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Administration and Operation Manual (A&O)

The Administration and Operations Manual contains Board approved and administration approved operating policies for Gallaudet University. Policies that are submitted to and approved by the Gallaudet University Board of Trustees are usually those which relate to and have a significant impact on institutional direction, values, priorities and principles and/or on the human, fiscal or physical resources of the Institution. The President is authorized by the Board of Trustees to implement administrative policies that relate to and have an impact on major functional operations, service delivery, and University practices. The Administration and Operations Manual is a resource document. It is in no way a contract of employment and should not be relied upon as such.

The A&O Manual offers comprehensive details about Gallaudet's Human Resources policies and procedures. It establishes a framework and sets standards that guide how we should conduct ourselves as employees and members of the Gallaudet community. The A&O Manual also provides supervisors and employees with access to uniform information in order to assure equitable and consistent application of the policies.

If you have questions about the A&O Manual, please [contact us](#).

Introduction

Last Revised: 08 June 2018

Introduction

The Administration and Operations Manual contains Board approved and administration approved operating policies for Gallaudet University. Policies that are submitted to and approved by the Gallaudet University Board of Trustees are usually those which relate to and have a significant impact on institutional direction, values, priorities and principles and/or on the human, fiscal or physical resources of the Institution. The President is authorized by the Board of Trustees to implement administrative policies that relate to and have an impact on major functional operations, service delivery, and University practices. The Administration and Operations Manual is a resource document; it is in no way a contract of employment and should not be relied upon as such.

Each policy defines to whom or for what area(s) the statements apply (Scope). The policy statements provide the guiding principle(s) or practices(s) by which the University normally operates. Procedures, if necessary, describe the guidelines, form of action, or series of steps normally followed in implementing the policy.

All management personnel are expected to know policies and procedures fully and to ensure their effective implementation. While every effort is made to inform employees in a timely manner of new or revised policies, it is the employee's responsibility to refer to the Manual from time to time to keep abreast of revisions, additions, or deletions. An up-to-date Manual is available for review on the Gallaudet University web page.

Procedures for adding, revising, or deleting a policy

The procedures described below support the practice of shared governance at Gallaudet University. They are designed to ensure that policy proposals are processed in a manner that leads to timely, intelligent, and humanistic decisions based on appropriate consultation with affected constituencies. Recommendations for new or revised policies may be initiated by any employee or committee within the organization. Ideas should be reviewed by the appropriate administrative officer who, in turn, consults with the Coordinator, Administrative Services, Administration and Finance, in the development of a draft policy. The Coordinator is responsible for providing for its review by appropriate administrator(s), the President's Executive Team, and appropriate campus constituencies. Policies are ultimately submitted to the President and, if appropriate, to the Board of Trustees for final approval.

Minor or editorial changes in policies require only administrative review and do not require full Board approval. Laws, regulations or interpretations of laws and regulations of the District of Columbia or the Federal Government may supersede a policy statement and are implemented immediately by the University. Any resulting changes in policies are submitted for approval as soon as possible.

Nomenclature

Administrative officer refers to the President, the Provost, the Vice President, Administration and Finance, the Vice President, Development and Alumni and International Relations, and the Vice

President, Clerc Center. Senior administrator refers to the special assistants reporting to the President, and to the deans (including associate deans), executive directors, and directors reporting to the Provost or Vice President. Unit administrator refers to directors, managers, and department heads reporting to a senior administrator. All are considered budget unit heads for the accounts under their control.

Section 1: General

1.01 Standards of Conduct and/or Workplace Violence

Last Revised: 16 May 2008

Refer Questions to: Director, Human Resources and Director, Department of Public Safety

Scope

This policy applies to faculty, teachers, staff, students, administrators, vendors, contractors, visitors, volunteers and other individuals who assert an association with Gallaudet University. The policy refers to all these persons as “members of the University community” or “community members.”

Policy

This policy defines the University’s Code of Conduct under the following headings:

1. INTRODUCTION AND PURPOSE
2. STANDARDS OF INTEGRITY AND QUALITY
3. CONFIDENTIALITY AND PRIVACY
4. CONFLICT OF INTEREST/CONFLICT OF COMMITMENT
5. HUMAN RESOURCES
6. FINANCIAL REPORTING
7. COMPLIANCE WITH LAWS
8. USE OF UNIVERSITY RESOURCES
9. REPORTING SUSPECTED VIOLATIONS

1. INTRODUCTION AND PURPOSE

- **Introduction:** As members of the Gallaudet University community, all faculty, teachers, staff, students, University Officers and affiliates are responsible for sustaining the highest ethical standards of this institution, and of the broader community in which we function. The University values integrity, honesty and fairness and strives to integrate these values into its teaching, research and business practices. Employees are expected to conduct themselves in a manner which at all times contributes positively to the health and welfare of the students and reflects well on the reputation and mission of the University.
- **Purpose:** In that spirit, this policy is a shared statement of our commitment to upholding the ethical, professional and legal standards we use as the basis for our daily and long-term decisions and actions. We all must be cognizant of and comply with the relevant policies, standards, laws and regulations that guide our work. We are each individually accountable for our actions and, as members of the University community, are collectively accountable for upholding these standards of behavior and for compliance with all applicable laws and policies. The expression of dissent and the attempt to produce change may not be carried out in ways that injure individuals, damage institutional facilities or property, impede the functioning of programs and services, or evidence a complete disregard for authority and

direction.

- **Violence:** Gallaudet University has adopted a policy of zero tolerance with respect to violence in the workplace. Workplace violence includes the threat or actual infliction of physical violence as well as the threat or actual occurrence of psychological harm. The possession of firearms and other dangerous weapons is strictly prohibited. Any behavior which threatens the life or well-being of others will not be tolerated. Any individual who believes he/she has been subjected to or has observed or has knowledge of actual or potential workplace violence should immediately notify the Department of Public Safety. Reports of such acts or threats will be promptly investigated. Strong disciplinary action, up to and including termination of employment, will be taken against employees who commit workplace violence. Additionally, the University will support criminal prosecution of those who threaten or commit violence against its employees, students, and visitors in its facilities, programs, or activities.
- **Violations:** Adherence to this policy also makes us responsible for bringing suspected violations of applicable standards, policies, laws or regulations to the attention of the appropriate cognizant office. Raising such concerns is a service to the University and will not jeopardize one's position or employment. Confirmed violations will result in appropriate disciplinary action up to and including termination from employment or other relationships with the University. In some circumstances, civil and criminal charges and penalties may apply.
- **Questions:** Any questions regarding the intent or applicability of this policy should be directed to the Office of the Vice President, Administration and Finance, College Hall, Room 102, (202) 651-5075.

2. STANDARDS OF INTEGRITY AND QUALITY

Gallaudet University recognizes that it must earn and maintain a reputation for integrity that includes, but is not limited to, compliance with laws and regulations and its contractual obligations. Even the appearance of misconduct or impropriety can be very damaging to the University. The University must strive at all times to maintain the highest standards of quality and integrity.

Frequently, Gallaudet's business activities and the other conduct of its community members are not governed by specific laws or regulations. In these instances, rules of fairness, honesty, and respect for the rights of others will govern our conduct at all times.

In addition, each individual is required to conduct University business transactions with the utmost honesty, accuracy and fairness. Each situation needs to be examined in accordance with this standard. No unethical practice can be tolerated on the grounds that it is "customary" outside of Gallaudet or that it serves other worthy goals. Expediency should never compromise integrity.

3. CONFIDENTIALITY AND PRIVACY

Community members receive and generate on behalf of the University various types of confidential, proprietary and private information. It is imperative that each community member complies with all federal and state laws, agreements with third parties, and University policies and principles pertaining to the use, protection and disclosure of such information, and such policies apply even after the community member's relationship with Gallaudet ends.

Information on the University's "Principles of Privacy" or on specific privacy laws, such as the Family Educational Rights and Privacy Act (FERPA – student records); Health Insurance Portability and Accountability Act (HIPPA – personal health information); and the Privacy Act of 1974 (social security numbers) may be obtained from the Office of the Vice President, Administration and

Finance, College Hall, Room 102, (202) 651-5075.

Additionally, any privacy rights in information stored on University computer systems are governed by University Policy 2.22, [Use of Information Technology Resources](#), University Policy 3.06, [Dissemination of Confidential Information](#), and [University Technology Policy](#).

4. CONFLICT OF INTEREST/CONFLICT OF COMMITMENT

Community members who are Gallaudet faculty and staff owe their primary professional allegiance to the University and its mission to engage in the highest level of education, research and scholarship. Outside professional activities, private financial interests or receipt of benefits from third parties can cause an actual or perceived divergence between the University mission and an individual's private interests. In order to protect our primary mission, community members with other professional or financial interests shall disclose them in compliance with applicable conflict of interest/conflict of commitment policies, which are available on the following websites:

- [Conflict of Interest Policy](#) for all administrators, faculty, teachers and staff of Gallaudet University

5. HUMAN RESOURCES

Gallaudet University is an institution dedicated to the pursuit of excellence and facilitation of an environment that fosters this goal. Central to that institutional commitment is the principle of treating each community member fairly and with respect. To encourage such behavior, the University prohibits discrimination and harassment and provides equal opportunities for all community members and applicants regardless of their race, color, religious creed, national origin, ancestry, sex, sexual orientation, veteran status, marital status, age, disability (including HIV and AIDS), and medical condition. Where actions are found to have occurred that violate this standard the University will take prompt action to cease the offending conduct, prevent its recurrence and discipline those responsible. Specific policies in support of this standard are found at these locations:

- [EEO/Non-discrimination Policy](#)
- [Reasonable Accommodation Policy](#)
- [Sexual Harassment Policy](#)
- [Workplace Violence Policy](#)
- [Diversity Statement Guidelines](#)
- [The Gallaudet Credo](#)

The University shall also comply with all laws and regulations governing the circumstances under which former United States military personnel may be employed or retained as consultants.

6. FINANCIAL REPORTING

All University accounts, financial reports, tax returns, expense reimbursements, time sheets and other documents, including those submitted to government agencies, must be accurate, clear and complete. All entries in University books and records, including departmental accounts and individual expense reports, must accurately reflect each transaction. See [Management Rights and Responsibilities Policy](#) and [Budget Responsibility Policy](#).

7. COMPLIANCE WITH LAWS

Members of the University community must transact University business in accordance with applicable laws, regulations, and University policies and procedures. Management personnel are responsible for teaching and monitoring compliance. When questions arise pertaining to interpretation or applicability of policy, contact the individual who has oversight of the policy. Unresolved questions and/or interpretation of laws and regulations should be referred to the Office of Vice President, Administration and Finance, College Hall, Room 102, (202) 651-5075. University-wide policy documents can be found at [Administration and Operations Manual](#).

- **Contractual Obligations:** The acceptance of an agreement, including sponsored project funding, may create a legal obligation on the part of Gallaudet University to comply with the terms and conditions of the agreement and applicable laws and regulations. Therefore, only individuals who have authority delegated by an appropriate University official are authorized to enter into agreements on behalf of the University. See [Authority to Approve Financial Documents Policy](#), [Procurement Policy](#), and [Sponsored Programs Policy](#).
- **Environmental Health Safety, including Workplace Health and Safety:** Members of the University community must be committed to protecting the health and safety of its members by providing safe workplaces. The University will provide information and training about health and safety hazards, and safeguards. Community members must adhere to good health and safety practices and comply with all environmental health and safety laws and regulations. See [Risk Management Policy](#).
- **Non-University Professional Standards:** Some professions and disciplines represented at the University are governed by standards and codes specific to their profession (such as attorneys, certified public accountants, and health professionals). Those professional standards generally advance the quality of the profession and/or discipline by developing codes of ethics, conduct, and professional responsibility and standards by which their members are guided. Those belonging to such organizations are expected to adhere to University policies and codes of conduct in addition to any professional standards. If a community member believes there is a conflict between a professional standard and University policy, he or she should contact the Office of the Vice President, Administration and Finance, College Hall, Room 102, (202) 651-5075.
- **Academic Policies:** See [Gallaudet University Institutional Integrity Policy](#) for academic policies and guidelines.

8. USE OF UNIVERSITY RESOURCES

University resources must be preserved for business purposes on behalf of Gallaudet University. They may not be used for personal gain, and may not be used for personal use except in a manner that is incidental, and reasonable in light of the employee's duties. University resources include, but are not limited to, the use of University systems, such as telephone systems, data communication and networking services, and the Gallaudet domain for electronic communication forums; and the use of University equipment, such as computers and peripherals, University vehicles and other equipment; and the use of procurement tools such as purchasing cards and petty cash; and the time and effort of other staff, students and others at Gallaudet.

9. REPORTING SUSPECTED VIOLATIONS

- **Reporting to Management:** Members of the Gallaudet community should report suspected violations of applicable laws, regulations, government contract and grant requirements or this policy. This reporting should normally be made initially through standard management channels, beginning with the immediate supervisor, instructor or advisor. If for any reason it is not appropriate to report suspected violations to the immediate supervisor (e.g., the suspected

violation is by the supervisor), individuals may go to a higher level of management within their division or department.

- **Other Reporting:** All violations of laws or regulations should be reported internally to the appropriate University administrator, or if an emergency, to the Department of Public Safety at [Contact](#).
- **Confidentiality:** Such reports may be made confidentially, and even anonymously, although the more information given, the easier it is to investigate the reports. Raising such concerns is a service to the University and will not in itself jeopardize employment.
- **Cooperation:** All employees are expected to cooperate fully in the investigation of any misconduct.

Note: This document is based on in part on the policies of several non-profit organizations.

Approved by: Gallaudet University Board of Trustees

1.02 Delegation of Executive Responsibility

Last Revised: 9 April 2010

Refer Questions to: Office of the President

Scope

This policy applies to all offices and divisions of Gallaudet University.

Policy

Administrative responsibility for the daily operation of Gallaudet University is vested in the President by the Board of Trustees. The President functions as the chief executive officer of the institution at all times, including weekends and when the University is not in session.

In the absence or incapacitation of the President, the Provost serves as the chief executive officer. In the event a decision affecting the institution must be made in the absence or incapacitation of both the President and the Provost, responsibility falls to the Vice President for Administration and Finance. In the absence or incapacitation of the Vice President for Administration and Finance, responsibility falls to the Vice President, Clerc Center.

Approved by: Gallaudet University Board of Trustees

1.03 Management Rights and Responsibilities

Last Revised: 24 September 1993

Refer Questions to: Office of the President

Scope

This policy applies to faculty, teachers, staff, students, and visitors in all offices and divisions of Gallaudet University.

Policy

The management of the work, business, and operations are solely and exclusively the functions and prerogatives of the University. Further, the University has the right to make and apply rules in order to conduct its business and operations effectively and efficiently. All personnel decisions, including, but not limited to, the right to hire, determine work responsibilities and schedules for, discipline, evaluate, discharge, promote, demote, and reassign employees, are vested solely in the University and its management personnel.

Management personnel are expected to provide appropriate leadership, guidance, and direction to their units and to their employees, to formulate objectives in concert with the overall goals of the institution and develop programs to meet these objectives, to communicate effectively and promote sound human relations, to manage their physical and fiscal resources effectively, and to act in a manner that protects the best interests of the University at all times.

It is the responsibility of all administrators to know policies and procedures fully and to ensure their effective implementation.

Approved by: Gallaudet University Board of Trustees

1.04 Alcoholic Beverages

Last Revised: 16 May 2008

Refer Questions to: Manager, Risk Management and Insurance or Executive Director, Student Affairs

Scope

This policy applies to faculty, teachers, staff, students, and guests in all offices and divisions of Gallaudet University.

Policy

Gallaudet University complies with all applicable laws related to the distribution and consumption of alcoholic beverages. Gallaudet strictly prohibits the unlawful possession, use, sale, distribution, or consumption of alcohol on the institution's property or as part of any institutional activities. Lawful distribution may require a responsible individual or group to obtain and possess a valid license issued by the District of Columbia Alcoholic Beverage Control Board for this purpose. Lawful distribution is also limited to people of legal age and those not intoxicated.

As a private institution, Gallaudet reserves the right to establish guidelines beyond what is required for strict legal compliance. One such requirement is approval by the appropriate executive director, of his/her designee, for the distribution of alcoholic beverages during departmental campus activities or the distribution and consumption of alcoholic beverages on institutional property controlled by his or her departments. Another such requirement is approval by the Office of Risk Management and Insurance after assuring the validity of licensure and the responsible individual's, or group's, ability to control the risk. Gallaudet reserves the right to deny or restrict the distribution or consumption of alcohol if it would endanger the safety of others. Other requirements are described by constituency below.

STUDENTS

At the present time, District of Columbia law limits the consumption of beer, wine and other alcoholic beverages to persons of at least 21 years of age. No alcoholic beverage may be sold, served, or consumed on campus to or by anyone under this age.

In addition to the approval above, officially recognized University student organizations must also receive the approval of the chief student affairs officer or his/her designee, and follow student affairs guidelines. Individual students or student organizations must assume full responsibility for obtaining the necessary approvals, compliance of the terms of the liquor license, for the legal age of participants, and for legal compliance generally. Student organizations are also responsible to the University for any maintenance, repair, clean up, or property replacement needs arising from the group's distribution and consumption of alcohol.

Except in residence halls designated as freshman dormitories and MSSD dormitories, alcoholic beverages may be offered and consumed by persons of legal age in private residences and in private rooms of residential buildings. Consumption, distribution or possession of alcoholic beverages is not permitted in any public area of residence halls. Individual students may not sell, offer for sale, offer for credit, or charge admission to pay for alcohol or for alcohol related expenses.

Gallaudet University reserves the right to further restrict alcohol possession, distribution and consumption in campus dormitories or sections thereof.

FACULTY AND STAFF

Federal funds cannot be used to purchase alcohol from private sources, and it is within the discretion of the budget unit head whether departmental funds can be used for this purpose. Employees or departments offering alcoholic beverages for consumption on campus or during campus activities must assume full responsibility for obtaining the necessary approvals, compliance of the terms of any liquor license, for the legal age of participants, and for legal compliance generally. The department is also responsible to the University for any maintenance, repair, clean up, or property replacement needs arising from the group's distribution and consumption of alcohol.

GUEST OF GALLAUDET UNIVERSITY

External individuals or groups, including students and student groups, that use Gallaudet facilities for parties or events at which alcohol is sold or consumed must also adhere to the campus policy and procedures. These groups or individuals must assume full responsibility for compliance with the terms of the liquor license, for the legal age of participants, and for legal compliance generally. These groups or individuals are also responsible to the University for the conduct of any participants and for any maintenance, repair, clean up, or property replacement needs arising from the group's distribution of alcohol.

All external individuals or groups that use Gallaudet facilities must provide the University with written proof of insurance covering personal injury and loss or damage to property at coverage levels acceptable to the institution. The Office of Risk Management and Insurance can offer information on the purchase of special insurance, if necessary.

External groups can satisfy this insurance requirement by outsourcing alcohol service to a caterer, certified bartender, or other trained professional and by providing a certificate of insurance for liquor liability from this vendor.

Gallaudet recognizes that alcohol abuse is a physical, psychological, and social problem and that it should be treated as such. Within the limits of its available resources, Gallaudet University attempts to inform students and employees of the acute and chronic risks associated with the abuse of alcohol and to aid those with alcohol problems. Various support services, including employee assistance programs and counseling for students, are available for individuals who are experiencing difficulty with the consumption of alcoholic beverages or alcohol abuse.

Students and employees are warned that illegal possession, use, sale, or distribution of alcohol is punishable by law. Further, campus penalties for illicit alcohol possession, use, or distribution on campus are also severe. Students who are found guilty are subject to disciplinary action up to and including suspension and the loss of student status at the University. Employees are also subject to disciplinary action up to and including termination of employment.

Employees, students, and guests who are aware of or suspect the unlawful possession, use, sale, or distribution of alcohol should report such incidents to the Department of Public Safety, to the appropriate students affairs officials (students), or to the appropriate senior administrator or administrative officer (faculty, teachers, or staff) for action.

Approved by: Gallaudet University Administration

1.05 Drug Free Environment

Last Revised: 15 October 2004

Refer Questions to: Executive Director, Business Support Services

Scope

This policy applies to faculty, teachers, staff, students, and guests in all offices and divisions of Gallaudet University.

Policy

In compliance with applicable laws and with the Drug Free Workplace Act and the Safe and Drug Free Schools and Communities Act, Gallaudet University strictly prohibits the unlawful manufacture, possession, use, sale, or distribution of illicit drugs by anyone on the institution's property or as part of any of its activities. Those who use illicit drugs are warned that Federal, state, and local laws provide for severe punishment for individuals who possess, transfer, manufacture, and/or sell such drugs.

The penalties for illicit drug possession, use, sale, manufacture, or distribution on campus are also severe. Students who are found guilty are subject to disciplinary action up to and including suspension and dismissal. Employees are also subject to disciplinary action up to and including termination of employment. The University reserves the right to lawfully test employees for illegal drug use in specific job classifications involving public safety.

In addition, while Gallaudet University is not a law enforcement agency, it will not shield members of the University community from the legal consequences of involvement with drugs. When there is evidence of drug violation on campus, Gallaudet administrators are obligated to and will cooperate with law enforcement and health agencies. Employees, students, and guests who are aware of or suspect illegal drug possession, use, sale, manufacture, or distribution should report such incidents to the Department of Public Safety, to appropriate student affairs official (students), or to the appropriate senior administrator or administrative officer (faculty, teachers, or staff) for action.

Gallaudet recognizes that drug abuse is a health, psychological, and social problem and should be treated as such. Within the limits of its available resources, Gallaudet University attempts to inform students and employees of the acute and chronic risks associated with illicit drugs and to aid those with drug problems. Various support services are available for individuals who are experiencing difficulty with drugs.

Procedures

1. In compliance with the Drug Free Workplace Act, if an employee is convicted of any drug statute violation resulting from an incident at the workplace, the employee must inform the Director of Equal Opportunity Programs of the conviction within five days after the action. The University must notify any Federal contracting or granting agency within 10 days of receiving notice of the conviction.
2. Within 30 days of receiving notice of an employee's drug conviction for a drug violation at the workplace, the University takes appropriate personnel action against the convicted employee up to and including termination of employment and/or may require the employee to

satisfactorily participate in a qualified drug abuse assistance or rehabilitation program.

Approved by: Gallaudet University Administration

1.06 Inclement Weather

Last Revised: 18 January 2017

Refer Questions to: Executive Director, Business and Support Services

Scope

This policy applies to faculty, teachers, staff, students, and guests in all offices and divisions of Gallaudet University.

Policy

Because of its large residential component, the University is unable to cancel operations totally during inclement weather. Decisions regarding closings or adjusted schedules are made by the President or his/her designee* and are announced on the University's Alert System, web site, and inclement weather hot-lines and on local radio and television stations. It is the employee's responsibility to obtain information regarding inclement weather plans from a reliable source.

During periods of inclement weather, one of the following plans is normally implemented:

- Open and On Schedule: Classes at the University, MSSD, and KDES are held as scheduled and all offices are open with all employees expected to report to work on time.
- University Open on time/KDES or MSSD Closed or Delayed: If the University is open on time, the Clerc Center administration and the Department of Transportation will evaluate conditions and circumstances for both KDES and MSSD separately and make the most appropriate decision for each school. In the event that a decision is made to close KDES and/or MSSD, the decision applies to students and teachers only. Staff should report to work following normal work schedules or submit annual leave.
- If Gallaudet University announces a delayed opening, early closure, or closure, this decision applies to KDES and MSSD as well. The Clerc Center administration will announce specific instructions to ensure student supervision until students can be safely released from school.
- Late Arrival: Classes and work schedules are cancelled until a specific time. Non-essential employees are expected to report to work no later than the announced opening time.
- Early Departure: A portion of the daily class and work schedule is cancelled, and all non-essential employees are released from work at a designated time.
- Gallaudet University Closed: All classes at the University, MSSD and KDES are cancelled, and offices are closed for the entire day. Non-essential personnel are not expected to report to work. (The day is defined as 12:00 a.m. to 11:59 p.m.)

Employees who are designated as essential personnel, including, but not limited to, public safety personnel, grounds personnel, maintenance and utilities personnel, health care personnel, Post Office personnel, residence personnel, and payroll personnel when necessary to meet payroll schedules, are expected to report to work on time or to remain at work during inclement weather. Unless specifically covered by collective bargaining agreements, essential personnel receive compensatory time off for hours worked when the University is officially closed. An equal amount of compensatory time is awarded to essential personnel who work an alternative work schedule. Non-exempt employees required to work over 40 hours per week receive overtime in accordance with University policy or collective bargaining agreements. Official University closings are not considered holidays.

In the event the University is officially closed, or a delayed opening or early departure is announced, teachers and University faculty are expected to make up days, classes, or classwork as appropriate. Clerc Center teachers have three make up days built into their school calendar. Teachers will have to make up any additional days beyond the three days. Non-essential regular and extended temporary staff employees are granted leave with pay for all hours normally scheduled to be worked. Staff employees who do not report to work on time when a delayed opening is announced must use appropriate paid or unpaid leave for time missed after the opening. All staff personnel who are on pre-approved leave with pay during an authorized closing will not be charged leave for that day or for the portion of the day the University is closed or delayed.

Note: Because conditions of the campus and surrounding area are monitored by personnel within the division of Administration and Finance, in the absence of the President, decisions regarding closings or adjusted work schedules are made by the Vice President for Administration and Finance. In the absence of the Vice President for Administration and Finance, the decision is made by the Provost.

Approved by: Gallaudet University Administration

1.07 Smoking

Last Revised: 3 Oct 2011

Refer Questions to: Office of the Vice President, Administration Finance

Scope

This policy applies to faculty, teachers, staff, students, and guests in all offices and divisions of Gallaudet University.

Policy

Gallaudet University is dedicated to providing a healthy, comfortable, and productive work environment for faculty, teachers, staff, students, and guests. Reaching and maintaining this goal requires the understanding and patience of all members of the campus community.

Smoking on campus, including the use of electronic cigarettes, will only be permitted in designated smoking areas. Smoking is not permitted in any other campus location including University and Clerc Center buildings, in elevators or bathrooms, in any University vehicle, walking on campus, or at the entrance of any building. There are no smoking breaks. At all times the right of the non-smoker to protect his/her health and comfort takes precedence over another person's right to smoke.

Enforcement of this policy will depend on the cooperation of all faculty, teachers, staff, and students not only to comply with this policy but also to encourage others to comply with the policy in order to provide a healthy environment.

Repeat or intentional non-compliance by students with these provisions will be managed by Residence Life or for employees by their supervisor. When necessary, the University will institute disciplinary action against the offending individual, which may result in a range of sanctions, including but not limited to the following: students may receive a warning, disciplinary probation, or suspension; employees may receive a warning, suspension without pay, or dismissal.

Approved by: Gallaudet University Administration

1.08 Service Animals

Last Revised: July 28, 2021

Refer Questions to: Campus Animals Accommodation Lead at [Contact](#)

[Service Animals in Academic/Research Lab Policy](#)

I. INTRODUCTION

The purpose of this Policy is to set the guidelines, requirements, and procedures regarding the presence of animals at Gallaudet University. The Policy applies to all animals on University property, including with respect to any participation in programs or activities on the Gallaudet University campus, including programs and activities taking place in University housing.

The purpose of this Policy is to document the University's approach to compliance with applicable federal and District of Columbia law, and the University's binding obligations under this Policy shall not be construed to exceed the requirements of applicable law. The Policy shall be interpreted to comply with applicable law, and, in the event of any conflict between the Policy and applicable law, applicable law controls.

II. SCOPE

This Policy applies to students, employees, and visitors in all offices and divisions of Gallaudet University.

III. STATEMENT OF POLICY

Gallaudet University prohibits animals on campus, with the exception of:

- A. Fish in a properly maintained aquarium no more than ten (10) gallons in size per Residence Life and Housing Policy (as it may be amended from time-to-time);
- B. Certain qualifying animals accompanying their Handler/Responsible Party onto or residing on University property in accordance with federal and District laws, and in certain other situations specified in and subject to this Policy.

This Policy outlines roles and responsibilities of employees, students, and visitors with regard to the following categories of qualifying animals outlined below:

- A. Service Animals;
- B. Service Animals in Training;
- C. Approved Emotional Support Animals;
- D. Approved, qualified Therapy Animals engaged in approved animal-assisted activities on campus;
- E. Law Enforcement Animals used for law enforcement or investigations; and
- F. Pets belonging to qualified University employees with mandatory residence on campus.

Under the terms of this Policy, Handlers/Responsible Parties with certain animals will generally be permitted in or be given appropriate access to designated areas of the Gallaudet University campus commensurate with the legal rights and protections afforded them by law and/or University policy.

IV. DEFINITIONS

- A. Campus Animal Accommodations Lead (CAAL) – The staff person responsible for providing information related to and facilitating animal-related reasonable accommodation processes defined by and consistent with this Policy. The University's ADA Coordinator shall appoint the CAAL.
- B. Disability – A Disability, as defined under Title III of the ADA Amendments Act of 2008 (ADA) and Section 504 of the Rehabilitation Act of 1973, is a physical or mental impairment that substantially limits one or more major life activities. The impairment may be permanent, chronic, or progressive. Disabilities interfere significantly with activities of daily living and may include but are not limited to physical disabilities (such as those affecting mobility), traumatic brain injuries, low vision or blindness, chronic health conditions, or disabling psychological conditions such as bipolar disorder. As an institution of higher education serving deaf and hard-of-hearing individuals, Gallaudet University has, over the years, instituted numerous accommodations. The University has also implemented many technological and other enhancements to seek to achieve an accessible, barrier-free environment for its constituents. Additionally, the University will, upon request, attempt to make other reasonable accommodations wherever appropriate.
- C. Emotional Support Animal (ESA) – An animal whose sole function is to provide emotional support that is medically necessary to afford a person with a psychological Disability an equal opportunity to use and enjoy University housing. There must be an identifiable and direct relationship between the comfort the animal provides and the individual's Disability-related need for the animal, as supported by a qualified psychologist, psychiatrist, physician, or other licensed mental health professional. ESAs provide a Disability-related benefit to their Handler/Responsible Party through the provision of comfort, but are not necessarily trained to perform specific tasks to assist their Handler/Responsible Party. ESAs are not Service Animals, are not task-trained to assist their Handler/Responsible Party with activities of daily living, may not accompany their Handler/Responsible Party into public spaces on campus, and must be screened and approved for residence in the Handler/Responsible Party's campus dwelling on a case-by-case basis as needed on the basis of Disability.
- D. Handler/Responsible Party – A person with a Service Animal, Emotional Support Animal, Service Animal in Training, Law Enforcement Animal, or Therapy Animal; additionally, a qualified, approved University employee with an approved Pet.
- E. Law Enforcement Animal – A canine officer on campus with professional handler for purposes of law enforcement and investigation activities.
- F. Pet – An animal kept for ordinary use and companionship. This Policy permits the approval only of pet dogs or cats and only for qualified University employees with mandatory residence on campus for work-related purposes.
- G. Public Facilities – Any University property, including buildings, grounds, and equipment controlled by the University, which is open to the public.
- H. Service Animal – A Service Animal is a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a Disability, including a physical, sensory, psychiatric, intellectual, or other mental Disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship are not considered work or tasks under the definition of a Service Animal. Other species of animals, whether wild or domestic, trained or untrained, are not considered Service Animals. The work that a Service Animal has been trained to do must be directly related to the person's Disability, including but not limited to:

- Guiding individuals with low vision or blindness

- Pulling a wheelchair
- Retrieving and delivering items such as life-saving medication or the phone
- Detecting and alerting disabled Handlers/Responsible Parties to the presence of allergens

- I. Service Animal in Training – A Service Animal in Training is an animal engaged in training to become a Service Animal under the oversight of a qualified or professional Handler/Responsible Party. Per ADA, Service Animals must be fully trained before they can be taken into public places. However, under District of Columbia ordinance § 7-1002, the University will grant the same access and liabilities to owners and trainers of Service Animals in Training as will be granted to Handlers with Service Animals.
- J. Therapy Animal – A Therapy Animal is typically a dog who accompanies its Handler/Responsible Party to volunteer in settings such as schools, hospitals, and nursing homes by providing comfort and engagement through its presence. Therapy Animals are not Service Animals and their Handlers/Responsible Parties do not have public access rights granted to disabled Handlers/Responsible Parties of Service Animals.

V. SERVICE ANIMALS

A. UNIVERSITY OBLIGATIONS

Per ADA, disabled Handlers/Responsible Parties with Service Animals may be accompanied by their Service Animal in all areas of campus where the public is normally allowed to go. A person with a Disability cannot be asked to remove their Service Animal from the premises unless: 1) the animal is not housebroken; 2) the Service Animal's presence fundamentally alters a University program, event, or classroom proceedings; 3) the Service Animal is beyond the control of its Handler/Responsible Party and the Handler/Responsible Party does not take effective action to control it; or 4) the Service Animal fundamentally constitutes a safety threat. In the event the University excludes a Service Animal, the Handler/Responsible Party will have the opportunity to participate in the service, program, or activity without having the Service Animal present.

Where it is obvious that the animal is a Service Animal, the University shall not require any documentation for the animal, require that the animal demonstrate its tasks, or inquire about the nature of the person's Disability. In situations where it is not obvious that an animal is a Service Animal, the University and its employees may ask:

1. Is the animal a Service Animal required because of a Disability?
2. What work or tasks has the animal been trained to perform?

The University may not and does not charge a fee in connection with use of a Service Animal, however the University also is not required to and does not provide care or food for any Service Animals. The Handler/Responsible Party must maintain all responsibilities for care and supervision of the service animal.

Etiquette around Service Animals and Their Handlers/Responsible Parties

The Gallaudet University Community:

- Must allow Service Animals to accompany their owners at all times and everywhere on campus where the general public (if accompanying a visitor) or other students (if accompanying a student) are allowed, except for sites where there is a health, environmental, or safety hazard

as outlined below.

- May (if a Gallaudet University employee) ascertain that an animal is a Service Animal by asking (if not apparent) if the animal is required because of a Disability and what tasks it has been trained to perform.
- Should NOT pet, touch, harass, deliberately startle, or otherwise distract a Service Animal when it is working. Doing so may interfere with its ability to perform its duties.
- Should NOT feed a Service Animal. Their work depends on a regular and consistent feeding regimen that the owner is responsible to maintain.
- Should NOT attempt to separate the Handler/Responsible Party from the Service Animal.
- Should not permit other approved animals on campus to interfere with the Service Animal.
- Should not fraudulently portray an animal as a Service Animal for purposes of gaining access to the campus or University housing unless the animal clearly meets the criteria in the ADA definition of a Service Animal.
- May contact CAAL with any questions or concerns arising related to Service Animals or campus constituents with Service Animals, including reporting instances of animal abuse or negligence.

Restrictions on Service Animal Access

The University may prohibit or otherwise restrict the access of Handlers/Responsible Parties with Service Animals in certain University facilities due to health or safety restrictions or concerns, where the presence of a Service Animal may compromise the integrity of certain research, or otherwise fundamentally alter a program or activity or put the animal at risk. For example and without limitation, Service Animals may be excluded from certain of the following areas:

- Food preparation areas;
- Research laboratories (e.g. science laboratories with chemicals, etc.);
- Mechanical rooms or custodial closets (e.g. boiler rooms, facility equipment rooms, etc.);
- Areas where personal protective clothing or equipment are necessary;
- Areas where there is a danger to the Service Animal such as classrooms with wood/metal/machine equipment, where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface, where there is hot material on the floor (e.g. molten metal or glass as in some art studios or construction sites), where there is a high level of dust, where there are harmful chemicals or materials, or where there is moving machinery;
- University pool and athletic facilities (e.g. Service Animals may be permitted poolside to perform necessary work or tasks for their Handler/Responsible Party, but may not enter the pool).

Others' fear of Service Animal species and/or allergies are not valid reasons for denying access to Handlers/Responsible Parties with Service Animals. For example, when a Service Animal Handler/Responsible Party and person who is allergic to dog dander must spend time in the same room or facility, the University will attempt to accommodate both by assigning them, if possible, to different locations within the room or facility.

Service Animals in the Workplace

University employees who require a Service Animal as a reasonable accommodation, as defined by the ADA, in a University office or other University facility not open to the general public, may bring their Service Animal to their place of employment if the animal's work or tasks are necessary to afford the employee the equal opportunity to perform the functions of their job. The employee should register their Service Animal with CAAL in advance of the Service Animal being brought to campus

or accessing the employee's work setting.

B. HANDLER/RESPONSIBLE PARTY RESPONSIBILITIES AND PROCEDURES

Pursuant to the ADA and in accordance with District of Columbia ordinance (2.5.1.), Service Animals must be firmly secured by a leash, tether, or harness, unless the Handler/Responsible Party is unable to use a tether because of their Disability or the use of a tether would interfere with the Service Animal's ability to safely perform its work or tasks. In these cases, the Service Animal must be under the Handler/Responsible Party's control through hand signals, vocalized commands, or other effective means. Service Animals are not permitted to run at-large on any streets, unenclosed lots, athletic fields, or premises within the boundaries of Gallaudet University.

Service Animals are subject to District of Columbia dog licensing and registration requirements; Handlers/Responsible Parties should maintain the necessary inoculations and/or vaccinations for their Service Animal as required by the District of Columbia for the duration of their tenure on campus and/or residence in University Housing.

Service Animals must be fully housebroken. Per District of Columbia ordinances, the Handler/Responsible Party of a Service Animal must collect and dispose of all animal waste in outdoor trash receptacles. Individuals with a Service Animal who are unable to do so for reasons related to their Disability must make arrangements to have their Service Animal's waste appropriately disposed of. Animal waste is not to be disposed of in indoor trash receptacles.

The care and supervision of a Service Animal is the responsibility of the Service Animal's Handler/Responsible Party, who bears full liability for any action of the Service Animal.

The ADA does not require Service Animals to wear a vest, ID tag, or specific harness. However, Gallaudet University *strongly recommends* that Service Animals be identifiable by wearing an appropriately labeled vest or harness.

C. SERVICE ANIMALS IN UNIVERSITY HOUSING

Pursuant to qualifying criteria of the ADA, Handlers/Responsible Parties with Service Animals may access all Public Facilities on campus with the exception of areas where the Policy specifically prohibits Service Animals or in circumstances wherein the presence of the Service Animal would fundamentally alter the nature of events, programs, or activities on campus.

Students

Students with disabilities who require a Service Animal to use and enjoy University Housing may apply for a Service Animal Disability Accommodation to reside in University Housing through CAAL.

Visitors

Visitors with Service Animals wishing to stay in University housing facilities may apply for a Service Animal Disability Accommodation to reside in University Housing through CAAL.

Employees

Should a Gallaudet University employee be required to live on campus in University housing as a condition of employment, and should the Service Animal be necessary to afford them an equal opportunity to use or enjoy University housing, the employee may apply for a Service Animal

Disability Accommodation to reside in University Housing through CAAL.

Procedure

In order to request a Disability-related housing accommodation involving a Service Animal, the Handler/Responsible Party should contact CAAL no less than 30 days prior to anticipated arrival, in order to permit time to gather all necessary documentation. Substantiating documentation will be required which satisfactorily attests to compliance with the specific requirements for animal licensing and vaccinations for the District of Columbia, as outlined in D.C. Code § 8-1804 for licenses and fees and § 8-1803 for vaccinations.

Approved accommodation requests involving Service Animals will be valid from the date of approval until the end of the Academic Year for which the accommodation approval is granted, contingent on compliance with District of Columbia licensing and vaccination requirements (D.C. Code §8-1804 for licenses and fees and §8-1803 for vaccinations) and on other legal and policy expectations. Approval extensions may be requested for summer months in between Spring and Fall academic semesters.

Conflicts and Appeals

University employees, students, or visitors who wish to appeal or request reconsideration of a decision regarding exclusion or denial of a Service Animal from campus must submit their request in writing to CAAL within 10 calendar days of the decision. CAAL shall review all information necessary to render a written response and may request of the complainant additional information and/or documentation; CAAL will issue a written response to the appeal or request for reconsideration within 10 calendar days.

An individual can appeal CAAL's final determination to the ADA Coordinator by submitting a written appeal within 10 calendar days after receipt of CAAL's final determination. If the ADA Coordinator for any reason of conflict of interest, illness, or prolonged absence is unable to carry out his or her responsibilities, a designee shall be appointed by the University Provost. The ADA Coordinator or appropriate designee will issue a written response to the appeal within 10 calendar days after receipt of the appeal. The ADA Coordinator or appropriate designee's determination is final and not appealable.

University employees, students, or visitors with disabilities that are affected by the presence of animals should contact CAAL, which will conduct an equitable consideration of individual needs. The University will provide reasonable accommodations in accordance with applicable law.

D. SERVICE ANIMALS IN TRAINING

The above rules and guidelines applicable to Service Animals and their Handlers/Responsible Parties will apply equally to Service Animals in Training and their qualified Handlers/Responsible Parties. The presence of the Service Animal in Training may not interfere with the trainer's responsibilities to the University.

VI. EMOTIONAL SUPPORT ANIMALS

The Fair Housing Act (FHA) defines an Emotional Support Animal (ESA) as an animal that provides emotional support, well-being, or companionship that alleviates or mitigates symptoms of a person's Disability; ESAs do not possess task training to qualify for consideration as Service Animals and are typically dogs or cats (although other domesticated species may be legally considered).

Students and University employees with Disability-related need who require the support of an ESA in order to use and enjoy University housing may apply for an accommodation to reside with their animal in assigned University housing. ESAs are generally not permitted in other areas of the University or on public University grounds (e.g., library, academic buildings, classrooms, labs, dining areas, athletic fields, etc.). Students may apply for an accommodation to allow ESAs to accompany them in areas other than University housing. CAAL will review these accommodation requests according to its normal procedures.

ESA dogs must be completely housebroken and are expected to respond to basic cues or commands from the Handlers/Responsible Parties in order to remain in control. For dogs, the use of “puppy pads” is not permitted.

Housing accommodations involving ESAs apply only to currently enrolled students and employed faculty or staff who reside in University housing. Individuals who are not current students or employees (e.g., day or overnight guests) must apply to CAAL if they wish to bring ESAs into University residence halls (permission from students or roommates is not sufficient).

A. ESA Accommodation Application Procedures

ESAs are not to be brought to campus prior to the University issuing written approval.

In order to request a Disability-related housing accommodation involving an ESA, the Handler/Responsible Party should contact CAAL no less than 30 days prior to arrival, in order to permit time to gather all necessary documentation.

Gallaudet University will then make an individualized assessment of each requested ESA under CAAL’s procedure for granting accommodations. Where it is not immediately obvious what Disability-related support the animal provides, Gallaudet University may require supporting documentation from the requester’s qualified psychologist, psychiatrist, physician, or other licensed mental health professional. Additionally, substantiating documentation will be required which satisfactorily attests to compliance with the specific requirements for animal licensing and vaccinations for the District of Columbia, as outlined in D.C. Code §8-1804 for licenses and fees and §8-1803 for vaccinations. Additionally, the individualized assessment shall include a face-to-face meeting with the Handler/Responsible Party and their proposed animal prior to approval.

Handlers/Responsible Parties with approved ESAs must identify a person who could come to campus to remove the animal if needed within a reasonable amount of time. This person must be identified during the approval process.

Approved accommodation requests involving ESAs for students and employees will be valid from the date of approval until the end of the Academic Year for which the accommodation approval is granted, contingent on compliance with District of Columbia licensing and vaccination requirements (D.C. Code §8-1804 for licenses and fees and §8-1803 for vaccinations) and on other legal and policy expectations. Approval extensions may be requested for the summer months in between the Spring and Fall semesters, contingent on appropriate behavior of the animal and maintenance of all required vaccinations.

Reminder: Approved ESAs are generally not allowed anywhere on campus, outside of the approved residence hall, where animals are not normally allowed unless an accommodation has been granted. An ESA may be removed from campus if it is found in any other building on campus other than the Handler/Responsible Party’s residence hall and the Handler/Responsible Party does not have an

approved accommodation.

B. Denial or Revocation of Approved ESA Accommodation

The University maintains the right to require that an ESA be removed from campus if it poses a threat to the health or safety of other persons, animals, or properties. ESAs should not be permitted to interfere with the work of Service Animals on campus. The process for handling disruptions to the community is as follows:

If a complaint is received, CAAL will conduct an assessment of the situation and the extent of impact to the community. CAAL will then make a judgment based on the totality of the circumstances regarding what (if any) corrective action is appropriate (e.g., switching rooms if there is availability on campus or that the animal will need to be removed from campus). Aggressive behavior (biting, snapping) will result in immediate removal of the animal from campus.

An ESA accommodation request may be denied or revoked if the ESA:

1. Is not housebroken or is unable to live with others in a reasonable manner;
2. Is not in compliance with District of Columbia licensing and vaccination requirements;
3. Has a history of aggressive behavior towards humans or other animals;
4. Would fundamentally alter University services through disruptive behavior;
5. Imposes an undue financial and/or administrative burden to accommodate;
6. Is unnecessary to provide the requester an equal opportunity to use and enjoy University housing.

CAAL shall be ordinarily responsible for assessing and making such determinations about an ESA's conduct on campus and within the Residence Halls (in the latter case, in conjunction where appropriate with the Director of the Office of Residence Life and Housing and the Dean of Student Affairs). CAAL may also consult the Department of Public Safety. For Clerc Center residents the decision-making process may also include the Chief Administrative Officer and Chief Academic Officer.

University employees, students, or visitors who wish to appeal or request reconsideration of a decision regarding exclusion or denial of an ESA must submit a request in writing to CAAL within 10 calendar days after the initial decision. CAAL shall review all information necessary to render a written response and may request of the complainant additional information and/or documentation; CAAL will issue a written response within 10 calendar days after receipt of the request.

An individual can appeal CAAL's final determination to the ADA Coordinator by submitting a written appeal within 10 calendar days after receipt of CAAL's final determination. If the ADA Coordinator for any reason of conflict of interest, illness, or prolonged absence is unable to carry out his or her responsibilities, a designee shall be appointed by the University Provost. The ADA Coordinator or appropriate designee will issue a written response to the appeal within 10 calendar days after receipt of the appeal. The ADA Coordinator or appropriate designee's determination is final and not appealable.

VII. THERAPY ANIMALS

University departments and programs may request approval to have certified Therapy Animals brought to campus with their Handlers/Responsible Parties for approved animal-assisted activities on campus. These may include program-sponsored activities for research and service with a focus on

beneficial aspects of human-animal interaction (i.e. stress reduction). All such requests should be directed to CAAL ([Contact](#)) no later than 60 days in advance of the anticipated date.

Therapy dog-handler teams must maintain current certification and insurance through an American Kennel Club-recognized professional Therapy Animal organization that provides training and maintains liability for the actions of the animal-handler team. The University maintains the right to establish appropriate and necessary conditions of approval. The University may prohibit or otherwise restrict the access of Handlers/Responsible Parties with Therapy Animals in certain University facilities due to health or safety restrictions or concerns.

Therapy Animals are not permitted to run at-large on any streets, unenclosed lots, athletic fields, or premises within the boundaries of Gallaudet University. Handlers/Responsible Parties must collect and dispose of all animal waste and dispose of that waste in outdoor trash receptacles.

In accordance with District of Columbia ordinance (2.5.1.), approved Therapy Animals brought to campus must be firmly secured by a leash, tether, or harness. All Therapy Animals must have current vaccinations required by the District of Columbia for the duration of their visit to campus.

The University maintains the right to approve or deny any request for Therapy Animals and to request a Therapy Animal be removed from campus at any time in the University's sole discretion.

VIII. LAW ENFORCEMENT ANIMALS

Law Enforcement Animals are permitted on Gallaudet University grounds with their professional handlers for law enforcement and investigative purposes.

IX. PET (DOGS OR CATS)

Gallaudet University permits certain approved Pets to reside with their Handlers/Responsible Parties who are current University employees and required to live on campus to fulfill the terms of their job obligations. A Handler/Responsible Party must obtain prior written approval from the University before bringing a Pet to campus.

Dogs must be one year old at minimum, fully housebroken, and known to the owner for at least the previous six months. Owners may bring dogs outdoors on campus for purposes of toileting the dogs and are responsible for appropriate collection and disposal of waste in outdoor trash receptacles. Approved Pets are not permitted to run at-large on any streets, unenclosed lots, athletic fields, or premises within the boundaries of Gallaudet University. Handlers/Responsible Parties must collect and dispose of all animal waste and dispose of that waste in outdoor trash receptacles.

Cats must be one year old at minimum and fully litterbox trained.

Qualified employees wishing to apply for this arrangement may request up to one dog or two cats per dwelling on campus, pending approval of their senior administrator and CAAL.

Approval is contingent on maintenance of the necessary vaccinations for the dog or cat as well as the appropriate behavior of the animal, and is effective from the date of approval until the end of the Academic Year for which approval is granted.

In accordance with District of Columbia ordinance (2.5.1.), approved Pets residing with qualified employees must be firmly secured by a leash, tether, or harness at all times while out of the

immediate dwelling. Approved Pets must have current vaccinations required by the District of Columbia for the duration of their visit to campus; owners must maintain a copy of the current D.C. Dog License and vaccinations on file with CAAL.

The University maintains the right to request an approved Pet be removed from campus if it poses a threat to the health or safety of other persons, animals, or properties. Pets should not be permitted to interfere with the work of Service Animals on campus.

Pet owners must identify a person who could come to campus to remove the animal if needed within a reasonable amount of time. This person must be identified during the approval process.

Furthermore, a request to reside on campus with a Pet may be denied or revoked if the Pet:

1. Is not housebroken, litterbox trained, or able to live with others in a reasonable manner;
2. Is not in compliance with District of Columbia licensing and vaccination requirements;
3. Has a history of aggressive behavior towards humans or other animals;
4. Would fundamentally alter University housing services through disruptive behavior;
5. Imposes an undue financial and/or administrative burden to accommodate, including being an inappropriate size or weight.

CAAL shall be ordinarily responsible for assessing and making such determinations about a Pet's conduct on campus and within the Residence Halls (in the latter case, in conjunction where appropriate with the Director of the Office of Residence Life and Housing). CAAL may also consult the Department of Public Safety.

University employees who wish to appeal or request reconsideration of a decision regarding exclusion or denial of a Pet must submit a request in writing to CAAL within 10 calendar days after the initial decision. CAAL shall review all information necessary to render a written response and may request of the complainant additional information and/or documentation; CAAL will issue a written response within 10 calendar days after receipt of the request. CAAL's determination is final.

X. CONTACT INFORMATION AND KEY DOCUMENTS

Contact information for th

e key decisionmakers under this Policy are as follows:

CAAL:

- Vanessa Slade
- Email: [Contact](#)

ADA Coordinator:

- Sharrell McCaskill
- Email: [Contact](#)

Key documents related to this Policy include:

- Gallaudet University Service Animal Disability Accommodation Request Form for Campus Housing 2021-2022
- Gallaudet University Emotional Support Application for Campus Housing 2021-2022

- [D.C. Dog License Application](#)

1.09 Intellectual Property

Last Revised: 27 February 2020

Refer Questions to: Office of the Provost

Scope

This Policy applies to all Gallaudet University (the “University”) full-time and part-time faculty, visiting faculty, teachers, staff and other employees, as well as students –including undergraduate and graduate students, and postdoctoral fellows, student employees, and anyone retained by the University (collectively, the “Gallaudet Community”) to create Intellectual Property as that term is defined in Attachment A. A department intending to engage an individual as an independent contractor to create Intellectual Property is responsible for ensuring compliance with this Policy and its implementing procedures prior to the start of any work or performance of services.

Policy

The University supports and encourages its faculty, staff, and students in their creation and dissemination of innovative new works that further the University’s mission. This Policy is intended to create a balance of rights and responsibilities that benefit both innovators and the University, and also, to create clarity and consistency around the University’s existing norms regarding the ownership and use of different kinds of intellectual property created by individuals in the Gallaudet Community.

Based on the terms defined in Attachment A, it is generally the University’s policy that:

1. All Administrative Materials are the property of the University unless otherwise specified.
2. Traditional Scholarship is owned by the creator(s) and such creators are encouraged to retain nonprofit educational use whenever possible.
3. Generally, New Media is also owned by its creator(s). The University retains a permanent, irrevocable, non-exclusive, no-cost license of such New Media to use, reuse, reproduce, display, distribute, license or sub-license and to make derivative works.
4. Faculty members own the copyright in the Course Content they create and grant a non-exclusive, perpetual license to the University and its students to use and modify – but not to publish or commercialize – such content.
5. All intellectual property rights in Courseware developed by the University is owned by the University, and Faculty members retain the right to use Courseware in connection with their teaching activities at the University. In the event that Courseware is licensed by the University from a third-party provider, use by Faculty members is subject to the terms of those licenses.
6. A Student owns any works he or she creates individually in his or her capacity as a student, including but not limited to papers, articles, presentations, reports or STEM related works.
7. A Student owns any contributions he or she makes to in-person or online classroom sessions, classroom projects, forums or discussion groups, and grant to course instructors and the University a perpetual, royalty-free, irrevocable license to use such contributions.
8. Ownership and use rights for intellectual property created or developed for a sponsored program or a grant will be determined in accordance with the terms of that agreement or grant as well as any applicable federal law (The University reserves the right to review and re-negotiate such terms if those terms compromise or jeopardize the University’s own interests).

Further, Covered Members should notify the University's dedicated point of contact of each Covered Invention by following the University's disclosure process described in the procedures below as soon as possible after developing an invention and before publicly disclosing such invention. The University has discretion to decide whether each determined inventor needs to assign to the University all (or a portion) of his/her right, title, and interest in the Covered Invention, and to determine whether it will file a patent application (including commercialization) on a Covered Invention or whether it will release and/or assign certain rights to the Inventor.

This Policy should be interpreted in conjunction with the University's other policies, as well as any related or relevant provisions of the University's faculty, student or staff handbooks. Any laws or contractual terms binding on the University will take precedence over this Policy.

The procedures following this Policy apply to all members of the Gallaudet Community engaging in projects and partnerships – both within and outside the University – relating to intellectual property ownership and use.

Approved by: Gallaudet University Board of Trustees

Procedures

I. Ownership and Use of Intellectual Property

Section I addresses ownership and use of different kinds of intellectual property, and the different categories of creators involved. For all members of the Gallaudet Community, individuals are expected to acknowledge assistance and/or co-authorship where appropriate.

1. Traditional Scholarship

The University's general policy is that Traditional Scholarship is owned by the creator(s). This means that the creators of scholarly works – whether faculty, students or staff – retain any copyright, trademark and patent rights in their scholarly works and the right to receive any revenue generated by the works.

Ownership rights are subject to any contracts or agreements that the creator may enter into, such as with the University for Exceptional Resources or with third parties, such as with a publisher or academic journal. Gallaudet Community members are encouraged, but not required, to retain nonprofit educational use rights in such publications for the University whenever possible.

2. New Media

The University's general policy on New Media is that New Media is owned by its creators but that the University retains a permanent, irrevocable, non-exclusive, no-cost license to use, reuse, reproduce, display, distribute, license or sub-license and make derivative works of the New Media.

The University asserts a license in New Media because multiple contributors to New Media can make ownership designations or divisions difficult, especially when multiple people contribute over time to an ongoing project. Additionally, where software can include both potentially copyrighted and patent-protected elements, the University must have a stake to effectively enforce and protect these creations for the benefit of their creators and the University. In addition, there are often more significant University resources involved in the creation of New Media than in Traditional Scholarship.

Creators of New Media should discuss with the Provost or its designee, preferably in advance, any situations where they wish to claim exclusive ownership of New Media.

If the creator wishes to make New Media available outside of the Gallaudet Community, e.g., via an open source or creative commons license, this possibility should also be discussed in advance with the Provost or its designee, and where appropriate, the Provost or its designee will consult with the Office of the General Counsel.

3. *Course Content*

Faculty members own the copyright in the Course Content they create. If more than one Faculty member contributes to Course Content, then that Course Content is a joint work, as that term is defined under copyright law. If Course Content is developed and changed over time by one or more Faculty members for multiple offerings of the same or related courses, then the copyright law governing derivative works will apply.

The University has an Operational and Identity Interest in its ongoing instructional operations. By teaching at the University, Faculty members grant a non-exclusive, perpetual license to the University to use and modify – but not publish or commercialize – their Course Content.

If a Faculty member is assigning ownership of Course Content or Materials to the University in exchange for payment above and outside of the Faculty member's normal compensation, the University and Faculty member will enter into a written agreement detailing the terms of that assignment.

4. *Courseware*

All intellectual property rights in courseware developed by the University is owned by the University. Faculty members retain the right to use Courseware in connection with their teaching activities at the University. If Courseware is licensed by the University from a third-party provider, use by Faculty members is subject to the terms of those licenses.

5. *Administrative Materials*

All Administrative Materials are assumed to include an Identity or Operational Interest of the University unless otherwise specified, and therefore are the property of the University. For example, the University owns administrative work, such as committee reports or departmental records. If a Faculty member or Researcher contributes to a University publication, such as a course catalog or alumni magazine, then the University will own that contribution. The Faculty member or Researcher who creates an Administrative Material may negotiate with the University to be able to use or reproduce it for his or her own purposes.

The University owns all rights in Administrative Materials created by Staff members in the scope of their employment. Intellectual property created outside the scope of employment belongs to that Staff member.

Ownership of Administrative Materials with a Contractual Interest will be governed by the terms of the relevant contract.

6. *Student Works*

A Student owns any works he or she creates in his or her capacity as a student, including but not

limited to papers, articles, presentations, reports or STEM related works. A Student owns any contributions he or she makes to in-person or online classroom sessions, forums or discussion groups. Students grant to course instructors and the University a perpetual, royalty-free, irrevocable license to use the Student's contributions to any classroom forums or discussions for other nonprofit educational purposes.

Students who allow themselves to be filmed or photographed by University personnel in connection with academic courses or other University-related activities or events are implicitly granting a perpetual, royalty-free license to the University to use that footage for University-related projects and promotions.

Students have a non-exclusive, limited right to use any Course Materials in the context of participating as a registered student in a Course at the University. However, Course Materials are owned by the Faculty members who created them (and/or the University) and may not be copied or distributed by Students without the express, written permission of their owners. Any evidence that Students have copied or distributed Course Materials for any purpose other than participating in the Course is both a violation of the University's honor code and of copyright law.

7. Grants, Sponsored Works, Specially Funded Works and Supervised Research Projects

If intellectual property is created or developed pursuant to an agreement for sponsored research or any other written agreement, including an agreement between the creator(s) and the University, then the ownership and use rights for that intellectual property will be determined in accordance with the terms of that agreement or grant as well as any applicable federal law. The Office of Sponsored Programs should be consulted in advance of any grant applications with intellectual property restrictions as some grants and contracts from government agencies or private sponsors require that intellectual property rights be granted to the University. The Office of Sponsored Programs will work with faculty members to make sure that any such intellectual property restrictions of the grantor or sponsor are observed.

If a sponsored program or grant involves collaborators at other institutions or companies, any agreement between the parties should address how those respective institutions' intellectual property policies will interact with the requirements of the sponsored program or grant. Generally, the terms of any such sponsored program or grant will take precedence over any conflicting language in this Policy or the policies of any other contracting entity, provided that the terms of the agreement do not compromise or jeopardize the University's own interests.

In engaging in outside contracts, grants, or other outside employment, Faculty members are bound by faculty teaching requirements and related responsibilities as set forth in the Faculty Handbook, University policy and any applicable law. Staff members are also bound by University policy and applicable law.

II. Patents: Special Considerations

Every Member of the University shall participate in the patent protection process described in this Section II in connection with any Inventions developed (in whole or in part) by such Member in any of the following circumstances:

- for any Inventions that are owned by the University, as specified by this policy; and
- for any Inventions that are required to be patented or evaluated for patenting, as required by any law, regulation, contract, or other legal requirement.

A Member who falls into one of the circumstances described above is a "Covered Member." An Invention that satisfies the conditions described above is a "Covered Invention."

Covered Members should notify the University's dedicated point of contact, the Director of Gallaudet Innovation and Entrepreneurship Institute (GIEI) of each Covered Invention by following the University's disclosure process as soon as possible after developing the Invention, and before publicly disclosing the Invention, such as publishing a paper describing the Invention, submitting such a paper for publication, giving a presentation about the Invention, or releasing a product containing the Invention (even if that product is made available for free or is not complete). The University will make a disclosure form available that Members can use to disclose their Inventions to the University. The University will make efforts to reply to disclosures of Inventions submitted by Members within a reasonable amount of time.

After the University reviews the disclosure document, it will determine the inventor(s) of the Covered Invention. The University has discretion to decide whether each determined inventor needs to assign to the University all (or a portion) of his/her right, title, and interest in the Covered Invention, in consultation with the inventor(s).

The University has sole discretion to determine whether it will file a patent application on a Covered Invention. Filing determinations may be made, for example, on the basis of Commercial Interests in the Covered Invention, obligations to and rights of third parties, or for other reasons which the University, deems appropriate. The Inventor(s) of a Covered Invention will cooperate in the patenting process as the University may require, with the University bearing all costs of the patenting process.

The University has sole discretion to commercialize a Covered Invention, but shall take into account the public interest and the concerns, if any, of the Inventors. If a Covered Invention is subject to an external agreement with a third party (for example, the federal government or other funding sponsor), the University must comply with that agreement when making commercialization decisions. The University will make reasonable efforts to keep the Inventor(s) informed of its commercialization efforts.

If the University's efforts to commercialize a Covered Invention generates royalties, the University will share those royalties with the Inventor(s) in accordance with this Policy. Unless otherwise agreed in a writing between the Inventor(s) and the University, any royalties generated (after reimbursement to the University of all related out-of-pocket expenses) will be divided as follows: (i) one-third ($\frac{1}{3}$) to the Inventor(s), divided equally among all Inventors unless otherwise agreed; (ii) one-third ($\frac{1}{3}$) to the department(s) of the Inventor(s), divided equally among all departments unless otherwise agreed; and one-third ($\frac{1}{3}$) to the University.

If the University decides not to file a patent application on a Covered Invention or to permanently cease efforts to patent or maintain patent protection for a Covered Invention (such as abandoning a patent application or patent on a Covered Invention), the Inventor(s) may request a release of the Invention back to the Inventor. The University may in its discretion agree to release and assign, or release all of the University's interests in the Invention to the Inventor(s) as agreed upon by the parties. Release of a Covered Invention may be conditioned upon, among other things, agreement by the Inventor(s) to one or more of the following:

1. To reimburse the University for all costs incurred by the University in connection with the Covered Invention, either upon release, or if and when the Inventor(s) receive income from the Invention, or at some other agreed-upon time.

