ensure that the Parties have received a copy of all evidence directly related to the allegations, and the final investigation report at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been interviewed by the Investigator(s) or have proffered a written or video statement or answered written questions unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether they have a bias or conflict of interest, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not prevent the Advisors from asking a question for the first time at the hearing or from asking for reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion at a pre-hearing meeting.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant.

The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) may be recorded. In investigation processes where there is a need to protect all parties in bilingualism translation errors, video recording may support the investigator's ability to transcribe parties' statements with more accuracy. Parties must review the transcript of the translations and approve the final interpretations.

Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy. Participants at the hearing will include the Chair, any additional Decision-makers, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses and anyone providing authorized accommodation or assistive services.

The Chair will answer all questions about procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

Joint Hearings

In hearings involving more than one respondent or in which two (2) or more complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by the hearing Chair. The hearing Chair may attend to logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias by an Investigator or the Title IX Coordinator has not been raised as an issue by the parties, the Chair should not permit irrelevant questions that probe for bias on the part of an Investigator or the Title IX Coordinator.

Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to conduct themselves in a professional, courteous (and in a student hearing, non-adversarial manner consistent with the educational purpose of the proceeding) manner at the hearing, Gallaudet may require the party to use a different Advisor. If a Gallaudet provided Advisor refuses to conduct themselves appropriately, Gallaudet may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

Recording Hearings

Hearings (but not deliberations) are recorded by Gallaudet for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of Gallaudet will be permitted to watch/listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party. The Decision-maker(s) may at their discretion consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the appropriate administrator and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and

any sanctions. This report must be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 7 business days of receiving the Decision-maker(s) deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' Gallaudet-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered. The Notice of Outcome will articulate the specific policy reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Gallaudet from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation; any sanctions issued; and any remedies provided to the Complainant designed to ensure access to Gallaudet's educational or employment program or activity, to the extent Gallaudet is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent). The Notice of Outcome will also include information on when the results are considered by Gallaudet to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Sanctions and Remedies

Not all forms of sexual harassment will be deemed to be equally serious offenses, and Gallaudet reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. Gallaudet 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 Harassment Policy may be disciplined to the same extent as completed violations.

Sanctions Applicable to Gallaudet Students

The following sanctions may be imposed for violations of the Sexual Harassment Policy. The panel may impose 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 Gallaudet rule or policy and that subsequent wrongful conduct will not be tolerated and may result in severe disciplinary action.
- b. **Rehabilitative Probation** - a period, not to exceed one year, during which respondents are required to control questionable behavior. Probation is for a designated period and includes the probability of more severe disciplinary sanctions if the respondents are found to be violating any Gallaudet 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, 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 can prove that they can uphold Gallaudet rules and policies. It may exclude respondents from participation in privileged and/or extracurricular activities, or paraprofessional employment at Gallaudet, as set forth in the notice for the specified period. 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 Gallaudet. Failure to attend will lead to an allegation of non-compliance with Gallaudet'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 their suspension from Gallaudet.
- f. **Residence Hall Suspension** - a separation from the residence halls for a definite period 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 Gallaudet's administration. As part of the sanction, suspension does not result in a prorated room refund according to Gallaudet's policy. A ban on access to the residence halls may also be imposed.
- g. **Deferred Residence Hall Suspension** is 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 on 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. The sanction stipulates that the respondent must have a housing assignment on campus 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. **Gallaudet Suspension** - the immediate removal of the privilege to attend Gallaudet for a defined minimum period. 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 Gallaudet, the respondents will not earn credit for the semester in which the infraction occurred in most instances. Gallaudet suspensions may include conditions for readmission. At the end of the suspension, respondents may apply for readmission if certain conditions imposed for readmission, if any, have been satisfied. Respondents are 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 Gallaudet's policy. The respondent's access to email, Blackboard, BISON, and/or other technological resources and access privileges previously issued by Gallaudet 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. As part of the sanction, expulsion does not result in a prorated room refund according to Gallaudet policy. The sanction of expulsion includes the same conditions and limitations as defined under Gallaudet Suspension sanction.
- m. **Campus Access Restriction (CAR)** - prohibits students from entering campus premises and attending all Gallaudet-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 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 Gallaudet's decision will result.
- o. **Organizational Sanctions** - sanctions imposed on 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, Teachers and Staff

The following sanctions may be imposed for violations of the Sexual Harassment Policy. The panel may impose other sanctions instead of or in addition to those specified below, as deemed appropriate. Faculty may have additional processes available to them before sanctions become effective.

- a. **Disciplinary Reprimand** - written notification to employees that they have violated Gallaudet's 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 Gallaudet's policy. It may specify that an employee's good standing with Gallaudet 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 Gallaudet.
- c. **Training and Education** - a requirement that the employee receive specific training within a designated period and at their own expense to prevent further misconduct, discrimination or harassment. Failure to submit documentation of completion of training within the specific period may lead to further disciplinary action.
- d. **Disciplinary Probation** is 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 Gallaudet's 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** of a reduction in rank, status or job title within Gallaudet.
- 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 Gallaudet (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.

