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OUR MISSION
The mission of Vanderbilt University Public Safety is to provide professional, service-oriented law enforcement and security services dedicated to the protection and security of Vanderbilt University and its diverse community.

To fulfill our mission we will:
• Deliver superior law enforcement services with integrity and pride.
• Respect and safeguard the dignity and rights of all individuals.
• Demonstrate respect toward the people we serve and one another to maintain an environment of trust.
• Develop partnerships with all segments of our community through effective communication and collaboration.
• Carefully select and maintain a well-trained, educated, and professional staff.
• Accept individual responsibility and accountability for our actions.

ACCREDITATION
Vanderbilt University Public Safety (VUPS) maintains national, international, and state-level accreditation through three governing bodies: CALEA (Commission on Accreditation for Law Enforcement Agencies), IACLEA (International Association of Campus Law Enforcement Administrators), and TLEA (Tennessee Law Enforcement Accreditation).

Being accredited means that VUPS has met or exceeded all standards set by the accrediting organizations. The standards provide law enforcement agencies with best practices for policy, procedure, and accountability.

The Vanderbilt University Public Safety Department (VUPS) is pleased to present the 2021 Annual Security and Fire Safety Report.

This report is provided to inform our Vanderbilt community of safety and security policies, support and assistance provided to victims of crime, as well as three years of crime and fire statistics.

August Washington
Sr. Associate Vice Chancellor
and Chief of Police
Each year VUPS must produce proofs of compliance for nearly 600 standards to maintain three law enforcement accreditations and one communications accreditation for the VUPS Dispatch Center.

Accreditation is a voluntary process that is difficult to achieve and requires continuous oversight to maintain. Accreditation is the cornerstone of VUPS as a public safety agency. Accreditation provides the foundation upon which VUPS demonstrates an ongoing commitment to serve Vanderbilt’s diverse community with excellence and professionalism.

Vanderbilt University Public Safety is committed to maintaining a safe, secure environment for our students, faculty, staff, and visitors. Although security is everyone’s responsibility, your personal safety is a priority at Vanderbilt. Maintaining a safe place to live, work, and learn requires a dedicated partnership and sincere cooperation between the members of the Vanderbilt community and Vanderbilt University Public Safety.

**VANDERBILT UNIVERSITY PUBLIC SAFETY**

Vanderbilt University Public Safety is comprised of three divisions: the Vanderbilt University Police Department (VUPD), Parking and Transportation Services, and the Office of Emergency Management. For additional information on services offered by VUPS please visit publicsafety.vanderbilt.edu.

**VANDERBILT UNIVERSITY POLICE DEPARTMENT**

Vanderbilt University Police Department (VUPD) provides comprehensive law enforcement and security services 24 hours a day, 365 days a year. Through a Memorandum of Understanding, VUPD employs 95 sworn officers, commissioned and empowered with the same authority to enforce laws and make arrests as the Metropolitan Nashville Police Department (MNPD). All sworn officers must successfully complete law enforcement training at a state-certified police academy. Additionally, all sworn officers attend annual in-service, receive on-the-job training, and are provided professional development opportunities.

The Vanderbilt University Police Department (VUPD) also employs 125 non-sworn Community Service Officers (CSO) that are vital to the security operations of the University. The CSOs are empowered as unarmed security guards through the Tennessee Private Protective Services Agency. CSOs receive in-service and on-the-job training as required. Additionally, VUPD routinely uses contract security to supplement safety and security services for residential housing, special events, and other areas as needed.

Vanderbilt University Police Department (VUPD) operates a 24/7 dispatch center that answers all 9-1-1 emergency and non-emergency calls. The Dispatch Center also monitors many public safety systems such as cameras on the video patrol program, blue light phones, VandySafe, and intrusion alarms. The Dispatch Center is responsible for assigning calls to sworn and non-sworn officers depending on the nature and priority of the call.

VUPD is comprised of several specialized units including Patrol, Dispatch, Criminal Investigations, Records, Property and Evidence, Training, Special Events, K-9, Community Relations, Public Safety Systems, and the Office of Compliance and Accountability.

VUPD offers many services to the VU community including but not limited to educational programming, R.A.D. Self Defense classes, fingerprinting, weapons safekeeping, Internet Exchange Area, Operation ID (bike and computer registration), and walking escorts. For more information, please visit police.vanderbilt.edu.