2. To share with the University a percentage of the net income (i.e., income remaining from gross income after repayment of University costs above and the Inventor(s)' legal and licensing expenses) received by the Inventors from the Invention. Income subject to this revenue sharing provision includes equity received by Inventor's consideration for the Invention but does not include financing received for purposes of research and development.
3. Upon request by the University, to report to the University regarding the Inventors' efforts to commercialize the Invention and, at the University's request, to reassign those Inventions which the Inventor(s) are not attempting to commercialize.
4. To fulfill any obligations that may exist to sponsors of the research that led to the Invention.
5. To grant back to the University an irrevocable, perpetual, royalty-free, nonexclusive, worldwide right and license to use the Invention for its research, education and clinical care purposes and a right to grant the same rights to other non-profit institutions.
6. To agree to such limitations on the University's liability and indemnity provisions as the University may request.

The University presently has no office dedicated to technology development. Individual faculty or staff members interested in pursuing patent or licensing options for their intellectual property are encouraged to seek outside legal counsel to advise them on such questions. The Office of the Provost, the Office of Sponsored Programs and if appropriate, the Office of the General Counsel will provide any assistance they reasonably can to help creators navigate such questions and, as appropriate, identify outside assistance for such endeavors. Where appropriate, and at its discretion, the University will pay for outside legal assistance on intellectual property and commercialization matters.

In certain situations, the creators of works may wish to transfer rights to the University in exchange for University assistance in developing, disseminating or protecting creations. Any such requests should be directed to the Provost and will be considered on a case-by-case basis. Any such arrangement must be documented in a written agreement between the parties.

III. Resolution of Intellectual Property Ownership Questions or Disputes

The preceding guidelines, together with the relevant elements of intellectual property law, should address the vast majority of questions related to ownership of intellectual property created within the Gallaudet Community. Under normal circumstances, the party or parties who hold the rights will decide how the intellectual property may be used and will receive any income associated with it. This Section III addresses those circumstances in which a question or dispute regarding intellectual property ownership and/or use cannot be resolved by this Policy.

1. *Process for Resolving Intellectual Property Ownership Questions or Disputes*

Any questions relating to the interpretation or application of this Policy should be directed to the Provost or its designee. In the event of a dispute or disagreement related to intellectual property created within the Gallaudet Community, the Provost or its designee will consult with the creator(s) as well as appropriate deans and administrative staff to reach an agreement or resolution regarding the ownership, use and development of the intellectual property. In all cases, the Provost or its designee will be guided by the principles set forth in this Policy together with relevant elements of intellectual property law, and the creator(s) will be given an opportunity to explain the situation and propose terms for resolution of ownership and use questions. If the parties cannot come to an agreement, the Provost or its designee, in consultation with the Office of the General Counsel will make a written determination.

2. *Appeals*

On receipt of a notice of appeal of a written determination regarding an intellectual property dispute, an ad hoc committee normally composed of Staff, Faculty and Student representatives – depending on the kind of Intellectual Property and issues involved – will be formed. The committee will review the Provost's or its designee's written determination, the positions of the Provost or its designee and the creator(s), and the relevant facts and circumstances, and will make a written recommendation to the Office of the General Counsel no later than sixty (60) days following the date of receipt of the notice of appeal. The Office of General Counsel, after review of the recommendation of the ad hoc committee, will issue a determination within thirty (30) days of receipt of the ad hoc committee's recommendation. The Office of the General Counsel's determination will be filed in the Office of the President, and a copy will be delivered to the Provost and the creator(s). The Office of the General Counsel's determination will be final and binding upon the University and the creator(s).

3. *Periodic Review*

This Policy will be reviewed every three years by a review committee appointed by the Provost to determine whether it (i) is accomplishing its intended purposes, (ii) is in conformity with federal and state laws, including intellectual property laws; and (iii) is consistent with prevailing norms at comparable institutions. The review committee will make recommendations to the Provost, including specific recommendations regarding the establishment of offices or positions on campus to carry out the terms of this Policy. At any time, the Provost, in consultation with the Office of General Counsel, may make substantive changes to this Policy (with the approval of the Board of Trustees) and/or its implementing procedures where appropriate.

Additionally, the Provost may make changes to this Policy to clarify its terms or make other minor amendments that are not substantive changes to the rights and obligations it sets forth, for example, to ensure reference that specific names of programs, departments, titles or cross references to other policies remain accurate.

1.10 Reasonable Accommodation

Last Revised: 27 February 2020

Refer Questions to: Director, Equal Opportunity Programs

Scope

This policy applies to all employees of Gallaudet University.

Policy

In compliance with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and other non-discrimination laws and regulations, Gallaudet University will not discriminate against an otherwise qualified person with a disability in any aspect of employment or deny access to any person with a disability in its programs, services, or public facilities. The University provides reasonable accommodations to individuals with disabilities when needed to assist employees in their employment and to other persons to enable them to benefit from University programs, services or public facilities. Furthermore, as the only institution of higher education in the world designed specifically to educate and serve deaf and hard of hearing persons, Gallaudet University is a leader in communication accessibility and promotes ASL communication among all members of the campus community.

In compliance with the D.C. Protecting Pregnant Workers Fairness Act and other applicable federal and local law, the University also provides reasonable, workplace accommodations for employees whose ability to perform job duties is limited because of pregnancy, childbirth, breastfeeding, or a related medical condition.

Gallaudet also provides reasonable accommodation in accordance with its religious accommodation policy at A&O 4.17 - Religious Observances & Accommodation.

Gallaudet also will not discriminate against employees or applicants on the basis that they or their family members are victims of domestic violence, sexual offenses, or stalking ("Domestic Violence Victims"). Gallaudet provides reasonable accommodations to such individuals when accommodation is necessary to ensure such individual (or the family member of such individual) safety and security, as long as the accommodation does not cause undue hardship.

Approved by: Gallaudet University Administration

Procedures

Procedures to Request Accommodations (Employees)

Gallaudet will attempt to make reasonable accommodations for qualified individuals with disabilities or Domestic Violence Victims who request such accommodations, where such accommodations do not impose an undue hardship on Gallaudet. Employees who believe they require an accommodation should make a request to the Director of Equal Opportunity Programs, who will work with the employee and appropriate management to explore potential accommodation options, in consultation with the appropriate unit administrator.

Gallaudet makes determinations about reasonable accommodation on a case-by-case basis considering various factors and based on an individualized assessment in each situation. The University is not required to provide an accommodation that imposes an undue hardship, fundamentally alters the nature of the program, service, or activity, or poses a threat to the health or safety of employees, students, or others. The University strives to make determinations on reasonable accommodation requests expeditiously, and will inform the individual once a determination has been made.

No reprisal or retaliation of any kind will be taken against any individual who requests an accommodation or has, in good faith, reported instances of or filed a complaint regarding discrimination or retaliation for making such requests. Gallaudet University is committed to taking appropriate action against those who violate its policy of non-discrimination. An employee who believes that he or she has been unlawfully denied a reasonable accommodation may meet informally with the Director of Equal Opportunity Programs, or use the procedures available under A&O 2.28 (Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure) or 4.41 (Dispute Resolution Procedures). Students should refer to the Student 504/ADA Grievance Procedures.

Roles and Responsibilities

1. The Director of Equal Opportunity Programs (EOP)

The Director of EOP is responsible for assuring that the intent and spirit of non-discrimination laws and regulations and affirmative action are followed at Gallaudet University. The EOP Director also serves as the ADA compliance officer, and, in this role, helps facilitate reasonable accommodations and administers complaint procedures.

2. Unit Administrators

Unit administrators are responsible for cooperating with the EOP Director and Human Resources for the effective and timely implementation of this policy.

Documentation

If an individual's disability or need for accommodation is not obvious, medical or other appropriate documentation may be required, as permitted by law. If medical information is required, the Director of Equal Opportunity Programs will request that a Medical Certification Form be completed by the individual's healthcare provider, substantially in the form at [this link](#). If the individual fails to provide the requested information, the request for accommodation may be denied. Medical documentation is used to determine if the employee possesses an impairment that meets the legal definition of disability and to identify an effective accommodation.

If the documentation provided does not support the existence of a disability or the need for an accommodation, the employee may be asked to provide additional information.

Procedures for Breastfeeding or Lactation Break Requests

Employees who desire lactation or breastfeeding breaks/accommodations should contact the Director of Equal Opportunity Programs. Employees requesting such accommodations will be offered break time in a private (non-bathroom) space for expressing milk or breastfeeding in close proximity to the employee's work area. Break time for expressing milk will, if possible, run concurrently with any break time already provided to the employee. Non-exempt employees taking break time to express milk will be paid to the extent they would have been paid to take a break for another reason. Notwithstanding the foregoing, an employee may, if desired, breastfeed her child in

any public or private location where she has the right to be with her child.

Procedures for Requesting Accommodations for Pregnancy, Childbirth, Breastfeeding, or a Related Medical Condition

For accommodations relating to pregnancy, childbirth, breastfeeding, or a related medical condition, please use the procedures set forth above for disability accommodations. Types of accommodations may include, for example, a modified work schedule and temporary transfers.

1.11 Parking and Traffic

Last Revised:15 Oct 2004

Refer Questions to: Executive Director, Business Support Services

Scope

This policy applies to faculty, teachers, staff, students and guests in all offices and divisions of Gallaudet University.

Policy

Regulating parking and traffic on campus is necessary to protect the community, maximize available parking, and facilitate the safe and orderly conduct of business. Operating and parking a motor vehicle on campus is a privilege which is conditioned, in large part, on compliance with this policy and with the rules and regulations contained in the Campus Parking and Traffic Regulations handbook distributed by the Department of Public Safety. Violators are subject to the loss of parking privileges, ticketing, booting, or impounding. Not knowing a parking or traffic regulation cannot be used as a basis for an appeal.

Individuals who park on campus are required to have a parking permit. Employees, students, and visitors are charged a fee to park on campus. Parking is within specifically designated areas, and parking is on a first-come, first-served basis.

The Department of Public Safety reserves the right to modify rules and regulations, make exceptions if appropriate, change the allocation of parking spaces if necessary, and implement special parking restrictions and traffic regulations.

Resident students at the Model Secondary School for the Deaf are not eligible to maintain a car on campus. Commuting and other resident students are allowed to park in the lots designated for student parking. Students who are members of University employee families may not use an employee permit to gain unfair parking privilege or advantage over other students. Employees who take courses at the University are considered faculty, teacher, or staff and may not have dual parking privileges.

The University assumes no liability for loss of or damage to personal vehicles or to items left within them or for personal injuries that may result from the use of a vehicle on campus.

Approved by: Gallaudet University Administration

1.12 Conflict of Interest

Last Revised: 3 October 2018

Refer Questions to: Manager, Risk Management and Insurance

Scope

This policy applies to all members of the Board of Trustees and to all administrators, faculty, teachers, and staff of Gallaudet University.

Policy

All members of the Board of Trustees and all administrators, faculty, teachers, and staff of the University must avoid any conflict between their personal interests and the interests of Gallaudet University. Individuals are expected to avoid even the appearance of impropriety in the performance of their duties and must never use their positions or knowledge gained on the job to inappropriately influence decisions for their advantage, or for that of their family and friends.

Members of the Board of Trustees

All Board members must disclose, at the earliest practicable time, any possible conflict of interest to the Secretary of the Board. To facilitate this policy, each member will complete and file with the Secretary of the Board information about possible conflicts of interests affecting Gallaudet University, including interests of immediate family members and organizations in which the Board member has a significant management function or a significant ownership interest. These statements will be filed by January 1 of each year.

A Board member will be considered to have a possible conflict of interest if: a) he/she has an existing or potential financial or other interest which impairs or might appear to impair the member's independent and unbiased judgment in the discharge of his/her responsibility to the University; b) he/she has a business relationship with any person or firm engaging in, or seeking to engage in, business with the University; c) he/she is aware of an immediate family member's ownership of, interest in, or employment with a firm engaging in, or seeking to engage in, business with the University; d) he/she is an officer, director, trustee, partner, controlling stockholder, or employee of a firm engaging in, or seeking to engage in, business with the University; or e) he/she may receive a material financial or other benefit from knowledge of information confidential to the University.

If a Board member is uncertain whether a conflict of interest exists, a determination may be requested by the Board. These matters will be resolved by majority vote, with the interested Board member excluded from participation.

All candidates for membership on the Board will be advised of this policy prior to assuming their responsibilities as members.

Administrators, Faculty, Teachers, and Staff

All administrators, faculty, teachers, and staff must exercise the utmost good faith in the fulfillment of their duties at Gallaudet University. These individuals will be held to a strict rule of honest and fair dealing between themselves and the institution. They may not use their positions, or knowledge

gained from their positions, in a way that may create a conflict of interest or even the appearance of a potential conflict of interest. Administrators, faculty, teachers, and staff will sign a "Conflict of Interest Policy Compliance Statement" during the start of each fiscal year indicating that they understand their fiduciary responsibility to the University and reaffirming their commitment to fully disclose any potential conflict of interest which may exist. An administrator, faculty, teacher, or staff member will be considered to have a possible conflict of interest if: a) he/she has a current or potential financial or other interest which impairs or might appear to impair his/her independent and unbiased judgment in the discharge of his/her responsibilities to the University; b) he/she has a business relationship with any person or firm engaging in, or seeking to engage in, business with the University; c) he/she is aware of an immediate family member's ownership of, interest in, or employment with a firm engaging in, or seeking to engage in, business with the University; d) he/she is an officer, director, trustee, partner, controlling stockholder, or employee of a firm engaging in, or seeking to engage in, business with the University; or e) he/she may receive a material financial or other benefit from knowledge of information confidential to the University.

Disclosures of any potential conflict of interest will be made promptly in writing to the President of the University with a copy to the unit administrator, senior administrator, and Human Resources Services. The disclosure statement will be reviewed by a committee appointed by the President to determine if a conflict of interest exists. A disclosure by the President will be made to the Secretary of the Board and will be reviewed by the Secretary and the Chairman of the Board. If it is determined that a conflict of interest exists, the President (or in the case of a finding against the President, the Chairman of the Board) will take appropriate action to eliminate the conflict and safeguard the interests of Gallaudet.

All Board members, administrators, faculty, teachers, and staff must be cognizant of the following provision of the Education of the Deaf Act Amendments of 1992: "Neither the University nor NTID may invest its Federal endowment fund corpus or income in real estate, or in instruments or securities issued by an organization in which an executive officer, a member of the Board of Trustees of the University or of the host institution, or a member of the Advisory Board of NTID is a controlling shareholder, director, or owner within the meaning of Federal securities laws and other applicable laws.

Approved by: Gallaudet University Board of Trustees

1.13 Code of Conduct with Clerc Center Students

Last Revised:10 October 2014

Refer Questions to: Vice President, Clerc Center

Scope

This policy applies to employees of the Laurent Clerc National Deaf Education Center (Clerc Center) at Gallaudet University, and to other employees and individuals (including, but not necessarily limited to, volunteers, interns, practicum students and University students) who may come in contact with students of the Clerc Center.

Policy

The Clerc Center and its demonstration elementary and secondary schools provide students with a positive and nurturing environment where their welfare and self-esteem are constantly fostered. The legal and human rights of students must be respected at all times, both on and off campus. All those involved with Clerc Center students are expected to maintain the highest standards of professional conduct in their relationships with them, regardless of the student's age. Any act of misconduct, neglect, exploitation, or inappropriate fraternization will not be tolerated.

Anyone who violates this policy is subject to disciplinary action, up to and including termination of employment.

Anyone who observes or suspects an act of misconduct, neglect, exploitation, or inappropriate fraternization is expected to intervene and provide for the safety and well-being of the student. All witnessed or suspected acts of misconduct, neglect, exploitation, or inappropriate fraternization should be reported immediately to the Principals of the Demonstration Schools (Clerc Center), or his/her designee or to the Department of Public Safety. All reports will be promptly investigated and, when appropriate, submitted to legal authorities.

This policy is not intended to discourage appropriate and professional interaction with students. It is not intended to abridge the rights of parents or legal guardians who may also be employees of the Clerc Center. Its purpose is to assure the safety and well-being of Clerc Center students. The guidelines and definitions in this policy may not be all inclusive. The University will, at all times, take whatever action is necessary to fulfill the intent of the policy and to comply with applicable laws and regulations.

PROHIBITED ACTS/DEFINITIONS

Misconduct: Inflicting or attempting to inflict physical pain or injury, causing or attempting to cause serious emotional distress, contributing to the delinquency of students, attempting to coerce or encourage a student to follow the employee's (or other individual's) personal or professional convictions, or engaging in sexual activity or conduct or in an amorous relationship with a student. Examples of misconduct include, but are not limited to:

- Any physical action which causes or may cause physical harm such as: (1) hitting, kicking,

pinching, pulling, biting, dragging, spitting on, jerking, burning, cutting, shoving, or throwing an object at a student; (2) subjecting a student to any excessive, inappropriate, or unauthorized force, conditions or treatment.

- Any non-physical action which causes or may cause sustained psychological harm or distress such as: (1) locking a student in an isolated area; (2) intimidating a student; (3) belittling, degrading, embarrassing, or ridiculing a student; (4) using obscenities or profanity in the presence of, or directed to, a student; (5) threatening a student with the intent to injure or harm; (6) taunting, baiting, or attempting to embarrass or humiliate a student; (7) yelling and/or signing in uncontrolled anger at a student; (8) making fun of disabling conditions; (9) using ethnic, racial, religious, or sexual orientation slurs; (10) depriving a student of understanding by not signing when communicating with him/her.
- Any violation of the University's policies related to drug and alcohol use, or any act which encourages or condones a student's involvement in illegal or unethical activities.
- Any form of sexual activity with a student, consensual or otherwise, such as sexual intercourse, molesting, fondling, sodomy, viewing, touching of a sexual nature, or penetration with objects.
- Direct or indirect propositions, sexual advances or invitations, or subtle pressure for sexual activity.
- Any form of relationship with a student, other than a professional relationship, regardless of the student's age or consent, unless a parent, relative, or legal guardian.
- Any pattern of conduct (not legitimately related to the subject matter of a course in which the student is involved) which may discomfort or humiliate a reasonable person that includes one or more of the following: (1) comments of a sexual nature; (2) sexually explicit statements, questions, jokes, or anecdotes; (3) unnecessary following, including repeated unwarranted appearances anywhere on campus; (4) remarks of a sexual nature about a student's clothing or body; (5) remarks about sexual activity or speculations about sexual experiences; (6) physical touches of a sexual nature; (7) sexual pictures, calendars, graffiti, or objects.

Misconduct does not include actions which are an approved part of a treatment program or behavior management program, reasonable acts to gain a student's attention, reasonable demonstrations of caring or greeting (such as hugging a student), reasonable acts of restraint or force if the student poses a threat to himself/herself or to others, or unavoidable or unintended accidents.

NEGLECT:

The failure to provide, or the careless disregard for, the care and services necessary to maintain the mental health, physical health and well-being of students. This particularly refers to any situation in which those individuals involved in the provision of services to Clerc Center students fail to fulfill their responsibilities or fail to act in a situation which adversely affects the health, safety, or welfare of students. Examples of neglect include, but are not limited to:

- Failure to provide adequate supervision of, or attention to, students.
- Failure to assist a teacher or staff member needing assistance with a student, or failure to intervene in a situation in order to prevent possible harm (mental or physical) to a student.
- Failure to assure prompt and appropriate medical care for, or to report, illnesses and injuries.
- Failure to provide for the students' proper personal hygiene, nutritional care, or proper dress, within the scope of services provided by, and while under the direct care of, the Clerc Center.
- Failure to exercise precautions and interventions to protect students from, or failure to report observed or suspected misconduct, neglect, exploitation or inappropriate fraternization.

Neglect does not include reasonable inattention to students while a teacher or staff member is in the

process of intervening with another student.

Exploitation: The improper or illegal use of a student and/or his/her resources for profit, pleasure, or advantage. Examples of exploitation include, but are not limited to:

- Taking, borrowing, buying or using a student's funds or other personal possessions for other than the student's personal benefit, or selling personal items to a student.
- Using a student for professional or personal work unless part of a school activity or a planned vocational training activity that is clearly described in the student's Individualized Education Plan.
- Encouraging or allowing a student to participate in sexual activities for personal pleasure or gain.

Exploitation does not include receiving a non-monetary gift of nominal value from a student.

FRATERNIZATION

Gallaudet University and the Clerc Center recognizes the very positive benefits to be gained from student interaction with the adult role models who work in the demonstration schools and on campus. These interactions are encouraged and supported when they are kept at a professional level and promote healthy social, emotional, and intellectual development. The Clerc Center is committed to fostering a positive learning and working environment for all students and employees in order to promote educational excellence. The spirit and intent of this policy is meant to help employees understand and appreciate the delicate balance that exists between employees and students and to delineate the boundaries that their respective roles dictate.

The relationship between a Clerc Center employee and a student enrolled in the demonstration schools should be one of cooperation and respect. Employees have a responsibility to conduct themselves in a professional manner that will maintain an atmosphere that is conducive to learning and the safety and well-being of students.

All employees must be aware that students of all ages and intellect are susceptible to influence by adults employed by the Clerc Center. While this influence most often yields positive educational results, it can also be used in a manner that is entirely inappropriate.

Accordingly, staff must be cognizant of their appropriate roles and professional duties in the development of students. Similarly, employees must be cognizant of the imbalance of power that exists in relationships between employees and students. Due to this imbalance of power, students are vulnerable and cannot always make proper decisions with regard to interactions with employees. Thus, it is the Clerc Center's expectation that employees will recognize and respect this vulnerability when interacting with students. Accordingly, it is the responsibility of employees not to take advantage of, or otherwise exploit, this imbalance of power to further any non-educational, personal, or inappropriate objective.

Clerc Center employees are strictly prohibited from engaging in any romantic, sexual, or physical relationship with students. Clerc Center employees are prohibited from entering any type of sexual relationship, sexual contact, or sexually-nuanced behavior with an enrolled student regardless of the student's age. This includes internet chat rooms, social media sites, cell phones, and all other forms of electronic or other types of communication. This prohibition applies to students of the same or opposite sex of the school employee. It also applies regardless of whether the student or the school employee initiated the sexual behavior, and whether or not the student welcomes the sexual

behavior and/or reciprocates the attention.

To maintain appropriate professional boundaries:

- Clerc Center employees shall not engage in any type of close personal relationship with a student that may reasonably be perceived as unprofessional, including, but not limited to, the perception of a dating relationship. Clerc Center employees shall not entertain students, socialize with students, or spend an excessive amount of time with students in such a manner as to reasonably create the impression to Clerc Center employees, administration, other students, their parents, or the public that an unprofessional relationship exists.
- Clerc Center employees may not allow students to reside in their homes (unless they are parents, family members, or legal guardians of the student).
- Clerc Center employees are strongly discouraged from allowing students to visit their homes or ride in their personal vehicles. Employees should be aware of the risk of misperception, as well as the risk of accusation by a student for inappropriate behavior by the employee should students be allowed to visit the employee's home or ride in their personal vehicle. If students are permitted to visit an employee's home, it is strongly encouraged that the parent or legal guardian of the child also be present.

Employees are responsible for appropriate and professional conduct in all settings and in all forms of communication, including, but not limited to, verbal/signed communication, written communications, internet and e-mail communications, physical gestures, motions or any other form of interaction.

Personal relationships with students that are not related to legitimate educational purposes may also violate this policy depending upon the circumstances. However, it is understood that many interactions between employees and students outside of work hours are entirely appropriate and develop through mutual interest, family, or neighborhood interactions. These relationships should maintain the essential and appropriate professional boundaries and will therefore not be deemed a violation of this policy.

Regardless of the student's advances, gestures or comments, it is the employee's responsibility to terminate any relationship that would otherwise violate this policy and report it immediately to the principal and immediate supervisor. As such, it is the employee's responsibility to ensure that such relationships continue along and within the appropriate boundaries. Failure to adhere to the requirements of this policy may result in severe consequences, up to and including termination.

Any question by an employee as to the appropriateness of an activity, relationship, or interaction with a student should be directed to the principal or designee. All inquiries into the appropriateness of an activity or relationship will be confidential to the fullest extent possible. All employees that suspect an inappropriate relationship exists between a Clerc Center employee and a student are required to immediately notify, in person or in writing, the principal or designee. Submission of a good faith report of a suspected violation of this policy will not adversely affect the reporting individual's employment.

REPORTING AND CONFIDENTIALITY

Any knowledge of misconduct, neglect, exploitation, or inappropriate fraternization involving a Clerc Center student must be reported, regardless if the student asserts that the information is confidential.

Any report of misconduct, neglect, exploitation, harassment, or inappropriate fraternization is

promptly investigated. Incidents involving a University employee or student are reported to the appropriate administrative officer for investigation. The purpose of any investigation is to establish whether there is a reasonable basis for believing that an alleged violation of this policy has occurred. At all times, the administrator conducting the investigation will take steps to provide for confidentiality. Employees and other individuals are expected to keep matters under investigation confidential.

Gallaudet University and the Clerc Center will report incidents of misconduct, neglect, exploitation, harassment or inappropriate fraternization to the parent(s)/legal guardian(s) and legal authorities as appropriate.

FORMAL DISCIPLINARY ACTION

Formal disciplinary action may range from a reprimand to termination of employment or assignment. A Clerc Center employee may be placed on administrative leave, suspended, or transferred while a case is being reviewed. Decisions regarding administrative leave, suspension, transfer or dismissal will take into consideration the nature of the appointment, the severity of the offense, any pattern or history of similar incidents, the possible duration of the investigation, and other factors. Any individual found to have been intentionally dishonest in making allegations or in filing a false report is subject to disciplinary action. Violations of this policy and any appeals will be governed, in part, by the Clerc Center teacher policies. Violations of this policy and any appeals by University faculty members will be governed by University faculty guidelines and by-laws. Violations of this policy and any appeals by staff employees will be governed by policies and procedures in the Administration and Operations Manual. Violations of this policy by a University student will be governed by student judicial procedures.

Approved by: Gallaudet University Board of Trustees

Procedures

1. Any Clerc Center employee, volunteer, intern, or practicum student who observes or suspects misconduct, neglect, exploitation, or inappropriate fraternization is expected to intervene and take appropriate steps to provide for the safety and well-being of the student.
2. All witnessed or suspected acts of misconduct, neglect, exploitation, or inappropriate fraternization must be reported promptly to the Principals of the Demonstration Schools (Clerc Center), or his/her designee immediately. A written incident report must be submitted within 24 hours.
3. The Principals of the Demonstration Schools (Clerc Center), or his/her designee will arrange for immediate medical care for the student if needed and will promptly contact the school social worker. The role of the social worker is to interview the student and to consult with the Principals regarding contacting the appropriate legal authorities, if appropriate.
4. The Principals of the Demonstration Schools (Clerc Center), or his/her designee, will arrange for an investigation (including participation by the Department of Public Safety if appropriate) and determine any action to be taken with the employee, volunteer, intern, or practicum student. Any investigation will afford the accused a full opportunity to respond to the allegations.
5. The Principals of the Demonstration Schools (Clerc Center), or his/her designee will report the incident to the parent(s)/legal guardian(s) when appropriate.
6. Anyone who has used any reasonable restraint or force to control a situation or who has been involved in an unavoidable or unintended accident that could later be suspect should make an oral report to his/her immediate supervisor immediately and make a written report to the

immediate supervisor within 24 hours of the incident. Written reports must be submitted to the Principals of the Demonstration Schools.

1.14 Solicitation

Last Revised:15 Oct 2004

Refer Questions to: Executive Director, Business Support Services

Scope

This policy applies to all faculty, teachers, staff, students and guests and to all offices and divisions of Gallaudet University.

Policy

Casual solicitations for charitable or University-sponsored activities or for similar purposes by on-campus students, student organizations, and employees are not strictly prohibited; however, in no instance should such solicitations interrupt work or learning or place unwanted pressure on students, faculty, teachers, and staff. Gallaudet employees are not permitted to solicit business for themselves or for others while on University property.

In order to avoid disruption to the educational mission, protect students, faculty, teachers, and staff from commercial and non-commercial exploitation and harassment, preserve the aesthetic atmosphere of the University, and promote safety and security, solicitations by outside parties are not permitted unless requested and approved by the University as part of a University-sponsored program or service. Individuals or companies may not leave advertisements or propaganda on vehicles, in or on buildings, or on light poles, etc. Solicitation materials will not be distributed by the campus Post Office or by other campus mail distribution centers. Door-to-door solicitations or promotions are prohibited. Information may be posted in designated areas in the Student Union Building with the approval of the Office of Campus Activities. Residence hall administrators may regulate the times and places of deliveries to residence facilities. Companies wishing to do business with the University should be directed to the Contracts and Purchasing Department. Individuals or businesses promoting products for the health and welfare of employees should be directed to Human Resources Services. Others should be referred to the Department of Public Safety.

The Department of Public Safety has the authority to remove from campus all individuals or groups who are in violation of this policy.

Approved by: Gallaudet University Administration

1.15 Policy on Reporting Suspected Misconduct (Whistleblower Policy)

Last Revised: 16 May 2008

Refer Questions to: Manager, Risk Management and Insurance

Scope

Gallaudet University expects its employees to perform their duties in accordance with applicable laws and regulations, University policy and procedures and high ethical standards. The University is committed to compliance with all applicable laws and regulations and to promulgate and administer University policies and procedures that faithfully apply such laws and regulations. Policy compliance strengthens and promotes ethical practices and respectful treatment of all members of the University community and those who conduct business with the University.

Policy

The purpose of this policy is to encourage and enable good-faith reports by University employees and others of observed or suspected misconduct or noncompliance with law or with University policies and procedures. This policy is intended to encourage and enable employees and others who have good-faith serious concerns about misconduct, including violations of law, regulations or University policies and procedures or other conduct (misconduct) to raise them with the University before seeking external resolution. This policy is not intended to supplant, but rather to complement and supplement, existing University policies. It does not affect any rights, responsibilities or procedures set forth in other University policies addressing misconduct. For example, complaints or grievances such as those regarding discrimination or harassment, other personnel and employment matters, academic and disciplinary matters, academic freedom, research misconduct and other matters as to which there are specific University policies, should ordinarily be made and addressed in accordance with the University policies applicable to such matters and applicable law.

Approved by: Gallaudet University Board of Trustees

Reporting Responsibility

Each member of the University community shares responsibility for stewardship of University resources and compliance with laws and policies. Therefore, members of the University community are encouraged to report, in accordance with this policy, any misconduct by University employees, or actions of other parties that may result in financial loss or other harm to Gallaudet University, of which they may become aware. For purposes of this policy, a reporting person is any individual who makes a report under this policy.

Guidance on Reporting

An employee who has a question about the propriety of any practice under University policies or procedures should ordinarily seek guidance from his or her supervisor or a University official with compliance oversight responsibility for the particular policy or procedure. An employee also may seek policy guidance from the Office of Vice President for Administration and Finance.

Confidentiality

A reporting person may request that a report made under this policy be handled as confidentially as possible under the circumstances. Although the University will endeavor to handle all such reports with discretion and due regard for privacy, other obligations and considerations may preclude the University from maintaining confidentiality in all circumstances.

Anonymous Reports

A reporting person may make an anonymous report. However, it should be understood that any investigation may be hampered or be impracticable if the reporting person cannot be identified and questioned about the allegations and related facts.

Persons to Whom Reports May Be Made

A reporting person ordinarily should make the report to his or her immediate supervisor. If the reporting person believes it inappropriate to report to an immediate supervisor, the reporting person should raise the issue with another person with supervisory authority, such as his or her manager, department chair, dean, director, or the University office or official responsible for overseeing compliance with the policy or procedure at issue. If a reporting person believes further reporting is appropriate, a report under this policy may be made to the offices listed below as well as to EthicsPoint, Inc. at (888) 258-2820. The Office of the Ombuds does not serve as an agent of notice, but a reporting person may wish to consult with the Ombuds to discuss any concerns about reporting, which will be kept confidential and off-the-record. The Office of the Ombuds is located at Ely Center 113, (202) 250-2073 VP, [Contact here](#).

Reports about a staff member may be filed with: Director, Office of Equal Opportunity Programs, College Hall, Room 312, (202) 651-5462, [Contact here](#); or Director, Office of Risk Management and Insurance, College Hall, Room 310; (202) 651-5695.

Reports about a faculty member may be filed with: Provost, Office of the Provost, Hall Memorial Building, Room S400, (202) 651-5085.

Reports about a student may be filed with: Executive Director, Office of Student Affairs, Ely Center, Room 102, (202) 651-5064.

Reports involving the President, Provost, a Vice President or a Trustee of the University, or any report concerning accounting practices, finances, internal controls, inappropriately managed conflicts of interest, and/or auditing may be submitted to the Chair of the Audit Committee of the Gallaudet University Board of Trustees, by submitting the report, in a sealed envelope addressed to the Chair of the Audit Committee, to the office of the Special Assistant to the President for Board and External Relations, College Hall, Room 214, (202) 651-5609. Reports submitted in this manner will be delivered to the Chair of the Audit Committee for evaluation. The Audit Committee of the Board of Trustees shall address all reported concerns or complaints. The Audit Committee will exercise discretion in determining whether to conduct further review, initiate an investigation or refer the matter to a University office the Committee deems appropriate.

No Retaliation

No individual who in good faith reports a violation or suspected violation shall thereby suffer harassment, retaliation or adverse employment and/or academic or educational consequence. An

employee who retaliates against someone who has made a report in good faith under this policy is subject to disciplinary action, up to and including dismissal from the University. Individuals who believe they have suffered retaliation may report it to one of the reporting venues identified above.

Reports made in bad faith or with knowledge of their falsity may subject individuals to disciplinary or other appropriate action. Making a report under this policy shall not insulate an individual from personnel or other actions that are warranted based on performance or other factors and are not caused by the making of a complaint under this policy.

Document Retention

The Office of Risk Management and Insurance will document the processing and, as appropriate, resolution of reports made under this policy, and shall retain such documents in a secure location.

Interpretation

The Office of Risk Management and Insurance is responsible for implementing this policy.

Note: This document is based on the whistleblower policy of American University. It is reprinted here with the permission of American University.

1.16 Burial, Ashes, and Memorial Markers

Last Revised:15 May 2009

Refer Questions to: Chair, Recognition Committee

Scope

This policy applies to administrators, faculty, teachers, staff, and students in all offices and divisions of Gallaudet University, as well as guests.

Policy

In compliance with District of Columbia Code, Section 43-121, Gallaudet University prohibits the burial of bodies or body parts on campus, including those of pets and other animals. Gallaudet also prohibits the spreading, disposal, or burial of ashes of bodies which have been cremated.

Requests for memorial markers, to include but not be limited to trees, benches, slabs, plaques, etc., to be placed on campus must first be approved by the Office of the President. Each request will be evaluated and approved/denied on a case-by-case basis. Placement of markers must fit within the University's facility master plan and be in compliance with the guidelines of the President's Recognition Committee.

Approved by: Gallaudet University Board of Trustees

1.17 Protection Against Harassment - Clerc Center

Last Revised: 27 May 2011

Refer Questions to: Vice President, Clerc Center

Scope

This policy applies to administrators, teachers, staff, students, and guests in all offices and schools within Clerc Center.

(See also Gallaudet Policy [3.02 Protection Against Sexual Harassment](#))

Policy

The Clerc Center is committed to providing an environment that is free of unlawful harassment. Clerc Center prohibits harassment that is based upon an individual's race, hearing status, disability, religion, color, national origin, age, sex, covered veterans status, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, source of income, place of business or residence, pregnancy, childbirth, or any other unlawful basis. Complaints of harassment are investigated thoroughly, promptly and objectively.

Unlawful harassment because of any protected basis, such as race, occurs when an individual's or a group's conduct creates a hostile environment that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of another individual or group from participating in or benefiting from the services, activities, or privileges afforded to all members of the Clerc Center community. All forms of harassment undermine the Clerc Center's mission, diminish the dignity of both alleged perpetrator and victim, and threaten permanent damage to the careers, educational experience, and well-being of our students, teachers and staff.

Individuals or groups who engage in discriminatory harassment will be subject to corrective action, up to and including termination from employment (applicable to employees) or dismissal from the Clerc Center (for students).

Please also see Gallaudet Policy [1.13: Code of Conduct with Clerc Center and Child Development Center Students](#) for more policy statements prohibiting acts of misconduct, neglect, exploitation, or inappropriate fraternization and reporting procedures applicable to employees, volunteers, interns, practicum students, and University students who may come in contact with students of the Clerc Center.

The Vice President or administrative designee is responsible for ensuring compliance with this policy. Students should contact the KDES Principal at 202/651-5206 (Voice), 202/250-2761 (VP) or the MSSD Principal at 202/651-5031 (Voice), 202/250-2152 (VP) with any questions about the application of this policy. Employees should contact the Executive Director of Administration and Operations at 202/651-5346 (Voice), 202/250-2943 (VP) with any questions. Complaints of alleged violations of this policy can be filed using Clerc Center's grievance procedures, which can be found [online \(PDF\)](#) and in the Parent-Student Handbook.

A. Sexual Harassment

For the purposes of this policy, sexual harassment is defined as any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic advancement; or
2. Submission to or rejection of such conduct is used as a basis for making an employment or academic decision affecting an individual; or
3. Such conduct unreasonably interferes with an individual's work or educational performance, or of creating an intimidating, hostile, or offensive environment for work or learning.

Sexual harassment may occur between persons of the same or opposite gender.

Sexual harassment is especially serious when it occurs between teachers and students or supervisors and subordinates. In such situations, sexual harassment unfairly exploits the power inherent in a faculty member's or supervisor's position. Although sexual harassment often occurs when one person takes advantage of a position of authority over another, the Clerc Center recognizes that sexual harassment may also occur between people of equivalent status. This includes peer sexual harassment. Regardless of the form it may take, the Clerc Center will not tolerate conduct of a sexual nature that creates an unacceptable working or educational environment.

If you need additional information pertaining to sexual harassment, please refer to Gallaudet Policy [3.02 Protection Against Sexual Harassment](#).

B. Harassment Other Than Sexual Harassment

Harassment, other than sexual harassment, is verbal or physical conduct that denigrates or shows hostility or aversion to an individual because of gender, race, color, religion, age, pregnancy, national origin, disability, veteran's status, sexual orientation, marital status, family responsibilities, political affiliation, personal appearance, source of income or any basis prohibited by law, when such conduct unreasonably interferes with an individual's academic or work performance; creating an intimidating, hostile, or offensive educational or work environment; or otherwise adversely affecting an individual's academic or employment opportunities. Harassment may include, but is not limited to: verbal abuse or ridicule, including slurs, epithets, and stereotyping; offensive jokes and comments; threatening, intimidating, or hostile acts, and displaying or distributing offensive material.

Approved by: Gallaudet University Board of Trustees

1.18 Document Retention

Last Revised:13 February 2009

Refer Questions to: Executive Director, Finance

Scope

This policy primarily addresses the retention, management, and destruction of **governance, financial and personnel records**. A comprehensive records management policy includes multi-media records including e-mail, electronic records, voicemail as well as financial and non-financial records. Developing a strategic plan for classifying, archiving, reviewing and destroying all non-financial records of the University, including electronic and hard copy records, is beyond the scope of this Policy; however, the University will develop policies to address non-financial records, as appropriate.

Policy

Gallaudet University ("University") requires records retention and disposal to be a standardized and consistent process. The objective of our Records Retention and Management Policy ("Policy") is to ensure that the University complies with all applicable laws and regulations governing the management, retention and destruction of University records and to reduce the risk of accidental or erroneous destruction of records.

The University is committed to effective records management through:

- adherence to legal standards for record retention and protection of policy,
- optimizing the use of space,
- minimizing the cost of record retention, and
- properly destroying outdated or useless documents.

Approved by: Gallaudet University Board of Trustees

Implementation of Policy

It is the responsibility of each applicable University employee to maintain and destroy the records that he or she originates, or otherwise receives, in accordance with this Policy and in order to comply with all applicable regulations governing the University's records, as such may be communicated by the Records Management Officer, from time to time.

Each applicable department is responsible for establishing appropriate records management procedures and practices, educating staff in sound record management practices, restricting access to confidential records and coordinating the destruction of records in accordance with this Policy. The Records Management Officer is available to assist in working with the departments to implement these requirements.

Definition of "Record"

A "record" is any recorded information in any format (including paper, electronic, and audiovisual materials, among others), wherever such information is stored which has been created or received

by a University employee in connection with transactions of the University. Transitory documentation such as temporary notes of internal meetings, casual or personal email, etc. should not be considered “records” for purposes of this Policy. An employee is not required to maintain a copy of a record when the original or official copy is maintained elsewhere.

Records Management Officer

The **Executive Director, Finance** will serve as the University’s Records Management Officer. To ensure compliance with the Policy, the Records Management Officer is responsible for overseeing the implementation of this Policy and providing guidance to applicable departments to ensure staff are educated in understanding sound record management practices, restricting access to confidential records and coordinating the appropriate and timely destruction of records.

Retention and Maintenance of Records

Retention Schedule

Federal, state and local regulations require the University to adhere to various record retention mandates. The appropriate time period for record retention is subject to ongoing statutory and regulatory changes. The Retention Schedule, attached to this Policy as [Appendix A](#), lists the time period for which specific types of records can not be destroyed. The records included in [Appendix A](#) are not meant to be all-inclusive and employees should use their discretion and/or consult with the Records Retention Manager if they have questions regarding the time period for which a record should be maintained.

Confidentiality Requirement

Many records subject to record retention requirements contain confidential information (such as name, address, social security number, bank account numbers, financial or financial aid information, student numbers, medical information, etc.). Such records are protected by federal, state and local statutes. In addition to the statutory requirements, any record that contains confidential information should be treated in accordance with the University’s “Principles of Privacy.”

Information on the University’s “Principles of Privacy” or on specific privacy laws, such as the Family Educational Rights and Privacy Act (FERPA – student records); Health Insurance Portability and Accountability Act (HIPPA – personal health information); and the Privacy Act of 1974 (social security numbers) may be obtained from the Office of the Vice President, Administration and Finance, College Hall, Room 102, (202) 651-5075.

Additionally, any privacy rights of information stored on University computer systems are governed by University Policy [2.22 Use of Information Technology Resources](#), University Policy [3.06 Dissemination of Confidential Information](#), and Gallaudet Technology Services’ [guidelines](#).

Electronically Stored Information

The University has experienced a significant increase in the use and volume of electronically stored information in recent years. Due to the ease in creating, distributing and storing electronic documents in numerous locations as well as new rules regarding the use of electronically stored information in litigation (such as Amendments to the Federal Rules of Civil Procedure), the University must manage its electronic documents effectively, efficiently and in compliance with its legal obligations.

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files, including records of donations made online, that fall into one of the document types described in the Retention Schedule at [Appendix A](#) will be maintained for the appropriate amount of time. If a user has sufficient reason to keep an email message, the message should be printed in hard copy and kept in the appropriate file or moved to an “archive” computer file folder so that such email, can be retrieved accurately and timely. Additional information on email back-ups can be found at Information Technology Service’s guideline for [Data Back Up](#).

Records Storage and Emergency Planning

The University’s records will be stored in a safe, secure and accessible manner.

- Financial records in current use should be accessible in labeled file cabinets on site or through an electronic data management system.
- Historical records should be securely boxed and clearly labeled.
- A current inventory sheet should contain a description of the item, why it is being retained, where it can be found, how long it should be retained, and the format of the item (e.g. electronic, hard copy).
- File cabinets containing financial and confidential records should be appropriately secured.

As previously stated, each applicable department is responsible for establishing appropriate records management procedures and practices in accordance with this Policy.

Documents and financial files that are essential to keeping the University operating in an emergency should be duplicated and backed up regularly and maintained off site. Additional information on back-ups can be found at Information Technology Service’s guideline for [Data Back Up](#).

Disposal and Destruction of Records

Employees will dispose of all records following the expiration of the applicable retention period in accordance with this Policy, unless the Records Management Officer determines that a record must be retained for a longer period to comply with legal or other requirements or to serve a reasonable business purpose.

When it is deemed appropriate to dispose of any records in accordance with this Policy, they can be destroyed in the following manner:

- Recycle non-confidential paper records;
- Shred or otherwise render unreadable confidential paper records; or
- Erase or destroy electronically stored data – see further guidance below.

Disposal of Electronic Records

These guidelines are designed to ensure the proper disposal of all information on electronic devices or media in a manner that prevents inadvertent loss or disclosure. Steps should be taken to ensure that information is not recoverable by conventional methods. Proper disposal of information and licensed software on electronic devices and media is also governed by other policies and applicable law. In addition, proprietary information may also be subject to the terms of sponsored research agreements, non-disclosure agreements, or license agreements. Employees are responsible for making sure the following guidelines are followed and should contact the Records Management Officer or Information Technology Services for further assistance.

- The information on any computer hard drive, cell phone, PDA, or other electronic device must be erased and not recoverable before the equipment is reassigned.
- Outdated or broken computer equipment or other electronic devices cannot be discarded in dumpsters or regular trash containers.
- Electronic equipment can be disposed of by emailing [Contact here](#) to arrange pickup by the University's contracted disposal vendor so that information contained within the equipment will be rendered unreadable.

Note: Employees should review electronic records and emails maintained in University systems or equipment periodically to ensure that records are appropriately destroyed after meeting the applicable retention period.

If you have questions about your responsibilities, please contact the Records Management Officer at 202-651-5299 or [Contact](#).

The Records Management Officer will promptly communicate to employees any decision to suspend or extend an applicable retention period for the University's records (see Section titled "Suspension of Destruction of Records" below).

Suspension of Destruction of Records

In the event of litigation or anticipated litigation, or a claim, audit, agency charge, program review, investigation or enforcement action, the Records Management Officer will suspend any scheduled disposal of relevant documents and promptly notify employees of such suspension.

Employees who become aware of a pending or threatened action against the University will promptly notify the Records Management Officer so that the University can ensure the preservation of all relevant records. In the event of such action, the definition of the term "record" may be expanded to include even transitory documents that refer or relate in some way to such action, and employees may be asked to preserve such records.

This Section supersedes the timing of records destruction pursuant to the Retention Schedule at [Appendix A](#). Upon conclusion of the matter, the applicability of the Retention Schedule will resume, but only upon notification to employees by the Records Management Officer.

Compliance

Failure on the part of employees to follow this Policy can result in possible civil and criminal sanctions against the University and its employees and possible disciplinary action against responsible individuals. The Records Retention Manager will periodically review these procedures with legal counsel or other applicable parties to ensure that they are in compliance with new or revised regulations.

1.18 Document Retention: Appendix A

Record Retention Schedule

Type of Document	Retention Period
Bylaws and Articles of Incorporation	Permanent
IRS Form 1023 - Tax Exempt Status	Permanent
IRS Determination Letters	Permanent
Congressional Charter	Permanent
Board Minutes, Policies and Resolutions	Permanent
Sales Tax Exemption Certificate	Permanent
Intellectual property documents	Permanent
Trademark registrations, copyrights and patents	Permanent

Type of Document	Retention Period
Chart of Accounts	Permanent
Fiscal Policies and Procedures	Permanent
Annual Audit Reports and Financial Statements	Permanent
Internal Audit Reports	Permanent
Year End General Ledger and Trial Balance	Permanent
Non Year-End General Ledgers and Trial Balances	7 years
Account reconciliations	7 years
Accounting reconciliations and reports (monthly reports, department balances, transaction statements, account analytics)	7 years
Journal Entries and Backup	7 years
Budgets and Financial Forecasts	7 years
Budget Journal Entries and Backup	7 years
Banking Records (Reconciliations Statements, Deposit Slips, Canceled Checks, Check Registers, Electronic Fund Transfer Documents)	7 years
Cash Receipts	7 years
Petty Cash Records	7 years
A/R Statements, Aging and Write-Offs	7 years
Invoices from Vendors/Expense Reimbursements (e.g. Travel Advance/Reimbursement Forms)	7 years
Credit Card Receipts and Purchase Card documentation	7 years
Purchase Orders	7 years
Inventory Records	7 years
Capital Equipment Purchase Records	Life of asset, and for 3 years after disposition
Depreciation Records	Life of asset, and for 3 years after disposition
Notes Receivable/Other Payable records	7 years after expiration
Lease documents	7 years after expiration

Type of Document	Retention Period
Agreements and contracts	7 years after expiration
Grant Award and Contract Accounting Records	3 years from the date of submission of the of the final expenditure report**
Indirect Cost Rate Calculations	7 years
Effort Certification Forms	3 years from the date of submission of the of the final expenditure report**
Vocational Rehabilitation (VR) Authorizations/Billings	7 years
Other Student Loan documents (eligibility)	3 years from the last day of award year of last attendance
Perkins Loans	Permanent
Tax Records IRS Form 990 Tax Returns and supporting documentation	Permanent
IRS Form 1099, W-2, and W-9 forms	7 years
Payroll Tax withholdings (Form 941, state withholding forms, state unemployment returns	7 years after due date of return
Unclaimed property filings supporting documentation	7 years after due date of return
Other Tax Returns: Property, Sales and Use	7 years after due date of return

Type of Document	Retention Period
Payroll Registers/Records	7 years
Personnel Records (application, resume, payroll/salary, employee contracts, appointment forms, position descriptions, performance evaluations)	1 year after termination, then forwarded to Office of Personnel Management for the government archives
Retirement and Pension Plan Documents Permanent I-9 Forms (Employment Eligibility Verification)	3 years or 1 year after termination
Accident Reports	5 years or if involving minor until minor is 18 + 5 years
Worker's Compensation Records	Permanent

Type of Document	Retention Period
Donor Records	Permanent
Endowment and donor agreements	Permanent

Type of Document	Retention Period
Insurance Policies and records	Permanent
Legal Correspondence	Permanent
Real Estate Records (e.g. deeds, mortgages)	Permanent
General Correspondence	2 years

Notes:

** The retention periods described above are guidelines. There are circumstances under which a record or document may have to maintained longer than the guidelines. This decision will be made by the Records Management Officer.*

*** OMB A-110 C.53 requires financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of three years from the date of submission of the final expenditure report. The only exceptions are the following: 1- If any litigation,*

claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims, or audit findings have been resolved and final action taken. 2- Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition. 3-When records are transferred to or maintained by the Federal Awarding agency, the 3-year retention requirement is not applicable to the recipient. 4-Indirect cost rate proposals, cost allocations plans, etc as specified in C.31(g).

**** The agreement for operation of the Clerc Center entered into between the U.S. Department of Education and Gallaudet University (November 1995) requires that all Clerc Center financial records be retained for 3 years after the funds have been obligated by the University.*

1.19 Student Attendance Policy - KDES/MSSD

Last Revised: 14 Oct 2009

Refer Questions to: Office of the Vice President, Clerc Center

Scope

This policy applies to all Kendall Demonstration Elementary School (KDES) and Model Secondary School (MSSD) students.

Rationale

Regular attendance is necessary if a student is to achieve success in school. The attendance policy is designed to establish clear expectations for all KDES and MSSD students (grades K-8 and 9-12, respectively). On all scheduled school days, KDES and MSSD students are required to be in attendance during all school hours, and on time, so that they may receive the full benefits of their education. Once on campus, students are expected to follow all rules regarding school and class attendance.

Policy

Attendance

School attendance is a cooperative effort between parents/guardians, students, and school personnel. In order to meet the requirements and expectations for promotion to the next grade level or to earn credit towards graduation, KDES and MSSD students must be in attendance at least 90 percent of the days that school is in session.

Students are expected to attend school each weekday for the full day unless otherwise excused. A student will be counted as "present" for a full day if he or she is in attendance four or more hours of the school day. A student will be counted as present for a half-day if he or she is in attendance for at least two hours of the school day but less than four hours. A student scheduled for less than a full day will be counted present based on the amount of time he or she is scheduled (i.e., a student scheduled for a half-day of school will be counted present for a full day if he or she is in attendance for that entire time; if the student is absent for the entire half day, he or she will be counted as absent for the full day).

A student will be counted present if at school or at an activity sponsored by the school and supervised by a member(s) of the school staff. This includes work experience programs, field trips, athletic events, contests, student conferences/workshops, and similar activities when officially authorized by a member of the school administrative team.

Excused and Unexcused Absences

Absences will be considered excused if due to the following:

- Illness (doctor's verification required after three consecutive days)

- Doctor/dental appointments
- Observance of religious holidays
- Funerals
- Home suspensions
- Court appearances/summons
- Emergency or other event for which the school administrative team considers an exemption from attendance to be in the best interest of the student

Absences will be considered unexcused if due to the following:

- Oversleeping
- Missing the bus
- Traffic
- Non-related school events*
- Family vacations
- Other reasons deemed unacceptable by the school administrative team

** Parents/guardians must contact the school administrative team prior to the absence. Excused pre-approved absences will be granted for reasons acceptable to the student administrative team. However, pre-approved absences are discouraged and will not be granted for any reason on days when state tests or semester exams are to be given. The principal's decision related to pre-arranged absences is final. No more than three pre-approved absences (including travel) will be considered excused during each semester.*

Delegation of Authority

The KDES and MSSD school administrative teams will be responsible for all determinations and communications related to student attendance matters.

KDES/MSSD will establish procedures to administer this policy that will include confirming/verifying absences, penalties for excessive absences, an appeal process, and periodic reporting practices.

Approved by: Gallaudet University Board of Trustees

1.20 Clerc Center Assessment Program Policy

Last Revised:10 August 2016

Refer Questions to: Office of the Vice President, Clerc Center

Scope

The purpose of the Clerc Center Assessment Program Policy is to guide the Laurent Clerc National Deaf Education Center at Gallaudet University, hereinafter referred to as the “Clerc Center”, in successfully implementing the requirements of the Education of the Deaf Act (EDA) reauthorization of 2008 (PL 110-315, Title iX, Part A, Section 901), which relates to implementation of components of the Every Student Succeeds Act (ESSA) of 2015.

Building upon the No Student Left Behind Act of 2001 (NCLB), ESSA provides “all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps” (Section 1001). ESSA requires that academic assessments provide the appropriate accommodations, such as interoperability with, and ability to use, assistive technology, for children with disabilities (as defined in section 602(3) of the Individuals with Disabilities Education Act ([20 U.S.C. 1401\(3\)](#))), including students with the most significant cognitive disabilities, and students with a disability who are provided accommodations under an Act other than the Individuals with Disabilities Education Act ([20 U.S.C. 1400 et seq.](#)), necessary to measure the academic achievement of such children relative to the challenging State academic standards or alternate academic achievement standards described in paragraph (1)(E).

The 2008 reauthorization of the Education of the Deaf Act (EDA) (PL 110-315, Title iX, Part A, Section 901), applies the requirements of ESSA to the Clerc Center’s school programs. The reauthorized EDA, inclusive of ESSA amendments, states that the Clerc Center’s Kendall Demonstration Elementary School (KDES) and the Model Secondary School for the Deaf (MSSD) shall adopt and implement challenging academic content standards and assessments and annually use those assessments to determine how successful KDES and MSSD have been in including all students in standard-based education and how well students are achieving standards.

(A)(i) select challenging State academic content standards, aligned academic achievement standards, and State academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (2) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (2)) and approved by the Secretary; and

(ii) implement such standards and assessments for such programs by not later than the beginning of the 2016-2017 academic year; and

(B) adopt the accountability system, consistent with section 1111(c) of such Act, of the State from which standards and assessments are selected under subparagraph (A)(i); and

(C) publicly report the results of the academic assessments implemented under subparagraph (A), except where such reporting would not yield statistically reliable information or would reveal personally identifiable information about an individual student, and the results of the annual evaluation of the programs at the Clerc Center, as determined under subparagraph (B).’

ESSA provides states with more autonomy in developing new approaches to accountability for

students' academic performance, but states must have accountability systems in place to ensure that all students are provided an opportunity for a high-quality education. As such, the Clerc Center will partner with a state to meet the regulations defined by ESSA and EDA.

This policy applies to all students at the Kendall Demonstration Elementary School (KDES) and the Model Secondary School for the Deaf (MSSD), and to the teachers, employees, district and school test administrator, monitors, and Clerc Center administrators administering the assessment tests or reporting of same.

Policy

Beginning with the 2009-2010 school year, and continuing indefinitely per federal requirements, the Clerc Center Assessment Program (CCAP) will include the assessments of all students in:

- Reading and mathematics—Grades 3-8, 10
- Science—Grades 5, 8 and 10

The Clerc Center may elect to administer optional writing and social studies assessments in future years. The Clerc Center may also elect to administer additional assessments during the school year to meet student or program needs and/or external requirements.

The CCAP will also include the participation of Clerc Center students in the National Assessment of Educational Progress as determined by the U.S. Department of Education.

All students in said grades will be tested; however, students with disabilities and English language learners will be tested according to the Clerc Center's Accommodations for Students with Disabilities and English Language Learners procedures.

The Clerc Center will determine the dates upon which the CCAP assessments will be administered following partner state assessment windows.

Levels of Performance

The Clerc Center Assessment Program adopts the performance levels of their partner state. There are generally three to five performance levels, ranging from 'exceeds expectations', to "meets expectations", to "did not meet expectations", depending on the test being administered. Each assessment's performance levels and the descriptions of what students should know and be able to do at each of those levels will be included in the Individualized Student Reports and Interpretive Guides.

Security and Confidentiality

In order to assure uniform and secure procedures, the CCAP assessments will be administered pursuant to the latest version of the CCAP's Coordinators Handbook, the Clerc Center's Procedures for Test Security, the CCAP's Rules Book, and the Directions for Administration. The CCAP assessments will also be administered in accordance with any statewide assessment program rules necessary to maintain the validity, reliability, and security of operational assessments according to the interagency agreements between Gallaudet University, the state, and the state's test vendor.

Procedures to Ensure Security and Confidentiality

Every pertinent district test coordinator, school administrator, school test coordinator, test

administrator/examiner, and monitor will sign certification (provided in the Clerc Center's Procedures for Test Security), prior to receiving any test administration materials, to attest that procedures will be followed regarding test security before, during, and after test administration.

- Violation of the security or confidentiality of any test required by the Clerc Center is prohibited, and any violation will be subject to sanctions that are commensurate with the degree of violation up to and including termination of employment. All sanctions will be imposed by the vice president of the Clerc Center.
- Procedures for maintaining the security and confidentiality of a test will be specified in the appropriate test administration materials.
- Alleged security breaches and issues will be reported according to the CCAP's Rules Book using the included forms (Procedures for Reporting Security Breaches).

Additional details on assessment policies and procedures can be found in the Clerc Center Rules Book.

Approved by: Gallaudet University Board of Trustees

1.21 Identity Theft Prevention Policy

Last Revised: May 14, 2010

Refer Questions to: Executive Director, Finance Office

Scope

This policy applies to the creation, modification, and access to Identifying Information from Covered Accounts connected to Gallaudet University; including, but not limited to, the following:

- Federal Perkins Loan program
- Emergency student loans
- Tuition payment plans

Policy

The university recognizes some of its activities are subject to the provisions of the Federal Fair and Accurate Credit Transactions Act (FACTA) and the Federal Trade Commission's Red Flag Rules. The purpose of this Identity Theft Prevention policy is to provide information to assist individuals in the detection, prevention, and mitigation of Identity Theft in connection with the opening of a Covered Account or any existing Covered Account. This policy also provides guidance to employees who believe that a security incident may have occurred and with the reporting of a security incident.

Under the Red Flag rules, the university is required to establish an "Identity Theft Program" with reasonable policies and procedures to detect, identify, and mitigate identity theft in its covered accounts. These "Red Flags" are inconsistencies in specific financial transactions which should indicate further investigation when noticed. The university must incorporate relevant Red Flags into a program to enable the university to detect and respond to potential Identity theft.

Definitions:

Pursuant to the Red Flag regulations at 16 C. F. R. § 681.2, the following definitions shall apply to this program:

- Red Flag - A suspicious pattern or practice, or specific activity that indicates the possible existence of identity theft.
- Identity Theft - A fraud committed using the identifying information of another person.
- Covered Accounts -
 - Any account the university offers or maintains primarily for personal, family or household purposes that involve multiple payments or transactions.
 - Any other account the university offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the university from Identity Theft.
- Credit - The right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment or to purchase property or services and defer payment.
- Creditor - An entity that regularly extends, renews, or continues credit.
- Customer - Any person with a covered account with a creditor.
- Identifying Information - Any name or number that maybe used, alone or in conjunction with

any other information, to identify a specific person including:

- Name
- Address
- Telephone number
- Social security number
- Date of birth
- Government issued driver's license, identification number or alien registration number
- Government passport number
- Employer or taxpayer identification number
- Unique electronic identification number
- Computer's internet protocol address or routing code

Identification of Red Flags

In order to identify relevant Red Flags, the university considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with identity theft. The following are typical or frequent trouble spots of which employees should be aware of and for which employees should diligently monitor and take action:

1. Notifications and warnings from credit reporting agencies
 - Report of fraud accompanying a credit report;
 - Notice or report from a credit agency of a credit freeze on a customer or applicant;
 - Notice or report from a credit agency of an active duty alert for an applicant; and
 - Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.
2. Suspicious documents
 - Identification document or card that appears to be forged, altered or inauthentic;
 - Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
 - Other document with information that is not consistent with existing customer information (e.g. a person's signature on a check appears forged); and
 - Application for service that appears to have been altered or forged.
3. Suspicious personal identifying information
 - Identifying information presented that is inconsistent with other information the customer provides (e.g. inconsistent birth dates)
 - Identifying information presented that is inconsistent with other sources of information (e.g. an address not matching an address on a credit report);
 - Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
 - Identifying information presented that is consistent with fraudulent activity (e.g. an invalid phone number or fictitious billing address);
 - Social security number presented that is the same as one given by another customer;
 - An address or phone number presented that is the same as that of another person;
 - A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law, social security numbers must not be required); and
 - A person's identifying information is not consistent with the information that is on file for the customer.
4. Suspicious account activity or unusual use of account

- Change of address for an account followed by a request to change the account holder's name;
- Payments stop on an otherwise consistently up-to-date account;
- Account used in a way that is not consistent with prior use (e.g. very high activity);
- Mail sent to the account holder is repeatedly returned as undeliverable;
- Notice to the university that a customer is not receiving mail sent by the university;
- Notice to the university that an account has unauthorized activity;
- Breach in the university's computer system security; and
- Unauthorized access to or use of customer account information.