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). Gallaudet 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.

Withdrawal or Resignation While Charges Pending

If a student has an allegation pending for violation of the Policy, Gallaudet may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma. Should a student decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw

from Gallaudet, the resolution process ends, as Gallaudet no longer has disciplinary jurisdiction over the withdrawn student. However, Gallaudet will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the Gallaudet. Such exclusion applies to all campuses of Gallaudet. A hold will be placed on their ability to be readmitted. They may also be barred from Gallaudet's property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Gallaudet unless and until all sanctions have been satisfied.

Employees

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Gallaudet no longer has disciplinary jurisdiction over the resigned employee. However, Gallaudet will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation. The employee who resigns with unresolved allegations pending is not eligible for rehire with Gallaudet, and the records retained by the Title IX Coordinator will reflect that status. All Gallaudet responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

Appeals

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 harassment allegations and receive annual training on the Sexual Harassment Policy and Procedures as well as on topics relevant to the adjudication of sexual harassment allegations. The appeal officer selected to review an appeal will vary based upon the respondent's role/relationship with Gallaudet. The provost (and the FAC Committee, if applicable – refer to the Title IX Faculty Procedures for Severe Sanctions in the Faculty Handbook) will handle faculty appeals; the appropriate staff divisional senior administrator or Provost (or their designee) will handle staff appeals; and the Dean of Student Affairs (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 Gallaudet's rules has occurred. Dissatisfaction with the outcome determination is not ground 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 (7) business days of the date of the Notice of Outcome based on the following grounds listed below. This review is not a review

of the merits of the appeal, but solely determination as to whether the request meets the grounds and is timely filed. Appeals are limited to the following grounds

- a. Procedural irregularity that affected the outcome of the matter.
- b. New evidence that was not reasonably available at the time determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.
- d. The sanction was clearly inappropriate and/or disproportionate to the conduct for which the person was found responsible.

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 to the appeal within seven business days of the date the appeal information was received. A copy of another party's response will be sent to the appealing party as well.

The appeals officer will consider the merits of an appeal only based on the four 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 four grounds, the appeal will be denied.

Except as required to explain the basis of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made or the sanction was clearly inappropriate and/or disproportionate to the conduct for which the person was found responsible, the review of the appeal will be limited to the written investigation report with all supporting documents and the recording from the hearing. The appeals officer may consult with the Title IX Coordinator, investigator, and/or Hearing 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 Appeal Officer will render a decision in no more than 7 business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Gallaudet is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Gallaudet is permitted to share under D.C. or federal law. Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' Gallaudet-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

Sanctions Status During the Appeal

Any sanctions imposed because of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive procedures above. If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation. Gallaudet may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Officer/Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultations will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the Appeal Officer may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to Gallaudet, or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodation
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by Gallaudet to the Respondent to ensure no effective denial of educational access. Gallaudet will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Gallaudet's ability to provide these services.

Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Officer). Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Gallaudet. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. Gallaudet reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on Gallaudet's website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent

government regulations or holdings. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

Recordkeeping

Gallaudet will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation.
2. Any disciplinary sanctions imposed on the respondent.
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Gallaudet's education program or activity.
4. Any appeal and the result therefrom.
5. Any Informal Resolution and the result therefrom.
6. All materials are used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Gallaudet will make these training materials publicly available on the Title IX website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions is that the response was not deliberately indifferent.
 - b. Any measures designed to restore or preserve equal access to Gallaudet's education program or activity; and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Gallaudet will also maintain any and all records in accordance with D.C. and federal laws.

Disabilities Accommodations in the Resolution Process

Gallaudet is committed to providing reasonable accommodation and support to qualified students, employees, or others with disabilities to ensure equal access to Gallaudet's resolution process. Anyone needing such accommodation or support should contact the Office of Disability Services Center (DSC), the Equal Opportunity Programs (EOP) Office who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodation is appropriate and necessary for full participation in the process.

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 to 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, bongs, 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, bongs, 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 [University Policies & Procedures](#). 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. **Campus Access Restriction (formally PNG-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](#) 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".)

Gallaudet University Crime and Fire Safety Statistics

GEOGRAPHIC LOCATION					
Crimes	Year	Campus Property	Non-Campus Property	On Campus Housing	Total On Campus
Aggravated Assault	2024	1	0	2	3
	2023	4	0	3	7
	2022	1	0	1	2
Burglary (I & II)	2024	11	0	5	16
	2023	2	0	4	6
	2022	9	0	2	11
Murder/Non-Negligent Manslaughter	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Motor Vehicle Theft	2024	10	0	0	10
	2023	4	0	0	4
	2022	2	0	0	2
Robbery	2024	0	0	2	2
	2023	1	1	0	2
	2022	1	0	0	1
Arson	2024	0	0	4	4
	2023	2	0	10	12
	2022	0	0	1	1
Drug Law Arrests	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Liquor Law Arrests	2024	2	0	0	2
	2023	0	0	0	0
	2022	0	0	0	0
Weapons Law Arrests	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Rape	2024	2	0	8	10
	2023	4	0	8	12
	2022	0	1	6	7
Fondling	2024	3	0	3	6
	2023	2	0	2	4
	2022	2	0	5	7
Incest	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	2	0	2