**PARKING AND TRANSPORTATION SERVICES**

Parking and Transportation Services maintains and operates the use of University parking lots and garages on campus and provides parking enforcement services, including parking permits for students, staff, faculty, and visitors. Parking and Transportation Services also operates the Vandy Ride system providing free transportation around the VU campus community to our students. For more information on parking please visit vanderbilt.edu/traffic_parking. Information on VandyRide and other transportation options can be found at vanderbilt.edu/movevu/transportation-options/.

**OFFICE OF EMERGENCY MANAGEMENT**

The Office of Emergency Management encompasses multiple areas of service including emergency preparedness, fire and life safety, workplace safety, operational continuity, and special events. The goal of the Office of Emergency Management is to ensure the safety and well-being of students, faculty, staff, and visitors who work and live in the Vanderbilt University community. The office collaborates with campus stakeholders to develop emergency preparedness and business continuity protocols to ensure departments can maintain mission critical operations and business services during and after an emergency incident.

Along with stakeholders from virtually every campus entity, the office coordinates training, preparedness and response activities with the Metro Nashville Office of Emergency Management, Tennessee Emergency Management Agency (TEMA) and several other colleges and universities in Davidson County. It is through these partnerships that the office increases the University’s resiliency to incidents—both natural and man-made.

Office personnel are available 24/7 to respond to emergency incidents on campus to support response and recovery efforts. The Office of Emergency Management works to ensure a safe environment for the thousands of students, faculty, staff, and visitors in our community every day. For more information visit emergency.vanderbilt.edu.
REPORTING CRIMES and Other Emergencies

All victims and witnesses are encouraged to report any or all information regarding suspected criminal activity, missing persons, and any emergency to VUPD as soon as possible. In an emergency, dialing 911 from any Vanderbilt telephone or (615) 421-1911 from a cell phone will contact the Vanderbilt University Police Department Dispatch Center.

Dialing 911 from any non-Vanderbilt phone or cell phone will contact Metro Nashville Police Department (MNPD) Dispatch Center, who will notify VUPD of the call. For non-emergency situations, call (615) 322-2745 or for non-emergencies off campus, call MNPD at (615) 862-8600.

Additionally, blue light emergency phones are located throughout the University, VUMC, and One Hundred Oaks. Each phone has an emergency button that automatically dials the VUPD Dispatch Center which will activate a priority response from VUPD officers and when necessary, fire, and emergency medical services.

VANDYSafe

VandySafe is a free mobile safety application available through the Apple Store and Google Play.

VandySafe mobile application can be used to:

- Contact VUPD for emergency or non-emergency assistance via call or chat
- Activate a Mobile Bluelight to share your location with VUPD and initiate a response
- Submit non-emergency reports to VUPD with text, photos, or videos
- Assign contacts to monitor your safety at your request
- Request “Virtual Walkhome” where the VUPD Dispatch Center monitors your walk to your car, office, or residence hall
- Share your location with a friend or VUPD
- Access information about VandyRide
- View VUPD emergency guides

Questions? Email the Office of Emergency Management at publicsafetyinfo@vanderbilt.edu.
The Vanderbilt University Police Department is designated as the first responder to all emergencies at Vanderbilt University. VUPD will respond and make an initial determination if an incident poses an imminent threat or danger to the Vanderbilt community. All emergencies should be reported to VUPD by calling 911 from any campus phone or (615) 421-1911 from any other phone.

The Office of Emergency Management provides direct support to VUPD and coordinates the campus emergency preparedness, response, and recovery operations. As part of the university response protocols, Vanderbilt University Public Safety has adopted and implemented the Incident Command System, a model promulgated by the Federal Emergency Management Agency. All standardized critical incident response procedures shall be established in accordance with this model; and shall be published in the VUPS All Hazards Response Plan (AHRP) and Campus Emergency Operations Plan (EOP). The EOP contains all information relevant to preparing for, responding to, and recovering from an incident of any size or complexity that occurs on or near Vanderbilt University. This plan is flexible and scalable — meaning any or all parts may be utilized during times of crisis.