5. Alerts from others

- Notice to the university from a customer, Identity Theft victim, law enforcement or other person that the university has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

Detection of Red Flags

Detection of Red Flags in connection with the opening of Covered Accounts as well as existing Covered Accounts can be made through such methods as:

1. New accounts - In order to detect any of the Red Flags identified above associated with the opening of a new account, university personnel will take the following steps to obtain the identity of the person opening the account:
 - Require certain identifying information such as name, date of birth, residential or business address, driver's license or other identification;
 - Verify the customer's identity (for instance, review a driver's license or other identification card);
 - Independently contact the customer
2. Existing accounts - In order to detect any of the Red Flags identified above for an existing account, university personnel will take the following steps to monitor transactions with an account:
 - Verify the identification of customers if they request information (in person, via telephone, via fax, via email);
 - Verify the validity of requests to change billing addresses; and
 - Verify changes in banking information given for billing and payment purposes
3. Social security numbers - In all cases, special care should be taken to avoid asking for a social security number unless its collection has been authorized by the Information Security Office.
4. Special cases - A data security incident that results in unauthorized access to a customer's account of record or a notice that a customer has provided information related to a Covered Account to someone fraudulently claiming to represent the university or to a fraudulent web site may heighten the risk of Identity Theft and should be considered Red Flags.

Responding to Red Flags

In the event university employees detect any identified Red Flags, such employees shall take all appropriate steps to respond and mitigate identity theft depending on the nature and degree of risk posed by the Red Flag, including but not limited to the following examples:

- Continue to monitor an account for evidence of identity theft;
- Contact the customer;
- Change any passwords or other security devices that permit access to accounts;
- Not open a new account;

- Close an existing account;
- Reopen an account with a new number;
- Determine that no response is warranted under the particular circumstances.

If you have questions concerning the appropriate steps to take, these questions should be directed to the appropriate supervisor or the Information Security Officer. Employees should not contact law enforcement agencies directly, but should consult with their supervisor or the Information Security Officer, who will consult with the Risk Management staff.

Contractual Agreements

In the event the university engages a service provider to perform an activity in connection with one or more accounts, the university will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft:

- Require, by contract, that service providers have such policies and procedures in place; and
- Require, by contract, that service providers review the university's program and report any Red Flags to the relevant university official.

Information Security Officer

The University's Information Security Officer will report to the Chief Information Officer.

Training

University employees responsible for implementing the program shall be trained under the direction of the Information Security Officer in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

Security Incident Reporting

An employee who believes that a security incident has occurred shall immediately notify their appropriate administrator and the Information Security Officer.

Approved by: Gallaudet University Board of Trustees

1.22 External Relations Policy

Last Revised:19 March 2013

Refer Questions to: Executive Director, Office of Communications and Public Relations

Scope

This policy applies to Gallaudet University faculty and staff, and in some cases students and their organizations, as they conduct communications with external individuals or organizations in the areas of:

- Governmental Relations
- Media and Public Relations
- International Relations
- Donor and Alumni Relations
- Obtaining Sponsorship of On-campus Activities
- Sponsorship of External Activities
- Product and Vendor Endorsements

Policy

In applying the following guidelines, Gallaudet University seeks to develop and maintain the greatest level of consistency of messaging in its external communications. To ensure continuing good relations with our external audiences and to promote a positive image of the university among the communities served the university must ensure that appropriate messages are delivered to those external audiences.

Approved by: Gallaudet University Administration

Guidelines

Government Relations

Gallaudet University receives a significant portion of its funding from the federal government. As such, university representatives are in regular contact with members of Congress and their staff and with staff at various federal agencies. Gallaudet employees and students wishing to contact government officials directly on non-university matters may do so; however, the use of university resources such as letterheads and e-mail addresses is prohibited for such communications. Individuals contacting government officials cannot represent themselves as speaking for the university or give the appearance of doing so.

From time to time the governmental relations office may write letters of support or conduct personal visits to support certain initiatives under consideration by Congress or a federal agency.

If members of the campus community would like to suggest an initiative related to outreach with government officials, contact the Executive Director, Program Development.

Media and Public Relations

If a member of the media, newspaper, magazine, television or radio station, web site, blog/vlog, or other agency, makes contact for a comment or to provide information on a university question or an issue that relates to the university, they should be referred to the Office of Communications and Public Relations in order for the inquiry to be assessed and a determination made on the university's level of participation, appropriate response and assistance with a response, as needed.

If the Office of Communications and Public Relations contacts an individual for help as they work on a response to a media request, it is important for the office to receive a response promptly.

Specifically for faculty:

If a member of the news media makes contact for a comment on a topic that is within a university constituent's area of expertise (e.g., regarding academic research or area of academic specialization), a reply should be given immediately. If the constituent has questions about the request and how to respond, the Office of Communications and Public Relations recommends taking the reporter's contact information, deadline for a response, and contact the media after having made contact with the Office of Communications and Public Relations regarding the request.

While it is optional for faculty to contact the Office of Communications and Public Relations before talking with a reporter about an area of expertise, it is imperative that the Office know immediately after a faculty member has spoken with a reporter. The Office of Communications and Public Relations tries to monitor and track the progress of all Gallaudet-related stories to help reporters find sources and gather facts. Knowing with whom a reporter spoke allows the office to track stories, and to provide the reporter with additional information. Also, the Office of Communications and Public Relations maintains an archive of published news stories about Gallaudet.

This verbiage was reviewed by the Faculty Senate in April, 2011, and was distributed by the Provost to Academic Affairs on May 3, 2011.

Social Media

Gallaudet University supports and encourages the use of blogs and social media by university departments/programs. Blogs and other social media are powerful tools that can contribute to a campus culture where discussion and information exchange are valued. The university's goal is to communicate information that is accurate and consistently respectful to the university's strategic goals.

The university's official social media sites are maintained by the Office of Communications and Public Relations. Official sites offer communication that comes directly from an administrative department at the university and is aimed at mass distribution. Distribution channels may include *YouTube, Facebook, Twitter, etc.*

Currently, the Office of Communications and Public Relations oversees the Facebook pages for Gallaudet University (the university's official page) and the university's official Twitter account.

Gallaudet has an official public video channel on *YouTube*, entitled GallaudetVideo, which is managed by Gallaudet Video Services. This channel distributes video-based communications from Gallaudet. Video content planned for distribution through GallaudetVideo should be reviewed by the appropriate departments for accuracy in information, consistency in title and description bars, as well as to maximize the opportunity to promote these videos by cross-posting to **Facebook** pages, and other social media. This review process should include review by the Office of Communications

and Public Relations.

Departments or programs that have a social media presence, or are considering one, should contact the Office of Communications and Public Relations for consultation on whether a department or program should establish a social media presence, as well as other issues such as content generation and maintenance. All information posted on a university department/program blog and/or social networking site must be in compliance with existing university policies and/or guidelines. In addition, any website/page created using the university's name is a representative of Gallaudet University and therefore is subject to the guidelines and branding of the university as established by the Office of Communications and Public Relations.

International Relations

International Relations, within the Office of Development, Alumni Relations, and International Relations, is responsible for international affairs at Gallaudet University and for communicating messages to our international community. International Relations assists the president in building an international presence for Gallaudet. This unit works with the president as the central point of contact for Gallaudet with foreign government officials, embassies, the U.S. Department of State and heads of international corporations.

Any contact made to or from the university with any of the aforementioned entities should occur through International Relations which will follow appropriate protocol, ensuring that the Office of Development, Alumni Relations and International Relations is at all times privy to the communication between Gallaudet and the international entities.

If contacted by an international entity or if there is a question or suggestion for strategic outreach to an international agency, contact the Manager, International Relations Office, in the Office of Development, Alumni Relations and International Relations.

Donor and Alumni Relations

The Office of Development and Alumni Relations is responsible for managing external fundraising efforts beyond federal appropriation, and grants and contracts. This would include outreach to private foundations, corporations, and individual contributors, including alumni.

Suggestions for outreach to a specific donor or a suggestion for a program or project that could attract funding, and individuals who want to use Gallaudet University resources for fundraising activities for organizations or causes other than the university, should be directed to the Executive Director, Development Operations, in the Development Office.

The Office of Alumni Relations is available to help with communication between the university and alumni. Contact the Executive Director, Alumni Relations, for assistance.

Obtaining Sponsorship of On-campus Activities

All requests to outside entities for sponsorship of Gallaudet activities that are made by students, faculty or staff, or their organizations, should be sent to the Development Office for assistance and approval. Since sponsorships by corporate entities for on-campus activities may take many forms, the Office of Development, in collaboration with faculty, staff, and student organizations, has developed guidelines, which are available from the Development Office. For more information, please contact the Executive Director, Development Operations regarding the guidelines.

Sponsorship of External Activities

Gallaudet University and campus organizations are routinely approached to sponsor external events or activities as well as purchase exhibit and booth space at various events and conferences. In order to avoid duplication and to ensure that the university maximizes the public relations value of these sponsorships, all sponsorship requests should be discussed with the Board Liaison/Presidential Support Specialist, in the Office of the President, who will monitor the requests and obtain appropriate approval.

Product and Vendor Endorsements

The university receives a large number of requests for product endorsements and/or participation in promotional efforts from outside vendors with which the university does business. Because of the potential for misunderstandings or misuse, and because of the need to monitor how the university's name is used by outside entities, endorsements of this kind are generally discouraged.

Situations when a product endorsement opportunity may be approved by the university include those with an entity which has an established national or international recognized reputation and must accompany written approval by the Office of Communications and Public Relations.

Use of the Gallaudet logo and/or photographs of identifiable Gallaudet landmarks, buildings, statues, etc., which imply an endorsement of a product or service are not permissible without prior written approval from the Office of Communications and Public Relations.

Faculty members are oftentimes asked to share their opinions on products or services. When giving opinions, faculty should clarify that the opinions are their own and not the official views of the university.

1.23 Banner Policy

Refer Questions to: *Executive Director, Communications and Public Relations*

Scope

This policy covers the use of banners on campus light poles and exteriors of buildings. This policy does not cover interior signage approved by Campus Activities. The policy applies to all faculty, teachers, staff, and students in all offices, organizations, and divisions of Gallaudet University

Rationale

The purpose of this policy is to manage the use of banners to provide effective communications, promotions, and acknowledgements of the variety of programs and events that take place on campus; to make the campus more welcoming and accessible; to provide color and visual interest while preserving the visual beauty and function of all outdoor spaces; and to advance the campus identity objectives and the institution's image.

Banners are intended to communicate a campus-wide message and highlight those events that convey the "seasons" of the academic year, including, but not limited to:

- Welcome back/start of fall classes
- Fall open houses
- Homecoming
- Start of spring classes
- Spring open houses
- Charter Day
- Commencement
- Special events

Policy

The following are principles governing the prioritization of banners and signage on campus.

- University-wide, event specific, time sensitive banners are given display priority.
- For multiple events, banners may be displayed on alternating light poles; no more than one banner promoting one event may be displayed on the exteriors of buildings.
- Banner content and design is expected to comply with all applicable University policies and the University's Visual Identity Guide.
- All banners must be professionally produced and sized correctly to fit securely on the brackets provided on light poles (no flags, bedsheets, etc.)
- Banners not related to specific campus events or activities are limited to a 7 day display.
- Banners specific to campus events are limited to a 14 consecutive days display.
- Banners serving as public service announcements and unrelated to a specific campus event or program will be considered on a case-by-case basis and, if allowed, limited to a 7 day display.

Administration

All requests for banners should be submitted through the Campus Banner Request form located on the Communications and Public Relations home page. The Office of Communications and Public

Relations is responsible for the design and production of banners. The cost for production and other expenses will be the responsibility of the department, organization, or office requesting banner placement. Banner requests should be submitted to the Office of Communications and Public Relations two months prior to the requested first day of display.

Gallaudet's Facilities Department will be responsible for hanging banners and signs. Banners must be delivered to the Facilities Department at least five days prior to the requested display date. Banners and signs will be removed following the event date and held for prompt pickup by the host organization.

Exceptions

Any exceptions to this policy, and for requests that are not specific to campus events or activities, will be considered by the Exception Review Committee, consisting of several senior administrators. Exceptions will be submitted to the President's Cabinet for discussion and to the President for final approval.

Approved by: Gallaudet University Administration

1.24 Web Communications Policy

Last Revised: April 10, 2013

Refer Questions to: Executive Director, Gallaudet Technology Services (for technical questions) and Executive Director, Communications and Public Relations (for content and branding questions)

Scope

This policy applies to all faculty, teachers, staff, and students regarding procedures and standards for online communications including the university website, blogs, apps, and social media for Gallaudet University.

Policy

Web Oversight

Gallaudet's official website, www.gallaudet.edu, is managed by the Office of Communications and Public Relations and maintained by Gallaudet Technology Services (GTS). Communications and Public Relations is responsible for making decisions on behalf of the university on information architecture, usability, design, structure, and strategy for the official university website. Decisions are based on current best practices in web management and the university's strategic plan, in consultation with GTS and other campus constituents.

GTS is responsible for web server maintenance, monitoring and updating the content management system (CMS), troubleshooting hardware and systems issues, assigning user access to the CMS, and providing user CMS training and assistance. Communications and Public Relations works closely with GTS to coordinate the technical and functional aspects of the web with the user experience and content perspective.

Web Audience

The primary audience of the Gallaudet website is prospective undergraduate and graduate students. Other target audiences include current students, faculty, staff, alumni, news media, and the general public. The primary audiences of the Clerc Center pages of the Gallaudet website are professionals working with deaf and hard of hearing students, and families of deaf and hard of hearing children, as well as the current and prospective families of the demonstration schools.

University Homepage

Content on the Gallaudet home page is created and managed by the Office of Communications and Public Relations.

Content Management Systems

The majority of the Gallaudet web presence is maintained by web authors from various departments and programs using a content management system (CMS). The majority of the Clerc Center's websites are authored by Public Relations and Communications, in conjunction with the Kendall Demonstration Elementary School (KDES) Leadership Team for the KDES website; with the Model Secondary School for the Deaf (MSSD) Leadership Team for the MSSD website; and with planning,

development, and dissemination for the pages that relate to research, priority setting, and products and services offered by the Clerc Center.

The CMS allows the university to maintain a consistent design for web pages (headers, footers, colors, fonts, etc.) and also allow department web authors to update and create their own content. The CMS also allows the Office of Communications and Public Relations and Gallaudet Technology Services easier access to web content in order to assist departments and to ensure that sites are in compliance with Gallaudet web standards.

All official university web pages should be managed from within the CMS with few exceptions. Departments must have approval from the Office of Communications and Public Relations for any exceptions to this requirement. Academic departments and programs must have approval from their dean before requesting an exception.

Office, College, Department, Organization, and Program Sites

Websites representing official entities within the university are maintained by identified web authors within those areas. All websites must adhere to web content and editorial guidelines (found at www.gallaudet.edu/Communications_and_Public_Relations/Guidelines.html) as well as any related University Administration & Operations policies. The Office of Communications and Public Relations will work with departments to update and correct content that does not meet university guidelines and policies. The Office of Communications and Public Relations has the authority to review, edit, or remove any content on any official Gallaudet website that is not in compliance with university policy. To request a new site, please contact the Helpdesk.

Gallaudet Technology Services offers training for web authors using the university's CMS. GTS provides technical support for website creation and maintenance. Questions about content, including text, links, graphics, images, headlines, video, and information architecture, should be referred to the Office of Communications and Public Relations. Decisions about content are based on overall usability, information architecture standards, analytics data, and Gallaudet's mission, vision, and strategic plan. The Clerc Center Office of Public Relations and Communications will approve all content for the Clerc Center webpages using similar criteria and the Clerc Center Strategic Plan and priorities.

Student Organizations

Student organizations may request to have a site within the university CMS, using the Gallaudet web template (design) or may have a site maintained outside of the system. In order to have a site in the CMS or to have a link from a Gallaudet page to their external site, organization web pages must adhere to policies outlined in the Student Handbook (found at <http://www.gallaudet.edu/studenthandbook.xml>) as well as other official university policy governing student conduct. Requests for new student organization websites must be approved by the Director, Campus Activities and Community Programs, Student Affairs. Student organizations are responsible for updating their own content. Pages in the CMS or links to external sites that are found to be out of date or not in adherence to stated university policy will be disabled or removed following timely notification of content authors.

Faculty, Staff - Individual Pages

Most departments and programs maintain an official profile page for faculty and staff within their departments. Faculty and staff may request to have an individual professional site within the university CMS, using the Gallaudet web template (design) and following approved web guidelines (found at www.gallaudet.edu/Communications_and_Public_Relations/Guidelines.html). Faculty and

staff are also welcome to maintain an individual site outside of the university's CMS. Faculty and staff individual pages, even those maintained outside of the CMS, that are linked from the official profile page or any university web page, must also adhere to other official university policy. Faculty and staff are responsible for updating their own content. Pages in the CMS or links to external sites that are found to be out of date or not in adherence to stated university policy will be disabled or removed following timely notification of content authors. Contact the Helpdesk to request a site within the CMS.

Third-Party Vendors

Agreements with and use of commercial service providers for online services must be consistent with university policy. Agreements must be approved by Gallaudet Technology Services prior to entering a contract. All university websites should be maintained in the university's CMS, but there may be legitimate reasons to host a site outside of the CMS. Departments and programs wishing to enter into an agreement with a third-party service provider will need to present a case for an exception to the Executive Director, Office of Communications and Public Relations and Executive Director, Gallaudet Technology Services, who have the final authority to approve these requests. If approval is granted, departments are responsible to ensure that their vendor adheres to all university web policies, procedures and standards and also be mobile-friendly.

Recognizing the federally mandated work of the Clerc Center and the need to produce web products and services, the Clerc Center and Gallaudet Technology Services may collaborate with Ingeniux if needed, to provide a customized site within the CMS if possible. Every effort will be made to develop products in the CMS, but if the capability does not exist, the Clerc Center may pursue outside contracts to satisfy mission specific goals and objectives, with the approval of Gallaudet Technology Services.

Website design/templates

With the use of a content management system, the university has established a few page design templates that include university approved and consistent headers, footers, colors, fonts, and placement of various pieces of content. There is some flexibility within certain areas of the template. The CMS and the templates are designed so that the average content author, who may not have any web experience, can easily update content without having knowledge of design and code.

All websites produced by and for the university, for any department, college, office, program or individual, must contain the university or Clerc Center header (including the logo), footer, and follow the approved color, font, layout and navigation standards. This applies to sites that have been approved to be managed outside of the official CMS or by third-party vendors.

URL Addresses

Gallaudet web page addresses must be within the WWW directory/domain, such as www.gallaudet.edu/about. Requests for subdomains, such as about.gallaudet.edu, will not be granted. Existing subdomain URLs are allowed.

Content Authors

Each department, office, organization or program with an established website should have a designated content author who has access to create and update content on the site. Guidelines to be followed by content authors can be found at www.gallaudet.edu/Communications_and_Public_Relations/Guidelines.html.

Apps

Gallaudet has an official app, mGallaudet, which is available for Apple and Droid devices.

Departments wishing to create an app must contact the Helpdesk and outline the purpose of the app, how it will benefit the university's primary audiences, the functions and features to be included in the app, etc. The request should also include whether a third-party vendor is being considered to provide the app. All requests for creating apps using an external vendor must be reviewed and approved by the Executive Director, Office of Communications and Public Relations and Executive Director, Gallaudet Technology Services prior to entering into any contracts with third-party vendors.

Blogs and Social Media

Gallaudet University supports and encourages the use of blogs and social media by university departments/programs. However, social media and blogs should not be the primary mechanism for sharing information; these venues should not supersede the website. Any information that is shared in a blog or on social media should also be on the department's website. All blogs and social media should ultimately direct traffic to the website as the official source of information. Blogs and social media sites should never be used in place of an official website.

The University External Relations Policy, [1.22 External Relations Policy](#) should be followed when establishing a blog or communicating via social media sites.

More information on social media and blog sites can be found at www.gallaudet.edu/Communications_and_Public_Relations/Guidelines.html.

Approved by: Gallaudet University Administration

1.25 Expressive Activities and Assembly

Last Revised: May 17, 2013

Refer Questions to: Director, Public Safety

Scope

This policy applies to faculty, teachers, staff, students, and visitors and to all offices and divisions of Gallaudet University.

Rationale:

In order to carry on its work of teaching, research, and public service, Gallaudet University has an obligation to maintain conditions under which the work of the University can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression, with full recognition by all concerned of the rights and privileges, as well as responsibilities, of those who comprise the University community. As a private institution, Gallaudet University reserves the right to define what activities are permitted on University property including, but not limited to, expressive activities and/or assembly.

Policy

Expressive activities and/or assembly on the campus of Gallaudet University must not interfere with the right of the University to conduct its affairs in an orderly manner and to maintain its property, nor may they interfere with the University's obligation to protect the rights of all to teach, study, and freely exchange ideas. Gallaudet University is committed to balancing the rights of individuals to free expression and advocacy with the rights of others in the effective use of University facilities and the University's responsibilities as an educational institution.

All individuals on University owned and operated properties or in attendance at an official University function assume an obligation to conduct themselves in a manner compatible with the University's responsibilities as an educational institution. This means that all persons are responsible for complying with applicable University policies, including but not limited to the listed prohibitions.

No person on University property or at official University functions may:

1. block entrances to or otherwise interfere with the free flow of traffic into and out of campus buildings;
2. have unauthorized entry to, possession of, receipt of, or use of any University services, equipment, resources, or properties, including the University's name, insignia, or seal;
3. engage in physical abuse including but not limited to sexual assault, sex offenses, and other physical assault, threats of violence, or other conduct that threatens the health or safety of any person;
4. obstruct or disrupt teaching, research, administration, disciplinary procedures, or other University operations and activities;
5. engage in the production of amplified or non-amplified sound that disrupts campus activities;
6. engage in the production of visual distraction that interferes with or disrupts campus activities including but not limited to offensive signage, temporary structures, and use of lights and lasers;

7. exhibit disorderly or lewd conduct;
8. participate in a disturbance of the peace or unlawful assembly;
9. unlawfully manufacture, distribute, dispense, possess, use, or sell, or attempt to unlawfully manufacture, distribute, dispense, possess, use, or sell controlled substances, identified in federal law and the Student Code of Conduct;
10. manufacture, distribute, dispense, possess, use, or sell, or attempt to manufacture, distribute, dispense, possess, use, or sell alcohol that is unlawful or otherwise prohibited by, or not in compliance with, University policy or campus regulations;
11. possess, use, store, or manufacture explosives, firebombs, or other destructive devices;
12. possess, use, store, or manufacture a firearm or other weapon;
13. engage in the theft of, conversion of, damage or destruction of any property of the University, or any property of others while on University premises, or possession of any property when the individual had knowledge or reasonably should have had knowledge that it was stolen;
14. fail to comply with the directions of a University official or other public official acting in the performance of his or her duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties;
15. camp or lodge on University property other than in authorized facilities;
16. climb up or repel down any tree, building, or structure on University property;
17. participate in indecent exposure or public nudity on University property, this prohibition does not apply to appropriate visual or performing arts productions, or academic programs or classes scheduled or sponsored by campus academic units or departments as determined by the departmental chair or unit director.

The University acknowledges and respects the rights of members of the University community as individuals to engage in personal political activity. However, when using University facilities, members of the University community must keep their personal political activity separate from their institutional role and from University activities. Personal political activity should not be engaged in in such a manner as to incorrectly represent University support or endorsement. University funds, equipment and information technology resources, instructional programs, or other resources may not be used for any political activity not endorsed by the University.

The University acknowledges that faculty, staff, and employees may wish to participate in expressive activities and/or assembly in which they may do so as long as their participation does not interfere with or prevent the execution of their assigned job responsibilities and obligations to the University and does not interfere with others executing their assigned job responsibilities. No faculty, staff, and employees may require and/or coerce students to participate in expressive activities and/or assembly. Nor may any member of the University community put undue pressure, use intimidation tactics, harass, or coerce other faculty, staff, or students to participate in expressive activities and/or assembly.

The Gallaudet Mall and the front lawn of the University campus are the designated areas for expressive activities and assembly. Use of these outdoor areas may be limited when such use interferes with the orderly conduct of University business or conflicts with authorized University events.

Use of the steps in front of Chapel Hall or any other campus space, or any event requiring/requesting sound amplification, must be reserved and approved.

The use of sound amplification equipment or visual displays for functions or events that are not officially authorized by the University is not permitted. Acoustic or ambient sound, such as that

generated through musical instruments may be limited when such use interferes with the orderly conduct of University business or authorized events. If the use of sound amplification equipment or visual displays in the designated areas of public expression is desired, prior permission must be obtained.

House One is primarily a personal residence; the use of House One is limited to the residence of the President's family and guests and the venue for periodic special University events hosted by the President. It is not open to the public, and is accessible by invitation only. The building, its driveway, and its surrounding lawn are not a designated area for public expression.

Prior permission must be obtained by both campus constituents and guests prior to the use of and placement of any display materials, including but not limited to tables/chairs, banners, signage, or any other display materials. Materials that do not conform to published policies and procedures will be removed and discarded by University staff at their discretion.

The University reserves the right to implement necessary preventive measures to protect the University community, operations, and property if an expressive activity and/or assembly does not adhere to established policy and procedures; this includes the right to reject or cancel an expressive activity and/or assembly at any time and the right to disperse a disruptive expressive activity and/or assembly.

Approved by: Gallaudet University Board of Trustees

Definitions

Gallaudet Mall — The open space enclosed by the Hall Memorial building to the north, the Sorenson Language and Communication Center, Student Academic Center, Ely Center, and Kendall Hall to the east, Chapel Hall and Fowler Hall to the south, and College Hall, Edward Miner Gallaudet Building, Peet Hall, and LLRH6 to the west.

University front lawn — The open space bordered by the property fence lining Florida Ave NE on south, the Gate House entrance to the west, Lincoln Circle to the north, and the main 8th Street entrance to the east.

Public expression — Events and activities for advocacy, information sharing, celebration, and the like, including, but not limited to, peaceful assemblies, rallies, demonstrations, and marches.

Display material(s) — Banners, signage, tables, and other forms of materials for display.

Note: The University of California, Berkeley Regulations Concerning Public Expression served as a framework in the development of this document; this was done with permission from UC Berkeley.

1.26 Teach Out Policy

Last Revised: May 16, 2014

Refer Questions to: Office of the Provost

Scope

This policy applies to administration and faculty in all programs of Gallaudet University.

Policy

The decision to close a degree or certificate program requires substantial planning and careful consultation with all those affected. Every effort should be made to inform everyone affected as fully as possible about the conditions leading to a decision of such importance, and all available information should be shared. As the immediate interests of current students and faculty are most directly affected, their present and future prospects require sensitive and timely attention and involvement. The university teach-out policy aims to protect the interests of students and faculty and to satisfy the requirements established for the university by the Middle States Commission on Higher Education (MSCHE) during this process.

In accordance with Federal regulations, the University is required to submit a teach-out plan to MSCHE for approval if any of the following occurs:

1. The institution notifies the Commission that it intends to cease operation entirely.
2. The Commission terminates accreditation or the candidacy of an institution.
3. The USDE notifies the Commission that it has initiated an emergency action against an institution or an action to limit, suspend, or terminate an institution participating in any Title IV, Higher Education Act program
4. A State Licensing or authorizing agency notifies the Commission that an institutions license or legal authorization to provide an educational program has been or will be revoked

More specifically, if the University decides to close an educational program, or the entire institution, one of the following options must be followed:

1. Execute a Teach-Out Plan. The teach-out option occurs when the institution “teaches-out” currently enrolled students; no longer permanently admits students to programs; and terminates the educational program or the operations of an institution.
2. Develop and implement a Teach-Out Agreement. The teach-out agreement option occurs when the institution enters into a contract with another institution or organization to teach out the educational programs or program.

Both teach-out plans and teach-out agreements must include the following information:

1. Dates of termination and closure;
2. An explanation of how affected parties (students, faculty, staff) will be informed of the impending closure;
3. An explanation of how students will be helped to complete their program of study with minimal disruption or additional expense;
4. How faculty and staff will be redeployed or helped to find new employment; and

5. If closing an institution: signed copies of teach-out agreements with other institutions, if any; and arrangement for the storing of student records, disposition of final financial resources and other assets.

The teach-out plan should make appropriate distinctions between undergraduate and graduate students as well as between prospective and currently enrolled students. The teach-out period and teach-out plan will vary by academic department and/or program and must be determined and approved in advance at all required levels, as specified under Responsibilities below.

Approved by: Gallaudet University Board of Trustees

Definitions

1. *Degree Program.* A degree program is an organized curriculum leading to a degree in an area of study recognized as an academic discipline by the higher education community, as demonstrated by assignment of a Classification in Instructional Programs (CIP) code by the National Center for Educational Statistics or as demonstrated by the existence of similar degree programs at other colleges and universities.
2. *Certificate Program.* A certificate program is a coherent course of study leading to the awarding of a credential. A college credit certificate is not intended as a degree, but as a supplement to a student's specific educational goals or professional career preparation. Completion of a college credit certificate generally is related to a specific field, and usually associated with a limited set of occupations.
3. *Educational Program.* A degree program or college credit certificate program.
4. *Date of program termination.* The date on which the educational program is closed permanently to admission
5. *Date of program closure.* The date on which the last student in teach-out has completed the educational program
6. *Notification.* A letter from an institution's chief executive officer, or his/her designated representative, to the MSCHE President summarizing a proposed change, providing the intended implementation date. The policy and procedures for reporting and review of institutional substantive change are outlined in the document *Substantive Change: Institutional Closure or Institutional Status Requiring a Teach-out Plan*.
7. *MSCHE Accreditation Liaison Officer (ALO).* The individual at the institution who is responsible for ensuring the timely submission of annual institutional profiles and other reports as requested by the Commission in the years between accreditation. With the Chief Academic Officer the Accreditation Liaison Officer is responsible for the accuracy of all information submitted to the Commission and for ensuring ongoing compliance with Commission standards, policies, and procedures beyond reaffirmation. During the Reaffirmation Cycle, the Liaison serves on the MSCHE Self-Study Team and oversees all staffing aspects of the Reaffirmation process.
8. *Teach-Out Plan.* The written plan and subsequent process by which the University provides institutional and academic support services to students enrolled in an educational program that has been discontinued. The teach-out process often extends well beyond the termination date (the date on which the site or program is closed permanently to admissions) to allow time for enrolled students to complete their program in a reasonable amount of time. The plan must provide for the equitable treatment of students in an institution.
9. *Teach-Out Agreement.* A written agreement between accredited institutions that provides for the equitable treatment of students if one of those institutions stops offering an educational program before all students enrolled in that program complete the program.

Procedures

Responsibilities

The Dean (and relevant Department Chair) whose scope of authority involves an educational program being considered for termination shall inform and involve affected faculty and staff at the earliest possible stage of consideration. Once the decision to pursue closure of an educational program has been made, the Dean shall forward a proposal to the Provost. The proposal should be developed with the involvement of faculty and students as possible and should outline the:

1. Nature of the program,
2. Reason for termination,
3. Number of students currently enrolled,
4. Progression statistics of students in the program,
5. Resources used to offer the program,
6. Financial savings, if any, realized from the termination,
7. Explanation of how any students enrolled in the program will be helped to complete their program,
8. Assessment of whether any faculty will be adversely affected by termination, and
9. Explanation of how affected individuals will be informed of the planned termination.

The Dean should be available to brief the Provost, and, in the case of the institution closing, the MSCHE Accreditation Liaison Officer of the pending decision. The Provost will work with the Dean to develop and coordinate presentations on the proposal to the President's Cabinet and the University Board of Trustees.

The Dean and Chair shall work to develop a teach-out plan (See Appendix A, "Teach-Out Academic Plan"), and implement the notification elements of the plan for students and faculty. Appendix B provides a general summary used to brief faculty and students as "Sample Student and Faculty General Communication Summary." Both current and prospective students should be notified as soon as practicable (See Appendix C and D for sample letters). The Dean is responsible for on-going monitoring and reporting on implementation of the teach-out plan. A monitoring report should be used to provide periodic reports to the Provost on the status of the teach-out. The monitoring report shall also be used to advise students of their progress in the teach-out. (See Appendix E, "Sample Program Monitoring Report.")

The Faculty Welfare Committee of the Senate shall review the initial proposal to terminate an educational program forwarded by a relevant Dean. The Faculty Welfare Committee will determine whether any faculty will be adversely affected by termination, and act to implement provisions in the University Faculty Guidelines. The Faculty Welfare Committee shall notify the Provost and help facilitate the Provost's presentation on the change to the President's Cabinet and the University Board of Trustees.

The Provost will insure the proposal for termination is brought forward for discussion by the President's Cabinet. The Provost will develop and coordinate the presentation on the proposal to the University Board of Trustees and work with the relevant Dean to insure all affected parties are notified on pending decision. The affected parties must include the faculty, students, the Dean of the Graduate School, the Dean of the College of Liberal Arts and Studies, the Dean of Education, Business, and Human Services, the Registrar, the Office of Admissions, and the Office of Institutional Research. Once the President's Cabinet and the University Board of Trustees have approved termination of the program, the Provost will be updated periodically by the relevant Dean

on the notification and approval process, and will receive periodic updates the relevant Dean on the implementation of the teach-out plan.

Affected Groups

1. Prospective undergraduate students with active applications awaiting admission decisions to a degree program should be immediately advised to seek alternative majors by the appropriate unit, generally the academic department or program. Prospective students should be given as much time as practicable to seek alternative majors. The academic department or program also should immediately suspend admission of new students.
2. Currently enrolled undergraduate students who have fewer than 60 credit hours in a terminated degree program, after consideration of their circumstances and potential impacts of University actions on such students, should be immediately suspended from declaring a major in a terminated upper division program and be required to select a different major. Departmental faculty or staff should advise such students regarding appropriate options.
3. Currently enrolled undergraduate students in a degree program at the upper division level who have 60 or more credit hours applicable to the major in their program of study should be given a high priority in University efforts to enable them to complete their degree programs. An academic plan should be developed for each student that enables him/her to complete the curricular program requirements within the teach-out period. The teach-out period, typically, will continue for no more than two academic years following the date on which the notice of termination is given to students. Programs, on a case-by-case basis, will determine the necessary length of a teach-out program. Students who do not make adequate progress on their academic plan for teach-out will be advised into another major. If a course required for the degree is not offered in the teach-out period, students may make arrangements, with the department's consent, to take the course at another institution and transfer the credit, or to arrange with the department to complete the requirements in some other academically appropriate fashion. Students are required to have ongoing contact with their academic advisor during the teach-out period to ensure that their academic plans are current and consistent with the projected course offering.
4. Prospective graduate students are those who have active applications awaiting admission decisions to an affected degree program. As soon as the decision to terminate is made, the appropriate unit, generally an academic department or program, should immediately suspend admission of new students and advise students who have already been offered admission that they must complete the degree program within a teach-out period. The graduate degree must be completed within the teach-out period. Such students must meet the minimum credit hour requirements for the degree.
5. Graduate students currently enrolled in a terminated degree program should be given an opportunity to complete their degree programs. Departments and programs should work with such students to develop a strategy for completion within the teach-out period. Programs should be as flexible as possible in facilitating and allowing currently enrolled graduate students to complete their degree program. Such students must meet the minimum credit hour requirements for the degree.
6. Undergraduate and graduate students previously admitted into a terminated educational or degree program who are not currently enrolled shall have their requests for readmission made on a case-by-case basis. At a minimum, the decision to readmit shall consider the ability of the department or program to offer needed courses within the teach-out period, and the student's previous performance within the terminated educational program.
7. Undergraduate and graduate students currently enrolled in a terminated certificate program should be given an opportunity to complete their certificate. Departments and programs

should work with such students to develop a strategy for completion within the teach-out period. Students should expect to take a sufficient number of courses each semester, including summers, to enable them to complete all requirements within the teach-out period. The teach-out period will continue for no more than two academic years following the date of which notice of termination is given to students. The teach-out period will vary by certificate program and must be determined by the department and college with approval of the Provost. The certificate must be completed within the teach-out period. Such students must meet the minimum credit hour requirements for the certificate.

8. Faculty should be involved in and informed of plans to terminate a degree or certificate program at the earliest possible stage of consideration. Faculty shall be informed of any potential layoff considerations covered by the University Faculty Guidelines at the earliest possible stage of consideration and be kept apprised of recommendations forwarded to the University Board of Trustees regarding plans to terminate a degree program or certificate program.

Appendixes

- [Appendix A - Sample Teach-Out Academic Plan](#)
- [Appendix B - Sample Program Termination](#)
- [Appendix C - Sample Current Student Notification](#)
- [Appendix D - Sample Not Formally Admitted and Transfer Student Notification Letter](#)
- [Appendix E - Sample Program Monitoring Report](#)

1.26 Appendix A

Sample Teach-Out Academic Plan

Department:

Date of Program Termination:

Required Course During Teach Out - Fall 20xx - Spring 20xx

Course	Fall 20xx	Spring 20xx	Fall 20xx	Spring 20xx
Sample required course 1	2 sections (Instructor 1 and TBA)	1 section (Instructor 1)	1 section (TBA)	Not offered
Sample required course 2	1 section (Instructor2)	1-2 sections (Instructor2, Instructor3)	1 section (Instructor2)	1-2 sections (Instructor2, Instructor3)
Sample required course 3	1 section (Instructor3)	1 section (TBA)	1 section (Instructor3)	1 section (TBA)
Sample required course 4	Another Course (Instructor4)	Another Course (Instructor4)	Another Course (Instructor4)	Another Course (Instructor4)
Sample required course 5	1 section (Instructor5)	1 section (Instructor3)	1 section (Instructor5)	1 section (Instructor3)
Sample required course 6	Not offered	1 section (Instructor3)	1 section (Instructor3)	1 section (Instructor3)
Thesis Project/Practicum (For graduating seniors)	1 section (Instructor6)	1 section (Instructor7)	1 section (Instructor6)	1 section (Instructor7)

(Note: Parenthetical information indicates tentative faculty assignments as of March 20xx)

1.26 Appendix B

Sample Program Termination Student and Faculty General Communication Summary

Currently Enrolled Students

At the time the decision was made to terminate the sample program, 20 students were enrolled. An additional 12 were admitted, as planned, during spring 20xx. This admission brought the total number of students enrolled in the program to 32. 17 of those students are on track to graduate at the end of spring example year. As a result, 15 students are directly impacted by the decision. The Monitoring Report attached has the information on those students.

Each of those students was notified of the change and has been in for advising and conversations regarding their ability to complete the program. All of the students are expected to complete the program no later than spring 20xx. Because the Department will continue to offer the majority of courses traditionally require for the terminated degree program and is committed to completing these 15 students, no formal academic map was initially developed for these students. The department is contacting each of the students and asking them to come in to sign the letter below and to develop a formal academic map. These academic maps will be kept on file by the departmental advisor and utilized to: 1) advise the students each semester, 2) track the Teach-Out Plan, and 3) prepare the monitoring report. It is anticipated that these sessions will be completed by April 20xx.

Not-Formally-Admitted (NFA) and Transfer Students

At the time the decision was made to terminate the program, 110 students were designated as NFA, in the sample program. These students receive the attached letter and were invited to meet with the departmental advisor to answer any questions. These students have been moved to the NFA in another sample program and are being advised on the application and admissions process of the other sample program.

Additionally, the Department has been in touch with Undergraduate Admission regarding transfer students. Contact information for admitted students interested in the program to be terminated is to be sent to the department and the attached letter forwarded to them.

Overall Student Communications

The Department created a FAQ site to address students concerns. The site can be found at: For information purposes, all students in the Department were notified of the programmatic change.

The Department has been in touch with the Division of Undergraduate studies to make sure that the Program Guide and Academic Map were updated to indicate that the program was being terminated.

1.26 Appendix C

Sample Current Student Notification

Subject: Current Student Notification

Dear:

As you know, the Department plans on merging the sample program into another program and implementing a new major. The faculty determined that the degree title did not accurately reflect the course offerings, a finding echoed during the recent reaccreditation findings. Gallaudet University Board of Trustees approved terminating the sample program on date certain. We regret it is therefore no longer possible to continue admitting students and offering this program in the future. The University is committed to enabling you and other students already in the program the opportunity to complete the program and obtain your Gallaudet University degree. The program will have a teach-out period of two years, ending in Spring date certain, to enable you to complete the program requirements and graduate.

The teach-out will work as follows: The current program and all of the courses will be offered until Spring date certain, at which time the degree will no longer be available. If you desire to earn this degree, it is your responsibility to complete the program in the time allotted. Ms. X, the Department Advisor, will assist you with identifying comparable programs to which you may wish to transfer, in the event you cannot complete the program at Gallaudet during the teach-out period. The Department has developed an FAQ resource regarding the program merger. It can be found at: .

We ask that you work closely with staff, your advisor and program faculty to ensure you are aware of all program requirements and the availability of required courses. You will be provided an academic plan that, if followed, will enable you to complete the degree plan within the teach-out period. The University wants to insure that the time, effort and resources you have already devoted to your Gallaudet education produce the results you want. We are committed to serving you and helping you complete your degree.

Sincerely,

XXX, Dean

I have received and read the above letter.

Student Signature Date

1.26 Appendix D

Sample Not Formally Admitted and Transfer Student Notification Letter

Subject: Not Formally Admitted and Transfer Student Notification Letter

Dear Mr. x:

Thank you for your interest in our sample program at Gallaudet University. We are very excited about some new opportunities and changes on our horizon, and we want to share our vision with you as you consider your decision to study at Gallaudet University.

The Department is in the process of merging the sample program. We will offer a BA through another program, and we are now incorporating the new program into our course catalog, comprised of continuing and new courses.

[Explanation of why the change is being made and possibilities available for the student.]

If you have any questions about this transition, please contact our Academic Advisor or me. We will be more than happy to answer your questions.

Thank you, and we look forward to an exciting new year!

Sincerely,

XXXX

Chair

Department

University

1.26 Appendix E

Sample Program Monitoring Report

College: Dean:
Academic Degree Program: Degree Level of Program:
Number of Students still Enrolled in Program Total Credit Hours Required in Program:
Date of this report: Individual Completing the Report:

Student #	Student Name	Number of program SCH earned as of _____	Number of credit hours earned	Program termination letters sent	Signed response from students	Academic map provided to student	Last semester of student's enrollment	Date student completed requirements or other actions regarding the student
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								

1.27 Bullying in the Workplace

Last Revised: 27 February 2020

Refer Questions to: Director, Equal Opportunity Programs; Executive Director, Human Resources; Office of the Ombuds or Office of the Provost

Scope

This policy applies to all employees – faculty, teachers, staff, paraprofessionals, student workers, and administrators. This policy pertains to conduct occurring on campus or other University property; at University sanctioned events or programs that take place off University property; at other locations when the conduct stems from the workplace (e.g., during business travel); and via e-mail/online/social media (i.e., cyberbullying).

Policy

Gallaudet University is committed to promoting and maintaining a healthy working, learning, and social environment, in which the rights and dignity of all University community members are respected. The University prohibits behaviors related to the workplace that rise to the level of bullying, as described below.

This policy does not apply to differences of opinion, interpersonal conflicts, and occasional problems in working relations, which are an inevitable part of working life and do not typically constitute workplace bullying. Individuals should seek to resolve such issues directly with each other or, where appropriate, through informal conflict resolution measures with the aid of his/her supervisor, the Ombuds Office, the Office of Equal Opportunity Programs, and/or Human Resources.

Approved by: Gallaudet University Board of Trustees

Definitions

Workplace bullying is a pattern of repeated behavior that a reasonable person would find hostile, offensive, and unrelated to the University's legitimate business interests, and involves words or actions that are intended to shame, embarrass, humiliate, degrade, demean, intimidate, and/or threaten the targeted individual or group. Bullying behavior often involves an abuse or misuse of power.

1. Examples of workplace Bullying

The following are some examples of conduct that if repetitive and depending on the circumstances, could support a finding of bullying in violation of this policy:

- infliction of communicative abuse, such as derogatory remarks, insults, berating, demeaning, and epithets;
- spreading false and malicious rumors, gossip, or innuendo about an individual;
- name-calling;
- mocking or intentionally humiliating an individual in front of others;
- intentionally undermining or sabotaging an individual's work performance; and/or
- intentionally and without a legitimate purpose (e.g., to maintain confidentiality) isolating or

excluding an individual from work related activities, benefits, communications, locations and/or events.

2. Examples of workplace supervision

It is important to distinguish between bullying behavior and appropriate workplace supervision. Reasonable supervisory actions, when carried out in an appropriate manner, include:

- providing performance appraisals;
- coaching or providing constructive feedback;
- monitoring or restricting access to sensitive information for legitimate business reasons;
- scheduling ongoing meetings to address performance issues;
- setting aggressive performance goals to help meet departmental goals;
- counseling or disciplining an employee for poor performance or misconduct; and
- investigating alleged misconduct.

Employees are expected to meet the reasonable performance and behavior standards of their position, and requiring a person to meet those expectations is not bullying under this policy. Supervisors, managers, and chairs are expected to receive training to provide adequate support for staff and faculty.

Other Prohibitions under this Policy

1. Retaliation

The University will not tolerate, and this policy expressly prohibits, retaliation, including but not limited to threats, intimidation, reprisals, harassment, incivility and adverse actions related to employment against any individuals who make good faith complaints (even where the concerns are ultimately unsubstantiated), who assist someone with a complaint of bullying, or who participate in an investigation or resolution of a bullying complaint.

2. False Reporting

Intentionally false reports of bullying constitute a violation of this policy and may result in disciplinary action in accordance with applicable University policy. Also, the repeated use of this policy to make unfounded complaints of workplace bullying may likewise warrant disciplinary action.

Procedures

Procedures for Addressing Complaints under this Policy

Individuals who believe they are subject to workplace bullying are encouraged to first attempt to address the conduct directly with the other individual or their supervisor. In cases where an individual is uncomfortable with doing so or such an attempt was unsuccessful, a University employee (1) is encouraged to contact the Ombuds Office, the Office of Equal Opportunity Programs and/or Human Resources to obtain clarification of the bullying policy and procedures, to discuss their concerns, and to pursue an informal resolution process; and/or (2) may submit a complaint in writing to the Executive Director of Human Resources, or the Executive Director's designee. If a written complaint is filed with the Executive Director of Human Resources (or the Executive Director's designee), the Executive Director of Human Resources or the Executive Director's designee will acknowledge receipt of the complaint in writing (unless made anonymously) within 5 business days of receiving the written complaint. Supervisors who receive complaints of bullying

should refer the matter to Human Resources. A witness of bullying can report the incident, even if the victim does not. The University will respond to complaints of bullying brought anonymously, but the response to such complaints may be limited if the complaint's allegations cannot be verified by independent facts. Anonymous complaints may be made online:

<https://secure.ethicspoint.com/domain/media/en/gui/21988/index.html>.

If an employee has a concern pertaining to conduct of a non-employee (such as a vendor, contractor, visitor, volunteer or other person with an association to the University) that allegedly violates this policy, he or she may contact the Ombuds Office or may report it to Human Resources, which may adjust the process for addressing the complaint to take into account the non-employee status of the subject of the complaint. Non-employees may not file complaints under this policy; however, they may express concerns about bullying to the Ombuds Office or Human Resources, which will determine how to address the matter appropriately under the circumstances.

In general, University employees are responsible for documenting the conduct they believe constitute workplace bullying. Copies of texts, emails, pictures, videos, and social media postings are considered strong supporting documentation.

Before commencing efforts to investigate or resolve the complaint, Human Resources will make an assessment of the information received, that if true would constitute a colorable violation of this policy and are not, for example, a complaint about more routine differences of opinion or interpersonal conflict that can be expected to arise in the workplace. If the complaint involves allegations of unlawful discrimination or harassment, Human Resources shall refer the matter, in whole or in part, to the Office of Equal Opportunity Programs. Ordinarily, the complainant will be informed within 30 days of submission whether or not the complaint will be investigated pursuant to this policy.

Note: Whether a complaint made against a student-employee is processed under this policy depends on whether the conduct at issue arises out of their employment status or student status.

Options for Resolution

1. Ombuds Office

The complainant is encouraged to contact the Ombuds Office at an early stage to obtain clarification of the bullying policy and procedures, to discuss their concerns, and to pursue an informal resolution process. The informal resolution process focuses on identifying options to address the concerns, including providing feedback through shuttle diplomacy, doing role-play to develop strategies and tools in managing workplace issues, facilitating informal mediation with both parties' agreement, and working with formal units such as Human Resources, Provost's Office, and Equal Opportunity Programs to address the concerns at an early stage. See below for more information about contacting the Ombuds Office.

2. Facilitated Early Resolution

The complainant may request or Human Resources (or its designee) may independently determine that facilitated early resolution is the appropriate first step to addressing a complaint of workplace bullying. In some cases, however, Human Resources (or its designee) may determine that early resolution is inappropriate, which may result in an investigation.

The goal of early resolution is to resolve concerns at the earliest stage possible with the cooperation

of all of the parties involved. Early resolution may include a review of the facts, but typically does not include a formal investigation. Means for early resolution will be flexible and encompass a full range of possible appropriate outcomes. Options for early resolution may include:

- obtaining an agreement between the parties;
- physically separating the parties;
- changing reporting lines;
- referring the parties to counseling and coaching programs;
- negotiating an agreement for personnel action;
- conducting targeted educational and training programs; and/or
- following up with the parties after a period of time to assure that the resolution has been implemented effectively.

3. Formal Investigation

Where early resolution is unsuccessful or not used, the Ombuds, the Provost's Office or EOP shall notify Human Resources and Human Resources (or its designee) shall notify the Office of General Counsel ("OGC") of the complaint. Human Resources, in consultation with the OGC, will determine whether an investigation is warranted, and if so, will commence an investigation. OGC will provide legal advice to the University regarding the nature of any investigation and other matters related to the complaint.

Disclosure of facts to parties and witnesses will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Investigation participants will be asked to keep the investigation details confidential.

At any time during the investigation, Gallaudet may implement interim measures as warranted. These measures may include separating the parties, placing individuals on administrative leave, placing limitations on contact between the individuals involved, or making alternative work arrangements. Failure to comply with the terms of interim measures that are implemented may result in disciplinary action.

Gallaudet will make every effort to complete the investigation as quickly as possible. Generally, the investigation is completed within 90 calendar days from the date on which Human Resources, in consultation with the OGC, instructs the commencement of an investigation. Upon conclusion of the investigation, the appropriate disciplinary action will be determined in accordance with applicable policies and procedures (including, for tenured and non-tenured faculty, those contained in the Faculty Handbook). The complainant and the subject of the investigation will be informed when the investigation is completed. Individuals involved will be informed of the outcome, as appropriate.

COMPLIANCE WITH THIS POLICY

Compliance with this policy is mandatory. For assistance with interpreting or applying its provisions, contact the [Ombuds Office](#), [Human Resources](#), [Equal Opportunity Programs](#), or the [Provost's Office](#).

Any person covered by this policy who is determined to have violated this policy, including the anti-retaliation or interim measures provisions, is subject to disciplinary sanctions up to and including suspension, termination, or dismissal from the University, in accordance with applicable policies and procedures (including, for tenured and non-tenured faculty, those contained in the Faculty Handbook). Bullying, when substantiated, should be documented and taken into consideration as an important factor in evaluating an employee's performance, subject to established evaluation

procedures.

Student employees who are in violation of this policy are also subject to the procedures detailed in the Gallaudet University Code of Conduct applicable to students.

This policy is not intended as a replacement for the University's policies on Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation, Workplace Violence, the Gallaudet University Student Conduct of Code, the Student Handbook, the Faculty Handbook, or existing Administration and Operations policies.

OTHER CAMPUS RESOURCES

Ombuds Office

The Ombuds Office provides informal, impartial conflict resolution and problem-solving services regarding academic or work-related concerns. The Ombuds Office is a strictly confidential resource. Unless there is an imminent risk of serious harm, the Office will not disclose the identity of individuals who have used its services or information provided without express permission. In addition, this is not an office of record nor a place for filing complaints. Communications with the Ombuds Office do not place the University on notice, and individuals seeking to file complaints will be informed of appropriate University resources. In the interest of maintaining confidentiality, the Ombuds Office requests that anyone seeking assistance contact the office at: 202-559-5079 or by e-mail: [Contact](#) to make an appointment.

Equal Opportunity Programs

The Equal Opportunity Programs Office works with University Administration, departments, and committees to ensure that University policies and programs comply with applicable nondiscrimination requirements. For more information, this office can be contacted by e-mail: [Contact](#) or at: 202-559-5683.

1.28 Combating Trafficking in Persons

Last Revised: 29 April 2021

Refer Questions to: The Office of the General Counsel

Statement

Gallaudet University (the “University”) opposes trafficking in persons and trafficking-related activities in any form. The University condemns such activities as contrary to the University’s core values, mission, and commitment to equity and belonging.

Policy

Trafficking in persons and trafficking-related activities are prohibited under federal and state laws and University policy. It is the University’s policy that no funds will be accepted or used in connection with any trafficking in persons and trafficking-related activities. All University staff, faculty, teachers, and students, as well as contractors, contractor employees, and their agents who do business with or on behalf of the University, shall not engage in or support such activities.

Prohibited trafficking in persons and trafficking-related activities include:

- engaging in severe forms of trafficking in persons, defined to mean forcing an individual, or when the individual is a minor, to perform a commercial sex act or forcing someone to work against their will;
- denying an individual access to their identification and/or immigration documents;
- lying or using deceit to recruit an individual for employment and/or using recruiters who are in violation of the local labor laws of the country where recruitment occurs;
- making recruited employees pay for their placement or recruitment fees;
- under certain circumstances, not providing or paying for the employee’s return home when employment has ended;
- providing or arranging housing for an employee that does not meet the host country housing and safety standards;
- when required by law or contract, not providing an employee with a legal agreement in writing in the employee’s native language at least five days prior to the employee’s departure from their point of origin; and
- any other activities identified by the Federal Acquisition Regulation Council as directly supporting or promoting any aspects of trafficking in persons.

Any activities observed or suspected to violate the prohibition on trafficking in persons should be reported to the [University’s Whistleblower Hotline](#) or by contacting the Global Human Trafficking Hotline at 1-844-888-FREE or by email at help@befree.org. It is the University’s policy to [prohibit any acts of retaliation](#) against any individual making a whistleblower report in good faith.

Violations of this policy may result in disciplinary action, including but not limited to, removal from the applicable contract, reduction in benefits, or termination of employment.

Applicability

This policy applies to all divisions of the University and to University staff, faculty, teachers, and

students, as well as contractors, contractor employees, and their agents who do business with or on behalf of the University.

Purpose

The purpose of this policy is to ensure the University's compliance with Federal Acquisition Regulation ("FAR") Subparts 22.17 and 52.222-50 regarding combating trafficking in persons by government contractors and federal award recipients.

Responsibilities

- The Office of the General Counsel provides general oversight of this policy.
- The Principal Investigator awarded a contract on behalf of the University that is federally funded must engage the Office of Sponsored Programs for support.
- The Office of Sponsored Programs:
 - maintains and administers a compliance plan that meets the requirements under FAR Subpart 52.222-50(h); and
 - reports violations involving a funded project to the funding agency and works with the funding agency to ensure compliance with grant and contractual requirements.
- All University staff, faculty, teachers, and students, as well as contractors, contractor employees, and their agents who do business with or on behalf of the University shall:
 - as applicable, cooperate with appropriate entities for the purpose of conducting audits, investigations or other actions related to compliance with anti-trafficking laws and regulations;
 - report any activities observed or suspected to violate the prohibition on trafficking in persons;
 - report to local law enforcement or Child Protective Services in the event they suspect a minor is a victim of trafficking in persons activities; and
 - complete all mandatory training as required by any applicable compliance plan.

Related Resources, Forms, and Tools

<https://www.acquisition.gov/far/subpart-22.17> (last checked February 21, 2021)

<https://www.acquisition.gov/far/52.222-50>

<https://oag.dc.gov/public-safety/human-trafficking-initiatives/human-trafficking-fact-sheet>

<https://www.acf.hhs.gov/otip/training/nhttac>

[A&O Manual Section 1.15: Policy on Reporting Suspected Misconduct \(Whistleblower Policy\)](#)

Approved by: Gallaudet University Administration and the Clerc Center Administration

History

April 29, 2021: First version approved

1.29 Policy Development, Issuance, and Revision

Last Revised: 6 May 2021

Refer Questions to: Office of the Chief Operating Officer and Office of the General Counsel

Scope

This Policy applies to all employees – faculty, teachers, staff, paraprofessionals, student workers, and administrators – in all offices and divisions of Gallaudet University and the Laurent Clerc National Deaf Education Center (Clerc Center) (collectively, the University). This Policy addresses the process for developing, issuing, revising and maintaining all Gallaudet University Policies and Procedures applicable to the University community.

Policy

This Policy ensures that the University community has access to well-developed and understandable University Policies. University Policies must be aligned with Gallaudet's mission, values, and goals while enhancing operational efficiency and governance. The University formally approves, issues and maintains in a consistent format, official University Policies and Procedures, as defined below. At minimum, all University Policies and Procedures must be approved by the Responsible Executive and may require additional levels of approval as described. Individuals engaged in developing and maintaining University Policies and Procedures must follow the Procedures outlined in this Policy. The Responsible Executive is responsible for ensuring compliance with this Policy and related Procedures.

Definitions

Policy Statement: is a governing principle that typically instructs or constrains actions, has institution-wide application, changes infrequently and sets a course for the foreseeable future. A Policy Statement helps to ensure compliance with applicable laws, regulations and agency guidance and reduces institutional risk.

Responsible Executive: is the appropriate administrative officer (typically, the president, provost, chiefs, associate provost, dean) whose jurisdiction covers the subject matter of the Policy. The Responsible Executive is responsible for ensuring that the Policy content is aligned with the University's mission, values, and goals, any applicable ethical standards, and appropriately enhances University governance. The Responsible Executive is accountable for the integrity of a Policy's principles and compliance with this Policy and related Procedures.

Responsible Office: is the office(s) designated by the Responsible Executive to develop and administer a Policy, communicate with and train the University community on its requirements, and execute its timely updating and revisions.

Stakeholders: are University community members who are affected by the Policy being developed and/or who have subject matter expertise of the area covered by the Policy.

Stakeholder Groups: are specific University committees and representative organizations that are routinely provided with formal notice of A&O Policy changes. Stakeholder Groups include, but are not limited to the Clerc Center Employee Relations Council, Faculty of Color Coalition (FoCC), Faculty Senate, Organization for Equity for Staff of Color (OESOC), Gallaudet Staff Council (GSC),

and Student Body Government (SBG), and the Graduate Student Association (GSA).

University Policy (Policy): is a Policy Statement of a management philosophy and direction, which is established to provide guidance and assistance to the community in the conduct of University affairs. At minimum, University Policies must be approved by the Responsible Executive and may require additional levels of approval as described below. Herein, University Policies refers to A&O, Interim A&O and Internal Policies collectively as “Policy” or “Policies.”

University Procedures (Procedures): are guidelines or a series of interrelated steps taken to implement a University Policy. University Procedures are reviewed and updated as necessary to ensure alignment with the most recent revision to a Policy, as well as consistency with all Policies. At minimum, University Procedures must be approved by the Responsible Executive and may require additional levels of approval as described below but generally, do not require formal approval by the Board of Trustees.

A&O Policy: is a University Policy published in the Administration and Operations (A&O) Manual that is applicable to the University community at large and must be approved by the President and Executive Team of the University, and the Board of Trustees, if it has a significant impact on institutional direction, values, priorities and principles and/or on the human, fiscal or physical resources of the institution. An A&O Policy is subject to a heightened approval process as described in the Procedures below.

Interim A&O Policy: is an A&O Policy that is implemented on an interim basis (generally, less than six months) prior to adhering to the heightened A&O approval process in order to address an identified risk or legitimate business need, or in order to comply with existing or new laws, regulations or agency guidance. All Interim A&O Policies must be approved by the President and Executive Team of the University.

Internal Policy: is a University Policy that applies to the operations of individual units or departments. An Internal Policy must be approved by the Responsible Executive, but is not subject to the approval process applicable to A&O Policies (though it is recommended that a similar process is followed). Internal Policies may not conflict with A&O Policies, but may be more restrictive.

Trustee Policy: is a Policy Statement that is adopted by the University Board of Trustees pursuant to the Board of Trustees Bylaws Article II, Section 2.1 in furtherance of its governance responsibilities. Trustee Policies are not University Policies, and as such, are not subject to this Policy or related Procedures.

Procedures for Policy Development, Issuance and Revision

All individuals who are engaged in drafting, approving, revising and disseminating a Policy must adhere to the requirements outlined in the following Procedures. The Responsible Executive is responsible for ensuring compliance with this Policy and related Procedures.

In certain and limited circumstances, a Responsible Executive may implement an Interim A&O Policy, with the President and Executive Team’s approval, in order to address an identified risk or legitimate business need, or in order to comply with existing or new laws, regulations or agency guidance, prior to completing the A&O approval process outlined below. Except in exigent circumstances, Interim A&O Policies may not be extended past six (6) months unless the below A&O approval process has been initiated prior to the expiration of the six (6) month period. Further, Internal Policies that apply to the operations of individual units or departments may not conflict with any A&O Policy, but may be more restrictive.

All Policies must:

- support the University’s mission, values and goals, including its Bilingual Mission and commitment to equity, diversity and inclusive excellence;

- achieve accountability by identifying the division, office or program responsible for the Policy;
- provide faculty, staff, teachers, students and other community members with clear and concise Procedures for implementing the Policy; and
- document how the University conducts business.

All Policies and Procedures shall be:

- easy to find, read, and understand;
- culturally appropriate and sensitive;
- presented in a common format and made available in American Sign Language and other accessible formats upon request;
- maintained centrally and electronically;
- accessible to all interested parties;
- linked electronically to any additional procedures or guidance for implementing the Policy;
- formally sponsored, reviewed and approved by the Responsible Executive, and if applicable, the President, Executive Team and/or Board of Trustees; and
- kept current within the framework of an organized system of change management.

All A&O Policy Development, Issuance and Revision Must Follow this Process:



Identify a Need: any individual, department or unit may identify the need for a new or revised A&O Policy. The Responsible Executive must agree to sponsor its development and if so, decides its relative priority and development timeline.

Draft/Revise: the Responsible Executive appoints the Responsible Office(s) to consult with the Office of the General Counsel (OGC) in developing or revising the A&O Policy or Interim A&O Policy. The Responsible Office(s) will identify key Stakeholders and if appropriate, external subject matter experts, who will be consulted during the drafting process.