GEOGRAPHIC LOCATION					
Crimes	Year	Campus Property	Non-Campus Property	On Campus Housing	Total On Campus
Drug Law Violations/Referral	2024	14	0	108	122
	2023	29	0	93	122
	2022	15	0	51	66
Liquor Law Violation/Referral	2024	11	0	227	238
	2023	17	0	274	291
	2022	24	0	301	325
Weapons Law Violations/Referral	2024	0	0	1	1
	2023	0	0	2	2
	2022	1	0	4	5
Domestic Violence	2024	2	0	16	18
	2023	2	0	8	10
	2022	6	0	15	21
Dating Violence	2024	12	0	11	23
	2023	12	0	20	32
	2022	2	0	14	16
Stalking	2024	26	0	16	42
	2023	24	0	19	43
	2022	13	0	16	29
Hate Crimes	2024	6*	0	1**	7
	2023	1	0	2	3
	2022	1	0	3	4
Unfounded		2024			3
		2023			2
		2022			2

Hate Breakdown

2024

*Bias towards ethnicity by intimidation

**Bias towards gender identity, by intimidation

2023

1-Bias towards disability by intimidation

1-Bias towards religion by intimidation

2022

1-hate disability; intimidation on campus

1-hate sexual orientation intimidation residential

2-Hate disability, intimidation, in residential building

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 2025						
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	Limited	Limited	Yes	Yes	Limited	Yes
Fire Alarm Systems	Yes	Yes	Yes	Yes	Yes	Yes

UNIVERSITY RESIDENTIAL FIRE SAFETY REPORT FOR 2025						
Residential Dorms	North	West	Benson	Carlin	Clerc	LLRH6
Number of Fires	1	0	1	0	0	0
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	\$155	\$0	\$0	\$0
Cause of Fire	Improper disposal of smoking materials	N/A	Improper disposal of smoking materials	N/A	N/A	N/A

Fire Information and Statistics in Residential Facilities

CLERC CENTER RESIDENTIAL FIRE SAFETY OVERVIEW 2025			CLERC CENTER RESIDENTIAL FIRE SAFETY REPORT 2025		
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	N/A	N/A

Crime Statistics-Adjacent Public Property

Crimes	Year	WVA	FL Ave	6th St.	Brentwood	Corcoran	Mt.Olivet	Total
Aggravated Assault	2024	3	0	0	0	0	0	3
	2023	1	0	0	2	0	0	3
	2022	3	0	0	0	0	0	3
Burglary (I & II)	2024	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
Murder	2024	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
Motor Vehicle Theft	2024	2	1	2	0	0	0	5
	2023	1	2	3	0	2	1	9
	2022	1	1	1	0	2	0	6
Robbery	2024	1	0	1	0	0	0	2
	2023	2	2	1	1	0	0	6
	2022	3	0	1	0	0	0	4
Arson	2024	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
Rape	2024	1	0	0	0	0	1	2
	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
Fondling	2024	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
Incest	2024	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0

These are crimes reported around Gallaudet University campus.

2024

****Only crimes that occur up to and including the adjacent public property are included in the perimeter crime statistics. In the interests of transparency while analyzing data it was learned there were 3-addition stolen autos just outside the required reportable perimeter geography.**

1-stolen auto from gas station at 6th Street & Florida Avenue NE

1-stolen auto 8th Street at Florida Avenue NE across from main campus entrance.

1-stolen auto just off Corcoran Street on Capitol Avenue NE

2023

***MPD did not differentiate between dating or domestic violence in providing crime statistic for 2023.**

In the interests of transparency only crimes that occur up to- and including the adjacent public property are included in perimeter crime statistics. While analyzing data it was learned six (6) additional stolen autos just outside the required reportable perimeter geography.

3-stolen autos intersection of Florida Avenue & 6th Street NE

1-stolen auto M Street close to Florida Avenue NE

2-stolen autos Capitol Avenue close to intersection with Corcoran Street NE

Crime Statistics-Adjacent Public Property Continued...

Statutory Rape	2024	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
Drug Law Arrests	2024	1	0	0	0	0	0	1
	2023	0	0	0	0	0	1	1
	2022	0	0	0	0	0	1	1
Liquor Law Arrests	2024	0	0	0	0	0	0	0
	2023	0	1	0	0	0	0	1
	2022	0	0	0	0	0	0	0
Weapons Arrests	2024	4	0	1	0	0	0	5
	2023	0	3	0	0	0	0	3
	2022	1	0	0	0	0	0	1
Hate Crimes	2024	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
Domestic Violence	2024	0	0	0	0	0	0	0
	2023	1	0	0	0	0	2	3
	2022	1	0	0	0	0	0	1
Dating Violence	2024	2	1	0	0	0	1	4
	2023	0	0	0	0	0	0	0
	2022	0	2	0	0	0	0	2
Stalking	2024	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0

These are crimes reported around Gallaudet University campus.