EMERGENCY NOTIFICATIONS

The University shall immediately notify the campus community upon confirming a significant emergency or dangerous situation on or near campus involving an immediate threat to the health and safety of students, faculty, or staff. Once a significant emergency or dangerous situation has been confirmed, VUPD will take into account the safety of the campus community, determine what information to release about the situation, and issue an AlertVU notification through the University’s mass notification system. Broadcast emergency notifications will be made to all campus community members without delay unless the notification will, in the judgment of responsible
EMERGENCY RESPONSE AND EVACUATION PROCEDURES

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Some examples of significant emergencies or dangerous situations that may warrant an AlertVU notification are an armed intruder, bomb threat, outbreaks of serious communicable diseases, tornado warning, or chemical spill.

The mass notification system is designed to deliver customizable messages to every subscriber and every registered device via emails, phone calls, and text messages. These delivery points are registered through Oracle, YES, and C2HR (for VUMC employees). Directions on how to update your information is available on the emergency.vanderbilt.edu website. All Vanderbilt students and employees will receive an email to their Vanderbilt email account.

Depending on the nature of the significant emergency or dangerous situation, the outdoor warning system may be activated along with the issuance of an AlertVU notification. The outdoor warning system, as well as an AlertVU, will be activated if a tornado is forecast to strike the campus within 15 minutes. The outdoor warning sirens are intended to notify individuals who are outdoors. A verbal announcement may be issued through the outdoor warning system. Additional emergency notification options include Security Notices (see Section 4), the University website, social media, and media releases from the Division of Communications.

Outbreak of Serious Illness

In the event of an outbreak of a serious illness that constitutes an immediate threat to the health or safety of Vanderbilt students or employees, notifications will be sent to the Vanderbilt community by email and/or through the Vanderbilt University website. Updates regarding ongoing outbreaks will be provided periodically through the Vanderbilt website. The determination of whether an outbreak constitutes an immediate threat on campus warranting notification will be made in consultation with local public health authorities, Student Health, and Occupational Health. The Office of Emergency Management also may be consulted in addressing preventative measures in the community.

In response to the COVID-19 pandemic, Vanderbilt created Health and Safety Protocols website providing information regarding policies, vaccines, response, and prevention for all members of the community. See vanderbilt.edu/coronavirus/.

ALERTVU ACTIVATION

The decision to issue campus community notifications will be determined by the nature of the incident, the size of the impact, and/or the input of subject-matter experts. Depending on any exigent circumstances, where on-scene confirmation cannot occur, responding officers, patrol supervisors, dispatch, or other authorized personnel may confirm a significant emergency or dangerous situation involving an immediate threat to the health and safety of the community using other methods, such as witness accounts and/or camera surveillance.

Public Safety personnel with the authority to send or direct the activation of campus-wide emergency mass notifications and/or sirens include the Chief of Police, Assistant Chief of Police, Command Staff, on-duty patrol supervisor or Incident Commander, Dispatch Center personnel, and Emergency Management personnel.

ALERTVU MESSAGE CONTENT

VUPD will determine the content of all AlertVU messages based on the nature, severity, and duration of each emergency. The mass notification system contains pre-approved messages by university officials that are eligible for immediate activation, including messages for tornadoes, shootings, and bomb threats. If available and appropriate for the situation, Public Safety officials may include instructions on how to respond, such as shelter-in-place, run-hide-fight, or evacuation.

Non-emergency updates relevant to community safety will be distributed as information becomes available and posted to alertvu.vanderbilt.edu. These updates include emergency directions and notification that the threat is no longer imminent.

OPERATIONAL READINESS

The most recent full-scale test of the mass notification system and AlertVU notifications was conducted on September 7, 2021. Testing procedures were announced prior to activation and a test message was sent to all devices registered in the system by students, faculty, and staff, as well as all computers connected to the network in University offices. Announcements of
emergency notification system tests include information on AlertVU and how to update/edit contact information for students, faculty, and staff. Documentation of previous and planned tests of the emergency notification system (including time, description, date, and announcements) resides within the Office of Emergency Management.

CRISIS COMMUNICATION TO THE VANDERBILT COMMUNITY

In addition to AlertVU, Vanderbilt University works diligently to identify additional communication tools to deliver emergency messages to individuals outside of the campus community.

A desktop alert system displays emergency information on connected computers even without email access. Outdoor sirens and PA systems also may also be used depending on the situation. Vanderbilt University Division of Communications serves as the primary news source during all emergencies at Vanderbilt and disseminates any pertinent information to external entities and agencies as needed.