Legal Review: the Responsible Executive submits the proposed A&O Policy to the OGC for legal review. Legal feedback is incorporated, as appropriate, by the Responsible Office(s). This step may be repeated and/or expedited as needed.

Stakeholder Groups Review: the Responsible Executive identifies the appropriate Stakeholder Groups that should be provided formal notice and an opportunity to comment prior to the implementation of the proposed A&O Policy. Stakeholder Groups feedback is incorporated, as appropriate, by the Responsible Office(s).

Executive Team Review: the Responsible Executive provides members of the Executive Team and the President with an opportunity to review and comment on the nature, relative impact, and scope of the proposed Policy, as appropriate. Executive Team Feedback is recorded by the Responsible Executive and incorporated, as appropriate, by the Responsible Office(s). The proposed Policy is sent to OGC for a final review. This step may be repeated and/or expedited as needed.

Approval: the Responsible Executive submits the proposed Policy to the COO and OGC for final review and approval. If Board of Trustees approval is required, the COO will present the proposed

Policy to the Board of Trustees at the next scheduled meeting or will request that the Executive Committee meet to approve the proposal Policy. When the final Policy is approved by all required parties, the Responsible Executive sends the signed final copy to the COO and OGC for publication and maintenance.

Maintenance and Oversight of Policies and Procedures

The Office of the Chief Operating Officer (COO) oversees and serves as the administrator of the A&O Manual. The COO or their designee serves as the custodian of all current, revised and prior archived A&O and Interim A&O Policies, including supporting documents, in order to promote compliance and accountability.

The Responsible Executive oversees and manages all Internal Policy formulation, approval, and issuance within their jurisdiction. The Responsible Executive determines the review cycle of each policy, and at minimum, it is recommended that policies are reviewed triennially. The Responsible Executive or their designee serves as the custodian of all current, revised or prior archived Internal Policies, including supporting documents, in order to promote compliance and accountability. Additionally, the Responsible Executive is responsible for the A&O Policy formulation, approval, and issuance process.

The OGC oversees the A&O Policy formulation, approval, and issuance process, and tracks A&O and Interim A&O Policies that are under development. The OGC may, when appropriate and at the request of the Responsible Executive, also provide support to the Internal Policy formulation, approval and issuance process.

Substantive Changes to Existing Policies and Procedures

Substantive changes can only be made by following the Procedures set forth in this Policy. In special cases, a Responsible Executive may deem it appropriate to withdraw an existing A&O Policy or implement an Interim A&O Policy, as described above. Such action can only be done with the approval of the President and Executive Team. Non-substantive changes that do not have a direct community impact are exempt from these Procedures and can be made by OGC or the Responsible Executive at any time.

Pre-Existing Policies and Procedures

Policies and related Procedures that pre-exist the establishment of this Policy are still to be maintained in full force and effect; however, future revisions of all pre-existing Policies and related Procedures will conform to the requirements set forth in this Policy.

Compliance

Institutional compliance with all local, state, and federal laws rules, regulations and agency guidance precedes University Policy; therefore, any changes mandated by new legislation or guidance will be made without any consideration to the processes outlined herein.

1.30 Clerc Center Guidelines on Transgender and Gender Non-Conforming Students

Last Revised: 15 November 2021

Introduction

The purpose of this policy is:

1. to foster an educational environment that is safe, welcoming, and free from stigma and discrimination for all students, regardless of gender identity or expression,
2. to facilitate compliance with local and federal laws concerning bullying, harassment, privacy, and discrimination to include gender identity and expression,
3. to ensure that all students have the opportunity to express themselves and live authentically.

Definitions

These definitions are provided not for the purpose of labeling students but rather to assist in understanding this policy and the legal obligations of school and personnel. Students may or may not use these terms to describe themselves or their experiences.

BULLYING

Written, verbal, or physical conduct, including via electronic communication, that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in, or benefit from, a program or activity; or to create a hostile or abusive educational environment, adversely affecting a student's education, including acts of verbal, nonverbal, or physical aggression or intimidation. This includes bullying that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion, or another distinguishing characteristic. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates. Bullying is frequently referred to as harassment when it pertains to a characteristic protected by non-discrimination laws.

GENDER EXPRESSION

The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

GENDER IDENTITY

A person's deeply held knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate and largely inflexible part of a person's identity. One's gender identity can be the same or different than the gender assigned at birth. The responsibility for determining an individual's gender identity rests with the individual. Children typically begin to understand their own gender identity by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person's social and familial development.

GENDER NONCONFORMING

A term sometimes used to describe people whose gender expression differs from stereotypical expectations, such as “feminine” boys, “masculine” girls, and people who are perceived as androgynous in some way. Most gender nonconforming people are not transgender. For example, a non-transgender girl who has short hair and likes sports might be considered gender nonconforming. The term “gender nonconforming” is also sometimes used to refer to people whose gender identity is not male or female.

NONBINARY/GENDERQUEER

These are terms often used to describe people whose gender is not exclusively male or female, including those who identify with a gender other than male or female, as more than one gender, or as no gender.

SEXUAL ORIENTATION

A person’s romantic and/or physical attraction to people of the same and/or another gender, such as being straight, gay, bisexual, or asexual. Transgender and gender nonconforming people may have any sexual orientation.

TRANSGENDER

An adjective describing a person whose gender identity is different from that traditionally associated with the gender they were thought to be when they were born. A transgender girl is a girl who was thought to be male when she was born. A transgender boy is a boy who was thought to be female when he was born. Some transgender people have a gender that is neither male nor female, and may use terms like non-binary to describe their gender.

TRANSITION

The process in which a person begins to live according to their gender identity, rather than the gender they were thought to be at birth. Transition is a process that is different for everyone, and it may or may not involve social, legal, or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

Scope

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, and during a student’s commute to and from school. This policy also pertains to usage of electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, and on school computers, networks, social media sites, as well as any electronic communication that is directed at a student and that substantially interferes with the student’s ability to participate in or benefit from the services, activities, or privileges provided by the Clerc Center.

This policy applies to the entire school community, including teachers, staff, students, parents, and volunteers.

Bullying, Harassment, and Discrimination

Discrimination, bullying, and harassment on the basis of gender identity or expression is prohibited

at the Clerc Center. It is the responsibility of KDES and MSSD and all teachers and staff to ensure that all students, including transgender and gender nonconforming students, have safe school environments. The scope of this responsibility includes ensuring that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age- and developmentally-appropriate action, and providing students, and teachers and staff with appropriate resources and supports. Enforcement of anti-bullying policies should focus on education and prevention rather than exclusionary discipline. Complaints alleging discrimination or harassment based on a student's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints.

Privacy/Confidentiality

The Clerc Center shall ensure that all personally identifiable and medical information relating to transgender and gender nonconforming students shall be kept confidential in accordance with applicable local and federal privacy laws. KDES and MSSD teachers and staff shall not disclose any information that may reveal a student's transgender status to others, including parents or guardians and other teachers and staff, unless legally required to do so or unless the student has authorized such disclosure. In the rare instance that the Clerc Center is legally required to disclose a student's transgender status, the Clerc Center will provide the student an opportunity to make that disclosure themselves, where practicable. This includes providing the student with any support services the student would need to make the disclosure in a safe and supportive environment.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to use a different name, to transition at school, or to disclose their transgender status to teachers/staff or other students does not authorize an employee to disclose a student's personally identifiable or medical information. Before contacting the parent or guardian of a transgender student, teachers and staff should ask the student whether to use their chosen name and the pronouns that correspond to their gender identity, or whether to use their legal name. (See "Student Transitions" below.)

Media and Community Communication

When communicating to the media or community about issues related to gender identity or expression, the Clerc Center shall have a single spokesperson to address the issue. Rather than directly commenting on the issue, other teachers and staff shall direct parents and the media to the designated spokesperson. Protecting the privacy of transgender and gender nonconforming students must be a top priority for the spokesperson and all teachers/staff, and all personally identifiable and medical information shall be kept strictly confidential, in accordance with local and federal privacy laws

Names, Pronouns, and School Records

Every student has the right to be addressed by a name and pronouns that correspond to the student's gender identity. Regardless of whether a transgender or gender nonconforming student has legally changed their name or gender, the Clerc Center will allow such students to use a chosen name and gender pronouns that reflect their identity. It is recommended that teachers/staff privately ask transgender or gender nonconforming students how they want to be addressed in class and in the school's communication with the student's parents or guardians.

Some transgender and gender nonconforming youth may request to use "he" or "she" pronouns,

while others may feel most comfortable being addressed by gender-neutral pronouns such as “they” or “ze” or just referred to by their names (without pronouns).

If the student has previously been known at school by a different name, the school administration will direct teachers and staff to use the student’s chosen name and appropriate pronouns. To ensure consistency among teachers and staff, every effort will be made to immediately update student education records (such as attendance reports, class rosters for substitutes, school IDs, transcripts, electronic records, etc.) with the student’s chosen name and appropriate gender markers.

In some circumstances, administrators may be specifically required by law to record a student’s name or gender as it appears on documents such as a current birth certificate. In those instances, school administrators shall record this information in a separate, confidential file to avoid the inadvertent disclosure of the information. All records that are not specifically required by law to match government-issued documents shall be updated upon a student’s request.

Access to Gender-Segregated Activities and Facilities

With respect to all residential facilities, restrooms, locker rooms, or changing facilities, students shall have access to facilities that correspond to their gender identity. KDES and MSSD maintains separate restroom, residential, and locker room facilities for male and female students, along with some facilities that are ‘all gender’ and are used by one person at a time, but allows all students equal access to facilities that are consistent with their gender identity. Students, including nonbinary students, should determine which facilities are consistent with their gender identity. Any student who is uncomfortable using a shared gender-segregated facility, regardless of the reason, shall, upon the student’s request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, single dorm room with private bath, provision to use a nearby private restroom or office, or a separate changing schedule. However, such alternatives shall only be provided to a student upon that student’s request. Requiring a transgender or gender nonconforming student to use a separate space against their wishes threatens to stigmatize the student and disclose their transgender status to others.

Under no circumstances may students be required to use gender-segregated facilities that are inconsistent with their gender identity.

KDES and MSSD may designate some existing facilities that are designed to be used by only one person at a time as accessible to all students regardless of gender. However, under no circumstances shall a student be required to use a single-user facility because they are transgender or gender nonconforming. Upon building renovations and whenever possible, KDES and MSSD may incorporate more single-user facilities and greater privacy into new construction or renovation, and to assess ways to increase privacy for all students in existing facilities.

Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity, under the guidelines established by the local interscholastic association.

Other Gender-Based Activities, Rules, Policies and Practices

Students shall be permitted to participate in any school activity or conform to any such rule, policy, or practice consistent with their gender identity. This includes classroom activities, school ceremonies, and school photos.

Dress Code

Students shall have the right to dress in accordance with their gender identity and expression, including maintaining a gender neutral appearance within the constraints of the school's or Student Life's dress codes. Teachers and staff shall not enforce the school's dress code more strictly against transgender and gender nonconforming students than other students.

Student Transitions

The Clerc Center shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. The assertion may be evidenced by an expressed desire to be consistently recognized as the sex consistent with their gender identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to gender-related programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transitioning. The Clerc Center shall customize support to optimize each student's equal access to educational programs and activities.

Training and Professional Development

The Clerc Center shall conduct training for all teachers and staff members on their responsibilities under applicable laws and this policy. Information regarding this policy shall be incorporated into training for new school employees. To the extent funding is available, the Clerc Center shall implement ongoing professional development to build the skills of all employees to prevent, identify and respond to bullying, harassment, and discrimination. The content of such professional development shall include, but not be limited to:

- i. terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
- ii. developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy;
- iii. developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;
- iv. classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students;
- v. Clerc Center and Gallaudet University policies regarding bullying, harassment, discrimination, and suicide prevention and responsibilities of teachers and staff.

Publication

This policy will be distributed annually to students, parents/guardians, and employees, and it will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school websites.

1.31 Sponsored Project Reporting Requirements on Sexual Harassment and Assault

Last Revised: New

Responsible Unit(s): Office of Research

Equal Opportunity Programs/Title IX

STATEMENT

Gallaudet University (the “University”) condemns sexual harassment and assault in any form as contrary to the University’s core values, mission, and commitment to equity and belonging. All allegations of such misconduct are taken seriously and investigated in accordance with the University’s policies and procedures on Title IX Sexual Harassment and Sexual Misconduct.

Additionally, as a condition of accepting funding from National Science Foundation and/or National Institutes of Health, the University is required to comply with their respective policies regarding institutional reporting of sexual harassment, other forms of harassment, sexual assault, and related misconduct by Principal Investigators, Co-Investigators, and Senior/Key Personnel.

POLICY

It is the policy of the University to comply with a sponsoring agency’s requirement to report findings/determinations of sexual harassment, other forms of harassment, and sexual assault by certain individuals involved with a sponsoring agency’s award to the University that incorporates this reporting requirement as part of their award’s terms and conditions.

National Science Foundation

National Science Foundation (“NSF”) requires compliance with the following NSF Terms and Conditions and policies on reporting harassment and sexual assault:

- [NSF Term and Condition 83 FR 47940: Sexual Harassment, Other Forms of Harassment, or Sexual Assault](#);
- [NSF Grant General Conditions \(GC-1\)](#);
- [NSF Cooperative Agreement Financial & Administrative Terms and Conditions \(CA-FATC\)](#);
- [NSF Research Terms & Conditions](#); and
- [NSF Proposal & Award Policies & Procedures Guides](#)

This requirement applies to all NSF awards, amendments to funding of existing NSF awards, and sub-awards of NSF awards from another entity made on or after October 21, 2018.

Effective October 4, 2021, NSF must be notified if a PI or Co-PI has been found to have violated the University’s policies or codes of conduct, and/or any statutes, regulations, or executive orders related to sexual harassment, other forms of harassment, or sexual assault.

For purposes of reporting, NSF [defines the following](#) as:

- *Sexual Harassment*: May include but is not limited to gender or sex-based harassment, unwelcome sexual attention, sexual coercion, or creating a hostile environment, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders.
- *Other Forms of Harassment*: Non-gender or non-sex-based harassment of individuals protected under federal civil rights laws, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders.
- *Finding/Determination*: The final disposition of a matter involving sexual harassment or other form of harassment under organizational policies and processes, to include the exhaustion of permissible appeals exercised by the PI or Co-PI, or a conviction of a sexual offense in a criminal court of law.

The University's Authorized Organizational Representative ("AOR") must [notify](#) NSF via email to NSF's Office of Equity and Civil Rights within seven (7) business days of the finding/determination to harassmentnotifications@nsf.gov.

Conference Grants: In addition to requiring that the awardee organization has a policy for harassment, NSF further requires that the organization establish clear and accessible means for reporting violations that occur at conferences.

- Whenever required in the proposal application and conference materials, include a link to the University's Non-Discrimination and Anti-Harassment policy.
- The policy or code-of-conduct must be disseminated to all participants in advance of the event.

Travel Grants: The proposer will assure that the meeting organizer has a written policy or code-of-conduct that addresses sexual harassment, other forms of harassment, and sexual assault, and that includes clear and accessible means of reporting violations of the policy or code-of-conduct. The policy or code-of-conduct must address the method for making a complaint as well as how any complaints received during the meeting will be resolved.

Off-Campus or Off-Site Research: For each proposal that proposes to conduct research off-campus or off-site, the AOR must complete a certification that the organization has a plan in place for that proposal regarding [Safe and Inclusive Working Environments](#) (2023).

- Off-campus or off-site research is defined as data/information/samples being collected off-campus or off-site, such as fieldwork and research activities on vessels and aircraft.
- The plan itself is not submitted to NSF as part of the proposal.

The plan must describe how the following types of behavior will be addressed:

- abuse of any person, but not limited to harassment, stalking, bullying or hazing of any kind, whether the behavior is carried out verbally, physically, electronically, or in written form; or
- conduct that is unwelcome, offensive, indecent, obscene, or disorderly.

The plan should identify steps the proposing organization will take to nurture an inclusive off-campus or off-site working environments. The plan should consider communications within the team and to the organization.

National Institutes of Health

National Institutes of Health ("NIH"), in an [update on February 28, 2019](#), announced its efforts to address sexual harassment in science. As a result of NIH's commitment, effective July 9, 2022, the

University is required to notify NIH when individuals identified as a Program Director (“PD”) or PI, or other Senior/Key personnel on a NIH award are [removed from their position or otherwise disciplined](#) for harassment, bullying, retaliation, or hostile work conditions.

The AOR must notify NIH within thirty (30) days of removal or disciplinary action through the [NIH’s dedicated web form](#).

[Conference Grants](#): NIH expects that organizers of NIH-supported conferences and scientific meetings take steps to maintain a safe and respectful environment for all attendees by providing an environment free from discrimination and harassment, sexual or otherwise. Among other strategies that support a safe environment, NIH Guidance recommends establishing a conference code of conduct with clearly stated expectations of behavior, systems of reporting, and procedures for addressing inappropriate behavior. Where required in the proposal application and conference materials, please include a link to the University’s Non-Discrimination and Anti-Harassment policy.

PROCEDURES FOR COMPLIANCE

1. Upon submission to Office of Research for internal routing and approval of a proposal to NSF or to NIH, all Principal Investigators, Co-PIs, Program Directors, or other Senior/Key personnel involved with the proposal will sign an internal statement that indicates their acknowledgement that the University will disclose to the appropriate sponsoring agency any findings/determinations of sexual harassment, other forms of harassment, or sexual assault, and any disciplinary actions taken.
1. If a grant proposal is accepted by NSF or NIH, the University’s Authorized Organizational Representative (“AOR”) shall submit the names of the PI, Co-PI, Program Director, or other Senior/Key personnel to the University’s Equal Opportunity Programs Director and Title IX Coordinator (“EOP/Title IX Director”).
1. The EOP/Title IX Director shall maintain a list of identified PI, Co-PI, Program Director, or other Senior/Key personnel for initial vetting and to ensure they receive training on sexual harassment, other forms of harassment, and sexual assault.
1. Any time an employee has been placed on administrative leave (or any other disciplinary action) with regards to a finding/determination or is being investigated for an alleged violation of the applicable policy on harassment or sexual misconduct or sexual assault, the EOP/Title IX Director shall promptly notify the AOR if the employee has been identified as a PI, Co-PI, Program Director, or other Senior/Key personnel on an active NSF or NIH grant.
1. The AOR shall coordinate with internal stakeholders, including the Dean of Faculty, Human Resources, and Office of Equity, Diversity, and Inclusion, regarding any reportable instances and ensure documentation.
1. Once internal stakeholder groups have been notified, the AOR shall notify the relevant sponsoring agency of any applicable events or actions via the sponsoring agency’s required method of reporting. The AOR shall work with the sponsoring agency to develop a plan of action for continuance of the applicable grant.

APPROVED BY

Gallaudet University Senior Executive Leadership

December 7, 2023

SCHEDULE OF REVIEW

The Office of Research shall review this policy for updates and revision every three years and as needed. The next scheduled review shall be completed by: **JANUARY 2027**.

HISTORY

December 7, 2023 First Issued

Section 2: Fiscal and Physical Resources

2.01 Budget Responsibility

Last Revised: 31 January 2020

Refer Questions to: Administration and Finance, Interim CFO

Scope

This policy applies to all offices and divisions of Gallaudet University.

Policy

Gallaudet University receives a significant amount of funding from the Federal Government through the U.S. Department of Education. The President is responsible for presenting Federal budget requests consistent with the mission and goals of the University and for ultimately determining the amount of funds to be allocated to divisions and units.

Responsibility for budget management and control is vested in administrative officers who may delegate signature authority to management personnel who are considered budget unit heads. It is the responsibility of both administrative officers and budget unit heads to manage their resources responsibly and effectively and to operate within the resources provided. Once the budget is determined, it establishes a level of spending authority which may not be exceeded without the approval of the administrative officer. Administrative officers and senior administrators may move funds within and between units under their control through the budget revision process.

The Education of the Deaf Act Amendments of 1992 place certain restrictions on the use of appropriated funds by Gallaudet University. Specifically, the University is prohibited from using appropriated funds to pay for:

- Alcoholic beverages
- Goods or services for personal use
- Housing and personal living expenses (but only to the extent such expenses are not required by written employment agreement)
- Lobbying
- Membership in country clubs and social or dining clubs or organizations

Payment for goods or services contained in this list may not be made from accounts supported by the University's Federal appropriation. This restriction extends to funding for travel and entertainment. If a budget unit head has any doubts concerning the definitions of these items, the Office of the Executive Director, Finance (Controller), should be contacted.

In addition, the Education of the Deaf Act Amendments restrict, but do not prohibit, the use of appropriated funds for several other purposes. These include interest payments on loans, costs of building and equipment rentals, and payment of royalties and other costs for uses of patents. In general, the University is permitted to use appropriated Federal funds for these purposes as long as the costs are reasonable. In the case of interest payments on debt associated with the construction

or renovation of buildings, appropriated funds should not be used to pay for any debt associated with construction that occurred more than 10 years ago.

It is the responsibility of the Vice President for Administration and Finance and staff to monitor and control the expenditure of funds and the revision of budgets during the course of the fiscal year and to ensure that the University's financial resources are managed effectively and prudently.

Approved by: Gallaudet University Board of Trustees

2.02 Authority to Approve Financial Documents

Last Revised: 8 May 2020

Refer Questions to: Finance Office

Scope

This policy applies to all offices and divisions of Gallaudet University.

Policy

All obligations and disbursements of institutional funds must be made with proper authority. Administrative officers are responsible for delegating signature authority in a manner that preserves and protects the financial welfare of the University. Authority to approve financial commitments of institutional funds is delegated in the manner described below.

Definitions

Administrative Officer: The President, Vice-President or C-Level Executive.

Senior Administrator: Dean, Associate Provost, Executive Director, or Director who reports directly to an Administrative Officer.

Unit Administrator: Director, Manager, or Department Head who reports directly to a Senior Administrator.

Budget Unit Head: Administrative officer, senior administrator, and unit administrator, if delegated, with authority to approve documents when the cost is \$10,000 or more.

The administrative officer may delegate signature authority at a higher level as appropriate.

Signature authority must be approved by the administrative officer. The Finance Office has the responsibility and control over the paper and electronic records of such approval. Such records are subject to internal review and external audit.

Purchase Order Requisitions, Check Requests, Interdepartmental Invoices, Travel Documents, Purchase Card Purchases

- The signature of the administrative officer is required on documents when the cost is \$25,000 or more, and on international travel documents.
- The signature of the senior administrator, and unit administrator if delegated, is required on documents when the cost is \$10,000 to \$24,999.
- The signature of the unit administrator is required on documents when the cost is \$500 to \$9,999, and on domestic travel documents.
- A duly appointed representative may be authorized by the unit administrator to sign documents when the cost is under \$500.

Position Requisitions

The signatures of the unit administrator, senior administrator and administrative officer are required on all Position Requisitions. The signature of the Director of Equal Opportunity Programs is also required before a job may be offered.

Personnel Action Forms

Personnel Action Forms for salary obligations or other changes must be approved by the unit administrator, the senior administrator, and Human Resources. The administrative officers may request to approve the forms for their divisions.

Special Personnel Action Forms

Special Personnel Action Forms must be approved by the unit administrator, the senior administrator, and Human Resources. The administrative officers may request to approve the forms for their divisions.

Bi-weekly Payroll Review

The approval of the department head is required.

Budget Revisions

The signature of the administrative officer or senior administrator is required to move funds within and between units under their control.

Educational Assistance/Tuition Waiver/Tuition Assistance

Requests for educational assistance and tuition waiver must be approved by the unit administrator and Finance Office. Tuition waivers must also be approved by the designated registration official(s). Tuition waivers for self-supporting programs must be approved by the unit administrator of the program. Tuition Assistance is approved by the Finance Office.

Contracts/Consulting Agreements

Contracts and consulting agreements must be approved by the senior designated purchasing official(s), Chief Financial Officer or designee, or the President.

Purchase Orders

Purchase orders must be approved by the senior designated purchasing official(s), Chief Financial Officer or designee, or the President.

Checks and Electronic Fund Payments

Checks may be signed only by a person(s) specifically designated by the Board of Trustees.

Other

All other documents are normally approved by the unit administrator, senior administrator, and/or administrative officer. For information regarding petty cash, refer to the Petty Cash policy.

The signature of the next higher level of management, or the Chief Financial Officer or designee, is normally required on all documents authorizing a payment to or expense for an individual with signature authority. A unit administrator, senior administrator, or administrative officer may authorize personal petty cash reimbursement for an expense not exceeding \$100 as long as the request is accompanied by a receipt.

Approved by: Gallaudet University Board of Trustees

2.04 Salary Advance

Last Revised: 2 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to faculty, teachers, and staff in all offices and divisions of Gallaudet University.

Policy

Employees are expected to handle their personal financial matters in a manner that does not involve the University. Accordingly, employees are normally paid only on regular pay days. Employees who find it necessary to obtain funds in advance of a normal pay day should make other arrangements.

In certain situations, newly hired employees may request their pay in advance if they anticipate a real hardship waiting for the first regular pay day. In highly unusual and isolated instances, the unit administrator, after consulting with the Executive Director of Human Resources, can authorize a salary advance for a new employee via check request for up to 75 percent of the first pay period wages due for hours worked or any portion thereof, provided that the employee must acknowledge the pay advance in writing, which will include the terms and deadline for repayment. Processing of such check request usually takes a minimum of three working days. Whether to authorize a pay advance is in the sole discretion of Gallaudet University and is not an entitlement of any employee.

Approved by: Gallaudet University Administration

2.05a Travel

Last Revised: 3 February 2025

Refer Questions to: Coordinator, Administrative Services, A & F

Scope

This policy applies to faculty, teachers, sponsored student groups, student work study, and staff in all offices and divisions of Gallaudet University. This policy does not apply to vendors under contract with the University. Vendor contracts will contain travel and other reimbursement requirements.

Policy

Gallaudet University reimburses faculty, teachers, students and staff for travel expenses incurred while on official University business as long as the travel and expenses are: (1) consistent with the institution's overall mission; (2) within budgetary limitations and approved by the Budget Unit Head; (3) cost effective; (4) reasonable; and (5) in compliance with the TRAVEL AND ENTERTAINMENT GUIDELINES as approved by the President and appended to this policy.

Travelers are required to make air, train and rental car reservations using the [deem@work](#) (former Rearden online reservation system) or by contacting Travel-On. Hotel accommodations must be made using Rearden or Travel-On unless attending a conference or workshop that offers a discounted conference rate. All overnight accommodations must be in moderately priced lodging facilities. Air and train reservations cannot be charged to the department's purchase card or the traveler's personal credit card. Expenses for meals consumed while traveling on official University business are reimbursed at the per diem rates established in the TRAVEL AND ENTERTAINMENT GUIDELINES. Complimentary meals provided on air carriers or meals included in the cost of a conference are not reimbursed. If attending a conference, the agenda should be attached to the Travel Advance/Reimbursement Form.

Travelers requiring the use of an automobile at their destination are reimbursed for the cost of the rental. Travelers should select a compact class automobile unless group travel requirements dictate otherwise. Employees using their personal automobiles are reimbursed at the per mile rate established by the administration, up to an amount equivalent to the lowest airfare available to the destination.

Other related expenses incurred while on official University business are reimbursed at actual cost, e.g., taxi fares, tolls, parking, reasonable hotel tips, and business-related telephone charges. Luggage fees charged by airlines are reimbursed as described in the TRAVEL AND ENTERTAINMENT GUIDELINES. Personal expenses, such as the purchase of luggage, traffic fines, gifts, club dues, travel insurance (other than for rental cars), in-room movies, passport fees, visa fees, immunization fees, personal entertainment, airline clubs, baby-sitting fees, clothing, and personal automobile repairs are not reimbursable. Spouse travel expenses are not reimbursed unless the spouse is on official University business and unless the travel is approved in advance by the administrative officer.

An expense advance may be provided to the traveler based on the estimated cost of non-ticketed expenses. Upon return, faculty, teachers, students and staff must submit an accounting of expenses to the Finance Office within five business days. Authorized expenses exceeding the advance will be

reimbursed.

Failure to comply with this policy and with the TRAVEL AND ENTERTAINMENT GUIDELINES may be cause for delay or non-reimbursement. Additionally, faculty, teachers, and staff with outstanding travel advances may be subject to payroll deductions.

Approved by: Gallaudet University Administration

Guidelines

TRAVEL AND ENTERTAINMENT GUIDELINES

1. TRAVEL RESERVATIONS

Gallaudet requires that all faculty, teachers, and staff and student groups use the online [deem@work](#) (former Rearden online reservation system) or contact Travel-On to arrange travel requiring the use of scheduled carriers, tour vendors, overnight lodging, and/or car rentals. GSA fares are available only by contacting Travel-On. Travel-On and Rearden bill the University directly for scheduled air and rail transportation charges. Travel-On charges a fee for its services. A reduced fee is charged for reservations made online through Rearden. The traveler's University departmental credit card or personal credit card cannot be used to purchase air or train tickets.

2. TRAVEL APPROVAL

Approval for travel must be obtained from the appropriate administrator prior to purchasing tickets or requesting a travel expense advance. The [Travel Advance/Reimbursement Form](#) should be completed and signed by the approving administrator two times, prior to travel and upon return. A copy of the signed Travel Advance/Reimbursement Form must be given to the Finance Office prior to the start of the trip. Failure to do so will result in non-reimbursement of travel expenses upon return. Faculty and/or organizers for student group travel, including study abroad and travel paid through grants, should refer to the academic approval requirements detailed on the Office of International Programs & Services web page. All international travel must be approved at the Vice President level in accordance with the aforementioned guidelines.

3. TRANSPORTATION FARE SELECTION

When traveling on official University business, faculty, teachers, student groups, and staff should select the lowest logical fare to their intended destination whether by air or rail. Travel-On can advise regarding GSA schedules and fares whenever possible. Travelers are not expected to use GSA schedules and fares if space or scheduled flights are not available in time to accomplish the purpose of the trip, if the GSA fare is higher than the lowest non-refundable fare, or if the use of the service would require the traveler to incur unnecessary overnight lodging costs. Failure to use a GSA fare that accommodates the travel logistics, and is lower priced, could result in a penalty being charged to the department by the carrier used. Travel being funded by a Federal grant requires the traveler to use a U.S. air carrier and comply with this policy, the Uniform Guidance and the Federal Travel Regulation requirements.

4. PERSONAL AUTOMOBILE

Effective February 3, 2025

Standard mileage rate for using a car, van, pickup, or panel truck
70 cents per mile for work use.

At times it may be more convenient for travelers to use their personal car instead of scheduled carriers. The lowest possible airfare to the destination should be obtained from Travel On and that information attached to or recorded on the Travel Advance/Reimbursement Form. The University reimburses actual mileage from home or office, whichever is less, and return at a per mile rate. The University may reject claims for mileage expenses that exceed the lowest logical fare available at the time of the trip. A record of the beginning and ending odometer readings should be recorded on the Travel Advance/Reimbursement Form. Estimated total mileage is not acceptable. Students should not be transported in an employee's personal vehicle.

5. LODGING SELECTION

Travelers should select accommodations from moderately priced properties. Preference should be given to facilities that offer preferred rates to the University, unless the location is inappropriate for the purpose of the trip. For example, when attending seminars and conventions, travelers may stay at the facility hosting the meeting and these reservations can be made directly with the conference or convention organizer. Travelers are not required to share accommodations. Reimbursement will not be made for hotel accommodations less than 50 miles from Gallaudet. All lodging accommodations for student group travel must be made through Travel On.

6. VEHICLE RENTAL

Gallaudet asks travelers to conserve institutional resources by renting a compact vehicle for business travel. Travelers should rent a car, rather than use a transportation service, unless the requirements of a group dictate otherwise. Travelers who need a large vehicle with a value exceeding \$35,000 must notify the Office of Risk Management and Insurance prior to the trip. Also, travelers should make sure to understand the company's refueling policy and select the option that has the least expense to the University. When traveling for Gallaudet University, faculty and staff should check their departmental guidelines before purchasing insurance from the rental car company. Gallaudet carries liability insurance to protect the institution and its employees, and it carries physical damage coverage that pays to repair the rental vehicle. Travelers are encouraged to get an insurance card from the Office of Risk Management and Insurance prior to the trip. Rental companies often impose "loss of use" and other administrative fees if the rental vehicle is involved in an accident. The department sponsoring the trip is responsible for any costs or fees not covered by Gallaudet's insurance, and it can opt to either: (a) purchase additional insurance offered by the rental company, or (b) directly pay any uninsured costs or fees from the departmental budget. All international student group ground transportation must be arranged through Travel On.

7. PER DIEM RATES

Standard Per Diem Effective February 3, 2025

Breakfast	\$16.00
Lunch	\$19.00
Dinner	\$28.00
Incidentals	\$5.00
Daily Total	\$68.00

Per diem expenditures are at the discretion of the traveler, but no expenses in excess of the allowable per diem will be reimbursed. Travelers are not eligible for a diem allowance if the travel is less than 50 miles from Gallaudet University. Tips are included in the per diem rates. Meals provided in conjunction with seminars and on transportation carriers may not be claimed as part of the per diem allowance. Breakfast or dinner per diem expenses are not

honored if travel begins after 9 a.m. or ends before 6 p.m. respectively. The University defines a trip as beginning no more than two hours prior to the initial flight or one hour after the final flight or rail travel. Travel being funded by a Federal grant will be eligible for the per diem allowance established by the University. Incidental expenses includes fees or tips given to porters, baggage carriers, hotel staff and other miscellaneous tips.

8. **OTHER REIMBURSABLE EXPENSES**

The following travel related expenses are reimbursable: airline imposed baggage fees for one bag per traveler, taxi fares and airport transfer vans, parking charges, tolls, gasoline for rental cars, baggage handling tips, excess baggage charges for University equipment, business-related telephone charges, currency conversion charges, and other incidental expenditures incurred while on business travel. These expenses must be recorded on the travel voucher and supported by receipts.

9. **NON-REIMBURSABLE EXPENSES**

The following expenses are not reimbursable: hotel accommodations and per diem allowances for travel less than 50 miles from Gallaudet, the purchase of luggage, fee for more than one personal bag, traffic fines, gifts, club dues, travel or flight insurance, in-room movies, personal entertainment, airline clubs, baby-sitting fees, check cashing charges, clothing, and personal automobile repairs, maintenance, and gasoline. Alcoholic beverages are not reimbursable. Spouse travel is not reimbursable unless the spouse is traveling as a representative of the University and the travel is approved in advance by the administrative officer. **For all travel being paid for by the University: failure to obtain signed approval by the appropriate administrative officer and send a copy of the signed Travel Advance/Reimbursement Form to the Finance Office prior to travel will result in expenses not being reimbursed upon return.**

10. **INSURANCE**

Worldwide flight insurance is provided with each ticket issued to University employees by Travel-On or Rearden. Gallaudet does not reimburse additional insurance costs incurred by the traveler such as personal flight insurance and personal accident insurance. Additionally, Gallaudet assumes no liability for damages or other losses that may occur during travel. University sponsored group travel must be arranged by Travel On. Comprehensive cancellation, health and liability insurance will be included in the cost of the trip.

11. **INBOUND TRAVEL**

When inviting guests to campus at Gallaudet's expense, the department covering the expense must use the services of Travel-On or Rearden to make arrangements and prepare the appropriate Travel Advance/Reimbursement Form (e.g., interview candidates, guest lecturers, guest panelist, etc.).

12. **SPONSORED TRAVEL**

In cases where travel is at the expense of another organization, the traveler should recognize his/her obligation to minimize expenses. Travelers may make arrangements in compliance with these guidelines and invoice the hosting organization. Upon receipt of payment, the check should be deposited in the Cashier's Office to the traveler's department account. Travel being funded by a Federal grant are required to comply with this policy.

13. **STUDENT GROUP TRAVEL**

Faculty or staff organizing/leading student group travel must use Travel On for all air reservations, ground transportation, hotel accommodations, and tour vendors. Travel On will contract with all transportation, accommodation and tour vendors and the Gallaudet department will remit funds to Travel On for arrangements.

14. **RECEIPT REQUIREMENTS**

Only expenses actually incurred are reimbursed. Original receipts are required for all

expenses except for per diem meal costs. Receipts should be detailed vendor receipts rather than the more general charge transaction slips. The last original copy of the airline, rail, or bus ticket must be attached to the Travel Advance/Reimbursement Form. Reproduced copies are not acceptable.

15. EXPENSE ADVANCES

An expense advance will be issued to the traveler when an authorized, Travel Advance/Reimbursement Form detailing estimated expenditures for the trip, is submitted at least two weeks in advance to the Finance Office. Advances are made to Gallaudet personnel and students only. The advance is calculated based on the appropriate per diem meal rates and estimated out-of-pocket expenses to be incurred by the traveler. Scheduled carrier transportation expenses are billed monthly directly by Travel-On and Rearden to the traveler's department. The minimum advance is \$100. Petty cash travel advances are prohibited. Advances are direct deposited whenever possible. Advances are not given to employees or students with past-due Travel Advance/Reimbursement Forms.

16. REGISTRATION FEES

Advance registration fees for seminars and conventions should be paid using the University purchasing card.

17. EXPENSE REPORTING

All expenses incurred must be recorded on the Travel Advance/Reimbursement Form. Upon return from a trip, a completed travel form must be submitted to the Finance Office within five working days. Travel Advance/Reimbursement Forms must be approved by the unit administrator two times, once prior to travel and again upon return when requesting expense reimbursement. Reimbursements are processed within five working days and are direct deposited to the traveler's account whenever possible. Refunds from travel advances must accompany the travel form. Travelers may not enclose cash with the travel form. If necessary, cash refunds should be deposited in the Cashier's Office, and the cash receipt attached to the travel form.

18. UNIVERSITY VEHICLES

University vehicles are available for official regional travel. Requests for University vehicles must be approved by the appropriate unit administrator and received by the Transportation Department a minimum of five working days prior to the trip. Transportation forms and procedures can be found on the Transportation Department's web page.

19. ENTERTAINMENT

All entertainment expenditures must be approved in advance by the unit administrator and/or senior administrator. Prudence should be exercised when entertaining guests of the University whether in Washington, D.C. or out-of-town. Only actual costs are reimbursed. Meals are reimbursed at the scheduled per diem rates, unless otherwise authorized. Alcoholic beverages are not reimbursable.

20. MEETING ARRANGEMENTS

Travel-On offers assistance in planning sponsored meetings, negotiating preferred rates for accommodations, group travel, and securing special transportation discounts.

21. SPOUSE TRAVEL

Occasionally spouses are asked to travel on official University business. A separate Travel Advance/Reimbursement Form must be completed and signed by the appropriate administrator for University-sponsored spouse travel.

22. BUSINESS AND PERSONAL TRAVEL

In instances where a traveler interrupts business travel for personal convenience, travels by an indirect route, or is accompanied by his/her spouse not on University business, the traveler must maintain accurate records for official business travel. The University does not reimburse any expenses incurred on behalf of the spouse or for personal travel. Travelers on a Gallaudet

sponsored trip, who desire to extend their stay or join the group at a later date must secure written permission from the tour organizer/leader PRIOR to the start of the trip and before group tickets have been issued. The travelers are responsible for any charge assessed for deviation from the group itinerary.

23. **ACCIDENTS**

Any accident, injury, or threat of litigation that occurs during business travel should be reported to the Office of Risk Management and Insurance within 24 hours. This includes: (a.) an injury to the employee traveler; (b) an injury to a student or volunteer traveling with the employee travelers; (c) an injury (physical or alleged violation of civil rights) sustained by someone who claims that it was caused by an employee of Gallaudet University; and (d) any other misunderstanding, alleged breach of contract or promise, or other threat or incident that might result in litigation. Under no circumstances should a traveler admit liability or fault on behalf of the University nor should he or she compromise the University's ability to defend against any claim in any way. If travelers are uncertain as to the reporting requirements, they should err on the side of making a report to the Office of Risk Management and Insurance.

2.05b International Travel Review Policies and Procedures

Effective date of policy: August 1, 2021 (revision 6/10/22)

Expiration date: Ongoing

Keywords: international travel, risk screening.

Scope

This policy applies to sponsored international travel* by Gallaudet University and Laurent Clerc National Deaf Education Center (collectively, the University) employees, and students. "Sponsored travel" means that which is funded fully or partially by the University, or is part of an academic, work, or collaborative endeavor that is affiliated with the University, regardless of funding source. (Independent contractors are excluded from this policy unless otherwise specified in their contracts with the University.)

For personal international travel, the Gallaudet community is encouraged to embrace the spirit of this policy, which is intended to protect their health and well-being.

For sponsored international travel, all approved travelers are required to review and abide by the following requirements and procedures:

Policy Statement

The purpose of this policy is to provide broad guidelines and establish procedures related to sponsored international travel. It outlines the University's enhanced procedures for assessing any risk to the safety and well-being of its travelers. The University will adhere closely to travel advisories issued by the U.S. government. University [division chiefs](#) will be supported in their decisions on travel requests through analyses provided by pertinent offices. All decisions regarding sponsored international travel are made on a case-by-case basis, and Gallaudet University reserves the right to revoke any travel approval and recall travelers at any time for any reason. Travelers are responsible for complying with this policy and other applicable University policies.

All approved sponsored international travelers are required to review and abide by the following requirements and

procedures:

1. Receive COVID-19 vaccinations and the country's required vaccinations. The University currently monitors the vaccination status of employees and students. The Office of International Affairs (OIA) will assess those with an approved exemption from the University on a case-by-case basis.
2. Any student who intends to travel out of the country under University sponsorship must go through the Education Abroad and International Fellowships (EA) team in OIA at [Education Abroad](#) and abide by the EA deadlines for each semester.
3. It is the joint responsibility of the traveler and the University to stay updated on health and safety information about travel destinations prior to approval. In deciding on requests to travel outside the United States, the University relies on travel risk advisories from the U.S. Department of State and the Centers for Disease Control and Prevention (CDC). See <https://travel.state.gov/>.
4. The University will not sponsor international travel if it imposes a health or safety risk to the traveler (e.g., if a country is experiencing a COVID-19 surge or a spike in violence).
5. Comprehensive health insurance coverage (which may include emergency evacuation coverage) must be in place. Coverage for employees may include a combination of the University's insurance policy, personal health insurance, and additional travel insurance. The requirements and options will be explained to the traveler.
6. Travel is permitted to countries with State Department/CDC advisory levels 1 or 2. If the advisory level is raised after travel is approved, the University reserves the right to withdraw approval.
7. Permission to travel to Level 3 advisory countries requires a risk screening and a waiver from a [division chief](#), and will be strictly enforced.
8. Generally, travel to Level 4 advisory countries is prohibited unless [essential](#). The U.S. government has clarified the intent of Level 4 classification as "Do Not Travel" due to extremely critical serious conditions within a country. Sufficient documentation showing that the travel is essential and a plan that includes adequate support for the health and safety of the traveler during their time in the destination country is required. Travel to Level 4 nations also necessitates a risk screening and a waiver from a [division chief](#), and will be strictly enforced.
9. Sponsored travelers must sign a general liability release, available on OIA's webpage.
10. To help ensure protection of intellectual property, the federal government requires universities and research institutions to implement concrete export compliance measures for specific nations, including measures to

protect intellectual assets and materials during travel and to declare interactions and relationships, such as for research.

11. At least three weeks prior to the departure date, the traveler must send their itinerary, contact information, and a copy of their passport to the Department of Public Safety (DPS) so that the University is aware of the employee's travel, and can provide assistance if needed. (Student travelers' information will be sent to DPS by EA.)
12. The University, at its sole discretion, may change or cancel the program at any time, including the itinerary, travel arrangements, or accommodations, and require travelers outside of the U.S. to return home, if the University determines that conditions pose potential danger to travelers.
13. The approved international traveler must agree to comply with the University's emergency procedures and take steps prior and during trips to ensure personal safety, including making available multiple means for contact, communicating itineraries and any amendments with Gallaudet and appropriate parties, signing up for travel alerts, and completing an orientation. Each traveler will be instructed on University protocols covering emergency communications, assembly of travelers, and situations calling for cancelation of travel. Updates to these procedures will be provided in a timely fashion.

Please send inquiries by email to [International Travel](#), or visit the Office of International Affairs in Building 103.

International Travel Requests

Sections

Content & Links in each section

- | | |
|---------|---|
| 1 Intro | Here, employees of Gallaudet University will find details and forms for requesting approval of travel outside the United States. The University's official policy on international travel is in the <i>A&O Manual</i> . |
|---------|---|

Sections

Content & Links in each section

For University Employees:

1. At least two months prior to the planned trip, the traveler must prepare and **submit the following forms to [International](#)**

[Travel:](#)

1. [International](#)

[Traveler Questionnaire](#)

2. [General](#)

[Liability Release for University Personnel](#)

3. [Travel](#)

[Advance/Reimbursement Request Form](#)

The University may decline requests received less than two months prior to the date of travel.

1. The employee's supervisor and unit director should review and sign the required travel documents.

2. The supervisor will forward material to OIA via [International Travel](#).

OIA will facilitate the review by pertinent offices, and make a recommendation to the [division chief](#). **The forms**

will be

2 What to do

reviewed first for risk screening (based on the responses from the international travel questionnaire), then costs (from the Travel Advance/Reimbursement Request form).

3. The [division chief](#) will approve or deny

the request, then inform the traveler or their supervisor. **Employees will be notified of**

the decision on their travel request by their supervisor/director. If travel is approved, the traveler will then follow the University's policy and procedure to reserve tickets and lodging.

For University Students:

1. Education Abroad and International Fellowship's (EA) online system has the necessary forms

and steps of completing an application for students; see <https://abroad.gallaudet.edu> or email [Education Abroad](#).

1. All sponsored travel requests for any purpose **are to be approved by** the student's school director and by the Manager of EA in OIA at [Education Abroad](#).

Students must

add travel health

insurance; this will be handled by EA.

Sections

Content & Links in each section

- The review and approval of international travel requests is managed by University [division chiefs](#) in consultation with OIA.
- 3 Who decides request include the DPS (security planning), COVID-19 Response Team (health-related), Campus Services Operations (insurance), Finance Office (funding) and, if appropriate, the Office of the General Counsel (legal), and Human Resources (administrative).
- 4 FAQ [Link to FAQ](#)
[Travel Guard app](#)
- Questions?**
- 5 At bottom Send an email to [International Travel](#) or visit the Office of International Affairs in Building 103.

2.06 Procurement

Last Revised: June 30, 2025

Effective: April 9, 2025

Refer Questions to: Director, Strategic Sourcing

Scope

This policy applies to all offices and divisions of Gallaudet University.

Policy Statment

This policy establishes the parameters of a procurement program and application of best business practices to acquire the supplies, materials, goods, property, equipment, and services, including professional services, necessary to support and facilitate the instructional and service mission of Gallaudet University.

Policies and Procedures

The University does not purchase goods and services for the private use of any employee or student. The use of the University's name, funds, pricing schedules and tax exemption status for personal purchases is strictly prohibited. In all procurement activities, the University encourages open competition and does not enforce quotas or identity-based preferences.

2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) requires a high level of formal documentation to meet the procurement standards, beginning with required organizational policies and procedures surrounding the procurement process. All direct procurements made by Gallaudet University involving the expenditure of Federal funds will be made in accordance with 2 CFR Sections 200.318 through 200.327. Gallaudet University is not required to follow these specific procurement policies for the procurement of any goods or services that are not directly paid for with Federal funds. The policy provides written documentation of the University's procurement policy and meets the requirements of the standards set forth in 2 CFR Sections 200.318 through 200.326.

Competition

Notwithstanding any below guidance to the contrary, all procurement transactions must be conducted in a manner that provides full and open competition. In order to ensure objective contractor performance and eliminate unfair competitive advantages, contractors that develop or draft specifications, requirements, statements of work, invitations for bids, or requests for proposals will be excluded from competing for such procurements. Some examples of situations considered to be restrictive of competition include, but are not limited to, the following:

- Placing unreasonable requirements on firms in order for them to qualify to do business with

Gallaudet University;

- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Executing noncompetitive contracts with consultants that are on retainer contracts;
- Specifying only a “brand name” product to be offered; and
- Any arbitrary action in the procurement process.

METHODS FOR PROCUREMENT

General Guidelines

All procurement transactions, regardless of method or dollar value, must maximize open and free competition. Gallaudet University shall not engage in procurement practices that may be considered arbitrary or restrictive. Procurements shall be made using one of the following methods in accordance with 2 CFR § 200.320 “Procurement methods”:

- (1) procurement by micro-purchases,
- (2) procurement by simplified acquisition,
- (3) procurement by competitive sealed bids,
- (4) procurement by competitive proposals, or
- (5) procurement by non-competitive proposals.

A summary of the appropriate usage of the various procurement methods is shown in the table below; additional detail regarding each of the procurement methods follows.

Annual Supplier Spend Threshold	Procurement Requirement
\$5,000 or less	Micro-purchase: Purchasing Card or PO; competitive bids are optional but not required; Purchasing Card Policy (A&O Policy 2.06a) applies
More than \$5,000 but less than \$50,000	Micro-purchase: PO Required, unless exception to No PO, No Pay Policy*; competitive bids are optional but not required and price must be deemed reasonable
More than \$50,000 but less than \$250,000	Simplified acquisition: Must obtain bids or quotes from three (3) sources or provide sole source justification; contract and PO required unless exception to No PO, No Pay Policy*
\$250,000 or more	Must solicit competitive sealed bids or RFPs from at least three (3) qualified sources or provide sole source justification; document selection criteria; contract and PO required unless exception to No PO, No Pay Policy*

*Reference No PO, No Pay Policy (A&O Policy 2.06b)

Regardless of the procurement method being used, bids will be accepted only from those contractors who have a proven record of an ability to successfully complete the scope of work being bid. References should be requested along with the contractor's bid proposal. Any contractors submitting a bid must produce (along with their bid documents) written proof of liability insurance and worker's compensation coverage. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources in awarding contracts.

In addition, all solicitations must contain a clear and accurate description of the technical requirements for the material, product, or service to be procured. This description must not contain features that unduly restrict competition. All solicitations must identify all requirements that the bidders must fulfill and all other factors that will be used by the University in evaluating bids or proposals. Finally, the University must ensure that all solicitations include enough qualified sources to ensure maximum open and free competition.

1. Micro-purchases are the acquisition of supplies or services that cost, in aggregate, no more than \$50,000.00. Micro-purchases may be awarded without soliciting competitive bids if the Gallaudet University Strategic Sourcing Department considers the price to be reasonable.

2. Simple Acquisition is a relatively simple and informal procurement method for securing services, supplies, or other property that cost no more than \$250,000. Price or rate quotations must be obtained from an adequate number of qualified sources. As a general rule, a minimum of three bids should be obtained and documented.

3. Sealed Bids must be publicly solicited and a firm fixed price contract (lump sum or unit price) will be awarded to the responsible bidder whose bid is the lowest in price while conforming to all material terms and conditions of the solicitation. The sealed bid method is the preferred method of procuring construction, if the following conditions apply:

- A complete, adequate, and realistic specification or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively for the business; and
- The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made largely on the basis of price.

In addition to the above, the following requirements apply:

- Bids must be solicited from a sufficient number of known suppliers who are given adequate response time prior to the date set for opening the bids;
- The invitations for bids must accurately and comprehensively define the items or services in order for the bidder to properly respond;
- All bids should be opened at the time and place identified in the invitation for bids;
- A firm fixed price contract will be made in writing to the lowest responsive and responsible bidder; and
- Any or all bids may be rejected if there is a sound documented reason for doing so.

4. Proposals This procurement technique is generally used when conditions are not appropriate for sealed bids and more than one source submits an offer and either a fixed price or cost-reimbursement contract is awarded. When the proposal method is used, the following requirements apply:

- Requests for proposals (RFP) must be publicized and identify all evaluation factors and their relative importance;
- Proposals must be solicited from an adequate number of qualified sources; for purposes of this policy, three proposals are generally deemed to be adequate;
- The Gallaudet University Strategic Sourcing Department must have a documented method for conducting technical evaluations of the proposals received and for selecting recipients;
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and in the event that Gallaudet University is procuring architectural/engineering professional services, the most qualified competitor would be selected subject to negotiation of fair and reasonable compensation.

5. Noncompetitive Proposals Noncompetitive negotiations may be used when one or more of the following circumstances apply:

- The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;
- The item being procured is available only from a single source;
- The public need or emergency nature of the procurement will not permit a delay resulting from a competitive solicitation;
- The Federal awarding agency expressly authorizes noncompetitive proposals in response to a written request from Gallaudet University; or after solicitation of a number of sources, competition is determined to be inadequate.

In instances where a contract is awarded using noncompetitive negotiations, the University must clearly document its position and rationale for doing so. Noncompetitive contracts must be approved by the University's Strategic Sourcing Department.

Unnecessary or Duplicative Items

Gallaudet University must avoid the acquisition of unnecessary or duplicative items. When appropriate, an analysis of lease vs. purchase alternatives should be made.

CONTRACTS

Generally, all procurement transactions in excess of \$10,000 will be memorialized and supported by a written contract. Where it is not feasible, or it is impractical to prepare a contract, a written finding to this effect will be prepared and some form of documentation regarding the transaction will also be prepared. All contracts will contain language, which allows Gallaudet University the opportunity to cancel any contract for cause. Examples of cause include (but are not limited to) demonstrated lack of ability to perform the work specified, unwillingness to complete the work in a timely fashion, cancellation of liability insurance or worker's compensation by the contractor, failure to pay suppliers or workers, unsafe working conditions caused by the contractor, failure to secure materials adhering to BABA, failure to comply with Davis-Bacon wage laws (where applicable), failure to keep accurate and timely records of the job, or failure to make those records available to Gallaudet University (on request) or any other documented matter which could cause a hardship for Gallaudet University if a claim should arise or the work not be completed on schedule at the specified cost.

In addition to other provisions that may be required by the Federal awarding agency, all contracts made by the University under any Federal award must contain the following provisions, as applicable:

- Adherence to Build America, Buy America Act (BABA) requirements under the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 117-58;
- In the event that the University awards a prime construction contract in excess of \$2,000 for Model Secondary School for the Deaf or Kendall Demonstration Elementary School, the contract must include a provision for compliance with the Davis-Bacon Act;
- Contracts for more than \$10,000 must address termination for cause and for convenience by the University, including the manner in which the termination will be affected and the basis for settlement;
- All contracts in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704. In short, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours; work in excess of the standard work week is permissible only if the worker is compensated at a rate of at least one and half times the basic rate of pay for all hours worked in excess of 40. In addition, no laborer or mechanic may be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous;
- Contracts for more than \$250,000 must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for sanctions and penalties as appropriate;
- All contracts that meet the definition of "federally assisted construction contract" must include the equal opportunity clause provided under 41 CFR 60-1.4(b).
- Contracts and subgrants in excess of \$250,000 must contain a provision that requires the awardee to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act and the Federal Water Pollution Control Act, as amended. Violations must be reported to the Federal awarding agency and to the EPA;
- Contractors that apply or bid for an award exceeding \$100,000 must certify that it has not and will not use Federal funds to pay any person or organization for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or other award and, finally,
- The contractor or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements," as applicable.

Contractual Arrangements with Students, Faculty, Staff, and Family Members

The University may on occasion enter into contractual or procurement agreements with students, faculty, teachers, staff, or members of their immediate families. An acquisition of goods and services from a business in which an employee has an interest may be prohibited unless full disclosure of the background facts is presented in writing in accordance with the Conflict of Interest policy.

Former employees may be awarded consulting agreements; however, during the first two years following separation, the daily rate for the consulting agreement may not be more than ten percent (10%) above the former employee's last daily rate with the University.

Notwithstanding the aforementioned, faculty, teachers, staff, and former employees cannot be issued income on a W-2 and earnings via a 1099 within the same calendar year.

Debarment and Suspension

A contract or sub-grant must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM). SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by Federal agencies, as well as parties declared ineligible under statutory or regulatory authority. Non-federal entities are prohibited from contracting with or making sub-awards under covered transactions to parties that are suspended or debarred. Gallaudet University must confirm that all new contractors, consultants, and sub-recipients are not listed in SAM Exclusions. In addition, the contractor must disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.

DOCUMENTATION

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement action shall be separately filed and maintained. Where it is not feasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection or rejection, basis for cost (including the establishment of reasonableness of cost), rationale for method of procurement and contract type, and basis for payment.

CODE OF CONDUCT

Conflict of Interest

A conflict of interest occurs when an employee, officer, agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties identified above, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. No employee, officer, or agent of the University may participate in the selection, award, or administration of a contract supported by a Federal award if they have a real or apparent conflict of interest. In the event that a conflict of interest, real or apparent, exists, the employee, officer, or agent of Gallaudet University must notify the appropriate officials of Gallaudet University of the potential conflict prior to any bid or awarding of a contract and recuse themselves from the decision making process.

Acceptance of Gratuities

No employee, officer, or agent of Gallaudet University shall solicit or accept personal gifts, gratuities, or favors from contractors/subcontractors or suppliers and potential contractors/subcontractors or suppliers, if such acceptance obligates or could be construed to obligate the University to conduct further business with that contractor/subcontractor or supplier. Occasional association with contractor/subcontractors and suppliers at luncheons or dinners and the

acceptance of small advertising novelties are helpful in establishing business rapport and are not considered unethical.

Disciplinary Actions

Any Gallaudet University employee, officer, or agent who knowingly and deliberately violates the provisions of this Code of Conduct may be open to legal action including up to and including termination. Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with Gallaudet University.

Approved by: Gallaudet University Administration

2.06A Purchasing Card Policy

Formerly part of A&O Policy 2.06 prior to April 9, 2025

Last Revised: June 30, 2025

Effective: April 9, 2025

Refer Questions to: Director, Strategic Sourcing

Scope

This policy applies to all employees of all units or programs and divisions of Gallaudet University.

Policy Statement

Under the Gallaudet University Purchasing Card ("PCard") program, Gallaudet University employees are empowered to make small dollar purchases on behalf of their unit or program. PCard holders are expected to make sound business decisions in the best interests of the University and to comply with the following established policies and procedures governing use of the PCard.

The benefits of the Purchasing Card program include:

1. The Purchasing Card Program is designed to streamline the procurement process. Use of the PCard by authorized users expedites and simplifies the purchase of goods and supplies and allows departments flexibility in procuring needed items.
2. Use of the PCard improves efficiency and reduces costs involved in small dollar purchases, eliminating the need to create and process requisitions, purchase orders, or supplier invoice requests. The University receives one monthly invoice for all PCard charges, eliminating the need to process individual supplier invoices.

Policies and Procedures

Issuance of Purchasing Cards

1. As the Purchasing Card program administrator, the Strategic Sourcing department coordinates issuance, maintenance, suspension, and cancellation of PCards.
2. PCards are issued to full-time employees with Unit Administrator and Executive Team member approval. All PCard requests must meet specific business and operational requirements that justify issuing a PCard.
3. PCards are not transferable.

Use of Purchasing Cards

1. Transaction and spending limits are approved on an individual basis in accordance with A&O Policy 2.02 Authority to Approve Financial Documents. A per transaction dollar limit and cycle spending limit, as deemed appropriate by the executive team member, are assigned to each PCard.
2. Use of the PCard for personal charges are strictly forbidden.

3. Non-travel related spend exceeding \$5,000 with a given supplier must be submitted to the Strategic Sourcing Department for processing.
4. Authorized PCard holders may make purchases in person, by phone, or electronically. All ordered items must be shipped directly to the University.
5. Purchases should be made from reputable merchants only. Back orders should be avoided.
6. When making purchases, PCard holders must inform merchants of the University's tax-exempt status and supply a copy of the Tax Exemption Certificate (available from Strategic Sourcing). If sales tax is assessed, the PCard holder is responsible for contacting the supplier for a credit.
7. Purchasing Cards may be used for:
 - a. Office, educational, and other operating supplies
 - b. Maintenance, grounds, and custodial supplies
 - c. Books and materials
8. PCard holders are not required to solicit competitive bids/quotes for low value single purchases with a given supplier; however, they should seek the best value for the University and ensure the price paid is reasonable.

Prohibited Purchases

PCards may not be used to pay through electronic third party platforms such as PayPal, Zelle, Venmo, any entity owned by the University, for any personal items, or for any reason that is not directly related to the PCard holder's employment with the University, including, but not limited to, the following:

Personal services	Electronic equipment
Appliances	Furniture
Luggage	Traffic fines
Gifts/Gift Cards	Club dues
Travel insurance	In-room movies
Personal entertainment	Airline clubs
Baby-sitting/childcare fees	Clothing
Personal automobile repairs	Alcoholic beverages

PCard Holder Liability/Responsibility

1. PCard holders are responsible for the proper use and safeguarding of cards issued to them.
2. PCard holders must maintain accurate records of all PCard transactions, and promptly report a lost or stolen card through a Strategic Sourcing General Inquiry ServiceNow ticket.
3. All purchases made with the PCard must be within established budgets and comply with University policies. **Any violation of this policy may result in the PCard holder losing PCard privileges, and the PCard holder may be subject to University disciplinary action.**
4. PCard holders are personally liable for any unauthorized charges. A PCard holder who makes unauthorized purchases or carelessly uses the PCard may be liable for the total dollar amount of such unauthorized purchases. **Additionally, the PCard holder may lose PCard privileges and may be subject to University disciplinary action.**
5. PCard holders are responsible for all returns of goods. Returns must be credited to the PCard holder's account. Cash refunds are strictly prohibited.
6. Upon separation from Gallaudet University, the PCardholder must return the PCard to College

Hall 108 or destroy the PCard and provide any necessary documentation to their Unit Administrator. The Unit Administrator is responsible for reconciling the account with the employee.

Dispute Resolution

If a PCard holder does not agree with a charge posted on a monthly statement, they should attempt to resolve the problem with the supplier. If the supplier agrees that an error has been made, the supplier must issue a credit to the PCard holder's account. PCard holders should keep copies of all documentation dealing with disputed items until they are resolved.

If a purchase is found to be defective or incorrect, the PCard holder is responsible for obtaining replacement, correction, or credit as soon as possible. If a merchant refuses to replace or correct the goods, or to offer a credit, the purchase is considered to be in dispute and the PCard issuer should be notified through submitting a Strategic Sourcing General Inquiry ServiceNow ticket.

Recordkeeping

PCard holders are required to maintain records and original, itemized receipts of all transactions. Monthly expense reports, including itemized receipts, must be approved by the 10th of the following month. If a receipt is missing, a written explanation detailing the nature and reason for the charge is required.

Unit Administrators are responsible for the following:

1. Assuring that the purchased goods and services were received
2. That appropriate procedures were followed
3. That appropriate documentation has been provided
4. That applicable University policies and Federal regulations, including those on travel expenses, were followed.

The Finance office will retain all documentation in accordance with the document retention policy.

Purchasing Card Agreement

On an annual basis, each approved PCard holder is required to sign the Purchasing Card Agreement, which describes the responsibilities associated with the use and safeguarding of a PCard. Failure to comply with the Purchasing Card Agreement may result in the revocation of PCard privileges and disciplinary action up to and including termination of employment.

Approved by Gallaudet University Administration

2.06B No Purchase Order, No Pay Policy

“No Purchase Order (PO), No Pay” Policy

Last Revised: June 30, 2025

Effective: April 9, 2025

Refer Questions to: Director, Strategic Sourcing

Scope

This policy applies to all offices and divisions of Gallaudet University.

Policy Statement

Gallaudet has implemented a “No PO, No Pay” policy requiring that all purchases for goods and services be supported by a purchase order (PO) that has been fully approved by the required parties prior to any payment being issued. See policy [“2.02 – Authority to Approve Financial Documents”](#) for further information on the parties necessary for approval of a PO.

Benefits of No PO, No Pay

The “No PO, No Pay” policy is beneficial to both the University and the supplier in that it:

- Strengthens internal controls by ensuring that those with applicable budgetary responsibility have properly authorized all purchases.
- Confirms the price of goods/services agreed to by the supplier and the University.
- Allows the supplier and the University to agree to the contractual terms and conditions of an engagement before the supplier commits to delivery.
- Improves the efficiency of the invoicing and payment process by creating a PO number that can be easily referenced on the supplier invoices.
- Allows the PO number to be used within enterprise resourcing planning systems to better track the status of payment as invoices move through the accounts payable process.
- Provides the budget administrator with a clear idea of what funds have been encumbered and what is still available to be spent and allows the University Finance office to more accurately project results.
- Holds both the supplier accountable for delivery and the University accountable for payment once the goods or services have been rendered.

Requesting Payment

In accordance with this policy, the previously approved PO number that is generated with the creation of the PO must accompany any request for invoice payment. All purchase requisitions must be created and approved before the purchase of goods and/or start of service.

Except as noted below in Exceptions to the Policy, any invoice presented for payment that is not

accompanied by a PO number will be rejected for payment.

Exceptions to the Policy

While this policy is applicable to most of the University's purchasing activities, certain transactions are specifically exempted from the "No PO, No Pay" policy. These include:

Administrative & Operations Expenses

Utilities (electricity, gas, water)
Leases
Insurance Premiums
Magazines and Newspapers
US Homeland Security, VISA, and other
Federal HR Obligations
Travel for Staff
Group Meals
Conference Registrations, Memberships
Federal and State Government Authorities
and Tax Only Payments

Academic & Research Expenses

Stipends and Research Participant Support
Costs
Awards, Scholarships, Honoraria
Payments to Student Organizations
Refunds
Royalty Payments
Travel for Faculty and Students
Group Meals
Athletic Officials
Legal Settlements

For more details or questions related to the exceptions to this policy, please contact Strategic Sourcing.

Approved by Gallaudet University Administration

2.07 Petty Cash

Last Revised: 24 March 2020

Refer Questions to: Director, Financial Services

Policy

Whenever possible, purchases using University funds should be made in accordance with the Procurement policy. However, when this procedure is not practical and a small purchase needs to be made by cash, a department may use petty cash funds. Petty cash may not be used for purchases exceeding \$100.

All requests for reimbursement using petty cash must be appropriately authorized and submitted to the Cashier's Office or Accounts Payable (if you have direct deposit) with a receipt. An employee may be authorized to receive an advance of petty cash funds for the purchase; however, a receipt must be submitted within three working days of receipt of the funds. If a receipt cannot be submitted, a written explanation from the unit administrator, senior administrator, or administrative officer must be provided.

Only departments needing cash for sales or change purposes may maintain a petty cash fund. Petty cash accounts must be approved by the Executive Director, Finance (Controller), and may be periodically audited by the Director of Audit and Management Advisory Services. Temporary petty cash funds for specific events must also be approved by the Executive Director, Finance, and all cash must be strictly accounted for.

No faculty member, teacher, or staff employee may borrow money, cash checks, or secure a temporary loan for personal needs from a petty cash fund.

Approved by: Gallaudet University Administration

2.08 Collection of Accounts Receivable

Last Revised: 9 March 2020

Refer Questions to: Director, Financial Services

Scope

This policy applies to students and to all offices and divisions of Gallaudet University.

Policy

In order to provide for the financial strength and continued solvency of the University, Gallaudet must vigorously pursue the collection of all accounts receivable. If necessary, outstanding accounts will be referred to a collection agency and/or to legal counsel.

Students are responsible for arranging financing and payment of their bills. As a precautionary measure, all students are required to sign a promissory note at registration. All registration charges to students are due and payable at the time of registration. If students are unable to pay all charges at the time of registration, the University requires them to sign a promissory note. However, any amounts due from a prior term must be paid before the student is granted permission to register for a subsequent term. Students who are unable to pay off prior balances because of a major, unexpected financial emergency may appeal to the Financial Appeals Committee for additional time to pay off their balances. However, the committee has sole discretion in approving or rejecting those appeals. The decision of the committee is final.

Charges for which a student has a written vocational rehabilitation (VR) authorization are credited to the student and billed to the VR agency. Formal written authorizations from foreign governments or agencies are treated like those from the United States for billing purposes. Any amounts billed to an agency which are not accepted for payment are charged to the student's account and the student must pay the unmet portion or the account will be sent to a collection agency and/or legal counsel.

Approved by: Gallaudet University Board of Trustees

Procedures

1. The Office of the Chief Financial Officer has primary responsibility for implementing the necessary controls and procedures for the successful collection of all accounts receivable.
2. In the event a student with an amount past due does not attempt to register or is denied registration:
 1. The student will be notified in writing that his/her account is past due and that payment is required within 30 days.
 2. If payment is not received by the end of 60 days from the initial notification, the student will be informed in writing that payment must be received within 15 days or the account will be turned over to a collection agency and/or legal counsel will be retained to assist with the collection;
 3. If payment is not received within 75 days from initial notification, the account will be turned over to a collection agency and/or legal counsel will be retained to assist with the collection.
3. Perkins Loans are collected in accordance with procedures and regulations issued by the U.S.

Department of Education. Any amounts due to Gallaudet under similar special projects are collected according to regulations governing those programs.

4. In the event a student receives payment from Gallaudet sources (other than payroll) while still owing for registration or other charges, such payments are first applied to the student's account.
5. Other units having accounts receivable responsibility, such as the bookstore, summer programs, and Gallaudet Press, must submit written collection procedures to the Chief Financial Officer for approval.
6. Approved procedures must be followed for all collections. Any alternative procedures must be approved in writing by the Chief Financial Officer.

2.09 Federal, State or Other Sponsored Program Support

Last Revised: 20 May 2015

Refer Questions to: Director, Office of Sponsored Programs

Scope

This policy applies to faculty, teachers, and staff in all offices and divisions of Gallaudet University and to all institutional applications for externally funded projects sponsored by federal and state entities, professional organizations and associations, and other potential sponsors. These projects for research, instruction, training, and academic services involve performance obligations and must be officially submitted through Gallaudet University.

Policy

In order to support the scholarship of the Gallaudet community and to expand the financial resource base for important projects and programs, Gallaudet University actively encourages the development of proposals to obtain external funding for such projects. Since proposals for grants and contracts represent potential financial, legal, and administrative commitments on the part of the University, it is mandatory that the requisite institutional approval be obtained by submitting proposals through the Office of Sponsored Programs.

To provide for high quality and professional standards as well as uniformity of policies and procedures in applications for externally sponsored program support, all faculty, teachers, and staff are required to process grant and contract proposals through the Office of Sponsored Programs. The Director of Sponsored Programs is designated by the President of the University as the certifying representative for Gallaudet University for proposals. The Director of Sponsored Programs is authorized to negotiate with sponsors on behalf of the University. The Office of Sponsored Programs serves as the official liaison between the University and outside sponsors.

Approved by: Gallaudet University Administration

Procedures

These procedures apply to, but are not limited to: (1) all new applications for grants or contracts; (2) continuation requests on multi-year awards; (3) any budget or project revisions requiring sponsoring agency approval; (4) internal budget revisions not requiring sponsoring agency approval; and (5) requests for time extensions to complete a grant.

1. Employees intending to submit a proposal must contact the Office of Sponsored Programs to obtain the appropriate forms and guidance on the necessary requirements for securing University approval.
2. A proposal should reach the Office of Sponsored Programs at least five working days in advance of the deadline date. This lead time is required to: (a) review the proposal for compliance with applicable sponsor guidelines and federal and University policies; (b) secure official University endorsement of the proposal; (c) assist in or arrange for proposal delivery. Should appropriate lead time not be provided, at the discretion of the Office of Sponsored

Programs, the proposal may or may not be submitted to the sponsoring agency on behalf of the University.

3. The Office of Sponsored Programs is responsible for establishing guidelines necessary to implement this policy. The guidelines are available from the Office of Sponsored Programs. In general, the Office of Sponsored Programs is responsible for:
 - a. staying apprised of quid pro quo grant and contract opportunities and for serving as an information clearing house for the campus community;
 - b. staying apprised of the changing priorities of external sponsors and their respective proposal submission procedures;
 - c. determining what certifications are required by the funding agency, including assurance and compliance forms, and for including these with proposals as appropriate;
 - d. ensuring that the budget is accurate and conforms with Gallaudet and sponsoring agency policies;
 - e. ensuring that the proposal has been endorsed and approved by the appropriate administrators prior to processing the proposal on behalf of the University;
 - f. ensuring that there are not more proposals than may be allowed for certain solicitations;
 - g. reviewing each proposal to determine if human subjects are involved and, if so, referring the proposal to the Institutional Review Board for the Protection of Human Subjects;
 - h. ensuring that proposals are reviewed, as applicable, by the D.C. Office of Intergovernmental Relations for conformance to D.C. plans and objectives.

2.10 Objectivity in Research and Investigator Financial Disclosure

Last Revised: September 2021

Refer Questions to: Special Assistant to the Provost for Research

Scope

This policy applies to Gallaudet University employees who serve as investigators and who apply for funding through Gallaudet from the Public Health Service (PHS), which includes: the National Institutes of Health (NIH) the Centers for Disease Control and Prevention (CDC), the Health Resources and Services Administration (HRSA), the Substance Abuse and Mental Health Services Administration (SAMHSA), the Food and Drug Administration (FDA) and the Agency for Healthcare Research and Quality (AHRQ) or the National Science Foundation (NSF) or other funding agencies with similar requirements. This policy may also be extended to any federal sponsor that has similar requirements with regard to investigator financial disclosure according to the scope of their regulation. The term “investigator” includes the principal investigator, co-principal investigator, and any other person at Gallaudet University who is responsible for the design, conduct, or reporting of research (this may include, for example, consultants and unpaid collaborators) funded by the above funding agencies or an agency with similar requirements as the Public Health Service agencies.

Policy

Overview

The University complies with Public Health Service, National Science Foundation and other federal agency disclosure regulations in order to maintain eligibility to submit applications for grant, cooperative agreement or contract funding to those agencies. Additionally, and most importantly, the regulations are designed to promote objectivity in research and to ensure that the design, conduct and reporting of research conducted at Gallaudet University and sponsored with federal funds are not biased by any perceived or real financial conflict of interest (FCOI) of an investigator. The NIH Office of Extramural Research Conflict of Interest Website contains more information at <https://grants.nih.gov/grants/policy/coi/index.htm> as well as a link to the current regulation “Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought” (42 C.F.R. Part 50, Subpart F) which is the basis for this policy and provides a more extensive definition of what a Significant Financial Interest (SFI) includes. The National Science Foundation’s Award and Administration Guide has more information for NSF investigators at <http://www.nsf.gov>. The body which will determine if an SFI constitutes an FCOI and be responsible for management plans and review of FCOIs will be the Objectivity in Research Committee (ORC) under the auspices of the Dean’s Office of the Graduate School and Professional Programs. The ORC will provide a report to the Dean as each FCOI is determined initially and provide an annual report on all FCOIs.

Training

The Gallaudet University Office of Sponsored Programs (OSP) shall be responsible for ensuring that each investigator is informed about this policy and made aware of the required training through the university’s Collaborative Institutional Training Initiative (CITI). The OSP will ensure that each

investigator has completed the CITI FCOI training prior to engaging in research related to any PHS or NSF-funded grant, cooperative agreement, or contract and at least every (4) years thereafter, and immediately when any of the following applies: (1) this FCOI Policy, the SFI Disclosure Form, or the University's procedures are materially revised in any manner that affects the requirements of the investigators; (2) an investigator is newly appointed to the University; or (3) the University ORC finds that an investigator is not in compliance with this policy or their FCOI management plan.

"Immediately" shall mean the training is provided or made available and the investigators participate in the training expeditiously following the event that triggers the training requirement. The Gallaudet University Institutional Review Board (IRB) for the Protection of Human Subjects will be responsible for maintaining the CITI subscription, ensuring access to CITI training, and retaining records of training completed on behalf of the University.

Disclosure, Review and Monitoring

Disclosure

1. The Office of Sponsored Programs will be responsible for collecting the initial disclosure of SFIs via the customary Routing and Approval Form for the Submission of Proposals (R&A). This initial disclosure shall be provided prior to the submission of all proposals to federal agencies or other sponsors with similar requirements. This initial disclosure will apply to the investigator and any other personnel who would be responsible for the design, conduct, or reporting of research to be funded by the project, which may include, for example, consultants and unpaid collaborators. If an SFI is disclosed, the lead Principal Investigator (PI) on the proposed project will be responsible for completing for themselves and then obtaining an SFI Disclosure Form from all participating investigators.
2. The SFI Disclosure Form shall ask the investigator to list all of the investigator's Significant Financial Interests (and those of the investigator's spouse or domestic partner and dependent children) that reasonably appear to be related to the investigators Institutional responsibilities (as defined below).
3. "Significant Financial Interest" means (subject to the exclusions listed below):
 - (i) Publicly Traded-Entities - With regard to any publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value.
 - (ii) Privately Held Entities - With regard to any non-publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the investigator (or the investigator's spouse or domestic partner and dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest).
 - (iii) Intellectual Property - Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.
 - (iv) Travel Reimbursements - Investigators also must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the investigator and not

reimbursed to the investigator so that the exact monetary value may not be readily available), related to their Institutional Responsibilities in the twelve months preceding the disclosure; provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency, and Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

The term “Significant Financial Interest” does not include: salary, royalties, or other remuneration paid by Gallaudet to the investigator if the investigator is currently employed or otherwise appointed by Gallaudet, including intellectual property rights assigned to Gallaudet and agreements to share in royalties related to such rights; income from investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles; income from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education; or income from service on advisory committees or review panels for a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

With respect to human subjects research, the term “Significant Financial Interest” shall include cases involving any type of remuneration and any type of equity ownership. See also Administration and Operations Manual [Policy 3.03](#) for Gallaudet’s Protection of Human Subjects in Research Projects.

“Institutional Responsibilities” means an investigator’s professional responsibilities on behalf of Gallaudet, including activities such as research, teaching, clinical or other professional practice, academic activities, scholarly events, institutional committee memberships, and service on panels such as Institutional Review Boards or Data and Safety Monitoring Committees.

1. The SFI Disclosure Form must conform to the requirements of the FCOI Regulations and shall include a link to the FCOI Regulations and the NIH Conflict of Interest Website. The form must include, at a minimum, the name of the entity, the nature of the financial interest (e.g., equity, consulting fee), the monetary value of the financial interest or its approximate value if the interest is one whose value cannot readily be determined, and any supporting documentation determined by the ORC as needed to make a determination of whether a FCOI exists (such as a copy of the applicable consulting agreement or stock purchase agreement). For travel reimbursements, the disclosure must include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, the duration, and the approximate monetary value. In addition, the investigator must cooperate with all requests for additional information as needed. All such internal disclosures shall be treated as confidential personnel information with all necessary precautions to protect any sensitive proprietary company or sponsor information.
2. The investigator shall update the SFI Disclosure Form during the period of the award at least annually. Should an SFI be determined to also be an FCOI, the reporting and requisite FCOI management plan shall be required to be completed prior to the expenditure of any funds under a PHS or NSF-funded grant, cooperative agreement, or contract. In addition, an updated SFI Disclosure Form must be submitted within thirty (30) days of discovering or acquiring (e.g. through purchase, marriage, or inheritance) a new SFI. An investigator who is new to participating in PHS or NSF-funded research projects, shall submit an SFI Disclosure

Form at the time the investigator is identified as a possible participant in the PHS or NSF-funded project, such that training can be completed and timely reporting of a FCOI (if any) can be made to the respective funding agency. The SFI Disclosure Form shall notify the investigator of this requirement to provide updated disclosures.

3. All disclosures are required to be reviewed by the ORC in a prompt manner such that within sixty (60) days of receipt of the SFI Disclosure Form an assessment of the SFI can be made, a management plan can be developed and the necessary reviews and approvals can be secured, such that any required report to the applicable PHS or NSF funded agency is submitted within sixty (60) days of the determination that a FCOI exists. The investigator's timely cooperation with the efforts of the ORC is needed to ensure timely reporting. Upon a failure to make timely reporting to a PHS funding agency of an FCOI, the University is required under FCOI Regulations to conduct a retrospective review of the investigator's activities and the research project

Management of Financial Conflicts of Interest

1. The Chair of the Objectivity in Research Committee (ORC) shall review SFI Disclosure Forms from each investigator to determine if the research is funded by NSF, PHS, or other funding agencies with similar requirements. All participants in the Objectivity in Research Committee shall sign a confidentiality agreement related to all information disclosed as part of the ORC's work.
2. The ORC must review SFI Disclosure Forms to determine whether the SFI is a FCOI. The ORC will be overseen by the Dean's office, Graduate School and Continuing Studies. The ORC will be comprised of two standing members (the Assistant Dean for Graduate Education and one other faculty or staff member) and one additional researcher in a related field. The ORC will determine whether the SFI could be affected by the PHS or NSF-funded research; or whether the SFI is an entity whose financial interest could be affected by the research. Also, an FCOI exists when the ORC reasonably determines that the SFI could directly and significantly affect the design, conduct, or reporting of the PHS or NSF-funded research. In making the determination, the ORC can take into account financial interests in that same entity related to PHS, NSF or other federal funded research disclosed in an earlier disclosure by the investigator. The ORC in cooperation with the Office of Sponsored Programs (the designated University liaison to federal funding agencies with regard to research projects) may consult with appropriate governmental officials in making its deliberations.
3. Following initial review by the ORC, all cases involving the disclosure of an SFI having a value greater than \$5,000 (measured by aggregating the various categories of interests reported) shall be submitted to the next meeting of the ORC for its consideration for expedited review or full review (depending upon the level of financial interests involved) in accordance with the Disclosure section of this policy. The ORC will decide upon one of the following dispositions of the case: approval, approval with conditions or restrictions, or prohibition. All conflicts which are approved shall include a management plan which shall be implemented by an oversight committee designated by the ORC.
4. The management plan shall be implemented by an oversight committee designated by the ORC and comprised of members designated by the Assistant Dean, Graduate Education and the Chair of the ORC. Ordinarily, the oversight committee will be comprised of one member of the ORC, the Department Chair or Budget Unit Head of the investigator, and the Dean of the College or Unit of the investigator. Management plans shall include reporting three times a year on the first day of September, December, and April or the next business day should that date fall on a weekend or University holiday.
5. Gallaudet University has two policies that are related to conflict of interest. The University's

Conflict of Interest Policy (see A&O Manual [Policy 1.12](#)) and this policy. The standard for review under Policy 1.12 is whether or not an actual or potential conflict between the personal interests of a University employee and the interests of the University or the public exists, or simply the reasonable appearance of such a conflict to the public (defined as a Conflict of Interest). The standard for review under this policy 2.10 is whether an FCOI exists. In regard to these two policies, Policy 2.10 shall govern the disclosure, management and reporting of FCOIs for the University in relation to PHS or NSF-funded research.

6. For all management plans, examples of conditions or restrictions that might be imposed to manage conflicts of interest include, but are not limited to: (1) public disclosure of significant financial interests; (2) appointment of independent monitor(s) capable of taking measures to protect the design, conduct, and reporting of the research against bias resulting from the financial conflict of interest; (3) modification of the research plan; (4) change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research; (5) reduction or elimination of the financial interest (e.g., sale of an equity interest); or (6) severance of relationships that create financial conflicts. Additional conditions and restrictions (including a lower threshold for review) shall apply to cases involving human subjects as provided for under [Policy 3.03](#) regarding Gallaudet's Protection of Human Subjects in Research Projects.
7. For all management plans, the University is required to monitor investigator compliance with the management plan on an on-going basis until the completion of the PHS-funded research project

Reporting

1. Prior to expending any funds under an PHS or NSF funded grant, cooperative agreement or contract, the University, through the ORC, must report to the applicable funding agency the existence of any FCOI (as defined above) and assure that the University has implemented a management plan in accordance with the FCOI Regulations and this policy. If the University identifies a FCOI and eliminates it prior to the expenditure of any awarded funds, the University is not required to submit a FCOI report to the respective agency. The requirements of the FCOI Regulations do not apply to PHS funded Phase I SBIR or STTR funding, instead those financial interests are subject to disclosure and management under the University's Conflict of Interest Policy (see A&O Manual [Policy 1.12](#)) and any other applicable campus procedures.
2. For any FCOI reported to the respective agency relating to an on-going PHS or NSF funded research project, an annual report that conforms to the requirements of the applicable FCOI Regulations shall be made to the applicable funding agency by the Principal Investigator for the duration of the research project in the time and manner specified by the applicable funding agency.
3. For any SFI that the University identifies as being a FCOI subsequent to the University's initial FCOI report under the award, the report will be made to the applicable funding agency and a management plan shall be implemented, at least on an interim basis, within sixty (60) days of that identification. Such a disclosure could include a new SFI Disclosure Form received by the investigator during the on-going research project, or a SFI held by an investigator who is new to the research project. However, if that FCOI is one that was not made in a timely manner to the applicable funding agency, for whatever reason, the ORC is required under the FCOI Regulations to conduct a retrospective review of the investigator's activities and the research project. If bias is found during the course of this review, a mitigation report will also be required to be submitted. These reviews and reports must be made in accordance with the requirements of the FCOI Regulations.

4. The elements of such a report shall include, at least, the items enumerated under the FCOI Regulations. The FCOI Regulations provide that, to the extent permitted by law, the Government will maintain the confidentiality of all records of financial interests.
5. Prior to expending any funds under a PHS-funded grant, cooperative agreement or contract, the University, through the ORC, shall ensure public accessibility of information about the FCOI, via a written response to any requestor within five (5) business days of a request, of information concerning a SFI which was disclosed and is still held by the senior/key personnel on the project, which is determined to be related to the PHS-funded research, and which is determined to be a FCOI. The information shall consist of the information required to be provided under the FCOI Regulations

Subrecipient Requirements

1. All proposed subrecipients under a PHS-funded research of the University shall have a financial conflicts of interest policy that conforms to the requirements of the FCOI Regulations. With respect to these subgrantees, subcontractors, and collaborators, Contracts and Purchasing must either: 1) confirm that these entities are listed on the Federal Demonstration Project (FDP) FCOI Clearinghouse, or 2) require these entities to enter into a written agreement and make a certification to the University at the time of award that its financial conflicts of interest policy complies with the FCOI Regulations. Provision of their FCOI policy certifying that the entity's policy conforms to the [PHS FCOI policy checklist](#) found on the Office of Extramural Research website will be sufficient evidence of compliance with this policy.
2. The University, through the ORC and the Office of Sponsored Programs, will report to the funding agency any FCOI which are identified by any subgrantee, subcontractor, or collaborator to the University in the manner required under the FCOI Regulations, prior to the expenditure of funds and within sixty (60) days of any subsequently identified FCOI

Remedies

1. If an investigator fails to comply with this policy or a management plan and the non-compliance appears to have biased the design, conduct or reporting of the PHS- funded research, the Dean, Graduate School and Continuing Studies (through the OSP) shall promptly notify the agency of the corrective action taken or to be taken. In every respect, the ORC shall ensure compliance with the requirements for retrospective review and prepare a mitigation report, if needed, for submission to the applicable funding agency as required under the FCOI Regulations. The agency may take its own action as it deems appropriate, which may include suspension of funding, or require the University to take further action to maintain the objectivity of the research.
2. For clinical research projects supported by the PHS, if the Department of Health and Human Services determines that a PHS-funded project of clinical research, whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment, was designed, conducted, or reported by an investigator with a FCOI that was not properly disclosed or managed as required under the FCOI Regulations, the University, through the ORC, must require the investigator(s) to disclose the FCOI in each public presentation (such as articles, manuscripts and oral presentations, including classroom materials) of the results of the research and to request an addendum to previously published presentations.

Enforcement and Sanctions

1. All persons subject to University's Conflict of Interest Policy (see A&O Manual [Policy 1.12](#)) and

this policy are expected to comply with it fully and promptly. Whenever an investigator has violated either policy, for example by a failure to disclose a SFI, the ORC will refer the matter to the Dean, Graduate School and Continuing Studies, who then may report it to the Provost and/or the University President (or the Conflict of Interest Committee may refer the matter to the President of the University) for disciplinary or other appropriate action.

2. Violations of this policy and the FCOI Regulations that constitute falsification in proposing, performing, reporting or reviewing research shall be handled in accordance with the [Institutional Integrity](#) policy and procedures governing allegations of research misconduct.

Records

The University, through the ORC, is required pursuant to the PHS and NSF FCOI Regulations to maintain all SFI Disclosure Forms and all related records of actions taken by the University with respect to disclosures of financial interests for a period of three years from the date of submission of the final expenditures report to the PHS as governed by Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought ([42 C.F.R. Part 50, Subpart F](#)) or the NSF Award Administration Guide. The OSP will maintain records of the initial disclosure of SFIs via the routing and approval form for submission of proposals. The IRB will maintain records related to training. The GSPP Dean's Office will retain records related to annual SFI disclosures. The ORC will maintain records related to SFIs determined to be FCOIs, subsequent management plans, and any other related materials connected to oversight of the management plan.

Approved by: Gallaudet University Administration

Definitions

Acronyms, Terms, and Definitions

Approval – A conflict has been identified for which a management plan can be developed by the ORC and implemented by an oversight committee designated by the ORC.

Approval with Conditions or Restrictions – A conflict has been identified, and a management plan can be developed only for parts of the conflict with conditions or restrictions. The management plan with conditions or restrictions will be implemented by an oversight committee designated by the ORC.

Prohibition – A conflict has been identified for which a management plan cannot be developed.

CITI / Collaborative Institutional Training Initiative – The CITI Program is a subscription service providing research ethics education to all members of the research community. Learners must be affiliated with a CITI participating organization such as Gallaudet University. CITI is a subscription based service and includes an FCOI course among other responsible conduct of research topics.

FCOI / Financial Conflict of Interest – A significant financial interest that the University's designated official has reasonably determined could directly and significantly affect the design, conduct, or reporting of research project.

FCOI report – An Institution's report of a financial conflict of interest to a PHS Awarding Component or to another agency with similar requirements or regulations such as the NSF.

Financial Conflict of Interest (FCOI) – A significant financial interest that could directly and /or

significantly affect the design, conduct, or reporting of PHS-funded research.

Financial interest - Anything of monetary value, whether or not the value is readily ascertainable.

Institutional Responsibilities - "Institutional Responsibilities" means an investigator's professional responsibilities on behalf of Gallaudet, including activities such as research, teaching, clinical or other professional practice, academic activities, scholarly institutional committee memberships, and service on panels such as Institutional Review Boards or Data and Safety Monitoring Committees.

ORC / Objectivity in Research Committee - The body overseen by the office of the Dean, Graduate School and Continuing Studies. The ORC will be comprised of two standing members (the Assistant Dean for Graduate Education and one other faculty or staff member) and one additional researcher in a related field.

Oversight Committee - The committee designated by the ORC to manage conflicts which are approved and for which a management plan has been developed. Ordinarily, the oversight committee will be comprised of one member of the ORC, the Department Chair or Budget Unit Head of the investigator, the Dean of the College or Unit of the investigator.

SFI / Significant Financial Interest - See section Disclosure C.

2.11 Acceptance of Private Gifts

Last Revised: 13 May 2020

Refer Questions to: Vice President, Development and Alumni Relations

Scope

This policy applies to all offices and divisions of Gallaudet University.

Policy

Acceptance of Gifts

Gifts of \$1 million or more made to the University are formally accepted by the President or the President's administrative designee. The President will bring to the Board of Trustees for consideration, any gifts of \$1 million or more made to the University that could injure the reputation or standing of the University, or generate such controversy as to substantially frustrate and defeat the educational purpose to be served. Gifts or grants of \$100,000 or more to a University donation account will be promptly reported to the President for consideration of its purpose and use in collaboration with the applicable division administrator and the fund manager, if different.

Establishment of Endowed Fund

To create a named endowment fund, a donor must initially contribute a minimum of \$5,000 and has 5 years to reach the minimum endowment level of \$25,000. If the minimum level cannot be met within that timeframe, the funds will be combined into an endowment fund whose purpose is provide general scholarship support to Gallaudet students.

If at any time it becomes impractical or impossible to fulfill the articles and provisions of this agreement, the donor consents to allow Gallaudet to apply Fund monies for any purpose that, on the basis of a judgment made in good faith, most closely fulfills the Founding Donor's original intentions and furthers Gallaudet's educational mission. If necessary Gallaudet may also utilize other provisions of the Uniform Prudent Management of Institutional Funds Act of 2008, to successfully use the Fund monies if Gallaudet is unable to fulfill the original donor purpose.

The University's Board of Trustees has interpreted the District of Columbia Uniform Prudent Management of Institutional Funds Act ("UPMIFA") as requiring the University, absent explicit donor stipulations to the contrary, to act in good faith and with the care that an ordinarily prudent person in a like position would exercise under similar circumstances in making determinations to appropriate or accumulate endowment funds, taking into account both its obligation to preserve the value of the endowment and its obligation to use the endowment to achieve the purposes for which it was donated. The University classifies as net assets with donor restrictions the sum of: (a) the original value of gifts donated to its donor-restricted endowment; (b) the original value of subsequent gifts to its donor-restricted endowment; (c) additions to its donor restricted endowment made in accordance with the applicable donor gift instrument at the time the accumulation is added to the fund; and (d) the appreciation on donor-restricted endowment funds until those amounts are appropriated for expenditure by the University's Board of Trustees.

The University defines the appropriation of endowment net assets for expenditure as the

authorization of its investment spending rate as approved annually by its Board of Trustees. In making a determination to appropriate or accumulate, the University adheres to the standard of prudence prescribed by UPMIFA and considers the following factors: (1) The duration and preservation of the endowment fund; (2) The purposes of the University and its endowment fund; (3) General economic conditions; (4) The possible effect of inflation or deflation; (5) The expected total return from endowment investments; (6) Other resources of the institution; and (7) The investment policy of the University.

Approved by: Gallaudet University Board of Trustees

2.12 Naming Facilities

Last Revised: 28 Oct 1994

Refer Questions to: Vice President, Development Alumni Relations

Scope

This policy applies to offices and divisions of Gallaudet University.

Policy

The Board of Trustees reserves the naming of all major capital assets, including building and large external areas, in recognition of significant philanthropic support of the University's goals and mission. The Board reserves the right to approve the name of all such major capital assets.

During a campaign to renovate a building, the Board of Trustees reserves the naming of rooms and other spaces in that building in recognition of private support for the renovation.

The naming of internal spaces is an administrative decision to be made by the President.

Approved by: Gallaudet University Board of Trustees

2.13 Expenditure of Endowment Funds

Last Revised: 31 January 2020

Refer Questions to: Finance Office, Controller

Scope

This policy applies to all existing and future endowment funds established at the University.

Policy

Gallaudet University (the University) has interpreted the District of Columbia Uniform Prudent Management of Institutional Funds Act of 2007 (the “Act”) as requiring the University, absent explicit donor stipulations to the contrary, to act in good faith and with the care that an ordinarily prudent person in a like position would exercise under similar circumstances in making determinations to appropriate or accumulate endowment funds, taking into account both its obligation to preserve the value of the endowment and its obligation to use the endowment to achieve the purposes for which it was donated. The University classifies as permanently restricted net assets (a) the original value of gifts donated to the permanent endowment, (b) the original value of subsequent gifts to the permanent endowment, and (c) accumulations to the permanent endowment required by the applicable donor gift instrument. The remaining portion of donor-restricted endowment funds that are not classified as permanently restricted are classified as temporarily restricted net assets until those amounts are appropriated for expenditure by the University. The University defines the appropriation for expenditure as the authorization of the spending rate in accordance with the University’s current investment policy. In making a determination to appropriate or accumulate, the University adheres to the standard of prudence prescribed by the Act and considers the following factors:

1. The duration and preservation of the endowment fund;
2. The purposes of the institution and the endowment fund;
3. General economic conditions;
4. The possible effect of inflation or deflation;
5. The expected total return from income and the appreciation of investments;
6. Other resources of the institution; and
7. The investment policy of the institution.

Endowment funds with a market value of \$3 million or more will be annually reported to the President, the applicable division administrator and the fund manager, if different, at the beginning of each fiscal year to ensure annual consultation on the use of the fund’s payout.

Approved by: Gallaudet University Board of Trustees

2.21 Use of Facilities by Outside Organizations

Last Revised: 11 May 2006

Refer Questions to: Executive Director, Business Support Services

Scope

This policy applies to all offices and divisions of Gallaudet University and to all outside organizations requesting use of Gallaudet University facilities and grounds. (This policy does not apply to the Kellogg Conference Hotel at Gallaudet University.)

Policy

Gallaudet University reserves the use of its facilities to support the academic, research, and advocacy missions of the institution. However, outside organizations may be permitted to utilize campus facilities, on a fee basis, when such use does not interfere with the University's programs, services, or activities. The use of facilities is allocated to outside groups in the following order of priority:

- Outside organizations sponsored by Gallaudet
- Outside organizations affiliated with Gallaudet
- Outside organizations with missions similar to Gallaudet
- Federal or district government agencies
- Outside non-profit organizations not affiliated with Gallaudet

Lower priority groups are permitted to request the use of facilities on a "space available" basis after the needs of the University and higher priority groups have been fully satisfied.

Unless special exceptions are made by the administrative officer or his/her designee, the University permits the use of facilities by incorporated, nonprofit organizations only. For the purpose of this policy, nonprofit organizations are defined to be exempt from the payment of Federal income tax under Section 501(c)(3) of the Internal Revenue Code. Exceptions to this requirement may be considered in situations where the interests of the University are specifically served. Outside organizations are not permitted to use facilities for the promotion of religious agenda, political movements or campaigns or for fundraising activities.

The University reserves the right to deny, suspend, or terminate the use of its facilities at any time if determined to be in the best interest of the University.

Approved by: Gallaudet University Board of Trustees

Procedures

1. The Office of Business and Support Services is responsible for coordinating requests for use of facilities (with the exception of the Alumni House, Elstad Auditorium, athletic facilities, Student Union Building and playing fields) by outside organizations, including: receiving requests; determining the fee schedule and the manner of payment; preparing and authorizing

the use of facilities agreement; coordinating the request with affected budget units; and advising the administrative officer or his/her designee regarding approval or denial of a request as appropriate. The administrative officer or his/her designee may waive fees in special situations. The Office of Business and Support Services may delegate responsibility for coordinating facilities use to another unit for specific programs or activities.

2. The Office of Business and Support Services assists individual departments in developing departmental fees related to the use of facilities.
3. The Office of Business and Support Services develops and updates, as required, a written list of procedures related to the use of facilities by outside organizations. These procedures are made available to all departments and should be followed for use of facilities requests.
4. Outside organizations must provide written proof of incorporation and nonprofit status prior to using Gallaudet facilities.
5. Outside groups must provide written proof of insurance covering personal injury and loss or damage to property at coverage levels acceptable to the University. The user must list the University as an additional insured on such policies; and, prior to the use of facilities, must provide the University with a Certificate of Insurance.
6. Outside organizations must request authorization to consume alcoholic beverages in advance from the Office of Business and Support Services. Decisions regarding the consumption of alcohol are based on the overall risk exposure to the University. If alcohol consumption is approved, outside organizations must adhere to the policy and procedures for alcoholic beverages.
7. Outside organizations are fully responsible for the actions and behaviors of organization members and guests while those individuals are on University premises.
8. Outside organizations are responsible for repairing or replacing any property which is lost, damaged, or stolen by members or guests of the outside organization.
9. The following facilities are not scheduled by Business and Support Services but are available for private or social events:
 - Peikoff Alumni House (contact Alumni Relations)
 - Athletic Fields (contact the Athletics Department)
 - Elstad Auditorium (contact the Theatre Arts Department)
 - Student Union Building (contact Campus Activities)

2.22 Use of Information Technology Resources

Last Revised: 5 February 2016

Refer Questions to: Executive Director, Gallaudet Technology Services

Scope

This policy applies to all faculty, teachers, staff, and students (University and Clerc Center) in all offices and divisions of Gallaudet University and to all outside organizations or individuals requesting use of information technology (IT) resources.

Policy

The use of Gallaudet University computer resources, including access to databases and e-mail accounts, the data and voice networks and network connections, computer laboratory equipment, University owned or leased personal computers, laptops, tablets, pagers, mobile devices, servers, network control devices, printers, faxes, modems, and telephone equipment is limited to Gallaudet students, faculty, teachers, staff and the Board of Trustees. Others may be permitted the use of IT resources, if resources are available and if recommended to the Executive Director, Technology Services by the appropriate administrative officer; however, an annual fee is charged to the user or sponsor. Annual fees are determined by the CIO. For the purpose of this policy, students are considered those currently matriculating at the University in degree granting or certificate programs or enrolled at the Clerc Center. Student status is verified at the beginning and end of each enrollment period. Faculty, teachers, and staff include all those who are classified as regular and extended temporary status, and those who are considered part-time, short-term, or consultants with the approval of the unit administrator. All IT resources provided to employees with a temporary appointment are terminated upon expiration of the appointment and may be renewed if the employee is rehired. The accounts of others terminate when the individual separates from or is no longer affiliated with the University.

All connections to the University network must be authorized by Gallaudet Technology Services. Furthermore, all IT accounts and network addresses must be authorized by the department requesting connections. Individuals applying for IT resources must accept and abide by this policy and by other policies that Gallaudet Technology Services may apply to protect the University's ability to use IT resources to serve its core functions. Additional departmental policies developed by Gallaudet Technology Services may be enacted in emergency situations, provided they do not negate or contradict the intent of this policy. Any device that physically or logically connects to the University's data or telephone networks, or that utilizes a University computer or server or technology service owned or managed by the University, is subject to this policy, whether the particular piece of equipment is owned by the University, another entity, or an individual.

Administrative Rights

Gallaudet University - Gallaudet Technology Services (GTS) is committed to providing members of the University with reliable technology in stable operating condition. When establishing accounts, standard security principles of "least required access" to perform a function must always be used, where administratively feasible. An administrative privileged account must not be used when a non-

privileged account will would suffice. However, if requested, GTS may grant temporary or extended local administrative privileges for individual machines depending on job function, need-to-know, and employment status.

There are two levels of access for university owned computers:

User- Default “least required access” level for all users; suitable to perform normal daily functions and assure the highest level of computer stability.

Administrator - Allows for unrestricted access on individual workstations including the ability to install hardware and software, edit the registry, manage default access accounts, and change file level permissions. Administrator access increases the potential for loss of data, violation of copyright laws, and other security compromises. This level of access is a privilege that is tightly controlled by GTS and carries certain inherent responsibilities, increased accountability, and risk of liability.

Requesting Administrative Privileges

Administrator access to an individual’s workstation will only be granted in unique circumstances, for a limited period not to exceed one year, and if there are no other options available to address the specific request. Authorization is granted on a case-by-case basis at the discretion of the GTS executive director and information security officer; additionally, all approved administrative rights access requests will be reviewed for continued use by the executive director and information security officer on an annual basis, at a minimum. To request administrative privileges, create a Help Desk ticket requesting Administrative Privilege which includes a description and justification. GTS will review the request and forward the appropriate form for completion.

The following actions are prohibited on all University IT resources:

- Accessing, creating, transmitting, printing, or downloading material that is defamatory, offensive, obscene, fraudulent, harassing (including uninvited amorous, sexual messages), threatening, embarrassing, humiliating, incites violence, or contains slurs, epithets, or anything that may be reasonably construed as harassment or disparagement based on race, color, national origin, sex, sexual orientation, hearing status, age, disability, or religion or accessing, sending, receiving or soliciting sexually oriented messages or images or any other communication prohibited by law or other University policy. These restrictions are waived for legitimate academic research.
- Illegal or fraudulent activities, such as those that infringe on a copyright, including the unauthorized copying of software, pictures, videos, illustrations, music, or other protected products.
- Impersonating or using accounts (or ID badges) other than your own or falsely representing yourself as another individual, group, or organization, or facilitating such misrepresentation.
- Any activity that may expose the University to legal action or that may endanger the University’s tax exempt status.
- Use of IT resources for personal gain, political movements or campaigns, non-Gallaudet related fund raising activities, or actions that conflict with more general University policies, statutes, and bylaws.
- Activities that threaten the functioning of the University’s network, computer servers, database systems, telecommunications systems, or security measures. Examples include: mass mailings; unauthorized high bandwidth applications; denial-of-service attacks; attempts to disguise ports or University network connected devices; attempts to circumvent University firewalls; interference with network monitoring processes; and any activity that disables, or

attempts to disable, either the University's networks or network services.

Computing, telecommunications, and associated network facilities must be used **ethically and legally**, in accord with applicable licenses and contracts, and according to their intended use in support of the University's mission. Any use that would impede teaching or research, hinder the functioning of the University, violate an applicable license or contract, or damage community relations or relations with institutions with whom we share responsibility is a violation of this policy.

In the event that Gallaudet Technology Services, or another appropriate unit of the University, believes that IT resources are being used inappropriately, illegally, or in conflict with this policy, Gallaudet University reserves the right to review individual IT records to the extent necessary to assess the problem and determine responsibility and, if necessary, to disable or delete files, programs, network connections, and/or user accounts. The review may include email messages, other content stored in local or web-based systems, documents and files, and network logs as well as an examination of the logs of personal computers or servers that are attached to the University network, whether or not they are owned by the University. The University also reserves the right to respond to legally-mandated requests for IT records. Abuse of IT privileges can result in appropriate disciplinary action including, but not limited to, referral to the appropriate judicial jurisdiction.

Approved by: Gallaudet University Board of Trustees

2.23 Property Management

Last Revised: 31 January 2020

Refer Questions to: Finance Office, Controller

Scope

This policy applies to all offices and divisions of Gallaudet University.

Policy

All assets purchased by or donated to the University are considered the property of the entire institution and not that of any individual person or budget unit. Unit administrators are directly accountable for the property assigned to their unit(s) and must make every effort to protect the institution's assets by observing the rules of prudent use. Further, unit administrators are responsible for ensuring the accuracy of property records and for notifying the appropriate office of any adjustments resulting from new acquisitions, the transfer of assets to another unit, or the disposal of surplus items. For the purposes of this policy, student organizations are considered budget units and bear full responsibility for property assigned to the group by the University.

Gallaudet University property is inventoried in accordance with the following classification criteria:

- Class A: Items of tangible personal property having a unit cost of \$5,000 or more and a useful life expectancy of five years.
- Class B: Items of personal property acquired from the Federal Government, with the title to the property remaining with the Government.
- Class C: Items of tangible personal property which are leased or loaned to the University
- Class D: Items of tangible personal property which are gifts to the University and which are valued at \$5,000 or more.

OBSOLETE COMPUTERS

Definition: Computers (monitor, CPU, keyboard, or laptop) 5 years or older, as confirmed by a Gallaudet Technology Services technician, are considered obsolete with no intrinsic value.

Departments replacing obsolete computers have the option of disposing of the computer or selling the computer to a full-time employee for \$50. For both options the department should put in a Gallaudet Technology Services HelpDesk request to have a technician confirm that the computer is 5 years old, or more, and to erase all data from the computer. Departments selling obsolete computers must keep a record of the serial numbers of pieces sold, name of buyer, amount paid, and date of transaction for audit purposes. Authorized buyers should obtain a receipt from the department establishing ownership. This transaction confirms that the obsolete computer has been sold and is no longer University property. This purchase option applies only to monitors, CPUs, keyboards, and laptops.

Surplus or obsolete property, other than computers sold to staff, is defined as items which are no longer functional within a budget unit. Surplus property is disposed of in accordance with the following priorities:

- Repair and/or restoration for use by another department in lieu of a new purchase
- Trade-in as redemption for cash value on a new purchase
- Sale to a student, faculty, teacher, or staff member by way of public sale
- Sale to an independent deaf group or organization
- Sale to used-equipment or scrap dealer
- Donation to charitable organization
- Scrap as having no value

Gallaudet Technology Services (GTS) is responsible for the environmentally appropriate disposal of all obsolete computers. The Distribution Center is responsible for the disposal of all other University property.

Generally, the institution's property is maintained and utilized on campus. University property, other than obsolete computers sold to full-time employees, may not be removed from the assigned budget unit or from campus without a properly authorized property pass form. These forms must be presented to the Department of Public Safety upon request. Property that is removed from campus may be used for institutionally sponsored or related purposes only. In no instance is Gallaudet property to be used for personal business or to perform work for another employer.

Any property issued or assigned to an employee must be returned upon termination. The unit administrator is responsible for ensuring that appropriate offices are notified of unreturned property. The employee must reimburse the University for any property not returned.

Employees of Gallaudet are responsible for promptly reporting any property loss to the Department of Public Safety.

Approved by: Gallaudet University Board of Trustees

2.24 Risk Management

Last Revised: 11 May 2006

Refer Questions to: Manager, Risk Management Insurance

Scope

This policy applies to all offices and divisions of Gallaudet University.

Policy

The uncertainty of life necessitates risk management on campus, and the Office of Risk Management and Insurance coordinates the campus risk management efforts. Through this department, Gallaudet University ensures that the human, property, and financial assets of the University are adequately protected through a program designed to: (1) identify potential exposures; (2) measure the impact on the institution should a loss occur; and (3) apply appropriate risk handling techniques to minimize the effect of a loss on the University.

The Office of Risk Management and Insurance is responsible for educating the campus community about risk management; identifying exposures, measuring and evaluating exposures, and implementing appropriate strategies to reduce or transfer the risk; purchasing appropriate insurance; and processing of claims.

Only the Office of Risk Management and Insurance is authorized to negotiate or secure insurance coverage on behalf of Gallaudet University. For each purchase, this office considers the feasibility of other risk management strategies, the scope of available coverage against its cost, the value of any services offered by the insurer, and the reliability and financial stability of each company. Insurance products are competitively bid, assisted by an insurance broker or agent selected by the Office of Risk Management and Insurance.

Employees of Gallaudet are responsible for risk management too. This includes, but is not limited to: (a) developing appropriate operational policies and procedures; (b) ensuring compliance with the law; (c) providing appropriate education and training to reduce misunderstandings and mistakes, and to improve morale; (d) promptly reporting any claims or concerns about potential hazards to the Office of Risk Management and Insurance or to the Department of Public Safety for investigation and further action and reporting.

The Vice President for Administration and Finance is advised of major claims against the University and is authorized to negotiate a settlement. Gallaudet reserves the right to shift the cost of any deductibles and uninsured losses to the department at fault. If an investigation determines that an injury or damage to property was intentionally inflicted, Gallaudet reserves the right to discipline responsible employees, students, or other culpable individuals.

Risk management is necessitated by the uncertainty of loss and liability relative to the University's property and the actions of those individuals representing the institution. Accordingly, Gallaudet ensures that the human, property, and financial assets of the University are adequately protected through a program designed to: (1) identify potential losses; (2) measure the impact on the resources of the institution should a loss occur; and (3) apply appropriate risk handling techniques to minimize the effect of a loss on the University.

The Insurance and Risk Management Office is responsible for the University's risk management program including the identification, measurement, evaluation, reduction, and monitoring of risks; the purchasing of insurance when deemed appropriate; and the processing of claims, including those related to workers' compensation.

Gallaudet is able to predict certain risks and thereby budget for related losses which are financially limited. Therefore, it is not the institution's practice to insure against all foreseeable and bearable expenses when acceptable alternatives can be achieved. Only when it is deemed that the University cannot eliminate or economically accept a potential loss will it be transferred by purchase of insurance.

When purchasing insurance, the University fully considers the scope of coverage, the services offered by the insurer, the reliability and financial stability of the company, and the price of the coverage as competitively determined. No faculty member, teacher, or staff employee is authorized to negotiate or secure insurance coverage independently regardless of the funding source.

Every employee of Gallaudet is responsible for promptly reporting any property loss or potential liability claim to the Insurance and Risk Management Office or to the Department of Public Safety. All losses and claims are investigated by the Insurance and Risk Management Office and reported to the University's insurance broker and/or legal counsel when deemed appropriate. Depending on the situation, a department or employee may be held accountable for any damage done to University property if it can be reasonably determined that the employee was at fault. Repeated incidents, neglect, or abuse of University property may be grounds for disciplinary action.

The Vice President for Administration and Finance is advised of all claims against the University and is authorized to negotiate a settlement in consultation with the insurance carrier and/or legal counsel.

Approved by: Gallaudet University Administration

2.25 Access Control

Last Revised: 31 January 2020

Refer Questions to: Executive Director, Public Safety

Scope

This policy applies to faculty, teachers, and staff in all offices and divisions of Gallaudet University.

Policy

The Department of Public Safety is responsible for controlling access to all campus facilities. Gallaudet University personnel are issued keys or access cards to buildings and/or areas as appropriate so that they may carry out their assigned duties. Keys or access cards are issued based on a work-related need to enter an area. Employees who are issued keys or access cards are held fully responsible for them. Employees who lose a key or access card are charged for the replacement. Appropriate disciplinary action may be taken if an employee: (1) loses a key or access card or fails to report the loss of a stolen key or access card; (2) possesses an unauthorized key or access card; (3) intentionally opens an area for, or gives or loans a key or access card to, persons who have no authorization to enter an area. Duplication or attempted duplication of Gallaudet keys or access cards is strictly forbidden and results in disciplinary action, up to and including termination of employment and/or prosecution.

Keys or access cards are classified as one of the following:

1. Great Grand Master Key or Access Card: The top key or card in the master pyramid which opens all doors of the University.
2. Grand Master Key or Access Card: Any key or card which opens all doors of a specific division of the University.
3. Master Key or Access Card: Any key or card which opens any major unit of responsibility, including a building, department, or common area of functional responsibility.
4. Day Key or Access Card: Any key or card below the master level that opens any room or office or group of rooms or offices.

Any lock which does not respond to any of the above-mentioned keys or cards is considered a restricted keyway.

The issuance of any great grand master, grand master, or master key or card requires the approval of the Vice President for Administration and Finance or the President. Requests for day keys or cards or lock changes are approved by the unit administrator.

The Department of Public Safety must authorize any lock that is restricted from the master key or card system. A duplicate key or card, combination, or other access vehicle must be provided to the Department of Public Safety.

Approved by: Gallaudet University Administration

Procedures

1. All employee keys or cards are issued by the Department of Public Safety and must be picked up and signed for by the individuals to whom they are issued.
2. All keys or cards remain the property of Gallaudet University. All obsolete and unnecessary keys or cards must be returned to the Department of Public Safety.
3. Upon separation, employees must return keys and access cards to the Department of Public Safety, or they will be charged.
4. Keys or access cards may not be transferred from one employee to another. Keys or access cards must be returned to the Department of Public Safety, and a new key or access card will be issued as appropriate.
5. Lost keys and access cards must be reported by the unit administrator to the Department of Public Safety. All found keys and access cards must be returned to the Department of Public Safety.
6. Employees who lose or fail to return a key or access card are charged a minimum of \$25 up to a maximum of \$150 (depending on the key/card classification and the cost to secure the area or areas.)
7. Departmental keys or access card (such as grand master keys and cards used by public safety officers, maintenance workers, and custodial employees) must remain secured at the University after working hours. These keys are for work purposes and may not be taken home. A member of the department given custody of these keys or cards is responsible for their care and keeping.
8. All employees returning to campus after regular business hours who are not issued keys or access cards must obtain written approval from the department supervisor and first report to the Department of Public Safety to gain access to the building.
9. All key blanks and key cores must be strictly accounted for, including broken blanks, erroneous cuts, etc., and are periodically audited by the Director of Audit and Management Advisory Services.
10. The Department of Public Safety maintains all records of keys and access cards that have been issued.

2.26 Access To Buildings

Last Revised: 31 January 2020

Refer Questions to: Executive Director, Public Safety

Scope

This policy applies to faculty, teachers, and staff in all offices and divisions of Gallaudet University.

Policy

Buildings on the Gallaudet University campuses are kept open during regular business hours. After hours, buildings are locked to provide for the security of University personnel and assets.

Faculty, teachers, and staff employees may enter University buildings after hours and on weekends to conduct official University business. Employees may, however, be asked by safety personnel to show proper identification. Employees returning to campus after regular business hours who have not been issued a building or office key or access card must obtain written approval from the department supervisor and must first report to the Department of Public Safety to gain access to the building.

Employees are not to permit unauthorized personnel into the buildings. Further, employees are not to remove any materials or equipment without the written approval of the unit administrator.

Employees are encouraged to contact the Department of Public Safety if they observe any persons on campus whose presence seems to be unauthorized or undesirable.

Approved by: Gallaudet University Administration

2.27 Communication Devices

Last Revised: March 17, 2022

Refer questions to: *Executive Director, GTS*

Scope

This policy applies to faculty, teachers, and staff in all offices and divisions of Gallaudet University and Clerc Center (collectively, the University). This policy addresses mobile phone allowance for eligible University employees.

Policy

Mobile phones are an important, and often necessary, communication tool to allow University employees to timely fulfill many of their job duties. This policy is designed both for organizational efficiency in complying with IRS rules and regulations and to allow employees who have a documented business need for flexibility in choice of cellular service provider and mobile phone. The policy also provides for an exemption for selected University employees whose responsibilities warrant University-provided mobile phones during their employment.

The purpose of this policy is to:

1. Set forth the parameters for employee allowance for personal mobile phones;
2. Define when an employee qualifies to receive an allowance for a personal mobile device or qualifies for the University-provided mobile phone exemption; and
3. Define employee responsibilities upon receiving an allowance for personal mobile phones or a University-provided mobile phone exemption.

Employee Allowance for Personal Mobile Phones

Mobile phone allowances are intended to offset an employee's expenses related to the business use of a personal mobile phone and service plan. The allowance is provided through payroll paychecks on a nontaxable basis. The allowance is meant to cover business costs only, as reasonably expected, and not the full expense of service for a personal mobile phone. The University will not provide funding for the purchase or replacement of a personal mobile phone in addition to the monthly allowance amount. Allowances will not be processed retroactively. The University reserves the right to change the allowance amount based on changes in the market. Depending on the date of hire, new employees may not receive the allowance until the following month.

Full-time regular status and extended temporary employees will receive a monthly supplemental allowance for the use of their personal mobile phones and data plans to perform University-related business. The monthly mobile phone supplemental allowance will cease when the employee's status has been changed to something other than full-time regular status or extended temporary.

Mobile phones refer only to mobile phones and smartphones used for business purposes. Mobile wireless access devices ("hotspots" or "MiFi"), mobile tablets, and other types of mobile computers that are not phones are excluded from allowance eligibility under this policy.

Based on the department's business requirements and needs, and the specific nature of an employee's work, the University may opt to provide the employee with a University-owned mobile

device with data, voice, and text plan from the University's preferred carrier in lieu of paying a supplemental allowance. Employees with a University-owned cellular device and plan are exempt from this policy and will not receive the monthly supplemental allowance.

Departments may not establish any policies that differ from this University-wide policy.

Eligibility Requirements

For Employee Allowances for Personal Mobile Phones

Full-time regular status and full-time extended temporary University and Clerc Center employees will automatically receive monthly supplemental allowance unless they have a University-owned mobile device with a University-provided cell plan.

For University-Provided Mobile Phones Exemptions

Full-time regular status and full-time extended temporary University and Clerc Center employees may be eligible to receive a University-owned mobile phone with a University-provided cell plan if they meet all of the following criteria—final approval is always at the sole discretion of the University:

- The employee's position requires them to be readily accessible for frequent contact with the public or with University faculty, staff, or students; and
- The employee's position limits his or her access to regular landline telephones, email access via other devices, or video phones that would satisfy the required business communication needs.

Employees that meet the eligibility requirements for a University-owned mobile phone should work with their Budget Unit Head (BUH) to complete the "[Communication Device Request](#)" form (Note: you will need to log into the IT Service Desk to view the form.) and have the form signed by the employee, BUH, senior administrator of the unit, and Gallaudet Technology Services (GTS) Executive Director. GTS is the only department authorized to obtain and manage mobile phone devices and their contracts.

Employee Responsibilities

University employees who qualify for, and receive, the supplemental allowance will be responsible for acquiring and maintaining their personal equipment. In addition, contracts entered into by qualifying employees receiving supplemental allowance will be personal contracts that are the responsibility of the employee, not the University.

Employees receiving a supplemental allowance or a University-owned mobile phone agree to use the mobile phone for business use. The business use includes but is not limited to the use of the mobile phone to:

- authenticate the employee's identity when logging into Gallaudet resources using the multi-factor authentication (MFA) app or code received via SMS. The use of MFA is to protect the university's cyberinfrastructure and data and to minimize potential ransomware attacks;
- respond quickly via email, text, phone, or video during working hours (including emergency and on-call situations) when the employee is not in a place to conveniently use their laptop or able to connect to WiFi; and

- connect their laptop to the Internet using the mobile hotspot when working remotely where WiFi is not available.
- Non-Exempt (Hourly) Employees will NOT be eligible for overtime when using or responding to calls and messages not within their regular work hours unless authorized directly by their supervisor to do so. In other words, non-exempt employees cannot be required to be available for emergency or on-call situations unless pre-approved and negotiated.
- Data, text messages, email, or voice messages related to University business on and/or transmitted via mobile phones or electronic communications are University records and subject to all University policies including but not limited to the [Web Communications Policy](#) and [Use of Information Technology Resources Policy](#).

Effective Date

This Policy is effective March 17, 2022

Section 3: Community

3.01 Equal Opportunity Statement

Last Revised: July 31, 2024

Refer Questions to: Director, Equal Opportunity Programs

Executive Sponsor: Chief Officer of Belonging and Engagement

Responsible Unit: Office of Equal Opportunity Programs and Title IX

Effective: August 1, 2024

STATEMENT

This policy is intended to increase the community's awareness of the University's commitment to the philosophy and practice of equal opportunity.

SCOPE

This policy applies to faculty, teachers, staff, students, and guests, and to all divisions and units, including the Clerc Center, at Gallaudet University.

POLICY

Gallaudet University provides equal access to and opportunity in its programs, facilities, and employment without regard to race, color, sex, pregnancy, childbirth, breastfeeding, and related medical conditions, religion, national origin, sexual orientation, age, disability, veteran status, or any other category protected under federal law, the D.C. Human Rights Act, or any other applicable law.

It is the policy of Gallaudet University to include an Equal Opportunity Statement on every University publication, including on job postings, and when contractually or legally required to post in conspicuous locations on University property.

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.

SCHEDULE OF REVIEW

This policy shall be reviewed every three years and as needed to comply with any applicable laws and regulations. The next scheduled review shall be completed by: August 2027.

APPROVED BY

Gallaudet University Administration

July 31, 2024

RELATED POLICIES, PROCEDURES, AND RESOURCES

- [3.18 Discrimination](#)
- [3.20 Pregnancy and Related Conditions and Parenting Students](#)
- [3.21 Gender Identity, Gender Expression, Names, and Pronouns](#)
- [Office of Equal Opportunity Programs and Title IX](#)

HISTORY

2024 08 01 comprehensive update and revision

3.02 Title IX Sexual Harassment Policy

Last Revised: *September 24, 2021*

Refer Questions to: *Title IX Coordinator*

Purpose

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.

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 Interim Officer of Belonging and Engagement, Dr. Jeremy Brunson. 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 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 to the 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 the following:

Individual with Oversight for Sex Discrimination and Title IX Coordinator (Staff and Faculty)

Dr. Jesus Remigio

Director, Equal Opportunity Programs

HMBS141B

Gallaudet University

800 Florida Avenue, NE

Washington, DC 20002

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)

Clerc Center Title IX Team members:

Bobby (Bo) Acton

Deputy Title IX Coordinator for Clerc Center &

Title IX Investigator for Clerc Center

MSSD, Room 214F

Gallaudet University

800 Florida Avenue, NE

Washington, DC 20002

(202) 250-2798 (videophone/voice)

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.

External Contact Information

A person may also file a complaint with the appropriate federal, state, or local agency within the time frame required by law. Depending upon the nature of the complaint, the appropriate agency may be the federal Equal Employment Opportunity Commission (EEOC), Office for Civil Rights (OCR) of the U.S. Department of Education, the Department of Justice, and/or the Washington, D.C. Office of Human Rights.

Washington, D.C.'s Office of Human Rights

<https://ohr.dc.gov/service/file-discrimination-complaint>

Equal Employment Opportunity Commission (EEOC)

Washington Field Office

131 M Street, NE

Fourth Floor, Suite 4NWO2F

Washington, DC 20507-0100

Videophone: (844) 234-5122

Phone: (800) 669-4000

Facsimile: (202) 419-0739

TDD#: (800) 669-6820

Web: <https://www.eeoc.gov/field-office/washington/location>

OCR District/Field Office

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Assistant Secretary for Civil Rights

Office for Civil Rights, National Headquarters

U.S. Department of Education

Lyndon Baines Johnson Dept. of Education Building

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

Fax: 202-453-6012;

TDD: 800-877-8339

Email: OCR@ed.gov

For complaints involving employees: Equal Employment Opportunity Commission (EEOC)

Washington Field Office

131 M Street, NE

Fourth Floor, Suite 4NW02F

Washington, DC. 20407-0100

Phone: 1-800-669-4000

FAX: 202-419-0739

TDD: 800-669-6820

ASL Video Phone: 844-234-5122

Notice/Complaints of Sexual Harassment and/or Retaliation

Notice or complaints of sexual harassment and/or retaliation may be made by filing a complaint with, or giving verbal notice to, the Title IX Coordinator or any other internal administrative official as listed above. Such a report may be made at any time (including during non-business hours) by using the telephone/VP number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.