The Division of Communications has several additional tools ready and available to deliver detailed and complex emergency information.

Some of those tools are:
- Vanderbilt University homepage
- Vanderbilt banner at top of websites across the University updated with emergency information
- Emergency Management website: alertvu.vanderbilt.edu
- Email
- Social media, including Twitter: @VanderbiltU and Facebook: Vanderbilt University
- Public Safety Twitter account @VUSafety
- VandySafe —Vanderbilt’s safety application for smartphones (If push notifications are enabled, users will receive AlertVU messages through the app)

CAMPUS EVACUATION PLAN

Vanderbilt takes special populations, regular inhabitants, and visitors into consideration for the campus evacuation plan. Evacuation is one method of protecting the public from the effects of a hazard; protection is achieved by moving people away from the hazard. In planning for evacuation, the characteristics of the hazard and its magnitude, intensity, speed of onset, and anticipated duration are all significant factors. These factors will determine the number of people to be evacuated, the distance people must be moved to ensure their safety, the need for sheltering facilities, and the extent of traffic control and security required.

The Vanderbilt community must be prepared to conduct both small-scale (e.g. single facility) and large-scale or area (e.g. multiple buildings) evacuations at all times of day both from known hazard areas and from unexpected incident locations. Depending on the type of emergency, it may be necessary to either evacuate from a building or to shelter-in-place — remain in the building until emergency personnel advise it is safe to leave.

The campus evacuation plan also includes a list of pre-determined area evacuation shelters, large-scale shelters, and offsite rally points, as well as traffic control stations along planned evacuation routes.

In the event of a fire alarm or if instructed by emergency personnel to evacuate, community members and visitors should evacuate immediately using the nearest emergency exit.
- Do not use elevators unless directed to do so.
- Never use elevators during a fire alarm.
- Once outdoors, move to your designated rally point area.
- Check in and report missing persons, injuries, damages and/or potentially hazardous conditions to your supervisor or designated point of contact.
- Keep streets, fire lanes, and walkways clear for emergency vehicles and personnel.

- Supervisors and designated points of contact should contact the Vanderbilt University Police Department to report any immediate emergencies.
- Do not re-enter the building until cleared by Vanderbilt University Police or on-site emergency personnel.
- Review and practice evacuation routes, assembly areas, and procedures for your office, classroom, laboratory, residence hall, or other facility before an emergency happens.

Information regarding evacuation of persons with disabilities is available at emergency.vanderbilt.edu/vu/quick-ref-guides/evacuation-disabled.php/. Following a review of the campus emergency plans in November 2020, Vanderbilt University conducted an announced table-top exercise of the campus emergency response and evacuation plan on December 17, 2020. Typically, this exercise is open to the Vanderbilt community and external stakeholders, including representatives from the Metro Nashville Police Department, the Metro Nashville Fire Department, and the Nashville Office of Emergency Management; however, due to the Covid-19 Pandemic, the 2020 exercise was restricted to VUPS personnel only. An announcement regarding the exercise was published to the campus community via the MyVU website. The table-top scenario evaluated the disaster lifecycle, which includes the campus emergency response, evacuation plan, lockdown procedures, and recovery operations. The emergency guides and procedures used were advertised to the public and are available at emergency.vanderbilt.edu/vu/quick-ref-guides/. For more information about Vanderbilt’s emergency guides and response plans, visit emergency.vanderbilt.edu.
Reporting crimes directly to Vanderbilt University Police Department allows the department to investigate the crime, implement necessary additional preventative measures, and often prevent others from being victimized. This also ensures that timely warnings to the community, known as Security Notices, are distributed when appropriate. Security Notices, as well as other publicly available information published in the crime log and the annual disclosure of crime statistics, will not include personally identifiable information of victims or witnesses.

VUPD procedures require that calls involving crimes against persons and life/safety issues, such as fire or injury, receive priority response from the department. Property crimes in progress and other criminal acts with a high potential for violence also necessitate a rapid response. Requests for officers to file reports on criminal acts not in progress or general assistance requests are answered in a timely manner; however, response may be delayed if a higher priority call is in progress.