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-employees ● Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- 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 be referred to appropriate student 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 in light of 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 re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an 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 employee 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 as a result of the delay.

Privacy

Every effort is made by the Institution to preserve the privacy of reports.¹ The Institution will not share the identity of any individual who has made a report or 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 the Institution, to conduct that takes place on the campus or on property owned or controlled by disabilities. 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 at Institution -sponsored events. The Respondent must be a member of Gallaudet or the Clerc Center community in order 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:

1. 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;
2. 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;
3. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
4. 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 externship, 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 have an effect on 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 remains 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 the College 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:

1. an employee of Gallaudet University/Clerc Center,
2. conditions the provision of an aid, benefit, or service of Gallaudet University/Clerc Center,
3. on an individual's participation in unwelcome sexual conduct; and/or

2) Sexual Harassment:

1. unwelcome conduct,
2. determined by a reasonable person,
3. to be so severe, and
4. pervasive, and,
5. objectively offensive,
6. that it effectively denies a person equal access to the University or Clerc Center's education program or activity.

3) Sexual assault, defined as:

1. a) Sex Offenses, Forcible:
2. i) Any sexual act* directed against another person; and/or ii) without the consent of the Complainant,

iii) 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.

1. iv) 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.

1. b) Sex Offenses, Non-forcible:

Incest:

■ Non-forcible sexual intercourse,

- between persons who are related to each other,
- within the degrees 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.

4) Dating Violence, defined as:

1. violence,
2. on the basis of sex,
3. committed by a person,
4. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
5. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the

frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

iii. .Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence*, defined as:

1. violence,
2. on the basis of sex,
3. committed by a current or former spouse or intimate partner of the Complainant,
4. by a person with whom the Complainant shares a child in common, or
5. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
6. 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
7. 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.

6) Stalking, defined as:

1. engaging in a course of conduct,
2. on the basis of sex,
3. directed at a specific person, that
4. would cause a reasonable person to fear for the person's safety, or
5. the safety of others; or

iii. 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.

1. Reasonable person means a reasonable person under similar circumstances and with similar identities to the

Complainant.

1. 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 #3.18 (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 #3.18, or for different aspects of the matter to be addressed separately under each.

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 but should generally be avoided; one needs to be mindful that one may unexpectedly be placed in a position of power over the student in the future.

Consensual Relationships between Student Paraprofessionals and Students

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

Consensual Relationships between Employees

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

Consensual Relationships between Clerc Center Employees and Students The Clerc Center prohibits relationships between all employees and Clerc Center students. Refer to Administration 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. 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.

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 in spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused individual knows or reasonably should have known of such incapacitation. 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, in itself, constitute consent. Consent can be withdrawn once given, as long as 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).

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). 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).

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).

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 and Director of EOP, HMBS141B, (771)-208-4245

Director, Student Accountability and Restorative Practices, Ely Center 103, (202) 759-5598 (videophone).

Deputy Title IX Coordinator for Clerc Center, MSSD, Room 214F, (202) 250-2798 (videophone).

Department of Public Safety, Carlin Hall Basement, (202) 651-5555.

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.

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.

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 to not to request an investigation, they can change that decision if they decide to pursue a formal complaint at a later date. 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. a) All "primary crimes," which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
2. b) 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. c) VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
4. d) 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 and its general location (on- or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The information shared includes the date, the location of the incident and the crime (using Clery location categories). This reporting protects the identity of the student and may be done anonymously.

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 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.

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 conducting an investigation 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 – such as underage consumption of alcohol or the use of illicit drugs – 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 (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Department of Public Safety).

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 the 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 or not 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 Coordinator³ engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- 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.

o 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.

o 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.

o 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.

o 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 the Clerc Center 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 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 the Clerc Center 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 refile it.

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 so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.⁵

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).

1. 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 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 so 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 a hearing.

1. 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.

1. 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.

1. Advisor Violations of Gallaudet or the 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 for 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.

1. Sharing Information with the 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.

1. 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.

1. 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 in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

1. 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 persons 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.

1. 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 (similar to above, but 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 in order 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 the 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.

1. 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 to 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, 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.

1. 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 of 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 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 at a later date.

1. 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 or Alternate Resolution if appropriately trained in appropriate resolution modalities

(e.g., mediation, restorative practices)

- To serve as a Decision-maker regarding the complaint

1. 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 particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

1. 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

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 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 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 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 o 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 a 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) determine that timeliness or efficiency dictate a need for remote interviewing. The Institution 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 process 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

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 in the event that 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 convene 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 on the basis of 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 accommodations, 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 the 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 Title IX Coordinator can make arrangements 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 to 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 first 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 preclude the Advisors from asking a question for the first time at the hearing or from asking for a 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 process 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 accommodations or assistive services.

The Chair will answer all questions of 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 in order 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) on the basis of 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 with the Advisors, if the Chair so 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, 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 the 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(ies). 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' 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(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Gallaudet or the 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 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 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.

1. **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.

2. **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.
3. **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.
4. **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.
5. **Disciplinary Probation** – a specified period during which respondents have the opportunity to prove that they can uphold University rules and policies. It may exclude respondents from participation in privileged and/or extracurricular activities, or paraprofessional employment at the University, as set forth in the notice for the specified period of time. Respondents found responsible for violations involving alcohol and other drugs will be referred to the alcohol and other drugs educational programs and counseling offered by the University. Failure to attend will lead to an allegation of non compliance with a University decision. The terms imply that violation of any provision in the Student Code of Conduct would be viewed not only as a violation of the regulation itself, but also as a violation of the probation and would most likely result in their suspension from the University.
6. **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.
7. **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.
8. **Residence Hall Expulsion** – permanent separation from residing in the residence halls. A ban from access to the residence halls will also be imposed.
9. **Loss of Off-Campus Housing Privileges** – the loss of the privilege to live off-campus for a specific period of time. The sanction stipulates that the respondent must have a housing assignment on campus in order to maintain student status.
10. **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.
11. **University Suspension** – the immediate removal of the privilege to attend Gallaudet University for a defined minimum period of time. The suspended respondent will be placed on persona non grata status indefinitely (see definition below). In cases adjudicated prior to the last day of classes, if the final decision is a suspension (or expulsion) from the University the respondents will not earn credit for the semester in which the infraction occurred in most instances. University suspensions may include conditions for readmission. At the end of the suspension, respondents may apply for readmission as long as certain conditions imposed for readmission, if any, have been satisfied. Respondents is expected to inform the vocational

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

12. **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.
13. **Persona Non Grata** – prohibition from entering campus premises and attending all University-sponsored activities on- and off-campus for any reason. Failure to comply with the terms would result in the respondent being removed from the premises by the Department of Public Safety and/or being charged in D.C. with criminal trespass.
14. **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.
15. **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, 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.

1. **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.
2. **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.
3. **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.
4. **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.
5. **Loss of Oversight, Teaching, or Supervisory Responsibility** – removal of an employee

from specific job responsibilities with or without a job title change.

6. **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.
7. **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.
8. **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.
9. **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

Students: If a student has an allegation pending for violation of the Policy, the Gallaudet University or the 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 to not 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 the 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 of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Gallaudet University or the Clerc Center unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Gallaudet University or the 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 the 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 grounds for appeal. In any request for an appeal, the burden of proof lies with the party requesting the appeal. The appeal to the appeals officer (or their designee) must be in writing or video, and submitted within seven (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 a 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 the 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 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 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 the Gallaudet University or the 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 as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure 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 the 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 a 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 consultation 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 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

1. Provision of campus safety escorts
2. Climate surveys
3. Policy modification and/or training
4. Provision of transportation accommodations
5. Implementation of long-term contact limitations between the parties
6. 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 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:
8. The basis for all conclusions that the response was not deliberately indifferent;
9. 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 in light of 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 are committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Institution's resolution process.

Anyone needing such accommodations 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 accommodations are appropriate and necessary for full participation in the process.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) 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 the 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

Administration and Operations Policy #3.01: Equal Employment Opportunity The Handbook of the

Appendix:

1. Glossary
2. Resources and Support
3. Educational and Prevention Programs
4. Sexual Misconduct Risk Reduction Tips
5. Safe and Positive Options for Bystander Intervention
6. On and Off Campus Resources
7. DC Code Definitions and Statutes
8. Definition of Terms: Violence Against Women Act (VAWA) and the Clery Center for Security on Campus
9. **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 Clery 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 Clery 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.
-
- *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.

1. 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 the 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 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 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.

1. 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. A majority of educational programs and materials include a review of resources and reporting options available for students.

1. Sexual Misconduct – Risk Reduction Tips (from the

Association of Title IX Administrators (ATIXA)

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

Reducing the risk of victimization:

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

- Look out for your friends and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

Reducing the risk of being accused of sexual misconduct:

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

1. 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

3.03 Protection Of Human Subjects In Research Projects

Last Revised:15 Oct 2004

Refer Questions to:*Chair or Coordinator, Institutional Review Board*

Scope

This policy applies to faculty, teachers, staff, and students in all offices and divisions of Gallaudet University. It also applies to off-campus researchers who use Gallaudet faculty, teachers, staff, or students as subjects in their research projects.

Policy

Gallaudet University follows current policy of the U.S. Department of Health and Human Services with regard to protecting the rights of human subjects involved in research and takes all reasonable steps to ensure their full protection when participating in research projects conducted on campus.

For this purpose, the University utilizes an Institutional Review Board (IRB) whose members review plans of research investigations involving human subjects. The University uses scientific competence and humanistic regard for individual rights and welfare as its criteria in selecting members for the IRB. The IRB is empowered to use consultants to supplement its own resources.

All research projects involving human subjects by Gallaudet University faculty, teachers, staff, or students must be submitted to the IRB for review prior to initiating the project. Additionally, research projects performed by off-campus researchers which involve Gallaudet University resources must be submitted to the IRB for review prior to initiating the research project. Off-campus researchers are required to have a Gallaudet faculty, teacher, or staff sponsor.

Prior to initiation of the investigations and to ensure adequate safeguards, the IRB determines for each activity that:

- The rights and welfare of subjects are adequately protected.
- Any risks to subjects are outweighed by potential benefits.
- The informed consent of subjects is obtained by methods that are adequate and appropriate.

The University provides for IRB reviews to be conducted with objectivity and in a manner to ensure the exercise of independent judgment of its members. Members are excluded from reviews of projects or activities in which they have an active role or when a conflict of interest may exist. The University encourages continuing constructive communication between the IRB and research project directors as a means of safeguarding the rights and welfare of subjects.

The IRB maintains appropriate records of IRB reviews of applications and active projects, of documentation of informed consent, and of other documentation that may pertain to the selection, participation, and protection of subjects and to reviews of circumstances that adversely affect the rights or welfare of individual subjects.

Through administrative overview, the IRB periodically evaluates practices and procedures designed

to protect the rights and welfare of subjects to ensure that they are being effectively applied and are consistent with the assurance given to the U. S. Department of Health and Human Services.

The University expects each individual conducting research to comply with this policy to the best of his/her ability. However, recognizing that self-regulation may not result in uniform practices with respect to human rights and welfare, the University charges the IRB with insuring compliance with this policy.

Approved by: *Gallaudet University Administration*

Procedures

1. No research project involving human subjects may be initiated until the IRB has reviewed the aspects of the project plan and has approved the proposed approach to mitigate any foreseeable problems. The IRB determines the following:
 - a. What rights, or aspects of well-being, of individual subjects might be at risk in the research? An individual is considered "at risk" if he/she may be exposed to the possibility of harm (physical, psychological, sociological, or other) as a consequence of any activity which goes beyond the application of established and acceptable methods.
 - b. Whether the potential risks to an individual are outweighed by the potential benefits or by the importance of the knowledge to be gained.
 - c. Whether the methods to be used to gain informed consent are adequate and appropriate.
2. An application for review must be submitted to the Gallaudet IRB well in advance of the anticipated start date of the research.
3. Informed consent must be obtained prior to the initiation of the research activity. The informed consent documents an agreement between the researcher and the subject, or his/her authorized representative. The written document includes:
 - a. A fair explanation of the procedures to be followed, including an identification of those which are experimental.
 - b. A description of the benefits to be expected, if any.
 - c. A description of any reasonably foreseeable discomforts and/or risks.
 - d. An explanation as to whether any recourse is available if injury occurs, and if so, what it entails.
 - e. A description of compensation for participation, if any.
 - f. A statement describing the extent, if any, to which records identifying the subject are maintained confidentially.
 - g. An offer to answer any questions concerning the procedures and information on how to contact the researcher(s) and IRB.
 - h. An instruction that participation is voluntary and the subject is free to withdraw his/her consent and to discontinue participation in the project or activity at any time.
4. The IRB or its representative will monitor the progress of each approved project at least once each year in relation to risk and protection procedures. In the event that proper safeguards and consent procedures are found lacking, the IRB will take whatever action it considers appropriate, up to and including a recommendation that the project be terminated.
5. The principal investigator of an approved project must report to the IRB any changes in research design that may affect the rights or welfare of human subjects involved and may not carry out such changes until the IRB has approved them.
6. Any IRB member involved in a project under review may not vote on any action to be taken with respect to the project.

7. All decisions of the IRB and any pertinent related information are incorporated in the IRB records.
8. For research conducted by off-campus researchers:
 - a. The Gallaudet faculty, teacher, or staff sponsor should be from an academic or research discipline related to the proposed research.
 - b. All projects must have prior approval from the home institution's IRB.
 - c. The Gallaudet sponsor must agree to accept responsibility for the scientific merit of the project. The sponsor must completely review the research methodology with the investigator. Special attention should be given to the adequacy of informed consent for deaf subjects, taking into consideration such factors as proficiency of the investigator in sign language or the use of certified interpreters, the reading level of written materials, and respect for the values of the deaf community.
 - d. Applications must be signed by the Gallaudet sponsor.
 - e. The Gallaudet sponsor may be asked to attend an IRB meeting to answer any questions regarding the use of human subjects in the research project.
 - f. The Gallaudet sponsor is responsible for monitoring the research during all phases of data collection to ensure that the investigator respects all regulations regarding the use of human subjects.
 - g. The Gallaudet sponsor should maintain a file containing copies of the research proposal, IRB approval letters from the home institution and Gallaudet, as well as copies of final reports or publications that result from the research.

3.04 Employment of Relatives

Last Revised: 2 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to all offices and divisions of Gallaudet University.

Policy

Gallaudet University often benefits from employee referrals of relatives for employment at the University. Relatives and household members may work at the University provided they meet employment standards and as long as they do not directly participate in or approve institutional decisions involving a direct benefit (initial appointment, retention, transfer, promotion, salary review, leave of absence, performance evaluation, supervision, work assignments, etc.) to members of their family. An employee may not directly supervise or have any actual or potential influence over the terms and conditions of employment (*e.g.*, compensation, performance evaluations, promotions, etc.) of the employee's relative or household member or individual with whom the employee has a romantic or sexual relationship. Departments are expected to avoid even the appearance of impropriety.

For the purpose of this policy, relatives are defined as husband, wife, registered domestic partner, son, daughter, father, mother, brother, sister, grandparent, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister. Household member refers to anyone who regularly shares a residence with an employee.

If individuals foresee the possibility of becoming in violation of this policy, the individual with supervisory authority or influence must notify Human Resources immediately, which can take appropriate action to address the conflict.

Approved by: Gallaudet University Administration

3.05 Employment of Foreign Nationals

Last Revised: 2 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to all offices and divisions of Gallaudet University.

Policy

By law, Gallaudet may employ only those individuals who have a lawful right to work in the United States for the University. The University may petition for authorization to employ a foreign national who needs an employment-based visa if the candidate and position meet specific employment criteria. In most cases, the University does not petition for positions of less than one-year duration. In certain cases, a foreign national may be able to petition on his/her own for employment authorization based on their status without the University's help (e.g., persons with L-2, E-2, or H-4 status as a spouse who are able to obtain employment authorization). In no instance can an unauthorized foreign national be employed by the University without having proper work authorization, whether the person petitioned on his/her own or the University has successfully petitioned for and received the appropriate work authorization. The length of the appointment may not exceed the time period for which employment is authorized. Legal fees incurred by the employee are the responsibility of the employee. Legal fees incurred on behalf of the University in relation to the employment-based visa sponsorship for the employee are the responsibility of the employee's department. For the avoidance of doubt, the University will not pay the costs of visa sponsorship for an employee's family.

In accordance with the Immigration Reform and Control Act, the University must verify and document the identity and employment eligibility of all new hires, and complete Form I-9. Section I of Form I-9 has to be completed on the starting date and the employee has up to three working days after their starting date to present documents acceptable for I-9 purposes to document his/her identity and employment eligibility.

Individuals from other countries who are classified as full-time students in F-1 visa status may be offered on-campus employment in accordance with applicable laws governing such employment. Employment of individuals possessing an F-1 student visa must be approved in advance by Human Resources.

Approved by: Gallaudet University Administration

3.06 Dissemination of Confidential Information

Last Revised: 3 October 2018

Refer Questions to: Executive Director, Human Resources or University Registrar

Scope

This policy applies to faculty, teachers, staff, and students in all offices and divisions of Gallaudet University.

Policy

There are properly established procedures for the accumulation and custody of information at Gallaudet. Information resources of the University are the property of the University, and all employees assigned responsibility for and entrusted with confidential information are expected to maintain the data with a high degree of security. A limited amount of confidential information can be released as long as no laws are violated (e.g., FERPA and HIPAA) and it can be reasonably determined that the requesting party, either internal or external, has a bona fide reason for accessing the information. Employees at Gallaudet should contact their unit administrator if they have any questions regarding release of information. Inappropriate disclosure of confidential information could lead to termination of employment. Administrators, faculty, teachers, and staff will sign a "Confidentiality Agreement" during the start of each fiscal year indicating that they understand their responsibility to the University to safeguard confidential information.

The procedures contained in this policy apply to the release of personnel and payroll information from Human Resources Services and to the release of student information.

Approved by: Gallaudet University Administration

Procedures

Information disseminated from Human Resources Services usually follows the procedures outlined below. Requests regarding work performance are normally referred to the appropriate supervisor. If a supervisor prefers not to provide a reference, the information described below is provided by Human Resources Services. Information for the University directory is not controlled by this policy.

Requests for information on employees and former employees are normally received from the following:

- Government Agencies (Federal, State, Municipal)
- Potential Employers
- Credit Granting Institutions
- Landlords
- Law Enforcement Authorities
- Gallaudet University Internal Sources

1. Human Resources Services responds to requests for employment verification by stating the

dates of employment, department where employed, position held, and where applicable, reason for separation. Questions regarding reason for separation are usually answered as resigned, retired, laid-off, non-reappointed, appointment ended, terminated for poor performance, or terminated for gross misconduct. Questions regarding salary are answered when authorized by the employee.

2. Personal information, such as salary, home address, and telephone number, is provided: to authorized government agencies (e.g., IRS, Office of Unemployment Compensation, Office of Workers' Compensation); to properly identified law enforcement authorities; in response to a lawfully issued administrative summons or judicial order; in compelling circumstances affecting the immediate health or safety of the individual; or if necessary to protect the safety and security of the campus community or property.
3. Unless terminated for gross misconduct, requests for rehire eligibility are normally answered: "Consideration will be given at the time of application." Unless the appointment has a definite end date, questions concerning the probability of continued employment are normally answered: "At this time, the employee has a reasonable expectation for continued employment."
4. Inquiries originating within Gallaudet are answered by Human Resources Services only if it can be established that the requestor has a work-related need for the information.
5. Decisions regarding release of personnel information not covered 1 through 4 above are made by the Director of Human Resources or the Vice President for Administration and Finance.

The Family Educational Rights and Privacy Act (FERPA) of 1974

FERPA is a Federal law that protects the privacy of student education records. The Act prescribes under what circumstances and to whom student records may be released. It gives students the right to review their educational records, the right to request a correction to any record they believe is inaccurate, and the right to limit the disclosure of information from their records. Gallaudet's failure to comply with FERPA could cause the withdrawal of federal funds by the Department of Education.

The Act applies to: (1) persons who are taking or have taken courses/classes at Gallaudet University, including students at the Clerc Center, for whom an educational record has been established; (2) all educational records maintained in files, documents, databases, etc., including, but not limited to, class schedules, grades, GPA, test scores, academic standing, and transcripts; and (3) personally identifiable information, including, but not limited to, the student's name, Social Security number, residency status, gender, religious preference, and race/ethnicity, that is contained in files, documents, databases, and other sources containing information from which students can be identified.

FERPA does NOT apply to: (1) admissions applications; (2) confidential letters of recommendation placed in the student's file after January 1, 1975; (3) faculty, teacher, or staff personal notes and records that are not shared with other people except someone who may be temporarily substituting for that person; (4) records of the Department of Public Safety; (5) records of employees (the law does not apply to records of students who are secondarily employees, e.g., work-study students); (6) records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, when these records are used solely in connection with the provision of treatment; and (7) records which contain only information about a person after he/she has left Gallaudet (e.g., alumni records).

PROCEDURES

1. Students have the right to inspect their own official records. Corrections or challenges to

records may be presented by the student in writing to the office maintaining the record. Each office responsible for an official student record must have a procedure for how and when students may read, copy, and if necessary, challenge information in the record.

2. Gallaudet University personnel who need particular information in order to perform their assigned duties may have access to student records.
3. Disclosure of information contained in student records to other persons or agencies is prohibited without the consent of the student (or parent/legal guardian if the student is under the age of 18 and has not been admitted to a post-secondary program) with the following exceptions: (a) information from a student record will be released upon written request of the student; (b) directory information may be released to anyone upon request (students who do not wish this information to be available may request in writing to have their name removed from the directory); (c) the University must release official records upon subpoena or court order (the University will attempt to notify the student that the records are being released); (d) information from student records will be shared with auditors inspecting the operations of Gallaudet University offices; (e) information from student records may be released to parents or legal guardians who financially support a student (under IRS regulations); (f) information from student records may be released to persons or organizations providing financial aid for a student, or evaluating a student's eligibility for financial aid; (g) information from student records may be released to other school officials if the student is transferring.
4. Personally identifiable information may be accessed without prior written consent in some situations by University personnel with a legitimate educational interest, by certain government officials, in compliance with a judicial order or subpoena, or in a health or safety emergency.

Only information directly related to the education process is maintained in student records. Official student records do not include references to political or social beliefs and practices. Students may list membership in professional associations, honorary societies, or student activities as part of their student record. Memberships in other organizations not listed by the student will not be included in student records.

Medical records, mental health records, and parents' financial statements are not subject to FERPA. These records are subject to applicable laws of the District of Columbia and the Federal Government that make them legally confidential or privileged. These records cannot be reviewed by or released to anyone except as provided by these applicable laws.

3.07 Contractors and Consultants

Last Revised: 28 Oct 2019

Refer Questions to: Office of Strategic Sourcing

Scope

This policy applies to all individuals who wish to contract for supplemental services to be paid by Gallaudet University, regardless of the source of funds. A department intending to engage an individual as an independent contractor must follow the appropriate procedures prior to the start of any work or performance of services.

Policy

This policy defines the criteria to qualify as an independent contractor. It is important that payments to employees and independent contractors for services rendered be made in a proper manner. The University is subject to audit by the Department of Labor, Internal Revenue Service (IRS) and Social Security Administration (SSA). Significant tax penalties exist for incorrect classification of an employee as an independent contractor.

All Gallaudet University administrators have a responsibility in ensuring that services are carried out to the maximum extent possible by current employees. If the required services are unique, specialized, or highly technical that they cannot be performed economically or satisfactorily by existing employees, it may be necessary to secure the services of independent contractors. Prior to engaging the services of any individual or firm as an independent contractor, the department must follow University procedures and complete the Determination of Status checklist. The checklist will help determine the proper work status of the individual, either as an employee of Gallaudet University or an independent contractor.

It is important that payments to employees and independent contractors for services rendered be made in a proper manner. Payments to independent contractors are processed through the Finance Office whereas payments to employees are processed through Payroll Office. In special situations, a current University employee or student may provide service outside the scope of their normal position responsibilities. In these cases, the individual should be paid through Payroll Office.

Approved by: Gallaudet University Administration

Definitions

1. Employee

An employee depends on an employer for income on a continuing basis. An employee/employer relationship exists if the individual performs services that can be controlled and supervised by Gallaudet University. Additionally, any individual who has been paid on Gallaudet University payroll in the current calendar year is treated as an employee, even if the relationship might otherwise qualify as that of an independent contractor.

2. Independent Contractor

Individuals who render a service and meet contractor conditions established by the IRS. They typically have a separate workplace, are not supervised, and have a particular set of skills not available elsewhere within the organization. They are not entitled to employee benefits, are not covered by workers' compensation, and their pay is usually not subject to income tax withholding.

3. Determination of Status

The checklist is required to determine the status of the individuals. Departments are responsible for making an initial assessment of the employment status of individuals they hire. Departments are encouraged to contact Human Resources Services with specific questions prior to finalizing arrangements with the individual.

4. Payment

If the individual is considered an independent contractor, then the hiring department must work with the Contracts and Purchasing Department. The procedures are available below. If the individual is considered an employee, the hiring department must follow the regular hiring procedure through Human Resources Services.

Criteria for Identifying Independent Contractors

Gallaudet University is required to comply with federal and state laws to properly classify workers as employees or independent contractors. The penalties for incorrectly classifying employees as independent contractors are significant. If a worker is paid as an independent contractor and is reclassified by the IRS as an employee, the University will be liable for the amount of federal income taxes it failed to withhold, together with both the employer's and employee's share of FICA associated with that employee's compensation.

Indicators of Independent Contractors (must meet all indicators):

- **Instructions:** An individual who is not required to comply with instructions as to when or where, or how the individual is to work.
- **Type of Service:** An individual who provides service that no other Gallaudet employees could provide. It must also be outside of the University's usual course of business. For example, an individual teaching classes may not be classified as an independent contractor.
- **Training:** An individual should not receive training to learn how to do the work.
- **Schedule:** The hours of work are not established by Gallaudet University.
- **Payment:** An individual who is paid by the job, not by time. The individual must also not have been paid through Payroll Office during the same calendar year (The University will not issue a W2 and 1099 in the same calendar year).
- **Status:** An individual who is not a current employee at Gallaudet University. The individual cannot be classified as an independent contractor even if the relationship might otherwise qualify as an independent contractor.
- **Risk:** An individual who accepts the ultimate risk of profit or loss and insurance.
- **Equipment:** An individual who provides their own supplies, equipment, and office space.
- **Length of Contract:** An independent contractor works at the University on a temporary basis and short-term. If there is a continuing relationship, then the individual should be classified as an employee.
- **Working for more than one client at a time:** An individual who is capable of performing services for other employers and must not be solely dependent on Gallaudet University for work.

Retirees

Individuals who retired from Gallaudet University may return as an independent contractor to fill a temporary need or help with the transition. The services provided must meet the criteria for independent contractors. Otherwise, they must go through the Payroll Office. Retirees who are approved as independent contractors may only work up to six months at the University. It is important to remember that any individual who has been paid on Gallaudet University payroll in the current calendar year is treated as an employee, even if the relationship might otherwise qualify as that of an independent contractor.

Guideline to Use When Hiring Independent Contractors

- Do not establish a work schedule.
- Do not provide office space or training.
- Do not furnish tools and materials.
- Do not give independent contractors authority for hiring, disciplinary actions, or termination decisions.
- Do not issue employee ID, parking pass, or keys.
- Payment for the services should be based on one fee for performing the services rather than by the hours spent on the assignment.
- Request proof of liability coverage.
- Be mindful that independent contractors who earn more than \$10,000 a year from a single employer and who do not perform services for any other employer are likely to be considered employees by the IRS.

Oversight

Each division should identify an employee who has oversight of all contracts within the division. This employee will provide final approval of all contracts within the division. If the contract is more than \$10,000, this employee should question the need for such contract and ensure that the contract is short-term rather than a continuing relationship.

Procedures

Independent Contractors must be paid through the Finance Office. There are two departments involved in this process: Contracts and Purchasing and Finance Office. It is important to note that a contract must be processed by Contracts and Purchasing before service begins.

1. Department must complete a requisition form and submit it to the Contracts and Purchasing Department. The form can be found [Contact](#).
2. The Contracts and Purchasing department makes every attempt to send out all contracts within 7 to 10 business days, provided all necessary information is included on the requisition. All requisitions for independent contractors must have a completed Independent Contractor vs. Employee Requirements form and a scope of work.
3. The Contracts and Purchasing department will analyze the information and make the determination in consultation with Human Resources Services as needed.
4. If identified as an independent contractor, a contract is sent to the vendor via FedEx (unless the address is a PO Box then it is mailed) or Adobe Sign for signature.

5. A PO is not obligated for a contract until the signed contract is returned to Contracts and Purchasing.
6. Once the contract is received the PO will be obligated and you will receive a PO and a copy of the contract via email.
7. Once the contract is finalized, the independent contract must complete a [W9 form](#) and an [EFT form](#) and submit it to the Finance Office. Please send both to the address listed on the EFT form.
8. The invoice submitted for payment has the payees name and address, the amount to be paid, an invoice number, and a description of the merchandise or service provided. For payment, have the authorized person sign the invoice, approving payment, write the account number from which it should be paid on the invoice, and send it to the Finance Office.
9. A purchase order was established to pay for the merchandise or service. The invoice, when received, should be signed by the authorized person, approving payment, write the purchase order number on the invoice, and forward it to the Finance Office. If the merchandise or service has not been received, please note that information on the invoice.

3.08 Furlough (Temporary Leave Without Pay Status)

Last Revised: 10 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to all employees in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

The President, with approval of the Board of Trustees and in consultation with the Office of General Counsel ("OGC"), may institute a full or partial shutdown of programs and services and as a result temporarily place employees on leave without pay status (furlough) to preserve the financial well-being of the institution. The President will determine the duration of any furlough. Furloughs will be conducted in a manner that is fair and is sensitive to the mission of the University and in compliance with any applicable legal requirements and when applicable, the University Faculty Handbook. The President will typically follow the guidelines below, but may deviate when necessary in the interests of the University.

1. Full Shutdown

Every effort will be made to avoid a full shutdown that necessitates wide-spread furloughs. However, in the event of a full shutdown, all employees, except those specifically designated as essential to safeguard and maintain the resources of the University, will be temporarily furloughed.

2. Partial Shutdown

In the event of a need for a partial shutdown affecting only segments of the campus that necessitates furloughs, the President will take into consideration the following:

1. Available Funding: The availability of designated Federal funding and income generated by the division, department, unit, office or program to maintain its operation or other critical programs and services.
2. Critical Programs and Services: The programs and services, or portions thereof, central to fulfilling and supporting the primary mission and goals of the University. The President, in consultation with administrative officers, will determine which programs and services are critical. Faculty officers and other appropriate faculty representatives will participate in deliberations regarding critical academic programs.
3. Program and Service Personnel Needs: The number and types of faculty, teachers, and staff necessary to maintain critical programs and services. The President, in consultation with administrative officers, will determine which employees are necessary.

Within programs and services, short-term temporary, adjunct, substitute, and on-call employees will usually be furloughed first, followed by extended temporary employees and then regular status employees.

Employees specifically assigned to a project funded by a grant may be exempt if a furlough would jeopardize fulfillment of the conditions of the grant.

3. Intermittent or Staggered Furloughs

The President may effect leave without pay status for any classification of employee in any funding category and in any division, department, unit, office, or program. Such a furlough will typically be arranged so that all or critical programs and services can remain in operation.

4. Any Other Furlough Not Covered by 1, 2, or 3 Above

The President may effect any other furlough arrangement necessary to safeguard and preserve the financial well-being of the institution.

Approved by: Gallaudet University Board of Trustees

Procedures

1. The administrative officer will notify affected employees in writing of the furlough, the schedule, and the anticipated duration if known.
2. Once a furlough has ended, affected employees will usually be reinstated to the position held at the time of the furlough. However, a furlough does not prevent the University from realigning or reassigning its resources or from taking additional action to preserve the financial well-being of the institution. If a reorganization or restructuring of an academic department is being considered during a furlough, the provisions of the University Faculty Handbook will be followed. Furloughed employees in departments being considered for reorganization or restructuring will be notified. Further, reinstatement is not a guarantee that conditions of employment will remain unchanged. If a temporary appointment terminates during the period of the furlough, the employee has no reinstatement privileges.
3. A furlough has no effect on length of service with the University.
4. The President will announce decisions regarding reinstatement of salary/employment. Options may include the retroactive substitution of paid leave or the make up of work days missed.
5. Unless enrollment is canceled, benefits remain in effect while an employee is on furlough to the extent permitted by the benefit plans (leave without pay status). However, employees who are on leave without pay status, or when their salary is insufficient to cover the required withholdings, are responsible for the employee share of all payroll deducted obligations including health insurance premiums. Arrangements for payment of premiums should be made with the Payroll Office. If an employee should separate from service or fail to satisfy the debt, amounts due are collected through any lawful sources available. Employees should contact the Benefits Office for additional information regarding benefits while on leave without pay.
6. An employee who is on leave without pay status is not eligible to accrue sick leave or annual leave (staff), to receive holiday pay, or to substitute other types of leave.
7. For additional conditions regarding leave without pay status, refer to the Leave Without Pay policy.

3.09 Suitability Background Investigations

Last Revised: 2 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to all current and future dormitory staff, current and future employees of Gallaudet University working directly with the University's financial resources, information technology systems, campus security, auditing functions, the Gallaudet University Laurent Clerc National Deaf Education Center (Clerc Center), current and future contractors who are involved in the provision of services to Clerc Center and University students, and to specifically designated other employees, candidates, contractors or individuals (including, but not limited to, volunteers, interns, and students) who are or will be directly involved with the provision of services to children on campus who are under the age of 18 or who are or may be responsible for or able to directly benefit from the resources of the University.

Policy

In accordance with applicable law in order to assure the safety and well-being of children and other students on campus, and to protect the financial integrity of the University, all individuals covered by this policy must undergo a suitability background investigation as a precondition of being employed by or providing services to the University and may be required to undergo a suitability background investigation after employment or commencement of services.

Any applicant for employment subject to a background investigation/check will receive an appropriate disclosure, and be asked to sign an authorization, after receiving a conditional offer of employment. Individuals who fail to complete the required forms within a stipulated time period may be denied employment or assignment or may be reassigned or dismissed.

If permitted by applicable law, any conviction for a sex crime, an offense involving a child victim, or a drug felony may be grounds for denying employment, a contract, or assignment or for dismissal. If permitted by applicable law, if an employee, candidate, contractor, or other individual has been charged with one of these offenses but the case has not yet been adjudicated, employment, a contract, or assignment may be delayed pending the outcome, or the individual may be precluded from having any contact with children until the case is resolved.

Additionally, if permitted by applicable law, a conviction of a crime other than a sex crime may be considered grounds for denying employment, a contract, or assignment or for dismissal if it bears on an individual's fitness to have responsibility for the safety and well-being of minors, threatens the financial security of the University, exposes the University to significant risk, or if it limits the individual's ability to carry out the functions of the position.

Individuals who fail to complete the required forms for conducting a suitability background investigation within a stipulated time period may be denied employment, a contract, or assignment or may be reassigned or dismissed.

Background information is maintained in the strictest confidence and is reviewed only by those administrators with a need to know the information, such as those having direct responsibility for

employment decisions relating to the background check at issue.

When conducting a background check, Gallaudet complies with all applicable federal and District of Columbia laws, including the Fair Credit Reporting Act.

Approved by: Gallaudet University Administration

3.11 Retirement and Medicare

Last Revised: 24 Oct 1977

Refer Questions to: Director, Human Resources

Scope

This policy applies to faculty, teachers, and staff in all offices and divisions of Gallaudet University.

Policy

By an Act of Congress, all regular status employees participate in the Federal retirement systems (Civil Service Retirement System or Federal Employees Retirement System). Participation is mandatory. All other employees are covered by Social Security and are governed by applicable regulations. In addition, employees are required to participate in Medicare Part A. The University follows the regulations, eligibility requirements, and contribution schedules established by these programs.

In compliance with the Age Discrimination in Employment Act of 1967, amended in 1986, the University may not impose a mandatory retirement age for its employees. Therefore, employees may continue to work at Gallaudet University as long as they are able to fulfill their responsibilities in a satisfactory manner.

Approved by: Gallaudet University Board of Trustees

3.12 Insurances

Last Revised: 11 May 2007

Refer Questions to: Director, Human Resources

Scope

This policy applies to regular status and extended temporary faculty, teachers, and staff in all offices and divisions of Gallaudet University.

Policy

By an Act of Congress, all regular status employees are eligible to participate in the Federal Employees Health Benefits (FEHB) program, the Federal Employees Group Life Insurance (FEGLI) program, the Federal FSA Program (FSAFEDS), Federal Employees Dental and Vision Insurance Program (FEDVIP), and the Federal Long-Term Care Insurance. Extended temporary employees may participate in the FEHB program after one year of continuous service. Participation in both programs is voluntary to the extent prescribed by the carrier and applicable laws and regulations. The University follows the regulations, eligibility requirements (including a minimum number of hours worked per week), and fee schedules established by these programs.

In addition to these programs, the Board of Trustees has authorized the University to supplement these benefits with other insurances that provide for the health and well-being of the community. These additional benefits must be consistent with the University's position to maintain a competitive benefits posture with other universities in the area and must be cost effective and within funding constraints. Presently included for regular status employees are an alternative life insurance plan, dental insurance, and long-term disability insurance. The University follows the regulations, eligibility requirements (including status, waiting period, and a minimum number of hours worked per week), and fee schedules established in the contract. Additions, major revisions, or deletions normally require Board approval.

In compliance with applicable laws and regulations, the University ensures that employees are covered by a Workers' Compensation program and Unemployment Compensation program. Eligibility and the extent of benefits are governed by the appropriate regulations.

Approved by: Gallaudet University Board of Trustees

3.16 Service Awards

Last Revised: 1 Jan 2012

Refer Questions to: Director, Human Resources

Scope

This policy applies to regular and extended temporary faculty, teachers, and staff in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between the University and certified bargaining agents.

Policy

The University recognizes cumulative service (in a regular status or extended temporary status position) to the institution through its Service Awards Program. Eligible employees receive recognition at anniversary milestones starting with 5 years and continuing every five years up to 50 years. Recognition includes:

- Certificate of appreciation
- Small gift with Gallaudet logo
- Selection of an award from the choice program catalog

RETIREMENT GIFT

In addition, on the occasion of an employee's official retirement from the University, the employee will receive a certificate of appreciation and a gift selection from the choice program catalog.

Approved by: Gallaudet University Administration

3.18 Discrimination

Replaces A&O Policy 2.28 effective August 1, 2024

3.18: Discrimination

Executive Sponsor: Chief Officer of Belonging and Engagement

Responsible Unit: Office of Equal Opportunity Programs and Title IX

Effective: August 1, 2024

STATEMENT

Gallaudet University strives to foster a welcoming environment that values belonging, equity, and dignity in people. This policy reiterates the University's commitment to: promptly and equitably eliminate, prevent, and address prohibited conduct; foster a culture where prohibited conduct is not tolerated; ensure all University members are well informed and supported when reporting prohibited conduct; provide a fair and impartial process for all parties; and clearly establish the standards and procedures through which violations of this policy will be evaluated and disciplinary action may be imposed.

SCOPE

This policy applies to all faculty, teachers, staff, students, and guests, and to all divisions and units, including Clerc Center, at Gallaudet University.

This policy applies to acts of discrimination and related retaliation committed by or against faculty, teachers, staff, students, and guests when the conduct:

- takes place on University property;
- occurs in the context of University employment or education program or activity, including but not limited to, University-sponsored academic, athletic, extracurricular, study abroad, research, online or internship programs or activities;
- takes place off University property and outside the context of a University employment or education program or activity, but: 1) has a continuing adverse effect on a University education program or activity; or 2) creates a hostile environment for students, employees, or guests while on University property or during any University employment or education program or activity; or
- indicates a danger or threat to the health and safety of University members.

Nothing in this policy should be interpreted to abridge academic freedom.

POLICY

It is the policy of Gallaudet University to provide an environment for all members of the University community that is free of discrimination or harassment on the basis of race, color, sex (including sexual harassment), pregnancy, childbirth, breastfeeding, and related medical conditions, religion, national origin, sexual orientation, age, disability, veteran status, or any other category protected under federal law, the D.C. Human Rights Act, or any other applicable law ("Protected

Characteristic”).

The Office of Equal Opportunity Programs and Title IX shall be responsible for the development and implementation of any procedures and training and for responding to any reports or complaints of violations under this policy.

Prohibited Conduct

All University members are prohibited from engaging in, or assisting, or abetting another’s engagement in discrimination based on a Protected Characteristic and related retaliation (collectively, “Prohibited Conduct”).

Reporting of Prohibited Conduct

To foster an environment free from Prohibited Conduct, all University members are encouraged to take reasonable action to prevent, stop, and report all instances of Prohibited Conduct.

Unless prohibited by HIPAA or other laws, or by a professional license requiring confidentiality, Supervisors and Human Resource professionals are required to report possible instances of Prohibited Conduct that they learn about during the course of performing their respective employment duties.

SCHEDULE OF REVIEW

This policy shall be reviewed every three years and as needed to comply with any applicable laws and regulations. The next scheduled review shall be completed by: August 1, 2027

APPROVED BY

Gallaudet University Administration

July 31, 2024

RELATED POLICIES, PROCEDURES, AND RESOURCES

- [3.01 Equal Opportunity Statement](#)
- [3.19 Title IX Sex Discrimination, Sex-Based Harassment, and Retaliation](#)
- [EOP.01 Discrimination and Retaliation Complaint Procedures.docx](#)
- [Office of Equal Opportunity Programs and Title IX](#)
- [1.27 Bullying in the Workplace](#)

HISTORY

2024 08 01 replaces A&O Policy 2.28 and renumbered to 3.18

comprehensive update and revisions

3.19 Title IX Sex Discrimination, Sex-Based Harassment, and Retaliation

Last Revised: *NEW*

Refer Questions to: *Director, Equal Opportunity Programs and Title IX Coordinator*

ADMINISTRATIVE POLICY

Replaces A&O Policy 3.02 effective August 1, 2024

3.19: Title IX Sex Discrimination, Sex-Based Harassment, and Retaliation

Executive Sponsor: Chief Officer of Belonging and Engagement

Responsible Unit: Office of Equal Opportunity Programs and Title IX

Effective: August 1, 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 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.

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 protects 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)

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.

Reports/Complaints of Title IX Sex Discrimination, Sex-Based Harassment, and/or Retaliation

Reports or complaints under this policy may be made by filing a complaint with the Office of Equal Opportunity Programs and Title IX.

Within any procedures related to this Policy, reasonable accommodations will be provided whenever consistent with state and federal law.

SCHEDULE OF REVIEW

This policy shall be reviewed every three years and as needed to comply with any applicable laws and regulations. The next scheduled review shall be completed by: August 1, 2027.

APPROVED BY

Gallaudet University Administration

July 31, 2024

RELATED POLICIES, PROCEDURES, AND RESOURCES

- [3.01 Equal Opportunity Statement](#)
- [3.18 Discrimination](#) (formerly 2.28 Anti-Discrimination Policy and Complaint Procedure)
- [Office of Equal Opportunity Programs and Title IX](#)

HISTORY

2024 08 01 replaces A&O Policy 3.02

updated to comply with Title IX 2024 regulations

3.20 Pregnancy and Related Conditions and Parenting Students

Last Revised: *NEW*

Refer Questions to: *Director, Equal Opportunity Programs*

Executive Sponsor: Chief Officer of Belonging and Engagement

Responsible Unit: Office of Equal Opportunity Programs and Title IX

Effective: August 1, 2024

STATEMENT

Gallaudet University is committed to providing an inclusive and supportive educational and employment environment for those who are pregnant or experiencing pregnancy-related conditions, including students who are parents.

SCOPE

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

POLICY

It is the policy of Gallaudet University to comply with federal and local statutes and regulations prohibiting discrimination or harassment based on pregnancy, childbirth, breastfeeding, and related conditions. Pregnant individuals and those with pregnancy-related conditions are entitled to reasonable accommodations or modifications to support their continued participation in educational and employment activities.

To promote an educational and employment environment that is free of discrimination, harassment and retaliation based on pregnancy and related condition discrimination, 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.

Reports/Complaints of Discrimination, Harassment, and/or Retaliation Based on Pregnancy and Related Conditions

Reports or complaints under this policy may be made by filing a complaint with the Office of Equal Opportunity Programs and Title IX.

Within any procedures related to this policy, reasonable accommodations will be provided whenever consistent with state and federal law.

SCHEDULE OF REVIEW

This policy shall be reviewed every three years and as needed to comply with any applicable laws and regulations. The next scheduled review shall be completed by: August 1, 2027

APPROVED BY

Gallaudet University Administration

July 31, 2024

RELATED POLICIES, PROCEDURES, AND RESOURCES

- [3.18 Discrimination](#)
- [3.19 Title IX Sex Discrimination, Sex-Based Harassment, and Retaliation](#)
- [3.21 Gender Identity, Gender Expression, Names, and Pronouns](#)
- EOP.03 Pregnancy and Related Conditions and Parenting Students Procedures
- [Office of Equal Opportunity Programs and Title IX](#)

HISTORY

2024 08 01 New

3.21 Gender Identity, Gender Expression, Names, and Pronouns

Last Revised: NEW

Refer Questions to: Director, Equal Opportunity Programs and Title IX Coordinator

Executive Sponsor: Chief Officer of Belonging and Engagement

Responsible Unit: Office of Equal Opportunity Programs and Title IX

Effective: August 1, 2024

STATEMENT

Gallaudet University recognizes that transgender, gender expansive, and non-binary populations are particularly vulnerable to discrimination, harassment, and threats to their safety and well-being. Through the development and establishment of this institutional level policy, the University affirms its strong commitment to providing a safe and welcoming environment for all community members, regardless of gender identity or expression.

SCOPE

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

POLICY

It is the policy of Gallaudet University to promote an environment that is inclusive of individuals of all gender identity or expression, and to ensure its programs, activities, and facilities, including at Clerc Center, are free from discrimination based on gender.

The [Office of Equal Opportunity Programs and Title IX](#) shall be responsible for the development and implementation of any procedures and training and for responding to any reports or complaints of violations under this policy. Additional guidelines related to Clerc Center students are located in [A&O 1.30: Clerc Center Guidelines on Transgender and Gender Non-Conforming Students](#).

Name, Gender Identity, and Pronouns

- University members are not required to provide documentation if they choose to use:
 - a chosen (or preferred) name that is different than the name listed on their legal documents;
 - a gender identity that differs from their legal sex (or sex assigned at birth); and/or
 - specific pronouns and other gendered personal references when referring to themselves.
- University members may determine whether, how, and with whom to share their chosen names, gender identities, and/or pronouns or other gendered personal references used when referring to themselves.
- All University members, units, and divisions are expected to make reasonable efforts to use the

names, gender identities, and pronouns specified to them by another University member, except during instances when the use of legal names or legal sex is required.

Programs, Activities, and Facilities

- All University or Clerc provided housing, restrooms, and locker rooms will be accessible to individuals of all gender identities.
- University members may:
 - access gender-specific facilities that correspond with their gender identities; and
 - participate in University or Clerc Center activities and programs consistent with their gender identities, including but not limited to, housing, restrooms, locker rooms, recreation services and activities, and camp programs.
- University members will not be required to use all-gender or gender-specific facilities that do not correspond with their gender identities because: 1) their legal sex differs from their gender identity; or 2) their gender expression.

Privacy

With the exception of school officials with a legitimate educational interest and those employees whose work assignments reasonably require access to information about pronouns, gender identities, and legal sex, all divisions and units are required to take reasonable measures to maintain the privacy of University members' information in official University and Clerc Center records related to their use of pronouns, gender identities, and legal sex.

If a University member has indicated a chosen or preferred name, measures should be taken to maintain the privacy of the University member's legal name whenever possible.

Data Collection

When feasible, any unit, division, or University member that collects information about other University members' legal sex, sex assigned at birth, and/or gender identities should provide an explanation as to why the information is being collected and how the information will be used.

University members are not required to respond to requests to disclose their legal sex, sex assigned at birth, or gender identity unless legally required or when there is a legitimate University-related reason for the request.

Potential Conflicts

Any University member who believes their compliance with this policy would violate a law, rule, or requirement that the University is required to or has committed to follow should consult with the Office of Equal Opportunity Programs and Title IX and the Office of the General Counsel.

SCHEDULE OF REVIEW

This policy shall be reviewed every three years and as needed to comply with any applicable laws and regulations. The next scheduled review shall be completed by: August 1, 2027.

APPROVED BY

Gallaudet University Administration

July 31, 2024

RELATED POLICIES, PROCEDURES, AND RESOURCES

- [1.30 Clerc Center Guidelines on Transgender and Gender Non-Conforming Students](#)
- [3.01 Equal Opportunity Statement](#)
- [3.18 Discrimination](#) (formerly 2.28: Anti-Discrimination Policy and Complaint Procedure)
- [3.19 Title IX Sex Discrimination, Sex-Based Harassment, and Retaliation](#)
- [3.20 Pregnancy and Related Conditions and Parenting Students](#)
- [Office of Equal Opportunity Programs and Title IX](#)

HISTORY

2024 08 01 New

Section 4: Human Resources - Staff and Clerc Center Teachers

4.01 Staff Appointments

Last Revised: 2 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to staff in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

Staff appointments consider three main factors: (1) authorized status; (2) appointment schedule; and (3) length of work week. The benefits to which an employee is eligible depend primarily on the authorized status of the appointment. The appointment schedule and length of the work week influence many of the benefits accrual or award rates. Employees should refer to the specific benefits policy or plan document for eligibility and other information. The official benefits documents control in the event of any inconsistency with this policy.

1. Authorized Status

1. Regular Status: Positions require an authorized position slot that is incorporated in the University's staffing plan and operating budget. Positions supported by grants or other sources of income may be considered for regular status depending on funding levels and anticipated duration of the appointment. Regular status employees are eligible for a wide range of benefits.
2. Temporary Status: Positions are clearly temporary in nature. They do not require an authorized position slot and are not incorporated in the University's staffing plan; however, they must be approved and sufficient funds must be available. Employees on temporary status may be converted to permanent status with approval of the relevant Vice President and appropriate funding.
 1. **Extended Temporary:** Appointment is 240 days (or 8 months) to one year, renewable one time if necessary. Employees work more than 20 hours per week and are eligible for a limited number of benefits.
 2. **Short-Term Temporary:** Appointment is up to 120 days (or 4 months). Appointment may be renewed one time only for a maximum of 240 days. Employees work more than 20 hours per week and are generally ineligible for benefits except those required by law, and time worked is not counted in determining length of service.
3. Call-in, Substitute, or Incidental: Employees are called in periodically as needed or work 20 or fewer hours per week in positions which supplement the full-time work force (e.g., weekend help) or support special programs (e.g., tutors). Employees are generally ineligible for benefits except those required by law, and time worked is not counted in

determining length of service.

4. Student Status: A student enrolled at Gallaudet working as an employee.

5. Appointment schedules do not alter the at-will status of employees.

2. Appointment Schedules

1. 12-Month Appointment: Employees are scheduled to work throughout the year.

2. Less than 12-Month Appointment: Employees are scheduled to work fewer than 12 months per year. Additional days may be assigned as needed.

3. Any other appointment not specifically defined by A or B.

3. Length of Work Week

1. Full-Time: Employees regularly scheduled to work 40 hours per week.

2. Part-Time: Employees regularly scheduled to work fewer than 40 hours per week.

Approved by: Gallaudet University Administration

4.02 Staff Employment

Last Revised: 2 Oct 2019

Refer Questions to: Human Resources

Scope

This policy applies to regular status and extended temporary staff appointments in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

Gallaudet University Human Resources serves as the authoritative source for all matters related to staff employment, including, but not limited to, recruitment/selection procedures, new employee orientation, promotions, reclassifications, transfers, salary administration, demotions, layoffs, and terminations. Employee selection is the responsibility of the supervisor; however, all selection decisions must be approved by the unit administrator, senior administrator, Executive Director, Human Resources and Director of Equal Opportunity Programs. The procedures in this policy are intended to provide for equitable employment practices. Gallaudet University is an equal opportunity employer and does not discriminate on any unlawful basis. All individuals engaged in staff employment activities should be thoroughly familiar with personnel procedures. The Director of Equal Opportunity Programs has the authority to investigate and disapprove a selection decision if any evidence of discrimination or procedural violation exists.

Approved by: Gallaudet University Administration

Procedures

1. **Recruitment/Applications** Job descriptions must be evaluated by Human Resources to determine the appropriate salary range for the position. Open positions are advertised daily on the Human Resources website. All applications are submitted online to provide for appropriate record keeping. Interested candidates must use the online application system to apply for staff positions. Unsolicited/unspecified applications are not accepted or considered. Openings must be announced for a minimum of ten business days before a job offer for a regular or extended temporary staff position can be extended. When additional recruitment is conducted, advertisements should be placed in sources that will provide for a qualified and diverse applicant pool.
2. **Search Committee** A search committee is used to fill all regular or extended temporary staff positions, regardless of level. A search committee must consist of three members and must be approved by Human Resources.
3. **Position Offers** Positions will be offered by Human Resources only after the required approvals have been obtained. Salary offers must conform to staff compensation guidelines. Unless waived by the present supervisor, an on-campus employee is expected to give a minimum of two weeks' notice before moving to a new position. If necessary, the present and new supervisor may negotiate a later starting date.
4. **Promotion Within A Unit** The University is committed to a practice of promotion from within whenever practicable and in the best interests of the University. A promotion within a unit is defined as movement to a vacant position of increased responsibility or increased technical or

professional proficiency. Employees who are hired in accordance with the procedures in this policy are eligible for consideration for a promotion within their unit. Employees interested in a promotional opportunity within their unit are encouraged to notify their supervisors. It is the responsibility of the employee to ensure that additional training or other related information that may enhance the possibility of promotion is forwarded to the supervisor and to Human Resources. If a supervisor has an employee(s) who meet(s) the qualifications and elects to promote from within, advertising is not required. If the qualifications of two or more employees appear to be equal, an interview should be set up to identify the best employee for the position. With the approval from Human Resources, the supervisor may advertise the position internally, and request that employees submit their letter of interest and resume in order to be considered for the position. Positions may be offered only after the required approvals have been obtained from Human Resources. A supervisor may elect to advertise the position and consider unit employees along with the general applicant pool.

5. **Transfer/Reassignment Within A Division** An employee may request, or a supervisor may recommend, that the employee be transferred/reassigned to a different position within the same division that involves the same or similar level of responsibility or technical or professional proficiency (i.e., the transfer/reassignment does not constitute a promotion), when such a transfer/reassignment would meet business or operations needs. A transfer/reassignment must be approved by the appropriate administrator(s) and Human Resources, which may consult Equal Opportunity Programs where appropriate.
6. **Interim/Acting Appointments** When a position that is critical to the well-being of the university becomes vacant, an interim appointment can be made while recruitment is underway for a replacement. An acting appointment may also be made when an employee has been granted a leave of absence. Should the department deem that an interim or acting appointment is necessary, they should work with Human Resources to develop a written justification explaining the extenuating circumstances warranting an interim or acting appointment. The rationale should identify the candidate(s). This request should be forwarded to the administrative officer for approval as appropriate to the position. If approved by the senior administration, the request and selection will be sent for review to Human Resources and the Office of Equal Employment Opportunity. If more than one individual is considered, interviews will be conducted. The offer may be made to the appointee only after the requisite approvals. The employee selected shall receive a letter that outlines the terms and conditions of the temporary interim or acting appointment (e.g. salary, title, length of term, and responsibilities.) Appropriate adjustments shall be identified to the appointed employee's workload, either by redistribution responsibilities outlined in the candidate's current job description or eliminating specific responsibilities if the employee is to continue to perform current duties. Interim appointees shall be restricted from participating in the search committee for regularly filling the position. The university shall announce and conduct an open and active recruitment process for a regular replacement during the interim period. The length of an interim appointment normally will be one year or less. The length of an acting appointment will end when the employee who has been on leave returns to work. At the end of the appointment the appointee will normally return to his/her previous position or a similarly situated position, however, the administrative officer may in appropriate circumstances elect to make the interim appointment permanent. The appointee may be given a temporary increase in salary if the interim/acting position level is higher than their current position or has significant additional responsibilities.
7. **Record Keeping** Employees involved in the hiring process for regular and extended temporary employees are expected to document recruiting sources utilized, applicant data, and results of review and interview processes. All information must be kept confidential.

Applications are no longer active once a position has been filled or closed. Applications and applicant data are maintained for one year.

8. **Other**

Transfer to a new division: A transfer/reassignment is usually defined as movement to a position of equal responsibility and pay status, either within the same division or to a new division with a different administrative officer. The rules for transfer/reassignment within a division are set forth above. Transfer/reassignment to a new division—which should occur in very rare circumstances—must be authorized by the President. Transfers/reassignments do not require advertising.

Change of Status: An extended temporary status employee hired in accordance with the procedures in this policy may receive a change of status to regular status if an authorized position is available and approval has been obtained from the appropriate senior administrator. No search process need occur in connection with this change of status.

Hiring Staff Employees in Other Classifications (e.g. short-term temporary, incidental, part-time extended temporary – fewer than 20 hours per week, on call): Although advertising through Human Resources is not required, departments should take advantage of this service. Departments are expected to conduct a fair selection process and to consult with Human Resources on matters related to compensation.

Probationary Period: For information related to the probationary period, refer to A&O 4.31 – Probationary Period.

4.03 Wage and Salary Program - Staff

Last Revised: 10 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to regular and extended temporary staff in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

The staff wage and salary program at Gallaudet University provides for the establishment of internally equitable and externally competitive salary ranges for exempt and non-exempt staff positions. The specific objectives of the staff salary program are to:

- Maintain a wage and salary system that is fiscally responsible and defensible to Gallaudet's funding sources.
- Pay competitive salaries as a basis for attracting and retaining highly qualified employees and motivating them to do their best.
- Establish and maintain internally equitable job relationships.
- Provide opportunities for salary and professional growth.
- Comply with local and federal laws and regulations.

Gallaudet periodically reviews salary survey data in an effort to keep Gallaudet's salary ranges competitive. In determining appropriate salary ranges, the following factors may be considered:

- Funding levels and Gallaudet's ability to pay.
- Salaries paid at local universities and school systems.
- Salaries paid at educational institutions nationwide, particularly comprehensive universities and institutions of comparable size, both in terms of student population and budget.
- Salaries paid at relevant industrial and nonprofit organizations, if appropriate.
- The scope of Gallaudet's programs and services.
- The relative value of the job to Gallaudet.
- Recruitment and retention factors.
- The unique skills required of Gallaudet's employees.
- Other legitimate factors.

Decisions regarding adjustments to salary ranges are made based on funding levels and institutional priorities.

Performance Evaluation

A major component of the staff salary program is the performance evaluation system. Managers are expected to provide annual performance evaluations, which can serve as a regular, systematic appraisal of an employee's skills, contributions, and potential for assuming greater responsibility. Gallaudet's performance evaluation period falls from July 1 to June 30. While the primary purposes of evaluating performance are to identify strengths and weaknesses, to determine training needs, to

give deserved recognition, and to enhance promotion and transfer opportunities, the evaluations may also be used as a basis for recommending a merit increase. Merit increases are contingent upon the availability of adequate funding.

Administration

The President is responsible for the overall administration of the staff salary program. Administrative officers are responsible for the management of salary programs within their divisions. Each administrative officer is responsible for remaining within the budget provided for staff salaries. The Human Resources has day-to-day responsibility for ensuring that the staff compensation program is being followed throughout the institution.

Approved by: Gallaudet University Board of Trustees

4.04 Outside and Intra-Institutional Employment

Last Revised: 10 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to regular and extended temporary staff in all offices and divisions of Gallaudet University and the Clerc Center, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

All individuals accepting employment at the University should recognize that their commitment is to the University and to the department that offered them employment.

Employees regularly assigned full-time to a specific department may not engage in any other employment in another department of the institution during their regular working hours without the prior consent of their supervisor and the unit administrator and Human Resources. In the event an employee obtains prior approval of paid intra-institutional employment during normal working hours at Gallaudet, the employee will comply with all instructions by Human Resources, their supervisor, and the unit administrator regarding work duties.

On occasion employees may be loaned to another department during the work day, or an assignment in another department during regular working hours may be considered part of an employee's appointment. The employee continues to receive his/her regular earnings (either salary or hourly rate) from the home department. Reimbursement to the home department for the employee's time may be arranged.

Employees may work in another department after regular working hours as long as that employment does not interfere with the performance expectations of the home department and as long as the employee has obtained prior approval from their supervisor, the unit administrator, and Human Resources. Non-exempt employees must be paid overtime for all hours worked over 40 hours per week (the hours worked in each position count toward the 40 hours per week). Human Resources will calculate the overtime rate to be applied in such a circumstance.

Employees are not encouraged to seek additional employment outside the institution; but if they are employed elsewhere, this employment must not in any way interfere with their work schedule, duties or commitments at Gallaudet, nor should it create a conflict of interest (under Gallaudet policies or otherwise). Gallaudet employees are not subject to Federal dual employment restrictions; however, retirement service credit is not doubled. In no instance is an employee permitted to perform work for another employer using Gallaudet facilities or equipment. Also, under no circumstances is an employee authorized to perform work for another employer during his/her normal working hours at Gallaudet. To that end, an employee is prohibited from using leave under a Gallaudet policy to perform work for another employer unless the employee obtains advanced approval from the supervisor, which may be denied in the supervisor's sole discretion. Such approval should be sought in rare circumstances.

Employees who are determined to be engaging in outside employment in violation of this policy or otherwise in conflict with its employment at Gallaudet may be terminated.

Approved by: Gallaudet University Administration

4.05 Hours of Work

Last Revised: September 8, 2022

Refer Questions to: Human Resources

Scope

This policy applies to staff in all offices and divisions of Gallaudet University unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

The hours of work, work schedules, meal breaks and other related work time decisions fall within the University's discretionary authority except where required by law. Breaks: Meal breaks (i.e. lunch breaks) for non-exempt employees are not paid, so long as the breaks are at least thirty (30) minutes long and the employee is relieved of all job duties during the meal break period and not required to remain in a specific location. Other permitted breaks during the work day of fewer than twenty (20) minutes, or breaks where an employee is not relieved of all job duties, are paid breaks.