When any criminal incident is reported to VUPD, the report is public record under state law. To obtain a copy of the report, a request can be submitted to the Records Division of the Metropolitan Nashville Police Department (MNPD). VUPD officers collect and preserve evidence from criminal incidents occurring at the University. Crimes against persons, including sexual assaults, may be jointly investigated and reviewed by VUPD and MNPD. Tennessee Code Annotated § 49-7-129 and a Memorandum of Understanding between the two agencies determines primary jurisdiction.

Members of the community can stay informed about criminal incidents at Vanderbilt University by reading the Daily Crime Log or Security Notices distributed to members of the Vanderbilt community as part of an ongoing effort to keep the community informed and to raise awareness of significant unsolved crimes that occur at or near the University.
SECURITY NOTICES

Security Notices are issued in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). This federal law requires that a timely warning (Security Notice) be issued when one of the following incidents occurs on or near Vanderbilt University facilities or property and there is reason to believe that there is a continued threat to students and/or employees:

- Murder
- Sex offense
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Manslaughter
- Arson
- Stalking, domestic violence, or dating violence or sexual abuse
- When repeated offenses warrant public notice, such as multiple unsolved thefts with the same possible suspect(s) or established pattern(s) or when VUPD otherwise determines that there is a compelling need to get information to the Vanderbilt community.

Security Notices are meant to assist the community in making informed decisions about their safety and, depending on the nature of the incident, they should contain as much of the following information as possible, when available and pertinent:

- Date, time, location (general or specific)
- Summarized event description
- Vehicle description (i.e., make, model, color, any damage to vehicle, and direction of flight)
- Any special instructions that may be needed
- Risk reduction tips
- Resources available for students, faculty, and staff

When VUPD receives a report of a crime, it is immediately assessed by a shift supervisor to determine if there is a risk to the Vanderbilt community. The Chief of Police or their designee is consulted on the incident and, if it is determined there is an ongoing risk to the community, a Security Notice will be issued as soon as possible after the specific event. If the incident is a delayed report (more than 24 hours) by the victim, then the time and date the victim reported the incident will also be included in the notice. The Security Notice will not contain information that may hinder an ongoing police investigation and will not identify the victim by name or address. A general location designation, such as “residence hall” or “Greek house,” may be given instead of a specific location to ensure the privacy of the victim.

Security Notices are usually distributed via email through the University’s mass notification system, but fliers, posters, or other media may be used as appropriate in addition to or instead of email. Security Notices are also posted on the VUPD website at police.vanderbilt.edu.

DAILY CRIME LOG

The Vanderbilt University Police Department maintains a Daily Crime Log in compliance with the Clery Act and the Tennessee College and University Security Information Act. As previously noted, personally identifiable information regarding victims or witnesses will not be published in the crime log. The Daily Crime Log may be viewed at the VUPD Records window located at 2800 Vanderbilt Place during normal business hours, or online at police.vanderbilt.edu/crimeinfo/dailylog.php.

PROTECTION OF MINORS ON CAMPUS

Vanderbilt University is dedicated to the welfare and safety of minor children (individuals under age 18) who participate in Vanderbilt’s programs and activities, visit Vanderbilt’s campus, or are enrolled as Vanderbilt University students. Minors participating in Vanderbilt programs and activities (excluding those enrolled as Vanderbilt University students) are expected to be supervised while on campus, and every adult member of the Vanderbilt community is required to follow the Protection of Minors (POM) Policy, including the Code of Conduct When Interacting with Minors and mandatory reporting requirements. Vanderbilt-hosted programs for minors and third-party organization events for minors in Vanderbilt facilities are required to be registered with the Office of Risk and Insurance Management by the hosting department. The POM Policy and Code of Conduct are available at: vanderbilt.edu/riskmanagement/pompolicyJune2018.php.

REPORTING REQUIREMENTS

Everyone (not limited to individuals who interact with Minors) is required by Tennessee law to report to the Department of Children’s Services (DCS) or law enforcement, any type of known or suspected child abuse or neglect, including suspected child sexual abuse. Community members making a report in good faith will be protected from criminal and civil liability for making the report.

Additional Vanderbilt policy requirements include the internal reporting of abuse or maltreatment of or inappropriate interactions with (including conduct code violations) a Minor in a Vanderbilt program or at an event on campus. It is important to understand that every member of the University community is required to report any type of suspected abuse (physical or sexual), neglect, or inadequate care. This reporting policy includes disclosures of abuse which may or may not involve Vanderbilt personnel.