Break time for such breaks will, if possible, run concurrently with any break time already provided to the employee, and such breaks will be paid to the extent they would have been paid to take a break for another reason. Supervisors are responsible for establishing or approving work hours and breaks which provide for the effective delivery of services. The official workweek for employee payroll begins at midnight on Monday and ends at 11:59 p.m. Sunday.

Each department determines the work schedule and hours for employees as necessary for its operation. All employees are expected to work their scheduled and requested number of hours and days, and exempt employees as defined in the Fair Labor Standards Act (FLSA) are also expected to work any additional hours necessary to perform the job satisfactorily. Non-exempt employees as defined in the FLSA must accurately record all worked time using the record keeping system in place for the University. The time record must accurately reflect any unpaid meal breaks taken during the workday (i.e., such employees should not record unpaid meal break periods as work time when they meet the above standard). Adjustments to the assigned schedule cannot be made without prior approval of the supervisor. The University may, at its discretion, reduce, increase, or change an employee's work schedule to accommodate workloads, budget constraints, or other circumstances.

Employees who need lactation or breastfeeding breaks and are facing issues with their supervisors are encouraged to reach out to Human Resources for assistance.

Approved by: Gallaudet University Administration

4.06 Overtime and Deductions From Pay

Last Revised: 2 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to staff in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

The University complies with all appropriate legal requirements regarding the payment of overtime. The University may require employees to work over 40 hours per week. Overtime work for non-exempt employees should be limited to unusual, essential, or emergency situations, and insofar as practical, should be fairly distributed. No overtime can be worked by a non-exempt employee without the advance approval of the employee's supervisor.

All employees of the University are classified as either exempt or non-exempt. Classifications and overtime eligibility conform to guidelines set forth in the Federal Fair Labor Standards Act and applicable local law. Only those employees classified as non-exempt are eligible for overtime compensation. Overtime for non-exempt employees is paid at one and one-half times the hourly rate for all hours worked over 40 in the established work week. Non-exempt employees are not eligible for compensatory time in lieu of overtime.

Exempt employees are required to work the number of hours and days necessary to perform the job satisfactorily and are not eligible for overtime. Exempt employees may, in the sole discretion of the supervisor, be given time off with pay by the supervisor in recognition of excessive hours already worked. This is not, however, considered an hour-per-hour tradeoff, nor is intended to suggest that working more than 40 or some other threshold of hours per week is "excessive" or otherwise warrants compensatory time off. The compensatory time earned by exempt employees must be used within the same or the following pay period.

Approved by: Gallaudet University Administration

Procedures

OVERTIME - NON-EXEMPT EMPLOYEES

The official workweek begins at midnight on Monday and ends at 11:59 p.m. Sunday. Non-exempt employees must receive overtime pay for all hours worked over 40 per week during the established period, at the rate of 1.5 times the employee's "regular rate" as that term is defined under the FLSA. Overtime is paid based on actual hours worked each week. Paid leave and institutional directed time off (e.g., snow days or holidays) does not count as time worked.

In accordance with the FLSA, employees are not allowed to take compensatory time off in lieu of payment for overtime hours worked. However, a change in work week is allowed provided the time off is in the same work week as the overtime worked.

When a non-exempt employee works overtime on a job for which a different rate of pay has been established, the University may use the weighted average of two rates formula, as defined in the Fair Labor Standards Act, in computing the overtime rate.

Non-exempt employees must obtain advance approval to work overtime hours. Failure by a non-exempt employee to obtain approval for working overtime will result in discipline, up to and including termination of employment.

1. **INCLEMENT WEATHER**

If Gallaudet closes, certain regular or extended temporary employees considered essential may be expected to report for work; and these employees should be given equal time off at another time for hours worked within their normal schedule. Non-exempt employees who work outside their normal schedule will be paid at their regular rate, and if they meet 40 hours worked they will be paid at their overtime rate.

2. **RECORDS OF HOURS WORKED**

It is the responsibility of the unit administrator to maintain records of hours worked for each non-exempt staff employee. All non-exempt employees are required to clock in and out through the timekeeping system. Exempt employees are not required to clock in or out, however, their leave must be recorded in the timekeeping system.

Non-exempt employees are required to record their time accurately. Each pay period, each non-exempt employee will be required to certify that their time records are accurate. If they are not, the employee must immediately notify his or her supervisor. **Any time performing work for Gallaudet University, whether on- or off-campus, constitutes time worked.** Fraudulent timekeeping or falsification of records is grounds for discipline, up to and including termination of employment.

3. **DEDUCTIONS FROM PAY/SAFE HARBOR**

Gallaudet University does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act. Employees should promptly review each pay statement for errors. If an exempt employee believes that an improper deduction has been taken from their pay, the employee should immediately report the deduction to the Payroll Office. The University will promptly investigate, and if it is found that an improper deduction has been made, the employee will be reimbursed for the improper deduction. In addition, Gallaudet will take reasonable steps to ensure that the error does not recur in the future. For the avoidance of doubt, if an exempt employee works part of a workweek, the employee will be paid for the entire workweek, including any applicable paid leave, unless a deduction is permissible under applicable law.

[DOL Fact Sheet #17G](#) summarizes the permissible deductions for salaried exempt employees.

4. **ADMINISTRATION OF THE FAIR LABOR STANDARDS ACT**

Human Resources is responsible for ensuring employee classifications pursuant to the Act. The Payroll Office is responsible for ensuring that employees are appropriately paid for overtime.

4.07 Remote Employee Policy

Effective Date: March 27, 2023

Refer Questions to: Human Resources

Scope

This Policy applies to employees in all offices and divisions of Gallaudet University, including the Laurent Clerc National Deaf Education Center, whose job positions are designated as remote.

This Policy is to be distinguished from the University's policy on flexible work arrangements for all other employees in positions that are not designated as remote and who are otherwise expected to physically work at the University's campus in Washington DC. Please see Policy 4.08 of the Administration and Operations Manual on flexible work arrangements.

Policy

The purpose of this Policy is to allow employees to work at approved alternate work locations according to the University's business needs. Gallaudet recognizes that remote work can improve productivity and job performance, support continuity of operational plans, and sustain the recruitment and retention of a highly qualified workforce by enhancing work/life balance, while prioritizing the values of equity, language vibrancy and commitment to academic excellence. Remote work is appropriate for certain positions but not all positions. Certain categories of positions are ineligible for being designated as remote. Being a remote employee is not an entitlement and the University is under no obligation to continue the Policy. The University reserves the right, in its sole discretion, to modify and/or revoke the Policy in part or in its entirety at any time.

Eligibility

The decision to designate a job position as remote is made by the unit administrator, senior administrator, administrative officer and Human Resources. Remote employees are not expected to physically carry out their job duties on the University's campus in Washington D.C.

Designation of Remote Positions

When deciding to designate a position as remote, the unit administrator, senior administrator, administrative officer and Human Resources will take into consideration an evaluation of the [Gallaudet Guiding Principles](#) and the following key factors:

1. Equity and fairness when making decisions on which positions will be remote or not, including justified reasons and documented explanations why certain job positions can be remote and why others require employees to work on campus.
2. Whether the employee is able to communicate effectively in American Sign Language (ASL) which is best learned while interacting with community members on campus.
3. The business justification for designating the position as remote, e.g. increased productivity and effectiveness, cost savings, reduced administrative burden, etc.
4. The University's ability to supervise the remote employee adequately.
5. The need for face-to-face interaction or coordination with colleagues, students, clients, or visitors.

6. Whether any duties require use of certain equipment or tools that cannot be replicated at an alternate work location.
7. The need for immediate or easy access to documents or other information located only in the workplace is required.
8. Whether the remote work arrangement will impact service quality or University operations, or increase workload for other employees.
9. Whether performance can be measured by quantitative or qualitative results-oriented standards, not time spent doing the job.
10. Whether the decision is in the best interests of the University.

Remote work may also be considered on a case-by-case basis as a reasonable accommodation as provided by Policy 1.10 Reasonable Accommodation Policy and Procedure of the A&O Manual for qualified employees with disabilities.

Compensation

Employees who are classified as a remote worker will not receive the pay differential that is provided to employees who are physically working on campus in Washington, D.C.

Travel Expenses

The department will cover the travel expenses for their remote employees who have business-related reasons to attend meetings on campus or off campus. The department should make every effort to host meetings on campus or within the close proximity of the campus. In addition, efforts should be made to provide accommodations on campus through the Kellogg Conference Hotel with the Gallaudet business rate.

Working Outside of the United States

Employees are not authorized to work outside the United States unless it is a business trip authorized by Gallaudet University that is appropriately coordinated through International Affairs. Comprehending and adhering to the intricate tax and labor laws of foreign countries can be daunting. Furthermore, it's important to note that our worker's compensation program does not extend coverage to employees working outside the United States.

Remote Work Agreements

Employees who are approved for remote work will be required to sign a Remote Work Agreement with the University consistent with this Policy.

The Remote Work Agreement requires remote employees to perform the same work that they would in the central workplace in accordance with performance expectations and other agreed-upon terms, such as criteria for an acceptable working environment, matters related to office equipment and expense reimbursement, if applicable, and any other requirements in the supervisor's discretion. The Remote Work Agreement must be approved by the unit administrator, senior administrator, and Human Resources.

Remote Work Agreements will be periodically reviewed and can be amended or withdrawn at any time at the discretion of the University.

Other Policies Remain In Effect

All other University policies and procedures will apply to employees working under a Remote Work Agreement, including but not limited to policies related to leave, timekeeping, overtime, and confidentiality. Remote working in no way changes the employee's "at will" employment status with the University.

This Policy is not intended to constrain an employee's right to request a reasonable accommodation for a disability. Please see Policy 1.10 of the A&O Manual for details regarding requests for reasonable accommodation.

Note: Human Resources will approve to ensure decisions are in compliance with the University policies.

4.08 Flexible Work Arrangements

Effective Date: September 8, 2022

Refer Questions to: Human Resources

Scope

This policy applies to staff who are not classified as remote employees in all offices and divisions of Gallaudet University and Clerc Center unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents. Pursuant to Policy 4.07 on Remote Employees in the Administration and Operations Manual, staff are classified as remote employees only when formally designated by the administrative officer in collaboration with Human Resources.

Purpose

Gallaudet University believes that its students' capacity for learning and thriving at the University is maximized when on campus, and that everyone benefits when they experience the full impact of American Sign Language (ASL) vibrancy that occurs organically during in person interaction. Therefore, to augment opportunities to engage in bilingual communication and strengthen connections to one another to foster a sense of belonging, all staff are expected to maintain a regular presence on campus during normal working hours. However, the University recognizes that there are times when it may be appropriate to consider flexible work arrangements as a recruitment and retention tool for high potential employees.

Policy

This policy may be revised or terminated by the University at its sole discretion at any time. Flexible work arrangements are not an entitlement, nor are they classified as a University benefit. Flexible work arrangements may be considered only when it is reasonable and practical to do so, when the University's operational needs will not be adversely affected, and if it is in the best interests of the University and/or its students. There may be times when staff, despite having been approved for flexible work arrangements, may be recalled to campus or may need to change their schedules to support operational and departmental needs. To minimize any disruption, as much advance notice when possible will be provided before changes are made. However, absent good reason, staff may not refuse a recall or modification in schedule and such refusal may result in disciplinary measures including revocation of flexible work arrangement privileges and up to termination of employment with the University. Staff who require modifications to their schedule or work environment as an accommodation for a disability should refer to Policy 1.10. Flexible Work Arrangement Options The following flexible work arrangement options are available; however, not all options may be appropriate based on the requesting staff's individual job duties. Eligible staff may make a request for one option and, if approved, may not exercise one option concurrently with another option. Staff, once approved for a flexible work arrangement option, may change to a different option only upon written approval from their supervisor.

1. Flextime

- Non-traditional start and end times based on the University's normal working hours and time zone of 8:00 AM eastern to 5:00 PM eastern Mondays through Fridays.
 - Example: 7:00 AM to 3:30 PM (which includes a 30-minute unpaid meal break).
- Extended meal times offset by additional hours worked at the beginning or end of the shift.
 - Example: 7:00 AM to 11:00 AM and 1:00 PM to 5:00 PM.
- Start and end times individualized by day.

- Example: Working 8:00 AM to 4:30 PM on Mondays through Wednesdays and 9:00 AM to 5:30 PM on Thursdays through Fridays.

2. Compressed Schedule

- Regularly scheduled hours are spread out over fewer than five days in a workweek.
 - Example: Working four 10-hour days in a work week.
- Only available for exempt employees – compressed 9/80 schedule when staff work 80 hours over 9 days within a pay period.
 - Example: During the first week of the pay period, working 9 hours from Monday through Thursday, and 8 hours on Friday. During the second week of the pay period, working 9 hours from Monday through Thursday, with Friday off.

3. Occasional Work From Anywhere (WFA)

- ***“Work From Anywhere” (WFA) as used in this policy is a term of art and should not be construed to mean that work may be done from literally anywhere. Please consult with Human Resources if there are questions about acceptable locations to work.***
- Work may be performed from a reasonably appropriate location off site, which includes access to the Internet to support video conversations.
- May be requested on an occasional, one time or irregular basis and is typically situation-driven.
 - Example: A staff member needs full concentration to complete a project and will work from their hometown’s public library or other quiet space off campus that is free from distraction.
 - Example: Staff has a personal appointment close to staff’s home in Maryland during the middle of the workday. When appropriate, it may be more efficient and practical for staff to work from home immediately before or after the personal appointment rather than go to the campus in DC to work, go to the personal appointment in Maryland, return to the campus, and then go home.

4. Hybrid (In-Person and WFA Schedule)

- Subject to the needs of the University and department, eligible staff in student-facing positions or other positions that require extensive in-person interaction for any reason may WFA up to one day per week.
- Subject to the needs of the University and department, eligible staff in non-student-facing positions or other positions that do not require frequent in-person interaction may WFA up to two days a week.
- Only as determined as appropriate by the administrative officer and with the approval of Human Resources, an alternative hybrid in person and WFA schedule may be approved so long as it includes a minimum of twelve working days in person each month.

5. Unique Circumstances

- The University recognizes that there may be times when further modifications to any of the flexible work arrangement options may be appropriate due to the nature of the work being performed by the employee or the demands on the employee in order to work (such as being required to travel frequently as part of their job). In those circumstances, the manager, with approval from the administrative officer, will work with the employee to take into account any unique factors and develop a schedule which includes written justification how the changes meet the employee’s work needs and the needs of the University. Approval from Human

Resources is only required if the duration of the modified flexible work arrangement is expected to be in effect longer than thirty consecutive days.

Eligibility Current regular-status and extended temporary staff who are not classified as remote employees are eligible for flexible work arrangements; provided, however, that staff: 1) is not on a performance plan or other disciplinary action; 2) is in good financial standing with the University or is current on a payment plan; and 3) if a Hybrid In Person and Work From Anywhere Schedule option has been approved, enters into a written agreement with the University regarding expectations of performance and conduct. Initiating a Request To initiate a request for flexible work arrangements, eligible staff must submit a written request to their immediate supervisor with a reasonably detailed explanation of why a flexible work arrangement would be appropriate.

Criteria Considered

All requests for flexible work arrangements will be considered according to the criteria set out below.

- Staff must be meeting or exceeding performance standards.
- Staff should demonstrate work habits suited to flexible working arrangements.
- Staff undergoing performance counseling or on a performance improvement plan are not eligible for flexible work arrangements.
- Staff must have an absence of written disciplinary actions for at least one year.
- Staff should be in good financial standing with the University and/or are current on a payment plan.
- Staff should have a satisfactory attendance record (any absences taken under leave protected by law, e.g., FMLA and paid sick leave, will not be factored into this decision).
- The request for flexible work arrangements must meet the needs, requirements and constraints of both the department and the employee.
- Departments should be consistent in the decision-making process regarding flexible work arrangement requests for similarly situated employees.
- All flexible working arrangements must comply with applicable federal and state employment laws, including the Fair Labor Standards Act, which regulates the payment of overtime for non-exempt employees.
 - Non-exempt teleworkers are required to accurately record the hours they work to ensure that they are paid for all hours worked and to verify the actual hours worked against their scheduled and approved hours. All overtime must be pre approved in advance.
- Staff should demonstrate work habits and performance suited to successful WFA.
- Staff must demonstrate the ability to successfully meet or exceed their core job expectations with minimal supervision.
- Staff are computer literate and must have access to a space that is appropriate for working with a reliable internet connection.

Job Criteria

Job-related criteria that must be considered when considering a request for flexible work arrangements:

- For Hybrid In Person and Work From Anywhere, the position should require minimal supervision and little face-to-face interaction with customers (for example, students, employees, vendors, etc.). For the occasional WFA, the time WFA must not interfere with staff's ability to perform their duties.
- All work objectives and tasks must be clearly defined with measurable results.
- The position should have tasks which are portable and can be performed away from the main

worksite.

- An excellent level of service can be maintained without hardship on customers and co-workers.

Within any of the flexible work arrangements, non-exempt staff are still subject to all requirements of the Fair Labor Standards Act (FLSA) as defined in Policy 4.05 Hours of Work. Staff who are exempt under the FLSA are expected to work the number of hours required to fulfill their responsibilities. Salary, benefits, and job responsibilities will not change solely due to the fact that a staff member is participating in a flexible work arrangement. All University policies and procedures will continue to apply, including but not limited to those relating to leave and working overtime. While WFA, staff are expected to be available and responsive during their work hours. It is important to recognize that not all positions are suitable for flexible work arrangements. Flexible work arrangements are intended to benefit the employee and the department but without putting undue burden on the supervisor or the rest of the team.

Work Area (WFA)

Staff approved to WFA must establish an appropriate and safe work environment. When appropriate, staff are expected to ensure that the expectations for information security are met and that University property is reasonably secured. All expenses and costs related to staff's ability to WFA, including internet, heating, electricity, water, security, insurance, and space usage, is the sole responsibility of staff.

Supervisor Responsibility

The supervisor is ultimately responsible for timely reviewing and responding to any requests for flexible work arrangements that they receive from their staff member. If the flexible work arrangement requested is more than sporadic or occasional, the supervisor must discuss the request with and achieve consensus with the unit administrator, senior administrator and Human Resources to approve any decision regarding flexible work arrangements. Supervisors are responsible for managing employees who have flexible work arrangements. The supervisor must ensure the effectiveness of flexible work arrangements on their employees' productivity. Supervisors have a responsibility in ensuring that all work is performed satisfactorily, maintaining regular communication with the employee, and including the employee in meetings and other interactions as appropriate. Supervisors shall maintain regular and necessary communications with the employee and include the employee as appropriate in meetings and other interactions.

Use of Paid Leave in a Flexible Work Arrangement

The amount of annual or sick leave charged will be equivalent to the hours the employee was scheduled to work. For example, if the employee works four 10-hour work days from Mondays through Thursdays and requests Monday off, ten hours of leave would be charged that day. If the holiday falls on the employee's regularly scheduled work day, the employee will be credited with eight (8) hours of holiday pay for that day. If the regularly scheduled work day is greater than eight (8) hours, the employee may elect to use annual leave to make up for the time in excess of the eight (8) hours that the employee was scheduled to work; or if the supervisor approves, the employee may work additional hours during the same workweek as the holiday, in lieu of using accrued leave. If the regularly scheduled work day is less than eight (8) hours, the employee will be credited the difference to be used within the same or the following pay period.

NOTE: Human Resources will work with administrators to ensure decisions are in compliance with the University policies.

4.09 Internal Transfer Policy

Last Revised: NEW

Refer Questions to: Human Resources

Executive Sponsor: Chief of Staff

Responsible Unit: Human Resources

Effective: August 22, 2025

STATEMENT

Gallaudet University encourages the professional development of its employees by supporting internal mobility. Internal transfers provide staff with opportunities to pursue new roles, expand their skills, and align their work with evolving interests and goals. This approach not only promotes individual growth but also supports the University's operational needs and long-term talent retention.

SCOPE

This policy applies to regular status and extended temporary staff in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

POLICY

Internal transfers should follow a formal, competitive search process unless an exception is explicitly approved in writing by Human Resources and the relevant administrative officer. This ensures fairness, transparency, and full consideration of qualified internal candidates.

By adhering to a formal process, the University affirms its commitment to merit-based hiring, staff development, and inclusive internal mobility. To support this commitment, Human Resources encourages hiring departments to post job openings internally whenever possible before considering external candidates. This approach helps recognize and retain talent from within the University community, while also supporting staff in their professional development goals.

To be considered for an internal transfer, staff must meet the following criteria:

- **Completion of Probationary Period:** Employees must have successfully completed their initial probationary period in their current role.
- **Good Standing:** Employees must have a record of satisfactory performance, conduct, and attendance. This includes consistent adherence to University policies and demonstration of professional conduct.

The requirement for the completion of the probationary period may be waived if:

- The staff's position is impacted by a reduction in workforce or job elimination.
- There is a significant change in the terms or conditions of employment (e.g., work schedule, salary, status).

In all cases, the employee's work record, including performance evaluations, attendance, efforts to develop new skills, and overall conduct, will be reviewed as part of the selection process. Deficiencies in these areas may disqualify a candidate from further consideration.

Transfers between different divisions

If a staff member is interested in transferring to a different division within the University or the Clerc Center, they are encouraged to explore existing job postings and apply as an internal candidate.

Employees seeking a transfer should meet the minimum qualifications of the position and maintain a record of satisfactory performance and conduct. Human Resources is available to provide guidance and support throughout the internal application process.

There may be some circumstances where transfers between different divisions are permitted without a formal search process, such as:

- **Restructuring:** When a specific function or department is reorganized under a different division, employees within that unit may transfer to a new division as part of the structural change.
- **Position Closure:** If a division or department is being eliminated, Human Resources may work with the administrators to identify potential transfer opportunities elsewhere within the University or the Clerc Center, based on the individual's qualifications and available positions.

All managers must ensure they receive the appropriate approvals from the administrative officers and Human Resources before proceeding with any transfers.

Transfers within the same division

Transfers within the same division are another valuable opportunity to support staff mobility, career development, and retention. These internal movements may involve a shift to a different role or team within the same division and can provide employees with new challenges and growth while maintaining continuity in leadership and operations.

While there may be operational flexibility for transfers within the same division, a formal process is strongly encouraged. Any exception must be justified in writing and approved by both Human Resources and the division's administrative officer.

These decisions must be made transparently and with consideration of legal requirements and operational needs. Managers must work with Human Resources to ensure proper documentation and communication of any approved transfers within the same division.

All exceptions to this policy require approval by Human Resources in advance and will be reviewed on a case-by-case basis.

4.11 Annual Leave

Last Revised: April 2, 2021

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to regular and extended temporary staff in all offices and divisions of Gallaudet University and the Clerc Center, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

Paid annual leave provides eligible employees with time off for rest and relaxation and to conduct personal business. Eligible employees earn annual leave, beginning from the first day of employment, according to the following schedule:

AMOUNT OF ANNUAL LEAVE EARNED PER 2-WEEK PAY PERIOD

Number of Paid Hours Per Pay Period	Less Than 3 Years Cumulative Service	3 Years but Less Than 15 Years Cumulative Service	15 Years Service or More Cumulative Service
80	4 hours	6 hours	8 hours
60 - 79	3 hours	4 1/2 hours	6 hours
40 - 59	2 hours	3 hours	4 hours
20 - 39	1 hours	1 1/2 hours	2 hours
1 - 19	0 hours	0 hours	0 hours

The University does not recognize prior employment at Federal or District agencies, or any other employer, in determining length of service for annual leave accrual rates. It does recognize prior regular or extended temporary employment at Gallaudet. Annual leave may not be borrowed in advance. Except in emergency situations, annual leave must be requested and approved in advance by the supervisor.

Faculty members who have not accrued annual leave and who are transferred to staff status within their division are credited with a bank account of one day of annual leave for every full year of continuous service at Gallaudet up the maximum allowable annual leave carryover limit. Prior service is not recognized when establishing the bank of annual leave.

Approved by: Gallaudet University Board of Trustees

Procedures

1. Persons appointed to a senior administrator or administrative officer position earn annual leave at the rate of six hours per 80-hour pay period as soon as they start employment.
2. Employees are limited in the amount of unused annual leave that may be carried over from calendar year to calendar year.
3. Employees may carry over a maximum of 240 hours of unused annual leave into the beginning

of fiscal year 2022 (October 1, 2021)

4. Employees may carry over a maximum of 160 hours of unused annual leave into the new calendar year on January 1, 2023, and in future calendar years.
5. Unused annual leave in excess of the maximum balance as indicated in procedure #2 is forfeited at the end of the calendar (leave) year.
6. Separating employees whose last day is on December 31, 2021 or earlier will receive a lump sum payment for unused annual leave of up to 200 hours. Separating employees whose last day is on January 1, 2022 or later will receive a lump sum payment for unused annual leave of up to 160 hours. Unused annual leave is paid by the department from which the employee is separating and is paid at the rate it was last earned.
7. The maximum amount received in a lump sum payment for unused annual leave may not exceed \$15,000 (regardless of the number of unused annual leave hours paid out).
8. If a staff transfers to faculty or teacher status, the unused annual leave up to the maximum year end balances outlined in Procedure #6 will be paid out around the time of transfer. The maximum amount that will be paid out is \$15,000.
9. If an approved holiday occurs during an employee's vacation, those hours are not charged against annual leave.
10. Employee on academic year or flex-year appointments only accrue annual leave during their appointment period.
11. Consideration is given to all requests for annual leave and the employee's preference is respected whenever practicable. Annual leave is requested and approved in advance. However, the University reserves the right to deny requests for leave, particularly when the absence would negatively affect departmental or unit operations. This includes certain days designated as critical times when employees are expected to be in attendance (all hands on deck.)

Employees who are on paid annual leave continue to accrue leave in the usual manner. Employees do not accrue annual leave during unpaid leave.

4.12 Sick Leave

Last Revised: October 10, 2019
Refer Questions to: Human Resources
Executive Sponsor: Chief of Staff
Responsible Unit: Human Resources
Effective: August 22, 2025

SCOPE

This policy applies to eligible University employees in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

POLICY

Paid sick leave provides eligible employees with a means of financial security during periods when medical conditions of an employee or their family member, or other reasons as described below, make it impossible for the employee to work. Sick leave may also be used to care for pet(s), up to 40 hours (5 days) per calendar year.

Regular and extended temporary staff employees earn sick leave, beginning from the first day of employment, according to the following schedule, and may use it as accrued:

AMOUNT OF SICK LEAVE EARNED PER 2-WEEK PAY PERIOD

Number of Paid Hours Per Pay Period	Number of Hours Earned Per Pay Period
80	4
60-79	3
40-59	2
20-39	1
1-19	0

Employees who are exempt from overtime payment shall not accrue leave for hours worked beyond a 40-hour workweek.

All other employees earn sick leave, beginning with the first day of employment, according to the following schedule, but it may not be used until after 90 days of service:

One (1) hour of sick leave for each thirty-seven (37) hours actually worked (leave does not accrue while using leave), not to exceed fifty-six (56) hours per calendar year.

In accordance with the D.C. Sick and Safe Leave Act ("Act"), sick leave may be used for the following reasons:

1. An absence resulting from a physical or mental illness, injury, or medical condition of the employee;

2. An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care for the employee;
3. An absence for the purpose of caring for a family member who has any of the conditions or needs diagnosis or care described in numbers 1 and 2 above.
4. An employee may also use sick leave for an absence if the employee or the employee's family member is a victim of stalking, domestic violence, or sexual abuse. The absence may be pertaining to seeking medical attention for the employee or family member, seeking services from a victim services organization, obtaining psychological or other counseling, temporarily or permanently relocating, taking legal action (including preparing for or participating in a civil or criminal legal proceeding related to or resulting from the domestic violence or sexual abuse), or taking other actions to enhance the physical, psychological, or economic health or safety of the employee or employee's family member or to enhance the safety of those who associate or work with the employee.

A family member (per the Act) is defined as a spouse, registered domestic partner, son or daughter (biological, adopted, foster, stepchild, legal ward, grandchild or a child of a person standing in loco parentis), siblings (including step-siblings, half-siblings, and siblings in law), a parent (including step-parents or a person who has acted in loco parentis), a parent of a spouse, spouses of children, and spouses of siblings, and a person who has co-habitated with the employee for at least 12 months.

In addition to the protections provided by the Act, Gallaudet University offers additional flexibility. Employees may use up to 40 hours of sick leave per calendar year to care for ill pets.

Sick leave may not be borrowed in advance.

Faculty members do not accrue sick leave but can choose to take leave to which they are entitled as faculty members for the reasons and using the notification procedures set forth in this policy, or for the reasons and using the notification procedures set forth in the faculty handbook. Faculty members who have not accrued sick leave and who are transferred to staff status within their division are credited with a bank account of two days of sick leave for every full year of continuous service at Gallaudet. Prior service is not recognized when establishing the bank of sick leave.

Approved by: Gallaudet University Board of Trustees

PROCEDURES

1. The employee is required to notify their manager or a person designated by the manager of the absence. The request shall include a reason for the leave and the expected duration of the leave. Requests for foreseeable leave must typically be provided in writing at least 10 days in advance of the leave. Requests for unforeseeable leave must typically be provided in writing or another reasonable method prior to the start of the work shift; in the case of an emergency, the employee must notify the manager by the earlier of the next work shift or within 24 hours of the onset of the emergency.
2. Sick leave accounts may accumulate indefinitely; however, employees are not paid for any

unused sick leave upon their separation from Gallaudet University.

3. For absences of more than three consecutive work days, a manager may require the employee to submit acceptable evidence of illness or medical problems of the employee or the employee's family member. Further, the manager may request a medical certificate or other acceptable evidence if he/she has reason to believe the employee is abusing or misusing the Sick Leave Policy. The documentation will be treated with appropriate confidentiality.
4. For absences of more than three consecutive days relating to domestic violence, stalking, or sexual abuse, the manager may request a police report, court order, or a signed statement from a victim/witness advocate indicating that the employee or employee's family member was a victim of stalking, domestic violence, or sexual abuse. Further, the manager may request the above certification if he/she has reason to believe the employee is abusing or misusing the Sick Leave policy. This documentation will be treated with appropriate confidentiality.
5. Sick leave may not be substituted while on another type of leave (except otherwise unpaid family and medical leave taken for a reason also eligible for sick leave). If an approved holiday occurs while a regular or extended temporary employee is on sick leave, those hours are not charged against sick leave. Temporary employees not eligible for holidays may not use sick leave on those days when the University is closed.
6. When a regular or extended temporary employee has exhausted all of their sick leave, the employee may request to use annual leave. In circumstances where an employee has exhausted all available sick and annual leave, they may need to request leave without pay (LWOP). Those requests will be subject to the approval of the manager. (See the Leave Without Pay Policy.)
7. Regular and extended temporary employees who are on paid sick leave continue to accrue leave in the usual manner. Other temporary employees do not accrue leave while using leave.
8. If an employee is rehired within one year of separation from employment, previously accrued sick leave will be reinstated.

4.13 Funeral Leave

Last Revised: 10 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to regular and extended temporary staff in all offices and divisions of Gallaudet University and to regular and extended temporary Clerc Center teachers, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

Upon the death of an employee's immediate family member, defined as spouse, registered domestic partner, parent (including step-parent), child (biological or legally adopted child or stepchild), brother, sister, legal guardian, grandparent, grandchild, or parent/sibling of the employee's spouse or domestic partner, the employee may be granted up to five days off with pay. Compensation is prorated for part-time employees according to the number of hours or days normally scheduled to be worked. Annual leave (staff), personal leave (Clerc Center teachers), or leave without pay may be requested for others not covered by this policy.

Funeral leave must be taken on consecutive days off promptly following the death of the immediate family member.

Employees on paid funeral leave continue to accrue leave in the usual manner.

Approved by: Gallaudet University Board of Trustees

4.14 Parental Leave

Last Revised: March 21, 2022

Refer Questions to: Human Resources

Scope

This policy applies to regular and extended temporary staff and faculty in all offices and divisions of Gallaudet University and to regular and extended temporary Clerc Center teachers, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

Gallaudet University recognizes the importance of allowing employees time off to care for and bond with a new child. Accordingly, this Policy provides employees with up to a total of eight (8) weeks paid parental leave following the birth of the employee's child or the child of the employee's spouse or registered domestic partner, or placement of a child with the employee by adoption or through legal guardianship.

Leave time should be requested and scheduled with the immediate supervisor at least thirty (30) days in advance when the leave is foreseeable, and when the leave is not foreseeable, as soon as is practicable (at least within seven (7) business days of learning of your need for leave), except in extraordinary circumstances. You will be required to provide sufficient documentation to Gallaudet to establish that you are eligible for Parental Leave.

Leave must be taken consecutively (i.e., in a single block of time) unless otherwise approved by your supervisor, in consultation with Human Resources. Approval of intermittent parental leave is at the University's sole discretion. Leave must be taken within 12 months following the birth, adoption or legal guardianship. Employees are paid their normal wages during the leave period. Leave is not increased for multiple births/adoptions/guardianships.

Leave continues to accrue while the employee is on paid parental leave. Your health care benefits will continue as if you were actively at work, and Gallaudet will continue to deduct your portion of the health care premiums from your pay as normal.

Parental leave is intended to give parents and legal guardians bonding time with a new child. Leave for personal disability associated with pregnancy, recovery from pregnancy, and child bearing is available under Gallaudet's Sick Leave (4.12) and Leave Without Pay (4.19) policies. Annual leave (staff), or personal leave (Clerc Center teachers), or leave without pay may be approved for additional time off.

Leave is not approved beyond the term of their appointment, or length of their employment. For example, an extended temporary employee who has a one-year appointment would not be able to extend the appointment beyond one year by using parental leave.

Parental Leave taken under this policy will run concurrently with otherwise unpaid family leave for which the employee is eligible and will be coordinated with any other paid leave benefits to which an employee is entitled to avoid duplication of benefits.

You are expected to return to work at the conclusion of your Parental Leave period unless you are approved for additional leave under another policy (e.g., annual leave, sick leave, or leave without pay). This policy does not confer additional rights on the employee other than the paid time off for a new child. To ensure job protection, you must be eligible for leave under another law or policy providing for job protection, e.g., the Family and Medical Leave Act (FMLA) or the District of Columbia Family Medical Leave Act (DCFMLA).

NOTE: Paid parental leave is available to covered employees only in connection with the birth or placement of a child that occurs on or after October 1, 2021. Since paid parental leave may not be used prior to the birth or placement involved, paid parental leave may not be used for any period of time prior to October 1, 2021.

Approved by: Gallaudet University Board of Trustees

4.15 Jury-Witness Leave

Last Revised: 10 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to employees in all offices and divisions of Gallaudet University, including Clerc Center teachers, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

The University believes that every citizen should fulfill his/her civic responsibilities in serving on court juries or as a witness when compelled by subpoena or other legal process.

If an employee is summoned for jury duty, and the employee is either a regular status or extended temporary employee, the University pays the difference between his/her regular base salary for those days and hours normally scheduled to be worked and the sum received for such services, if any. Employees who work full-time but are not regular or extended temporary status employees are compensated for up to a maximum of five work days. Employees who do not work full-time and are not regular or extended temporary status employees are not compensated for jury duty leave.

If an employee is summoned to appear as a witness in a court case, and the employee is a regular status or extended temporary employee, then the University pays the difference between his/her regular base salary for those days and hours normally scheduled to be worked, except that the University will not pay when the employee appears as a witness for his/her own personal benefit.

Approved by: Gallaudet University Board of Trustees

Procedures

1. The employee must present the jury duty or court witness summons to his/her supervisor as soon as notification is received. In unusual cases, the University may request a postponement of jury duty. If it is not granted, the employee is given leave.
2. If an employee is released from jury duty or witness service for any period during normally scheduled working hours, the employee should report for work, provided that reporting for work does not interfere with the performance of the responsibilities assigned by the court.
3. While on jury duty or witness leave, the employee continues to be paid for the number of hours/days normally scheduled to be worked (to the extent they are entitled to pay as provided in the above policy).
4. Upon return to work status, the employee must provide the supervisor and the Payroll Supervisor with a statement from the Clerk of the Court or other responsible court official giving the dates the employee served and the amount of compensation received for those services. The employee retains the compensation received from the court, if any, and the amount is deducted from the payment the employee receives per #3 above. The amount deducted does not include any money received from the court for mileage or meals.
5. The W-2 form from the University does not include amounts received by the employee from the court. It is the employee's responsibility to report amounts received as compensation on

his/her tax return.

6. Employees on paid jury/witness leave continue to accrue leave in the usual manner.

4.16 Military Leave

Last Revised: 10 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to regular and extended temporary staff in all offices and divisions of Gallaudet University and to regular and extended temporary Clerc Center teachers, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

The University recognizes the right of every employee to maintain reserve membership in the Armed Forces of the United States or the National Guard. For routine periods of active duty (e.g., summer training), the University pays the difference between the employee's regular base salary and the amount received from duty services for a maximum of 15 working days per year. Any additional time required for training or time needed for other purposes related to reserve membership may be taken as leave without pay or as annual leave (staff) or personal leave (Clerc Center teachers).

If a regular status employee is ordered to active military duty for a national or international emergency, the University pays the difference between the employee's regular base salary and the amount received for duty services for a maximum of one year. Any additional time may be taken as annual leave (staff), personal leave (Clerc Center teachers), and/or leave without pay. Extended temporary employees and employees paid by a grant are eligible for compensation during the term of their appointment only rather than for one year.

Upon honorable or general discharge from active duty, the University follows the reinstatement privileges and guidelines described in the Uniformed Services Employment and Reemployment Rights Act of 1994. This policy is not intended to limit any rights employees (whether covered by this policy or otherwise) may have to reinstatement under military leave law.

Approved by: Gallaudet University Board of Trustees

Procedures

Routine Periods of Active Duty or Training

1. The employee must present orders for routine periods of active duty to the supervisor as soon as notification is received, and submit a statement indicating the amount of pay that he/she will receive for active duty service.
2. While on leave, up to a maximum of 15 working days, the employee continues to be paid the difference between the amount the employee is receiving from the government and the employee's regular rate of pay for number of hours/days normally scheduled to be worked.
3. If the employee goes on leave-without-pay status, the employee is responsible for making arrangements to see that all payroll deducted obligations are met.
4. Upon return to work status, the employee must provide a statement from his/her commanding

officer or other responsible official to the supervisor and to the Payroll Supervisor indicating the dates of duty and the amount of compensation received. The University will correct any underpayment caused by a difference between the estimate and actual military pay.

Active Duty for an Emergency

1. The employee must present orders for active duty to his/her supervisor as soon as notification is received and submit a statement indicating the amount of pay that he/she will receive for active duty service.
2. The University pays the difference between the employee's base salary and the amount received for duty service on a bi-weekly basis. Benefits and other authorized deductions continue unless canceled. If the difference in salary is insufficient to cover all necessary withholdings or if the employee goes on leave-without-pay status, the employee is responsible for making arrangements to see that payment obligations are met.
3. An employee eligible for reinstatement is required to notify the supervisor immediately upon release from active duty and must apply for reinstatement privileges within 90 days of separation or a different period if provided by applicable law.

General

1. The W-2 form from the University does not include amounts received from the Armed Forces or National Guard. It is the employee's responsibility to report amounts received as compensation for military duty on his/her tax return.

Employees who are on paid military leave for routine periods of active duty continue to accrue leave in the usual manner. Leave for employees who are ordered to active duty for a national or international emergency is frozen until the employee returns to a regular pay status.

4.17 Religious Observances

Last Revised: 17 Oct 2003

Refer Questions to: Director, Human Resources

Scope

This policy applies to staff and in all offices and divisions of Gallaudet University and to Clerc Center teachers.

Policy

The position of Gallaudet University on religious freedom is consistent with guarantees provided by the Constitution of the United States and Bill of Rights. Although the University accepts and supports certain human values represented by religious thought and practice, the University is neither an advocate for nor an adversary to a particular belief, denomination, or sect and does not officially support or initiate specific religious activities on campus.

The University does not officially observe any specific religious holidays; however, Gallaudet recognizes the importance of allowing employees time off to follow their religious convictions and will attempt to reasonably accommodate requests for leave. Staff employees may request annual leave, their "floating day," or leave without pay to observe the religious holidays of their choosing. Clerc Center teachers may use personal leave or leave without pay. Requests for religious leave must be made and approved in advance.

Employees are not to impose their religious beliefs on others by way of handouts, gifts, overtures, etc.

Approved by: Gallaudet University Board of Trustees

4.18 Holidays/Floating Day

Last Revised: December 20, 2023

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to regular and extended temporary staff in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

Eligible staff employees receive their regular pay for the number of hours normally scheduled to be worked on official, University-observed holidays. The 17 University-observed holidays and the dates they are normally observed are:

- Winter Break - December 25 through December 31 excluding regular days off.
- New Year's Day - January 1.
- Martin Luther King Jr. Day - Third Monday in January.
- Memorial Day - Last Monday in May.
- Juneteenth - June 19.
- Independence Day - July 4.
- Labor Day - First Monday in September.
- Fall Break - the week of the fourth Thursday in November (Monday-Friday).
- Inauguration Day - January 20 every four years.

In addition, regular and extended temporary employees are entitled to one "Floating Day" per calendar (leave) year, which is any day following completion of the probationary period that is suitable for the supervisor and the employee. A Floating Day is equivalent to eight (8) hours of pay (or the prorated amount if less than full time). It must be used on one day. If the employee elects to use Floating Day on a scheduled work day of more than eight (8) hours, the employee may use annual leave to make up for the time in excess of eight (8) hours. If the employee elects to use Floating Day on a scheduled workday of less than 8 hours, the employee cannot apply partial Floating Day on another day.

A holiday is equivalent to eight (8) hours of pay. Part-time employees are compensated for a holiday or floating day according to the number of hours they are normally scheduled to work.

Pursuant to D.C. law, employees may take off D.C. Emancipation Day (the weekday nearest April 16). Such time off is unpaid unless an employee uses accrued annual leave.

Approved by: Gallaudet University Board of Trustees

Procedures

1. If the holiday falls on the employee's regularly scheduled work day, the employee will be credited with eight (8) hours of holiday pay for that day. If the regularly scheduled work day is greater than eight (8) hours, the employee may elect to use annual leave to make up for the

time in excess of the eight (8) hours that the employee was scheduled to work; or if the supervisor approves, the employee may work additional hours during the same workweek as the holiday, in lieu of using accrued leave. If the regularly scheduled work day is less than eight (8) hours, the employee will be credited the difference to be used within the same or the following pay period.

2. If a holiday occurs while an employee is on accrued leave (i.e. sick or annual), the holiday is not charged against leave hours. No extra days are added while on other types of paid leave. Employees on leave-without pay status are not eligible for holiday pay.
3. If a full-time employee works a non-standard work-week and the holiday falls on the employee's regularly-scheduled day off, the employee is given another day off for eight (8) hours during the same or following pay period. Part-time employees are given time off based on the number of hours they are normally scheduled to work.
4. Should a regular or extended temporary non-exempt staff employee be required to work on a University approved holiday, the employee is paid double time for all hours worked in lieu of receiving holiday pay for those hours.
5. With the supervisor's approval, an employee may voluntarily elect to work on a holiday at the employee's regular rate and receive equal time off at another time, usually during the same or following pay period, as long as the hours worked in that week do not exceed 40.
6. If a holiday falls on a Saturday, it is normally observed the preceding Friday. If a holiday falls on a Sunday, it is normally observed the following Monday.
7. If an employee does not use his/her floating day within calendar (leave) year, it is forfeited.
8. DC Emancipation Day is unpaid unless an employee elects to use paid leave as stated below. An employee must notify his/her supervisor of their desire to take time off for DC Emancipation Day at least ten (10) days in advance of the date. Employees may use available annual leave (staff) or personal leave (Clerc Center teachers) to receive pay or a Floating Day.

4.19 Leave Without Pay (includes information regarding the Family Medical Leave Acts)

Last Revised: 10 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to regular and extended temporary staff in all offices and divisions of Gallaudet University and to regular and extended temporary Clerc Center teachers, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents. The Family and Medical Leave Act ("FMLA") and District of Columbia Family and Medical Leave Act ("DCFMLA") portions of this policy applies to all employees who are eligible for FMLA/DCFMLA leave pursuant to applicable law.

Policy

This policy is intended to set forth the rights of employees to take leave under the FMLA and/or DCFMLA and, where the FMLA and DCFMLA are not applicable, non-FMLA leave without pay. Typically, if an employee is eligible for FMLA/DCFMLA as described below, is using leave for a qualifying reason (*e.g.*, to take time off for the employee's own serious health condition), and has not previously used FMLA/DCFMLA leave, the employee is entitled to up to 16 workweeks of leave in a 24 month period under the DCFMLA (which runs concurrently with FMLA leave). The specific rules for taking leave, and the reasons for which leave may be taken

FMLA The FMLA is a federal law allowing eligible employees to take a maximum of up to twelve (12) weeks of unpaid leave for family/medical reasons, or in the case of military caregiver leave, up to twenty-six (26) weeks of unpaid leave in any twelve (12) month period and be restored to the same or an equivalent position upon return from leave (subject to the terms and limitations of the FMLA). FMLA also requires that your group health benefits be maintained during your FMLA leave period.

Am I eligible for FMLA leave?

To be eligible for leave under this FMLA policy, you must (1) have worked for Gallaudet for at least twelve (12) months, though it need not be consecutive; and (2) have worked for at least 1,000 hours over the previous twelve (12) months.

For what reasons can I take FMLA leave?

You may take family/medical leave for any of the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or child birth;
2. To care for your child after birth, or placement for adoption or foster care;
3. To care for your spouse, son or daughter, or parent (a "qualified family member") who has a serious health condition; or
4. For a serious health condition that makes you unable to perform any of the essential functions of your position.

5. Military Family Leave (discussed further below)

Leave because of reason (2) must be completed within the twelve (12) month period beginning on the date of birth or placement. In addition, employees who take leave for any of the reasons covered by this policy (except for military caregiver leave discussed further below) may only take a combined total of twelve (12) weeks leave during any twelve (12) month period.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents you from performing the functions of your position, or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with continuing treatment by (or under the supervision of) a health care provider, or incapacity due to pregnancy or prenatal care, or incapacity due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.), or a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., stroke, Alzheimer's, terminal diseases, etc.).

Do I have to take the leave in a single block of time?

If your or your qualified family member's serious medical condition requires only periodic treatment (e.g., chemotherapy or dialysis), you may request family/medical leave on an intermittent basis. Intermittent leave can be taken in hourly increments and will be counted towards your maximum leave entitlement in the increments taken. Intermittent leave may not be taken for reasons besides you or your qualified family member's serious medical condition unless Gallaudet agrees.

If leave is unpaid, AIR will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, AIR may temporarily transfer you to an available alternative position which better accommodates your recurring leave and has equivalent pay and benefits.

How do I request leave?

If your need for family/medical leave is foreseeable, you must give Gallaudet at least thirty (30) days prior written notice. If this is not possible, you must at least give notice as soon as practicable. Failure to provide such notice may be grounds for delay of leave. You must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt Gallaudet's operations.

You must provide sufficient documentation to Gallaudet for Gallaudet to determine if your leave qualifies for protection under the FMLA. Contact Human Resources as soon as possible to discuss your situation and if you are eligible for leave. You will be provided with the required documentation to be completed to certify the need for leave. Gallaudet may ask for different forms of documentation depending on the type of leave requested, e.g., leave due to a serious health condition (your own or a covered family member's), or military leave for a qualifying exigency (discussed below).

Gallaudet may request certification by the relevant health care provider when leave is due to a serious medical condition. In addition, Gallaudet, at its expense, may require an examination by a second health care provider designated by Gallaudet, if it reasonably doubts the medical certification you initially provided or if necessary to make an informed decision. If the second health care provider's opinion conflicts with the original medical certification, Gallaudet, at its expense,

may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

Your leave will commence from the first date of absence for the covered situation, regardless of when you formally request FMLA leave. You may be required to submit periodic updates regarding your continued need to access family/medical leave.

How long may I take leave?

For the qualifying reasons provided under the FMLA, you are entitled to leave up to a total of twelve (12) weeks or, in the case of military caregiver leave (as discussed further below), twenty-six (26) weeks within a twelve (12) month period. In determining the amount of FMLA leave available to you, Gallaudet considers the twelve (12) month period preceding the date on which the requested leave is to be used.

Am I paid during leave? What about other leave rights?

Leave provided by the FMLA is unpaid leave; however, you may elect to use any applicable accrued paid leaves instead of taking unpaid leave. Additionally, you may be eligible for benefits such as long-term disability insurance or workers' compensation. Please see Human Resources for more details. These sources of income will be considered "paid leave" for the period during which you receive that money.

FMLA leave runs concurrently with other applicable leave programs to the fullest extent permitted by law. This means that the use of accrued or other paid leave does not extend your maximum leave entitlement under the FMLA. Further, in no case can paid leave time result in your receipt of more than 100% of your salary.

What happens to my medical benefits during leave?

During an approved FMLA leave, Gallaudet will maintain your (and your dependents', if applicable) health care benefits as if you continued to be actively employed for the duration of your approved leave. If your FMLA is paid, Gallaudet will deduct your portion of the health care premiums from your pay as normal. If your leave is unpaid, you must pay your portion of the premiums directly to Gallaudet.

If you elect not to return to work for at least thirty (30) calendar days at the end of the FMLA leave period (or an additional approved leave, such as DCFMLA), you will be required to reimburse Gallaudet for the cost of the health care benefit premiums paid by Gallaudet for maintaining coverage during your leave, unless you cannot return to work because of a serious health condition (yours or the covered family member's) or other circumstances beyond your control.

What do I need to do when I am ready to return from leave?

You are expected to return to work at the conclusion of the approved FMLA leave period. If you take leave because of your own serious health condition (except if you are taking intermittent leave that is still within the approval for intermittent leave), you are required to provide medical certification that you are fit to resume work prior to returning.

Failure to return to work when your FMLA leave period expires may be considered a voluntary resignation.

What about military family leave?

Employees eligible for leave under the FMLA may use their leave entitlement for Military Family Leave. Military Family Leave provides you with unpaid leave for the following reasons:

- Qualifying Exigency Leave: A “qualifying exigency” arising out of a spouse, son, daughter or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in a foreign country (known as qualifying exigency leave); and/or
- Military Caregiver Leave: To care for a spouse, son, daughter or next of kin who is a covered service member and who has incurred a serious injury or illness related to active duty service (known as military caregiver leave).

What if my spouse also works for Gallaudet?

If you and your spouse work for Gallaudet, you are limited to a combined total of 12 workweeks of leave in a 12-month period for the following reasons:

1. To care for your child after birth, or placement for adoption or foster care;
2. To care for a parent who has a serious health condition

Also, you are limited to a combined total of 26 workweeks of leave in a single 12-month period to take military caregiver leave, if each spouse is a parent, spouse, son/daughter, or next of kin of the servicemember. When spouses take military caregiver leave as well as other FMLA leave, each spouse is subject to the combined limitations for the reasons for leave listed above.

Where can I learn more about the FMLA?

Employees should consult with Human Resources, or see [Department of Labor Publication WH-1420](#) for additional information regarding their rights and responsibilities under the FMLA.

Additional Rights Under the DCFMLA

The DCFMLA may provide you with additional time to take leave beyond what you are entitled under the FMLA. Specifically, under the DCFMLA, in a twenty-four (24) month period, you may take:

- Sixteen (16) workweeks of leave when your own serious health condition makes you unable to perform the functions of your job (“Medical Leave”); and, in addition, you may take
- Sixteen (16) workweeks of leave to care for your family member who suffers from a serious health condition or due to the birth of your child, the foster care or adoption placement of a child with you, or the placement of a child for whom you assume permanent parental responsibility (“Family Leave”).

Like in the FMLA, leave for birth, adoption, or placement of a child must take place within twelve (12) months of the birth, adoption, or placement of the child.

If both you and a family member who works for Gallaudet seek Family Leave for the same reason, you may take four (4) weeks of leave at the same time and may take a combined maximum of sixteen (16) weeks of Family Leave during a twenty-four (24) month period.

In determining the amount of DCFMLA available to you, Gallaudet looks back over the rolling twenty-four (24) month period preceding the date on which the requested leave is to be used.

“Family member” means (a) any person to whom you are related by blood, legal custody, or marriage; (b) any person with whom you have shared, within the last year, a committed relationship (as defined in the DCFMLA) and a mutual residence; (c) any child who lives with you and for whom you permanently assume and discharge parental responsibility; or (d) a foster child.

“Child” means (a) any person under 21 years of age; (b) any person, regardless of age, who is substantially dependent upon you due to a disability; or (c) any person under 23 years of age who is a full-time student at an accredited college or university.

How does the DCFMLA interact with other leaves?

Leave provided by the DCFMLA is unpaid leave; however, you may elect to use any applicable accrued paid leaves instead of taking unpaid leave. Additionally, you may be eligible for benefits such as long-term disability insurance or workers’ compensation. Please see Human Resources for more details. These sources of income will be considered “paid leave” for the period during which you receive that money.

DCFMLA leave runs concurrently with other applicable leave programs to the fullest extent permitted by law. This means that the use of accrued or other paid leave does not extend your maximum leave entitlement under the DCFMLA. Further, in no case can paid leave time result in your receipt of more than 100% of your salary. **DCFMLA leave also runs concurrently with federal FMLA leave**, provided that leave taken under Gallaudet’s above FMLA Policy for a reason not covered by DCFMLA will not exhaust the leave available to you under this policy.

What is an example of how the DCFMLA provides greater rights than the FMLA?

One example is as follows. Because the DCFMLA permits an employee to take sixteen (16) weeks of medical leave over a two-year period, there may be circumstances where an employee exhausts twelve (12) weeks of FMLA leave due to a serious health condition, yet still has four (4) additional weeks of DCFMLA to use. For more information, please speak to Human Resources about your particular situation.

Leave Without Pay (Non-FMLA)

Leave without pay is defined as temporary non-pay status and absence from duty. Leave without pay must be approved by the supervisor and in cases of extended leave without pay, also by the unit administrator, and senior administrator.

Leave without pay normally falls into one of the following categories:

1. Voluntary: An employee requests time off without pay.

Initial requests for leave without pay (non-FMLA) may be made for a maximum of six calendar months (staff) or one semester (Clerc Center teachers). Extensions may be requested; however, except in unusual circumstances, requests for leave without pay should not exceed 12 calendar months (staff) or one academic year (Clerc Center teachers). Decisions regarding the approval of requests for leave without pay and its duration take into consideration the reason for which the leave is being requested, applicable laws and regulations (e.g., the Family and Medical Leave Acts — see above), the employee’s work history, and impact on program operations and objectives. Leave without pay is not approved beyond the term of the appointment or in instances when an employee accepts employment elsewhere. Unless otherwise prescribed by law, the granting of leave without pay does not preclude the

University from realigning or reassigning its resources as necessary, and it is not a guarantee that conditions of employment will remain unchanged.

In most cases, requests for voluntary leave without pay should be approved only after appropriate paid leaves have been exhausted.

2. Scheduled: An employee's appointment schedule includes a period of leave without pay.

Certain staff appointments may include a period of time off, e.g., appointments which follow the academic calendar. This period is taken as leave without pay.

3. Involuntary: An employee exhausts all appropriate paid leave and FMLA leave and is unable to return to work.

An employee who exhausts all approved paid leave or FMLA leave and cannot return to work may request to be placed on leave without pay status. The employee must provide acceptable documentation evidencing that he/she is not able to work and the planned return date. Leave is usually approved for a maximum of six calendar months (staff) or one semester (Clerc Center teachers) from the start date of the original leave. Extensions may be granted; however, except in unusual circumstances or where extension of leave is required by law, leave without pay should not extend leave to exceed 12 calendar months (staff) or one academic year (Clerc Center teachers) from the start date of the original leave. Leave without pay is not approved beyond the term of the appointment. Unless otherwise prescribed by law, the granting of leave without pay does not preclude the University from realigning or reassigning its resources as necessary, and it is not a guarantee that conditions of employment will remain unchanged. Supervisors may require regular documentation for involuntary leave without pay.

4. Disciplinary: An employee's request for leave is not approved, or other instances occur that require the absence of the employee by administrative disciplinary directive.

A supervisor may place an employee on disciplinary leave without pay if leave taking is not approved and the employee is absent or when the employee's absence is directed as a disciplinary action for other reasons. Actions of disciplinary leave without pay must be approved by the unit administrator and by the Executive Director of Human Resources or Director of Equal Opportunity Programs and must fully comply with the Fair Labor Standards Act (including salary basis rules for exempt employees) and any other applicable law.

5. Other: Any other instance which necessitates the use of leave without pay.

Any other instance which necessitates the use of leave without pay normally follows the guidelines defined in this policy. An employee who fails to return to work immediately following the expiration of approved leave without pay and who has not obtained an approved extension or provided required documentation for consideration of an extension will be considered to have voluntarily terminated his/her employment. Absence from duty without any type of leave approval constitutes an "unauthorized absence" and may be grounds for termination.

Approved by: Gallaudet University Administration

Procedures

1. Contact Human Resources to request FMLA/DCFMLA leave, involuntary leave, or other leave, in accordance with the timing required above. Human Resources will provide you with the information you need to fill out to request the leave.
2. If a supervisor receives a request for leave under this policy, the supervisor should immediately inform Human Resources and refer the employee to Human Resources.

3. Employees may be required to provide documentation as required. For example, employees may be required to provide medical documentation to support a serious health condition of themselves or their family members necessitating leave without pay.
4. An exempt employee is not subject to reductions in salary for leave without pay for a period of less than one day unless the absence is covered under the FMLA/DCFMLA.
5. Unless enrollment is canceled, benefits remain in effect while an employee is on leave without pay. However, employees who are on leave without pay or when their salary is insufficient to cover the required withholdings are responsible for the employee share of all payroll deducted obligations including health insurance premiums. Arrangements for payment of premiums should be made with the Payroll Office. Failure to pay benefits may result in cancellation of benefits. Employees should contact Human Resources for additional information regarding benefits while on leave without pay.
6. An employee who is on leave without pay is not eligible to accrue sick leave or annual leave (staff), to receive holiday pay, or to substitute other types of leave, except that an employee on FMLA leave may elect to substitute available sick leave or annual leave or parental leave if eligible.
7. A staff employee on leave without pay for a period of six months or more is not eligible for a merit increase. A supervisor may elect to extend the evaluation period for any employee who is on leave without pay status for fewer than six calendar months.
8. Clerc Center teachers who are on leave without pay for more than one-half of the academic year (95 working days) are ineligible for a step increase, and the academic year is not considered a full year of service for Clerc Center policies recognizing length of service.

4.20 Voting Leave

Last Revised: 28 October 2024

Refer Questions to: Human Resources

Executive Sponsor: Chief Operating Officer

Responsible Unit: Human Resources

Effective: October 28, 2024

Statement

Gallaudet University supports the right of employees to participate in civic duties, including voting in federal, state, and local elections. To facilitate this, the University provides paid voting leave to eligible employees.

Scope

This policy applies to regular and extended temporary employees in all offices and divisions of Gallaudet University, including Clerc Center, unless otherwise governed by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

The University will permit up to two hours of paid leave for an employee to exercise the right to vote. Time away from work for voting may be used during early voting days and Election Day.

Procedure

The employee must notify their supervisor in advance if they need to take voting leave during scheduled work hours and obtain prior approval. Supervisors should work with employees to accommodate requests and arrange schedules to maintain operational coverage.

APPROVED BY
Gallaudet Administration
October 28, 2024

4.21 Leave-Sharing Program

Last Revised: 12 May 2020

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to regular and extended temporary staff and teachers in all offices and divisions of Gallaudet University and the Clerc Center, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

The University values all employees' well-being. When an employee faces a need to take extended time off due to a medical emergency or major disaster, paid time off may run out quickly resulting in financial hardship. The Leave-Sharing Program enables eligible employees to donate accrued, unused Annual Leave (defined below) for use by co-workers for whom a medical emergency or major disaster requires them to be absent from work. The Program allows an eligible employee much needed time to recover from a medical emergency or major disaster while receiving paid leave.

The Leave-Sharing Program recognizes our shared responsibility to support one another in times of need. It is also intended to build employee morale, enhance camaraderie, reduce turnover and absenteeism, positively affect overall productivity and improve the recruitment and retention of talented employees. Employee participation in the Leave-Sharing Program is strictly voluntary. Nothing in this Policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

Eligibility for Leave Recipients

Regular and extended temporary employees must:

- Be employed with Gallaudet for a minimum of six months to be eligible to receive donated annual leave;
- Have exhausted all other available paid leave; and
- Have a situation that meets the following criteria:
 - **Medical emergency**, defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as any family member under the District of Columbia Family and Medical Leave Act (see [A&O 4.19](#)); or
 - **Major disaster**, defined as a disaster declared by the President of the United States under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the President pursuant to 5 U.S.C. §6391 for federal government agencies. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee and/or to a family member of the employee that requires the employee to be absent from work.

Approved by: Gallaudet University Administration

Procedures

The following definitions apply to this Policy.

Annual Leave: Leave earned under [A&O Policy 4.11](#).

Donated Leave: Annual leave hours donated pursuant to the Leave-Sharing Program.

Family Member: Any individual defined as a family member under the District of Columbia Family and Medical Leave Act (see [A&O 4.19](#)).

Leave Donor: A current employee of Gallaudet eligible to participate in the Leave-Sharing Program whose voluntary written request to deposit leave in the Program is approved by the University.

Leave Recipient: A current employee of Gallaudet eligible to participate in the Leave-Sharing Program for whom Gallaudet has approved an application to receive Donated Leave.

Leave Without Pay: Leave taken under [A&O 4.19](#).

Leave-Sharing Bank: The leave bank to which Leave Donors donate leave, and from which Leave Recipients receive leave under the Leave-Sharing Program.

How Do Employees Donate Leave?

- Employees wishing to donate their accrued, unused Annual Leave will be required to complete a Leave-Sharing Donation Form and submit it to Human Resources.
- Donated Leave will go into the Leave-Sharing Bank for use by eligible employees.
- Leave Recipient identity will not be disclosed to Leave Donors.
- Annual Leave is donated in hourly increments.
- An eligible employee may not donate more than the maximum amount of Annual Leave hours that the employee will accrue in a fiscal year.
- Leave may not be donated before it is accrued.
- Eligible employees must retain a personal balance of at least 80 hours of Annual Leave (prorated for staff under 1.0 FTE).
- Leave Donors will not be taxed on leave donated to the Leave-Sharing Program.
- Leave Donors may not claim any expenses, tax deductions, or charitable contributions for any leave donated to the Leave-Sharing Program.
- Leave Donations to the Leave-Sharing Program are irrevocable.

How Do Employees Request and Use Donated Leave?

- Eligible employees who would like to request Donated Leave are required to complete a Leave-Sharing Request Form and submit it to Human Resources.
- Donated Leave may be requested only in the case of a medical emergency or major disaster that requires the employee to be absent from work, as defined above.
- Proof of appropriate use may be requested prior to the granting of Donated Leave.
- Eligible employees wishing to receive Donated Leave must have exhausted all other available leave balances, including sick leave.
- Donated Leave is received in the form of hours, regardless of the dollar value of the leave donated.
- Eligible employees who receive Donated Leave may receive no more than 160 hours (4 weeks)

within a rolling 12-month period.

- Donated Leave must be used beginning within 1 month of approval of the leave request.
- Leave Recipients may use Donated Leave to eliminate a negative leave balance that arose from leave that was advanced to the Leave Recipient because of the effects of the COVID-10 pandemic (but Donated Leave may not be converted into cash).
- Leave Recipients will not accrue paid leave while using Donated Leave.
- Unused Donated Leave is not paid out upon separation from employment.
- Payments of Donated Leave are considered wages paid to the Leave Recipient and are subject to appropriate tax withholdings.

How Are Donated Leave Requests Approved?

- There is no guarantee that Donated Leave will be available when a request is made because the Leave-Sharing Program is voluntary.
- Requests for Donated Leave generally will be granted on a first-come, first-served basis, although Gallaudet reserves discretion to make determinations on the basis of need in the case of multiple simultaneous requests.
- Requests for Donated Leave will be evaluated by a committee consisting of a Human Resources Manager, Director of Equal Opportunity Programs, and a representative from Gallaudet Staff Council or Clerc Center Employee Relations Council.
- Requests for leave will be received by a Human Resources team member, who will remove all personally-identifying information from the request form prior to committee review, in order to ensure employee privacy and the fairness of leave determinations.
- The committee will present their recommendations to the Executive Director of Human Resources, or the designee, who will make the final determination.
- The decision will be communicated to the employee, supervisor, and unit administrator (if not the supervisor).

How Does Donated Leave Coordinate With Other Leave Rights?

- If the Leave Recipient is eligible for unpaid leave under the Family and Medical Leave Act (FMLA) and/or the DC Family and Medical Leave Act (DCFMLA), Donated Leave will run concurrently with such unpaid leave, which means that use of Donated Leave does not extend an employee's available leave under the FMLA or DCFMLA.
- Leave Recipients may not use Donated Leave until they have exhausted all other forms of available paid leave applicable to their absence (for example, Annual Leave, Sick Leave, Long-Term Disability, or DC Paid Family Leave ^[1]). In no circumstances may an employee receive Donated Leave concurrently with other paid benefits programs, such as paid leave through the DC Paid Family Leave program.
- Employees are required to apply for all other sources of paid leave that may be applicable to their absence (for example, Worker's Compensation, Long Term Disability, DC Paid Family Leave) as a condition of receiving Donated Leave from the Leave-Sharing Program. Employees are required to work with Human Resources to coordinate leave benefits to the fullest extent permitted by law.

^[1] DC Paid Family Leave benefits will be available from the DC Government starting July 1, 2020. More information is available [here](#).

4.22 Educational Assistance

Last Revised: 31 January 2020

Refer Questions to: Human Resources

Scope

This policy applies to full-time and part-time (20 hours per week or more or at least half time) regular status faculty, teachers, and staff in all offices and divisions of Gallaudet University unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

Gallaudet University encourages employees to continue their formal education and provides financial aid for approved coursework. The educational assistance program is designed to promote career advancement at the University and to enable employees to contribute more effectively to Gallaudet's programs and services. Educational assistance is provided for tuition and mandatory fees (those required of all students at the time of registration), only at institutions other than Gallaudet University.

This policy shall constitute a separate educational assistance program with respect to education assistance within the meaning of section 127 of the Internal Revenue Code that does not exceed \$5,250 per year. The program is provided for the exclusive benefit of University employees to a group that does not discriminate in favor of employees who are highly compensated employees (within the meaning of section 414(q) of the Internal Revenue Code) or their dependents. Eligible employees do not have a choice between educational assistance under the program and other taxable compensation. Eligible employees shall receive reasonable notice of the terms and availability of the program.

All IRS and U.S. Tax Court rulings regarding withholding and reporting requirements for educational assistance benefits are followed by the University and the University makes no promises or guarantees as to the tax treatment of educational assistance.

1. Eligibility

A staff employee must satisfactorily complete the initial probationary period before enrolling in the course(s) for which he/she is requesting reimbursement. A faculty member or teacher may enroll following the effective date of employment. Receipt of the benefit for one course is not a guarantee of continued benefits for future semesters or courses. The University may, at its discretion, deny a request for educational assistance from any employee. The employee must be employed at the University at the time that reimbursement for tuition and mandatory fees would otherwise be due to the employee in order to remain eligible for such reimbursement.

2. Coursework

All courses for staff employees should be related to the employee's present position, to a potential position within the University, or to a college degree. Faculty or teacher educational assistance may be used for coursework required for promotion (faculty), track change (Clerc Center teachers) and tenure (faculty) or for training or retraining specifically related to University objectives as determined by the administrative officer.

3. **Reimbursement**

Reimbursement is provided for tuition and mandatory fees, and no other amounts. The employee must pay all required tuition and fees at the time of registration for the course. The University reimburses eligible employees for each course during an academic year up to the amount of Gallaudet's Board-approved full-time U.S. undergraduate student tuition for the same academic year. No eligible employee may receive more than four-times Gallaudet's current academic year undergraduate tuition during his/her lifetime, and no employee may receive more than the actual expenses covered under this policy that the employee has actually incurred (e.g., employees may not receive tuition reimbursement for tuition or fees that were covered by scholarship). Educational assistance is prorated for part-time employees according to the number of hours or percentage of time normally scheduled to be worked at the time of application. Audited course tuition and fees are not reimbursed to the employee.

4. **Accreditation of Educational Institutions**

Colleges and universities must be accredited. Vocational-technical schools should be accredited or certified by a state agency.

5. **GI Benefits**

No reimbursement is made for any portion of a program taken under the provisions of the U.S. Government's Veteran's Educational Assistance Plans.

6. **Courses Taken During Business Hours**

Courses should normally be taken outside of the regular working hours, and should never interfere with performance of Gallaudet work. Requests for flextime or staff annual leave may be approved by the supervisor. Full-time employees may not exceed 6 credit hours in any semester or term per academic year.

7. **Conditions**

Before the course begins, the employee must submit an Educational Assistance form. Educational assistance is paid to the employee within 90 days after the satisfactory completion of the course and the employee's complete and timely submission of all required materials. In addition to the educational assistance form (submitted before the course begins), the employee must submit a tuition statement, satisfactory grade report and other documentation requested by the University, as soon as possible, but no later than 30 days after course completion. Audited course tuition and fees are not reimbursed to the employee. Educational assistance will not be provided to employees who have outstanding financial obligations to the University, or who have not submitted required materials to Gallaudet, including presenting proof of satisfactory course completion. "Satisfactory course completion" is defined as a grade "C" or better for undergraduate students or as a grade "B" or better for graduate students, or "pass" if under a pass or fail grading system. In the event a grade or pass/fail is not assigned to the course, the recipient of educational assistance must submit a statement from the advisor or school administrator that he/she has successfully completed all course objectives. In the event the course is canceled; the employee withdraws from the course; the employee does not satisfactorily complete the course or does not submit evidence of satisfactory course completion within the specified timeframe; the employee does not abide by the above conditions; or the employee voluntarily leaves the University while the course is in progress or by the time that reimbursement is due to the employee, then the employee will forfeit reimbursement.

In accepting educational assistance, the employee acknowledges and accepts the terms and conditions outlined in this policy. If the employee does not comply or submits falsified or intentionally inaccurate information in order to qualify for educational assistance, the University will take disciplinary action, up to and including discharge from the University, or legal action as needed, including potential implementation of collection procedures if necessary.

Approved by: Gallaudet University Board of Trustees

4.23 Tuition Waiver

Last Revised: 31 January 2020

Refer Questions to: Human Resources

Scope

This policy applies to full-time and part-time (20 hours per week or more or at least half time) regular status faculty, teachers, and staff in all offices and divisions of Gallaudet University and to their dependent children, spouses or registered domestic partners, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

Gallaudet University encourages employees and their family members to continue their formal education and provides tuition waiver at Gallaudet for approved coursework, including sign language, provided the applicant meets the admissions requirements and is accepted, and, following admission of tuition-paying students, there is available space within the class. Tuition and mandatory fees (those required of all students at the time of registration) only are waived. All IRS and U.S. Tax Court rulings regarding withholding and reporting requirements for tuition waiver benefits are followed by the University. A dependent child is defined in accordance with IRS regulations.

1. **Eligibility** A regular status staff employee must satisfactorily complete the initial probationary period before the employee or eligible family member may enroll in the course for which tuition waiver is being requested. (This requirement does not apply to sign language classes for employees.) A regular status faculty member or teacher may enroll and apply for tuition waiver following the effective date of employment. Part-time employees and their family members are eligible to apply for tuition waiver for one course per semester only. Employees and their eligible family members who have tuition waived are not eligible for University sponsored financial aid programs designed to supplement tuition and lab fees. All applicants must satisfy the admissions requirements and adhere to all registration guidelines. Registration officials within the University determine the availability of space within the class.
2. **Coursework** All courses should be related to the pursuit of increased professional or educational skills which includes all degree-related courses, remedial courses, and sign language programs, but normally excludes extra-curricular or non-credit courses of a recreational or leisure activity nature.
3. **Waiver** Tuition and mandatory fees (those required of all students at the time of registration) only are waived for employees and their eligible family members.
4. **Courses Taken During Business Hours** With the exception of sign language courses for employees, courses should normally be taken outside of the regular working hours. Requests for flextime or staff annual leave may be approved by the supervisor. Full-time employees may not exceed 6 credit hours in any semester or term per academic year.
5. **Conditions** The employee or family member must submit evidence of satisfactory course completion as soon as possible but no later than 30 days from the date of completion. Tuition waiver will not be provided to employees who have outstanding obligations to the University, in terms of both reimbursements and documentation of satisfactory course completion, related to any of Gallaudet's educational policies. "Satisfactory course completion" is defined as a grade "C" or better for undergraduate students or as a grade "B" or better for graduate

students, or “pass” if under a pass or fail grading system. In the event a grade or pass/fail is not assigned to the course, the recipient of tuition waiver must submit a statement from the advisor or school administrator that he/she has successfully completed all course objectives. In the event the student withdraws from the course after the final withdrawal date, the student’s coursework drops below the original request or falls below a full-time course load as defined by Gallaudet, the student does not satisfactorily complete the course or does not submit evidence of satisfactory course completion, or if the employee does not abide by the above conditions or voluntarily leaves the University while the course is in progress, the employee must reimburse the University in the amount of the standard course fee.

An employee who receives tuition waiver on his/her own behalf or on behalf of his/her family member acknowledges the terms and conditions outlined in this policy and on the application form. If the employee or family member does not comply, the University will implement collection procedures if necessary.

Approved by: Gallaudet University Board of Trustees

4.24 Tuition Assistance For Employees Family

Last Revised: 31 January 2020

Refer Questions to: Human Resources

Scope

This policy applies to full-time and part-time (20 hours per week or more or at least half time) regular status faculty, teachers, and staff in all offices and divisions of Gallaudet University and to their dependent children, spouses, or registered domestic partners, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents. This policy applies only to employees who were hired prior to September 1, 2019. Employees hired on or after September 1, 2019, including re-hires after that date, are not eligible to receive tuition assistance under this policy.

Policy

Recognizing the value of employment longevity and the benefits of a formal education beyond the secondary school level, Gallaudet offers tuition assistance to employees with five or more years of cumulative service who have children, a spouse or registered domestic partner who wish to enroll as students in an accredited undergraduate college degree program or in an accredited post-secondary vocational-technical training program. Tuition assistance is not available for programs beyond the bachelor's degree. Tuition assistance monies may be applied towards tuition, mandatory fees (those required of all students at the time of registration), on-campus or off-campus housing, and/or on-campus board costs. Appropriate documentation will be requested for all support. No assistance is granted for courses which are eligible for reimbursement under a different program. All IRS and U.S. Tax Court rulings regarding withholding and reporting requirements for tuition assistance benefits are followed by the University, and the University makes no promises or guarantees as to the tax treatment of tuition assistance. A dependent child is defined in accordance with IRS regulations.

1. **Eligibility** The University reimburses eligible employees for each course taken by their eligible family member during an academic year up to the amount of Gallaudet's Board-approved full-time U.S. student tuition for the same academic year. No eligible employee may receive more than four times Gallaudet's current academic year tuition during his/her lifetime, and no employee may receive more than the actual expenses covered under this policy. Benefits are paid on a sliding scale beginning with five years of cumulative service in a regular status or extended temporary status position. Full-time employees with 10 or more years of cumulative service receive the full benefit. Tuition assistance is prorated for part-time employees according to the number of hours or percentage of time normally scheduled to be worked at the time of application.

Years of Cumulative Service Maximum Yearly Benefit for Full-Time Employees

5 years	50% of Gallaudet's full-time U.S. student tuition rate
6 years	60% of Gallaudet's full-time U.S. student tuition rate
7 years	70% of Gallaudet's full-time U.S. student tuition rate
8 years	80% of Gallaudet's full-time U.S. student tuition rate

Years of Cumulative Service Maximum Yearly Benefit for Full-Time Employees

9 years 90% of Gallaudet's full-time U.S. student tuition rate

10 years or more 100% of Gallaudet's full-time U.S. student tuition rate

2. **Reimbursement** Reimbursement is provided only for expenses actually incurred (e.g., employees may not receive reimbursement for tuition/fees that were covered by scholarship). Receipt of the benefit for one year or semester is not a guarantee of continued benefits for future semesters or courses. The University may, at its discretion, deny a request for tuition assistance from any employee. The employee must be employed at the University at the time that reimbursement pursuant to this policy would otherwise be due to the employee in order to remain eligible for such reimbursement. Gallaudet employees who are children or the spouse or registered domestic partner of other Gallaudet employees are not eligible for tuition assistance under this policy.
3. **Conditions** Before the course begins, the employee must submit a Tuition Assistance form. Tuition assistance is paid to the employee within 90 days after the satisfactory completion of the course and the employee's complete and timely submission of all required materials. In addition to the tuition assistance form (submitted before the course begins), the employee must submit a tuition statement, satisfactory grade report and other documentation requested by the University, as soon as possible but no later than 30 days after course completion. Audited course tuition and fees are not reimbursed to the employee. Tuition assistance will not be provided to employees who have outstanding financial obligations to the University, or who have not submitted required materials to Gallaudet, including presenting proof of satisfactory course completion. "Satisfactory course completion" is defined as a grade "C" or better or "pass" if under a pass or fail grading system. In the event a grade or pass/fail is not assigned to the course, the recipient of tuition assistance must submit a statement from the advisor or school administrator that he/she has successfully completed all course objectives. If a course is canceled, or the student withdraws from the course, and the student's coursework drops below the original request or falls below a full-time course load as defined by the student's university, the employee must reimburse the University. In the event the course is canceled; the student withdraws from the course; the student does not satisfactorily complete the course; the employee does not submit evidence of satisfactory course completion within the specified timeframe; the employee does not abide by the above conditions; or the employee voluntarily leaves the University while the course is in progress or by the time that reimbursement is due to the employee, then the employee will forfeit reimbursement. In accepting tuition assistance, the employee acknowledges and accepts the terms and conditions outlined in this policy. If the employee does not comply or submits falsified or intentionally inaccurate information in order to qualify for tuition assistance, the University will take disciplinary action, up to and including discharge from the University, or legal action as needed, including potential implementation of collection procedures if necessary.

Approved by: Gallaudet University Board of Trustees

4.31 Probationary Period

Last Revised: March 21, 2022

Refer Questions to: Human Resources

Scope

This policy applies to regular and extended temporary staff in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

The first six calendar months in a new position for staff employees are considered a probationary period. This includes both the first six months of employment and the first six months after voluntarily transferring into a new position. During this time, employees have an opportunity to learn more about their assignments and to determine whether they are satisfied with the position. At the same time, the supervisor has an opportunity to determine whether the employee has demonstrated reasonable progress for successful performance in the position during the probationary period. Measuring successful performance includes not only performing responsibilities satisfactorily, but also making reasonable progress towards achieving an acceptable level of sign proficiency.

Since the probationary period also serves as an evaluation period, progress meetings should be held between the supervisor and the employee to discuss various aspects of the job. During this probationary period, the employee is expected to follow the job description outlined at the time of hire. Supervisors are responsible for overseeing performance during the probationary period and providing feedback as needed. If at any time during the probationary period the supervisor feels that the employee is not suitable for the position, the supervisor may terminate the employment. An employee who is terminated during the probationary period has no rights of appeal under the Dispute Resolution Procedures.

An employee may apply, but is not guaranteed to be selected, for a position elsewhere within the University only after the conclusion of the probationary period if the employee decides that they are not satisfied with the job placement. All employees are expected to comply with any sign language requirements applicable to a position, regardless of whether they remain in a role or pursue other job opportunities within the University. Satisfactory completion of the probationary period is not a guarantee of continuous employment and does not alter any employee's at-will employment status.

Approved by: Gallaudet University Board of Trustees

Procedures

1. If an employee is to be terminated during the probationary period, the supervisor should:
 - A. Contact the senior administrator, Human Resources, and the Director of Equal Opportunity Programs to review the events leading to termination.
 - B. Inform the employee face-to-face and in writing, no later than the final day of the probationary period, of the termination and the effective date of separation. No advance notice is required.

Human Resources must be present in the meeting.

- C. Verify return of University property and to request repayment of any money due to the University.
2. The employee may be eligible for one week of severance pay to the extent provided for in A&O 4.32.
 3. Involuntarily terminated employees receive their final paycheck in accordance with applicable state law.
 4. Collection procedures may be implemented if the employee does not return all University property or has not satisfied all financial obligations with the University.

4.32 Termination

Last Revised: 10 Oct 2019

Refer Questions to: Human Resources

Scope

This policy applies to regular and extended temporary staff in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

The University will experience separations from time to time because of resignations, retirements, etc. Additionally, conditions may arise which call for the dismissal of an employee. The University does not have a contract of employment with any of its staff employees. Each staff employee is employed on an at-will basis and may be terminated, with or without cause or reason, and with or without advanced notice, except as expressly provided for in a written employment agreement between the employee and the University, which is signed by the President of the University or his/her designee, and the employee. Nevertheless, although staff are employed on an at-will basis, it is the University's general practice to attempt to improve poor performance through counseling and warning before undertaking involuntary termination.

Employees charged with gross misconduct may be terminated immediately and without prior warning.

Employees in senior administrator and administrative officer positions serve exclusively by appointment of the President or his/her designee and may be terminated (or, if tenured, removed from the position) with 30 days of notice or pay in lieu thereof, without counseling or warning and without right of appeal.

For information regarding termination during the probationary period, refer to the Probationary Period policy. For termination due to layoff, refer to the Staff Layoff policy.

Approved by: Gallaudet University Board of Trustees

Definitions

1. Voluntary Separation

- A. Not Encouraged: The resignation of an employee.
- B. Encouraged: The requested resignation of an employee when discharge is imminent.
- C. Unauthorized Absence: An employee fails to return to work following a period of approved leave or is absent for three or more consecutive working days and fails to notify the University of the need for leave.
- D. Other: Any other voluntary termination not covered under A, B, or C above.

2. Involuntary Termination

- A. *Poor performance*: The termination of an employee for acts which indicate an unacceptable

level of performance or adversely affect departmental operations. Such acts include, but are not limited to: failure or inability to perform assigned tasks; failure to achieve the required level of sign proficiency; sub-standard quality or quantity of work; poor attitude toward or lack of interest in work; lack of cooperation; failure to recognize and/or adhere to departmental policies and procedures; excessive absenteeism or tardiness. Termination for poor performance should generally occur after attempts at progressive discipline (i.e., counseling, a written warning, and a suspension without pay not to exceed ten working days, if appropriate) do not substantially improve the employee's performance. The type of progressive discipline is in the discretion of the University based on its assessment of the problem and not all forms of potential progressive discipline must be followed in progression.

- B. *Lack of Funding*: If an employee holds a position that is known to be dependent on grant or other external funding (e.g., the position was advertised as being dependent on such funding), and that funding is eliminated or reduced, then the employee's employment may be terminated immediately (in the foregoing circumstances, A&O 4.33 does not apply).
- C. *Inability to satisfy prerequisites of position*: Involuntary termination for an employee's failure to provide proof that employee can work in the position, such as failure to provide Form I-9 documentation verifying eligibility to work in the U.S., failure to provide a required certification, degree, or similar requirement for the position.
- D. *Misconduct/Violation of Rules*: Conflict of interest, insubordination, sleeping on the job, violation of University policy, or other similar inappropriate actions as determined in the discretion of the University. Termination should occur after an attempt at corrective action, where the University determines in its discretion that corrective action is appropriate and can improve the employee's conduct.
- E. *Gross Misconduct*: The termination of an employee for acts which jeopardize the safety or well-being of students, employees, or other individuals, cause damage to or destruction of University property, constitute a crime, demonstrate a resistance to or disregard of authority or direction, or evidence that counseling and/or warning are not in the best interest of the University. Such acts include, but are not limited: commission of a University-related crime (e.g., theft of or on University property); possession, manufacture, sale, distribution, use or under the influence of illegal drugs during work hours or while on University property; abuse of or under the influence of alcohol during work hours or while on University property; possession of a weapon; physical fights; inexcusable neglect of duty; unruly physical or verbal resistance to or willful disobedience of authority or work direction; unauthorized dissemination of confidential information.
- F. *Other*: Any other involuntary termination not covered under A, B, C, D, or E above.

Procedures

1. Voluntary Separation (Not Encouraged by Gallaudet)

When an employee notified the supervisor of his/her intent to resign, the supervisor should:

- A. Obtain a written letter of resignation from the employee.
- B. Confirm the resignation in writing. (If an employee does not submit a letter of resignation, the verbal resignation should be confirmed in writing.) This must be sent to Human Resources.
- C. Instruct the employee to arrange an exit interview with Human Resources for a review of benefits.
- D. Verify return of University property and any monies due.

If an employee's employment is terminated because of an unauthorized absence, the supervisor should consult with Human Resources and Equal Opportunity Programs.

2. Voluntary Separation (Encouraged) When an employee's performance has deteriorated to the point that discharge is imminent, the employee may be offered the opportunity to resign. Before offering the employee this opportunity, the supervisor should contact the senior administrator, Human Resources and Equal Opportunity Programs, to review events leading to the decision. If the employee elects to resign, the procedures outlined in Procedure 1 should be followed.
3. Involuntary Discharge for Poor Performance, Lack of Funding, Inability to Satisfy Prerequisites of Position, and/or Misconduct/Violation of Rules. If termination is warranted, the supervisor should:
 - A. Contact the senior administrator, Human Resources and Equal Opportunity Programs to review events leading to the termination.
 - B. Inform the employee in writing of the reason(s) for termination and the effective date of separation. Human Resources must be presented in this meeting. No notice is required.
 - C. Verify return of University property and any monies due.
4. Involuntary Discharge for Gross Misconduct
When gross misconduct discharge is warranted, the supervisor should:
 - A. Contact the senior administrator, Human Resources, and Equal Opportunities Programs to review the events leading to the termination. If necessary, the employee may be placed on administrative leave while the circumstances are being reviewed.
 - B. Inform the employee verbally and in writing of the reason(s) for termination and the effective date and time of separation. Human Resources must be present in this meeting. No notice is required.
 - C. Verify the return of University property and any monies due.

Employees who are dismissed for gross misconduct are not eligible for reemployment consideration.

Severance Pay

Employees whose employment ends pursuant to A&O 4.32 are not entitled to severance except in the following circumstances:

- If an employee is dismissed during their probationary period other than for gross misconduct, they will receive one week base salary subject to the employee signing (and, where applicable, not revoking) a general release of claims in the form provided by the University.

Last Day

An employee's resignation or retirement date must be the last day worked. It cannot fall on a holiday or any other scheduled time off. However, there are a few exceptions:

1. If the employee is on job protected leave (such as FMLA).
2. If the employee chooses to **retire** at the end of the year during the winter break (such as December 31). This does not apply to resignations.
3. If the employee has a 9, 10, or 11 month appointment and their pay is spread across 12 months (their last day can be within that period).
4. If the manager and employee agree that operational requirements or transition process needs have prevented the employee from taking time off. This must be approved by Human Resources.

Final Pay

If the employee is voluntarily terminated, the employee is paid no later than the next regular payday or within seven days, whichever is earlier.

Involuntarily separated employees receive their final paycheck on the next business day.

Collection procedures will be implemented if the employee does not return all University property or has not satisfied all financial obligations with the University.

Benefits

Insurances/Retirement:

All separating employees should contact Human Resources for information regarding termination, continuation of coverage or conversion privileges for insurances, and for information regarding retirement options.

Annual Leave:

Separating employees are reimbursed for annual leave according to the maximums as outlined in Policy 4.11 - Annual Leave.

Sick Leave:

Unused sick leave is not reimbursable but will be reinstated (if not used for other purposes) if an employee returns to regular status staff employment within one year of the date of separation.

Rights of Appeal

Involuntary terminated employees who have satisfactorily completed their initial probationary period may appeal their termination through the dispute resolution process.

4.33 Staff Layoff

Last Revised: 10 Oct 2019

Refer Questions to: Executive Director, Human Resources

Scope

This policy applies to staff employees in all offices and divisions of Gallaudet University unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

Although the University is committed to avoiding layoffs of employees to the greatest extent possible, conditions may arise which call for the layoff of staff employees due, most often, to program discontinuance or reduction, reorganization, decreased workload, budget considerations, or other reasons which indicate that the employee's services are no longer needed. The University does not have a contract of employment with any of its staff employees. Each staff employee is employed on an at-will basis and may be terminated, with or without cause or reason, and with or without advanced notice, except as expressly provided for in a written employment agreement between the employee and the University, which is signed by President of the University or his/her designee, and the employee. Nevertheless, layoffs are conducted in a manner that is fair, respects long-term commitments to the University, and is sensitive to the needs and financial security of employees as well as to the mission of the University. Recommendations for layoffs are submitted by the unit administrator to the senior administrator and administrative officer for approval. Individual layoffs must also be approved by the Executive Director of Human Resources and the Director of Equal Opportunity Programs. Layoffs should occur only after consultation with the Office of General Counsel.

Throughout this policy, the word program may also mean a unit, department, office, service, or function.

Layoffs pursuant to A&O 4.33 are final and not appealable.

Approved by: Gallaudet University Board of Trustees

Procedures

1. **Program Discontinuance** If a program is discontinued (eliminated), all staff in the program, regardless of the source of funding, are laid off.
2. **Program Reductions** The following guidelines are used in laying off individual staff employees:
 - A. Program Needs: Program needs take into consideration the staff necessary to fulfill goals and objectives and to meet the needs of the students and the University.
 - B. Staff Status: Substitute, call-in, incidental and short-term temporary employees are laid off first followed by extended temporary staff. Regular status staff have the highest priority for retention in their department.
 - C. Seniority: Within any given job category (like titles and/or responsibilities with the same salary level), if there is more than one employee, the least senior employee is the first to

be laid off. Seniority is based on total length of cumulative service with the University, counting both regular status and extended temporary status. If two employees have equal seniority, then deafness, sign language skills, and other legitimate factors are taken into consideration. If the displacement of a junior employee would jeopardize program needs or impair the functioning of the unit because the work of that employee cannot be performed by a more senior employee with reasonable retraining (i.e., the ability to meet the minimum requirements of the position within one year), then such employee will not be laid off and the other employees in the category will be considered for layoff consistent with this policy.

3. Reorganization Requiring Layoffs

If a program, regardless of its source of funding, is restructured or reorganized in order to implement changes or new initiatives or to provide more efficient and/or cost effective service, certain positions may be eliminated and others may be created. If the primary job responsibilities of an incumbent will no longer be performed or will be revised in such a way as to reclassify the position, the position is eliminated and the employee will be notified of layoff. Regular status employees receive first consideration for newly created staff positions in the program. Consideration is given based on qualifications and the guidelines described in 2 above.

4. Decreased Workload, Budget Considerations, Other

Layoffs resulting from decreased workload, budget considerations, or other reasons follow the procedures outlined in 1, 2, or 3 above.

Notifications

Employees are notified in writing as soon as possible. Gallaudet endeavors to provide not less than two weeks advance notice.

Severance Pay

Regular Status Staff

Employees with one year of service or more receive one week's base salary for each full year of service in a regular status or extended temporary position subject to the employee signing (and, where applicable not revoking) a general release of claims in the form provided by the University. Employees with less than one year of service receive one week's base salary subject to the employee signing (and, where applicable, not revoking) a general release of claims in the form provided by the University.

Extended Temporary Staff

If an extended temporary appointment is terminated prior to its expiration, one week's base salary is given for each full year of continuous service subject to the employee signing (and, where applicable, not revoking) a general release of claims in the form provided by the University.

Short-Term Temporary and Other Staff

Short-term temporary staff, and all other staff, are ineligible for severance pay.

Reemployment Eligibility

A staff employee who is laid off is given the opportunity to apply and receive priority consideration

to fill his/her former position (same program, responsibilities, and salary level) if opened during a two-year period following separation. If offered the position, the individual is offered his/her salary at the time of layoff or the minimum of the appropriate salary range, whichever is greater. Adjustments may be made for an alternative appointment schedule.

Laid off staff employees receive priority consideration over applicants for other vacant positions at the University for one year following their separation. If offered a position, the salary offer is consistent with staff compensation guidelines and may take into consideration such factors as the level of the position, the appointment schedule, and the department budget.

Staff employees who are rehired while still receiving severance salary payments from the University or are rehired during a period for which severance was paid will no longer receive severance payments or will reimburse the University for the severance paid for any week or portion thereof covered by the reemployment. Reemployment dates are determined by the University.

Benefits

Insurances/Retirement

All separating employees should contact Human Resources for information regarding termination, continuation of coverage or conversion privileges for insurances, and for information regarding retirement options and eligibility.

Annual Leave Separating employees are reimbursed for unused annual leave according to the maximum outlined in Policy 4.11 – Annual Leave.

Laid-off regular status employees may receive their annual leave reimbursement in a lump sum or may elect to use their annual leave to remain on the payroll (up to the maximum outlined in Policy 4.11) until the leave has been exhausted. Annual leave is used prior to severance if the employee elects to use annual leave to remain on the payroll. Annual leave does not accrue while being paid on annual leave.

Sick Leave Unused sick leave is not reimbursable and may not be used to prolong the separation date. Unused sick leave will be reinstated (if not used for other purposes) if an employee returns to regular status staff employment within one year of the date of separation.

Educational Benefits (Educational Assistance, Tuition Assistance, Tuition Waiver)

Eligible employees and their family members may continue in the course(s) in which they are enrolled at the time of notification. Employees will be reimbursed for educational assistance and/or tuition assistance as long as the conditions described in the relevant policies have been met. Employees and their family members may not receive educational benefits for a course which would be scheduled to begin following their effective date of termination. Laid off employees are not required to reimburse the University for the cost of the course(s) in which they are currently enrolled at the time they are laid off.

Final Day

On the final day of work, employees are expected to return their keys and identification card and any other Gallaudet property in their possession, custody, or control.

Departments must send an email to [Contact](#) to inform the appropriate departments of the separation. Several departments, including the Payroll Office, Gallaudet Technology Services, Department of Public Safety, and Finance Office, will receive this email.

The separation PAF will be prepared by Human Resources after receiving confirmation of the final date.

4.41 Gallaudet Employees Dispute Resolution Procedures

Last Revised: 22 February 2012

Refer Questions to: Director, Equal Opportunity Programs or Human Resources

Scope

This policy applies to regular and extended temporary staff who have satisfactorily completed their probationary period in all offices and divisions of Gallaudet University, unless specifically covered by collective bargaining agreements made between Gallaudet University and certified bargaining agents.

Policy

It is the intent of the University to provide an effective method for employees to bring problems and complaints concerning work to the attention of the administration without fear of retribution or prejudice. Employees are encouraged to use the formal procedures when they believe a decision or action (including termination) is inappropriate, unfair or in violation of the institution's policies or procedures.

Since the dispute resolution process is an internal review, a representative may advise the employee but may not attend or participate in any stage of the process. With the exception of any right granted or protected by law, employees electing to pursue their complaint through external remedies without first using these procedures waive their right to use these procedures.

Employees who want to discuss or attempt to resolve their problems informally, who desire counseling, who would like to consider mediation, or who wish to obtain clarification of their rights may meet in confidence with the Director of Equal Opportunity Programs or the Director of Human Resources.

Approved by: Gallaudet University Administration

Procedures

1. MEDIATION

At any stage of the dispute resolution process, the employee or the supervisor may request mediation. Mediation is a voluntary process where the employee and the supervisor (or the administrator who initiated the action causing the dispute) work together in a non-adversarial way to resolve differences and to reach a mutually agreeable solution to the conflict. The Director of Equal Opportunity Programs, the Director of Human Resources and/or the University [Ombuds](#) facilitate the process. Mediation does not prevent the employee from pursuing the dispute resolution process as long as the process is initiated or resumes within 10 working days following conclusion of the mediation.

2. ADMINISTRATIVE PROCEDURES

(Administrative officer refers to the President, the Provost, and the Vice President for Administration and Finance. Senior administrator refers to the special or executive assistants reporting to the President, and to the deans (including associate deans), executive directors,

and directors reporting to the Provost or Vice President. Unit administrator refers to directors, managers, and department heads reporting to a senior administrator. If a particular step is not applicable, the employee goes directly to the next step.)

- A. If an employee has a complaint, he/she should request, in writing, reconsideration of the decision or action from his/her immediate supervisor (or from the administrator who initiated the action) within 10 working days of the incident.
- B. Unless there are extenuating circumstances, the supervisor has up to 10 working days to respond in writing.
- C. If the reply of the immediate supervisor does not resolve the issue, the employee has up to five working days after receipt of the supervisor's response to present a formal, written appeal to the appropriate unit administrator. The appeal must include the nature of the complaint, the policy or procedure which has been violated, any evidence which might be helpful, and the redress sought.
- D. Upon receipt of the written appeal, the unit administrator consults with appropriate individuals in determining a response. Unless there are extenuating circumstances, the unit administrator must respond to the employee in writing within 10 working days after receipt of the formal appeal.
- E. If the reply of the unit administrator does not resolve the issue, the employee has up to five working days after receipt of the unit administrator's response to present a formal, written appeal to the appropriate senior administrator for review. The appeal must include the nature of the complaint, the policy or procedure which has been violated, any evidence which might be helpful, and the redress sought.
- F. If the reply of the senior administrator does not resolve the issue, the employee has up to five working days after receipt of the senior administrator's response to present a formal, written appeal to the appropriate administrative officer for review and disposition. The appeal must include the nature of the complaint, the policy or procedure which has been violated, any evidence which might be helpful, and the redress sought.
- G. Upon receipt of the written appeal, the administrative officer consults with appropriate individuals in determining a response. Unless there are extenuating circumstances, the administrative officer must respond to the employee in writing within 10 working days after receipt of the formal appeal.

3. PANEL REVIEW

(The Dispute Resolution Panel is selected by the chair of the Gallaudet Staff Council in consultation with the Director of Human Resources and usually includes three Council members who are not aligned or associated with the employee who has submitted the complaint.)

- A. If the reply of the administrative officer does not resolve the issue, the employee may submit a formal written appeal, within five working days after receipt of the administrative officer's response, to the Director of Human Resources for review by a Dispute Resolution Panel. The appeal must include the nature of the complaint, the policy or procedure which has been violated, any evidence which might be helpful, copies of all correspondence related to the appeal, and the redress sought.
- B. The chair of the Dispute Resolution Panel, in consultation with the Director of Human Resources, determines whether or not the panel is an appropriate forum for the grievance. The chair may conclude that panel members would neither be in a position nor qualified to make an informed and appropriate recommendation for the resolution of a particular appeal (e.g., a complaint regarding a performance evaluation or the denial of leave). If the grievance is not accepted, the employee is notified by the Director of

Human Resources, and the decision of the administrative officer is final.

- C. If accepted, the Dispute Resolution Panel reviews the appeal within 10 working days of receipt of the appeal. The chair of the Panel is responsible for scheduling the meeting. The Director of Human Resources is responsible for facilitating the meeting and for providing the Panel with the appropriate information and resources necessary to conduct the review. The Panel interviews, as necessary, all persons involved in the grievance.
- D. Upon completion of its examination, the Panel notifies the administrative officer in writing of its findings and offers recommendations for resolving the grievance. The administrative officer may reconsider his/her decision, if appropriate, and responds to the employee within 10 working days of the Panel's recommendation. The decision of the administrative officer is final. If the Panel supports the decision of the administrative officer without recommendations, the chair of the Panel notifies the employee in writing within five working days.

4. Director of Equal Opportunity Programs

In situations where there has been a potential violation of laws or regulations governing employment (e.g., discrimination), the employee may submit, within five working days after receipt of the administrative officer's or Panel's response, a formal, written appeal to the Director of Equal Opportunity Programs. Unless there are extenuating circumstances, the Director will investigate, if appropriate, consult with the administrative officer, and respond in writing within 10 working days after receipt of the formal appeal.

Section 5: Clerc Center Teachers

5.01 Appointments and Work Schedule Changes

Last Revised: 11 May 2007

Refer Questions to: Vice President, Clerc Center

Scope

This policy applies to teaching and substitute teaching positions in the Laurent Clerc National Deaf Education Center (Clerc Center) of Gallaudet University.

Policy

Types of Positions

A. Regular Status Teacher

Regular status teachers hold a position which is incorporated in the Clerc Center staffing plan and operating budget. Employees are paid according to the teacher pay scale for the school calendar days scheduled to be worked. Employees are eligible for a wide range of benefits.

B. Extended Temporary Status Teacher

Extended temporary status teachers are appointed for a specific period of time which is at least one semester and up to one academic year in length. Employees are paid according to the teacher pay scale for the school calendar days scheduled to be worked. Extended temporary employees are eligible for a limited number of benefits. Extended temporary appointments do not count as time worked for Clerc Center policies recognizing length of service.

C. Short-Term Substitute Teacher (Temporary)

Short-term substitute teachers are hired for a defined period in the same department for a period of at least ten consecutive working days but not more than one semester. Employees receive a daily or half-daily rate and are ineligible for benefits other than those prescribed by law. Short-term substitute teacher appointments do not count as time worked for any purpose.

D. Daily Substitute Teacher (Temporary)

Daily substitute teachers are called in as needed. Employees receive a daily or half-daily rate and are ineligible for benefits other than those prescribed by law. Daily substitute teacher appointments do not count as time worked for any purpose.

Work Schedule

One hundred and ninety-four (194) work days constitute a full-time annual 10-month teaching appointment. This includes three inclement weather days which do not have to be made up. If school is closed for more than three days, these additional days will have to be made up. Work days are specified in the school calendar. If a teacher is required to extend his/her regular work schedule beyond 194 days (exclusive of make-up days because of inclement weather), the salary is adjusted accordingly based on the teacher's daily rate of pay.

Teachers who are employed after the start of the school year or who are in a non-pay status have an appointment of fewer than 194 working days. An appointment of fewer than 97 days or an absence of more than 97 days is not considered a full year of service for Clerc Center policies recognizing length of service and does not count for a step increase.

Hours of work are established in accordance with program needs. Generally, working hours are 8:15 a.m. to 3:45 p.m., Monday through Friday. Although these are generally the working hours, teachers are expected to work until the job is completed. Teachers are required to attend all school wide meetings and stay until the meeting is completed. Administrators will make every attempt to conclude meetings by 4:30 p.m. Teachers are required to work the number of hours and days necessary to perform the job satisfactorily and are not eligible for overtime. Part-time teachers or substitutes may be assigned different hours.

Work Schedule Changes

Any departure from the school calendar work schedule for an individual teacher must be related to program needs. There may be occasions when a teacher is required, or may request, to work on a non-scheduled work day in order to facilitate the handling of responsibilities assigned to that teacher (e.g., conducting a workshop on a weekend or attending additional meetings with parents over an extended period of time). This type of adjustment to the work scheduled is considered a "trade off" within the normal appointment (e.g., if a teacher conducts a workshop on a Saturday, he/she will be given a day off on a regularly scheduled work day). Requests for a work schedule adjustment should be submitted to the supervisor as early as possible but at least two working days in advance. Work schedule changes must be approved by the Principal of the school. Teachers who are required to work on a non-scheduled work day will be notified at least two working days in advance.

Release Time from Teaching Responsibilities

Clerc Center teachers may be released from teaching responsibilities (either full or part-time) to participate in an assigned project or activity (e.g., national mission project or research activity), to assume assigned duties of a non-teaching nature, or to take part in a professional development activity such as attending a workshop or giving a presentation. Teachers who are released from teaching responsibilities by the Principal continue to receive their full teaching salary. Teachers who are released part-time continue to have a partial teaching workload. Teachers are expected to maintain a regular work schedule, and unless specifically approved, to remain on site.

Requests for release time from teaching responsibilities to take part in a professional development activity must be submitted to the supervisor as early as possible but no later than two days prior to the event. Teachers given release time to make presentations, conduct workshops, etc., must document the activity on the appropriate form.

Approved by: Gallaudet University Administration

5.02 Probationary Period and Continuing Appointment

Last Revised: 12 May 2000

Refer Questions to: Vice President, Clerc Center

Scope

This policy applies to regular status teachers in the Laurent Clerc National Deaf Education Center (Clerc Center) of Gallaudet University.

Policy

The first four years of a teacher's regular status appointment are considered a probationary period. Reappointment during this period is not automatic and is at the sole discretion of the Clerc Center. Reappointment decisions are, in part, based on program needs, budgetary considerations, and satisfactory performance (including sign language skills). Absent any extenuating circumstances, teachers holding a probationary appointment are notified of a decision not to reappoint for the following academic year no later than March 1. (An appointment of fewer than 95 working days does not count as one year of the probationary period.) Satisfactory completion of the probationary period is not a guarantee of continuous employment.

Teachers who satisfactorily complete the probationary period may be recommended to receive a continuing appointment beginning with their fifth year of service. Teachers who receive a continuing appointment may be dismissed only for adequate cause. A teacher who does not receive a continuing appointment will not be reappointed beyond the fourth year of employment.

Final decisions regarding reappointment, non-reappointment, and a continuing appointment are made by the Vice President of the Clerc Center.

Approved by: Gallaudet University Board of Trustees

5.11 Sick Leave

Last Revised: 1 July 2014

Refer Questions to: Vice President, Clerc Center

Scope

This policy applies to regular status and extended temporary status teachers in the Laurent Clerc National Deaf Education Center (Clerc Center) of Gallaudet University.

Policy

Sick leave is defined as a period of time when medical conditions, including pregnancy-related disabilities, make it impossible for a teacher to work.

In compliance with the DC Accrued Sick and Safe Leave Act leave may also be used for an absence if a teacher or the teacher's family member is a victim of stalking, domestic violence or sexual abuse. The absence may be pertaining to seeking medical attention for the teacher or family member, seeking services from a victim services organization, obtaining psychological or other counseling or temporarily or permanently relocate.

A maximum of seven days or 49 hours may be used each academic year for the medical and/or safety needs (per the Act) of an immediate family member, defined as, a spouse, registered domestic partner, son or daughter (biological, adopted, foster, stepchild, legal ward, grandchildren or a child of a person standing in loco parentis), siblings, including step-siblings and half-siblings), a parent (including step-parents or a person who has acted in loco parentis), a parent of a spouse, spouses of children, and spouses of siblings. Personal leave or leave without pay may be requested to care for others not covered by this policy.

A full-time, regular or extended temporary status teacher accrues 10 days (or 70 hours) of sick leave for a full academic year (194 working days) service. Teachers who start after the beginning of the academic year or who are in a non-pay status accrue sick leave based on one day for each 19 working days, as follows:

Working Days Days Hours

190 - 194	10	70
171 - 189	9	63
152 - 170	8	56
133 - 151	7	49
114 - 132	6	42
95 - 113	5	35
76 - 94	4	28
57 - 75	3	21
38 - 56	2	14
19 - 37	1	7
17 - 18	0	3.5
11 - 16	0	3

Working Days Days Hours

6 - 10	0	2
5	0	1
0 - 4	0	0

Short and long-term substitute teachers earn sick leave at the rate of one (1) hour for each thirty-seven (37) hours worked (leave does not accrue while using leave), not to exceed forty-nine (49) hours per academic year. Leave is accessible after ninety (90) days of service.

Sick leave is with pay and all benefits continuing. The annual accrual is advanced at the beginning of the academic year, or on the starting date for a regular or extended temporary status teacher who begins after the start of the academic year. Sick leave may be used in half-hour increments. Regular and extended temporary status teachers on paid sick leave continue to accrue leave in the usual manner. Personal leave may be used when sick leave has been exhausted. Sick leave may accrue indefinitely; however, it is not reimbursed upon separation.

Advancement of Additional Sick Leave

After 30 calendar days of continuous service, an advancement of sick leave in excess of the amount of paid leave available to a regular or extended temporary status teacher may be granted by the Vice President in situations when a teacher has not had an opportunity to accrue sufficient leave or when a teacher has experienced a chronic illness or long-term disabling condition and has exhausted his/her leave accrual. Employees who are eligible to receive other disability benefits (e.g., long-term disability insurance coverage, workers' compensation, recovery of income through settlement) are not eligible for a sick leave advance.

An advancement of sick leave is for a personal illness or injury only. Documentation from a physician or health care practitioner must be provided. No more than 60 working days may be advanced in any academic year. The amount takes into consideration, among other factors, the leave necessary to enable the teacher to be eligible for long-term disability insurance coverage. Upon return to work, the teacher is expected to repay the advanced leave at the rate of one-half of the annual accrual until the leave is repaid in full. If a teacher does not return or later resigns, he/she is responsible for reimbursing the University for any advanced sick leave which has not yet been repaid.

Teachers who continue to be disabled after all paid sick leave has been exhausted may request leave without pay and apply for long-term disability coverage. Leave without pay will be approved for a maximum of two semesters.

Approved by: Gallaudet University Board of Trustees

Procedures

1. A teacher is expected to notify the supervisor or other designated person as early as possible if he/she is unable to report for duty because of the need to take sick leave. Leave for scheduled appointments should be requested at least three working days in advance.
2. Leave may be taken in half-hour increments.
3. A teacher is required to provide documentation from a health care provider for any absence exceeding five consecutive working days.
4. A teacher may be required to provide documentation from a health care provider to support the use of sick leave for any absence if the supervisor has reason to believe that sick leave

privileges have been abused.

5. For absences of 20 consecutive working days or more, a teacher must provide certification from a health care provider which provides sufficient medical facts to support a serious health condition, indicates that the teacher is unable to perform the essential functions of the job, the date the condition commenced, and the probable duration of the condition. Re-certification is required in 30 calendar day intervals.
6. A teacher on extended sick leave is expected to keep the supervisor or the designated person regularly informed (at least bi-weekly) of his/her condition and to notify the supervisor or designated person in advance when he/she intends to return to work.
7. The Clerc Center reserves the right to arrange for a second or third medical opinion at its expense.
8. Should a teacher fail to provide the requested documentation or to keep the supervisor or designated individual regularly informed, or refuse a request for a second or third medical opinion, paid sick leave will not be approved, and the teacher must use personal leave or leave without pay. Abuse or misuse of leave may be reflected in the teacher's performance evaluation.
9. Teachers are not eligible for paid sick leave while receiving workers' compensation, long-term disability, disability retirement, or other forms of compensation.
10. Sick leave may not be substituted while on another type of leave.

5.12 Personal Leave

Last Revised: 12 May 2000

Refer Questions to: Vice President, Clerc Center

Scope

This policy applies to regular status and extended temporary status teachers in the Laurent Clerc National Deaf Education Center (Clerc Center) of Gallaudet University.

Policy

Teachers are eligible for up to three days (or 21 hours) of personal leave with pay each academic year for situations of a personal nature not covered by other leave policies. Teachers who begin after the start of the academic year or who are in a non-pay status are eligible for one and one-half days (or 10.5 hours) of personal leave for each full semester scheduled to be worked.

Personal leave hours which are not used during the academic year are converted into sick leave hours.

Personal leave is normally not approved during the following times: (a) the first or last week of a semester; (b) exam weeks; (c) days immediately preceding or following a calendar vacation period (e.g., winter break); (d) professional development days. Additionally, requests for personal leave may be denied if the taking of personal leave will have a negative impact on school operations.

Employees on personal leave continue to accrue leave in the usual manner.

Approved by: Gallaudet University Board of Trustees

5.21 Dismissal

Last Revised: 11 May 2007

Refer Questions to: Vice President, Clerc Center

Scope

This policy applies to regular status and extended temporary status teachers in the Laurent Clerc National Deaf Education Center (Clerc Center) at Gallaudet University.

Policy

Conditions may arise which call for the dismissal of a teacher. Non-renewal of a probationary appointment is not considered a dismissal. An appointment of a probationary period regular status teacher or an extended temporary status teacher may be terminated before its expiration for adequate cause.

The Clerc Center does not have a contract of employment with any of its teachers. Nevertheless, the Clerc Center will not dismiss a teacher with a continuing appointment except for adequate cause. In situations of poor performance, attempts are made to improve the performance through counseling and warning before undertaking involuntary termination. Absent extenuating circumstances, teachers with a continuing appointment who are dismissed receive at least six months advance notice.

Teachers who are dismissed and hold a continuing appointment receive severance pay in accordance with the following schedule:

Length of Continuous Service	Amount of Severance Pay*
Less than 1 year	None
1 year but less than 10 years	2 weeks
10 years or more	2 weeks base salary plus 1 week for each full 5 years of continuous service from date of hire

* One week of severance pay is computed as 1/4th of 1/10th of teacher's base salary.

Teachers charged with gross misconduct may be terminated immediately and without prior warning. Teachers who are discharged for gross misconduct are not eligible for severance pay and are not eligible for reemployment consideration. Gross misconduct includes, but is not limited to: commission of a University-related crime (e.g., theft of or on University property); possession, manufacture, sale, distribution, use, or under the influence of illegal drugs during work hours or while on University property; abuse of or under the influence of alcohol during work hours or while on University property; physical fights; blatant disregard for the safety and well-being of students; inexcusable neglect of duty; unruly physical or verbal resistance to or willful disobedience of authority or work direction; unauthorized dissemination of confidential information.

Final decisions regarding dismissals are made by the Vice President of the Clerc Center. Teachers

who are dismissed may appeal the decision through the grievance procedures.

Approved by: Gallaudet University Board of Trustees

5.22 Teacher Layoff

Last Revised: 15 Oct 2004

Refer Questions to: Vice President, Clerc Center

Scope

This policy applies to teachers in the Laurent Clerc National Deaf Education Center (Clerc Center) of Gallaudet University.

Policy

Although the University is committed to avoiding layoffs of personnel to the greatest extent possible, conditions may arise which call for the layoff of Clerc Center teachers due, most often, to program discontinuance or reduction, reorganization, decreased workload, budget considerations, or other reasons which indicate that the employee's services are no longer needed. The University does not have a contract of employment with any Clerc Center teacher. Nevertheless, layoffs are conducted in a manner that is fair, respects long-term commitments to the University, and is sensitive to the needs and financial security of employees as well as to the mission of the University. Recommendations for layoffs are submitted by the Principal to the Vice President for approval. Individual layoffs must also be approved by the Director of Human Resources and the Director of Equal Opportunity Programs.

Throughout this policy, the word program may also mean a unit, department, office, service, or function.

Approved by: Gallaudet University Board of Trustees

Procedures

1. Program Discontinuance

If a program is discontinued (eliminated), all teachers in the program, regardless of the source of funding, are laid off in accordance with the Notification section of this policy. Arrangements are made for the appropriate disposition of grants.

2. Program Reductions

The following guidelines are used in laying off individual teachers:

- A. Program Needs: Program needs take into consideration the teachers necessary for accreditation and a viable curriculum, to maintain enrollments, and to meet the needs of the students.
- B. Teacher Status: Short-term substitute teachers are laid off first followed by extended temporary status teachers. Regular status teachers with a probationary appointment are considered next. Regular status teachers with a continuing appointment have the highest priority for retention in their department.
- C. Seniority: Where program needs and status do not distinguish between teachers, seniority is considered. Seniority is based on total length of cumulative service with the University, counting both regular status and extended temporary status. If two teachers have equal seniority, deafness, ethnic/cultural diversity and sign language skills are taken into consideration. If the displacement of a junior teacher would jeopardize

program needs because the work of that teacher cannot be performed by a more senior teacher with reasonable retraining (i.e., the ability to meet the minimum requirements of the position within one year), the next most junior teacher is laid off.

3. Reorganization Requiring Layoffs

If a program, regardless of its source of funding, is restructured or reorganized in order to implement changes or new initiatives or to provide more efficient and/or cost effective service, certain positions may be eliminated and others may be created. If the primary job responsibilities of an incumbent will no longer be performed, the position is eliminated and the teacher is notified of lay off in accordance with the Notification section of this policy. Teachers with a continuing appointment, followed by probationary teachers, receive first consideration for new positions in the program. Consideration is given based on qualifications and the guidelines described in 2 above.

4. Decreased Workload, Budget Considerations, Other

Layoffs resulting from decreased workload, budget considerations, or other reasons follow the procedures outlined in 1, 2, or 3 above.

Notifications

Regular Status Teachers

Teachers with a continuing appointment are notified of layoff in writing at least six months in advance of the final date of employment. Probationary teachers are notified of layoff in writing at least three months in advance of the final date of employment. In no case is a regular status teacher terminated before the end of a semester.

Extended Temporary Status Teachers

If the appointment will end prior to its scheduled termination, extended temporary status teachers are notified of layoff in writing at least two weeks in advance.

Short-Term Substitute Teachers (Temporary)

If the appointment will end prior to its scheduled termination, short-term substitute teachers are notified of layoff in writing at least two weeks in advance.

Severance Pay

Teachers with a Continuing Appointment

Teachers with a continuing appointment who are laid off receive two weeks base salary for every full year of full-time service in a regular status or extended temporary status position with a minimum severance payment of one-half their annual base salary and a maximum payment of the teacher's 10-month base salary. (Two weeks salary is computed at one-half of one-tenth of the teacher's ten month base salary.) Severance pay may be paid in a lump sum within 30 days of the date of separation or paid over a period not to exceed one year, at the discretion of the teacher. Sick leave and personal leave do not accrue while being paid for severance.

Probationary Teachers

Probationary teachers who are laid off receive two weeks salary for each full year of service in a regular status or extended temporary status position. (Two weeks salary is computed at one-half of

one-tenth of the teacher's ten month base salary.) Severance pay may be paid in a lump sum within 30 days of the date of separation or paid over the duration of the weekly entitlement, at the discretion of the teacher. Sick leave and personal leave do not accrue while being paid for severance.

Extended Temporary Status Teachers

If an extended temporary appointment is terminated prior to its expiration, two weeks base salary is given for each full year of continuous service. Severance pay is paid in a lump sum within 30 days of the date of termination.

Short-Term Substitute Teachers

Short-term substitute teachers, and all other incidental teachers, are ineligible for severance pay.

Reemployment Eligibility

If a teacher with a continuing appointment is scheduled to be laid off, every effort is made to identify alternative employment during the notification period if the teacher is interested and applies for available positions. Additionally, teachers with a continuing appointment are given the opportunity to apply and receive priority consideration to fill their teaching position or a similar teaching position if opened during a two-year period following separation.

Teachers receive priority consideration over a non-Gallaudet applicant for other vacant positions at the University for one year following their separation.

Teachers who are reemployed as Clerc Center teachers are offered the salary corresponding to their track/step placement at the time of layoff (adjustments may be made if the individual is eligible for a track change or if an adjustment is allowable under the teacher compensation guidelines). Salary offers for staff or University faculty positions will be consistent with staff or faculty compensation guidelines and may take into consideration such factors as the level or rank of the position, the appointment schedule, and the department budget.

Teachers who are rehired while still receiving severance salary payments from the University or are rehired during a period for which severance was paid will no longer receive severance payments or will reimburse the University for the severance paid for any week or portion thereof covered by the reemployment. Reemployment dates are determined by the University.

Benefits

Insurances/Retirement

All separating employees should contact Human Resources Services for information regarding termination, continuation of coverage or conversion privileges for insurances, and for information regarding retirement options and eligibility.

Sick Leave

Unused sick leave is not reimbursable and may not be used to prolong the separation date.

Educational Benefits (Educational Assistance, Tuition Assistance, Tuition Waiver)

Eligible employees and their family members may continue in the course(s) in which they are enrolled at the time of notification. Employees and their family members may not receive educational benefits for a course which would be scheduled to begin following their effective date of termination. Laid off employees are not required to reimburse the University for the cost of the course(s).

Appeals

Teachers may appeal their layoffs through established grievance procedures.

Personnel Action Forms

The Dean's Office is responsible for preparing a Separation Personnel Action Form and for verifying the return of University property and any monies due. Employees are expected to return their keys, access card, identification card, purchasing card, etc. to the appropriate office.

5.31 Clerc Center Teacher Grievance Procedures

Last Revised: 18 July 2013

Scope

This policy applies to regular status and extended temporary status teachers in the Laurent Clerc National Deaf Education Center (Clerc Center) at Gallaudet University.

Policy

It is the intent of the University to provide an effective method for teachers to bring problems and complaints concerning work to the attention of the administration without fear of retribution or prejudice. Teachers are encouraged to use the formal procedures when they believe a decision or action (including dismissal) is inappropriate, unfair, or in violation of the institution's policies or procedures.

Since the grievance process is an internal review, a representative may advise the teacher but may not attend or participate in any stage of the process. Teachers electing to pursue their complaint through external remedies without first using these procedures waive their right to use these procedures. Employees who want to discuss or attempt to resolve their problems informally, who desire counseling, or who wish to obtain clarification of their rights, may meet in confidence with the Director or Equal Opportunity Programs or the Director of Human Resources.

Approved by: Gallaudet University Administration

Definitions

Mediation

At any stage of the grievance process, the employee or the supervisor may request mediation. Mediation is a voluntary process where the employee and the supervisor (or the administrator who initiated the action causing the dispute) work together in a non-adversarial way to resolve differences and to reach a mutually agreeable solution to the conflict. The Director of Equal Opportunity Programs and/or the Director of Human Resources facilitate the process. Mediation does not prevent the employee from pursuing the grievance process as long as the process is initiated or resumes within 10 working days following conclusion of the mediation.

Administrative Appeal

- A. If a teacher has a grievance, he/she should request, in writing, reconsideration of the decision or action from his/her supervisor (or from the administrator who initiated the action) within ten (10) working days of the incident.
- B. Unless there are extenuating circumstances, the supervisor has up to ten (10) working days to respond in writing.
- C. If the reply of the supervisor does not resolve the grievance, the teacher has up to five (5)

working days after receipt of the supervisor's response to present a formal, written appeal to the Principal (or other unit administrator if the teacher is assigned to another unit). The appeal must include the nature of the complaint, the policy or procedure which has been violated, any evidence which might be helpful, and the redress sought.

D. Upon receipt of the written grievance, the Principal consults with appropriate individuals in determining a response. Unless there are extenuating circumstances, the Principal must respond to the teacher in writing within ten (10) working days after receipt of the formal appeal.

E. If the reply of the Principal does not resolve the grievance, the teacher has up to five (5) working days after receipt of the Principal's response to present a formal, written appeal to the Vice President, Clerc Center. The appeal must include the nature of the complaint, the policy or procedure which has been violated, any evidence which might be helpful, and the redress sought.

F. Upon receipt of the written grievance, the Vice President consults with appropriate individuals in determining a response. Unless there are extenuating circumstances, the Vice President must respond to the teacher in writing within ten (10) working days after receipt of the formal appeal.

Panel Review

A. If the response of the Vice President does not resolve the grievance, the teacher may submit a formal written appeal, within five (5) working days after receipt of the Vice President's response, to the Dispute Resolution Panel. The appeal must include the nature of the complaint, the policy or procedure which has been violated, any evidence which might be helpful, and the redress sought.

B. The Director of Human Resources is responsible for establishing the Dispute Resolution Panel. The chair of the panel, in consultation with the Director, determines whether or not the panel is an appropriate forum for the grievance. The chair may conclude that panel members would neither be in a position nor qualified to make an informed and appropriate recommendation for the resolution of a particular grievance. If the grievance is not accepted, the employee is notified by the Director of Human Resources, and the decision of the administrative officer is final.

C. If accepted, the chair of the panel secures any additional information that may be needed to review the complaint. Unless there are extenuating circumstances, the panel meeting is held within ten (10) working days of the receipt of the appeal. The panel interviews, as necessary, all persons involved in the grievance.

D. Upon completion of its examination, the chair of the grievance panel notifies the Vice President in writing of the panel's findings and offers recommendations for resolving the grievance. The Vice President may reconsider his/her decision, if appropriate, and responds to the teacher within ten (10) working days of the panel's recommendation. The decision of the Vice President is final. If the panel supports the decision of the Vice President without recommendations, the chair of the panel notifies the teacher in writing within five (5) working days.

Director of Equal Opportunity Programs

In situations where there has been a potential violation of laws or regulations governing employment, the teacher may submit, within five (5) working days after receipt of the Vice President's or committee's response, a formal written appeal to the Director of Equal Opportunity Programs. Unless there are extenuating circumstances, the Director will investigate, if appropriate, consult with the Vice President, and respond in writing within ten (10) working days of the formal appeal.

5.32 Grievance Procedure for Complaints of Discrimination and/or Harassment

Last Revised: 20 January 2010

Refer Questions to: Director, Equal Opportunity Programs or Human Resources

Scope

This policy applies to regular status and extended temporary status teachers in the Laurent Clerc National Deaf Education Center (Clerc Center) at Gallaudet University.

Approved by: Gallaudet University Administration

Procedures

The procedures are provided in a [PDF file](#) online.