When abuse or neglect of a Minor is suspected, two reports, one external and one internal, must be made:

External Report

Tennessee law requires every person to make a report when they suspect sexual or physical abuse or neglect of a Minor. Failure to report child abuse is a Class A misdemeanor, and intentional failure to report child sexual abuse is a Class E Felony. The required external report may be made to the State of Tennessee Child
Abuse Hotline at (877) 237-0004, online at apps.tn.gov/carat/ or to a Tennessee sheriff’s office or police department, including VUPD at (615) 322-2745. If the situation is a life-threatening emergency, contact 911.

Internal Report

In addition to any external report made, and in situations affecting or having the potential to affect the safety and well-being of minors, every member of the University community has an obligation to report known or suspected abuse, neglect, maltreatment, exploitation, or inappropriate interactions with (including conduct code violations) a Minor on campus or in a Vanderbilt program immediately to Vanderbilt University. Internal reporting steps are as follows:

- Immediately contact the program supervisor (where appropriate) and the Office of Risk and Insurance Management (ORIM), Protection of Minors Director at (615) 936-5935.
- Program supervisors receiving any report of concern of abuse to a Minor must report the concern to the ORIM, Protection of Minors Director at (615) 936-5935. This includes if the program supervisor has already made a referral to the Department of Children’s Service or law enforcement as outlined in the external reporting procedure above.
- Concerns may also be reported to the Risk Management occurrence reporting system live. origamirisk.com/Origami/IncidentEntry/Welcome or the Vanderbilt University Compliance Hotline.

The University compliance hotline may be accessed by calling (844) 814-5935 or on-line at vanderbiltcompliancehotline.ethicspoint.com or by visiting the Compliance website at www.vanderbilt.edu/compliance/.

NOTE: The hotline should not be used for emergencies or when immediate action may be otherwise necessary.
If you believe a student has been missing for at least 24 hours, please immediately contact VUPD or staff in the Office of Housing and Residential Experience.

Vanderbilt makes the missing student notification process available to all students, including those in the graduate and professional schools. This confidential contact is in addition to any other emergency contact that the student may identify, although both the “confidential” contact and the “emergency” contacts may be the same person or persons. The confidential contact will be registered confidentially, and only authorized campus officials will have access to this information. This information will be disclosed to no one outside law enforcement. In the case of non-emancipated students under the age of eighteen, the HEOA requires that a custodial parent or guardian be notified; however, an additional, confidential contact may also be specified. Students may designate both emergency contacts and confidential contacts by logging into YES (Your Enrollment Services) at yes.vanderbilt.edu and selecting the appropriate process. For more information, see vanderbilt.edu/student_handbook/university-policies-and-regulations/#missing-student-notification-policy.

Once the Vanderbilt University Police Department has determined that a student is missing, the Dean of Students or one of the dean’s designees will notify the confidential contact (and a custodial parent or guardian in the case of unemancipated minors) within 24 hours. Vanderbilt University will also notify appropriate external law enforcement agencies and others at the University, as appropriate, about the missing student within the same 24-hour period.

In the event a student has been missing for at least 24 hours, contact VUPD at (615) 322-2745 or the Office of Housing and Residential Experience at (615) 322-2591.
The University’s policies, programs, and activities are designed to foster courtesy and respect. The University prohibits and seeks to eliminate all forms of sexual misconduct, which includes sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Under federal law, Vanderbilt has a duty to take steps to prevent and redress sexual misconduct. Such conduct is contrary to Vanderbilt’s values and is not tolerated.

If you experience sexual assault, stalking, or domestic or dating violence at Vanderbilt, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Vanderbilt University Police Department advocates that a victim of sexual assault report the incident in a timely manner by calling 911 or (615) 322-2745. Vanderbilt faculty and staff will assist victims with notification of VUPD if the student requests their assistance.

VUPD and Metro Nashville Police Department (MNPD) are available for emergency response, facilitating medical transport, investigating incidents of a criminal nature, referrals to community support resources, and advice concerning and/or assistance with preserving evidence. VUPD also provides support for crime victims and is available to accompany them to court.

Time is a critical factor for evidence collection and preservation. Filing a police report with a VUPD officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. (Ideally, a victim of sexual misconduct should not wash, douche, use the toilet, or change clothing prior to a forensic exam.)
- Ensure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual misconduct crisis intervention.
- The University will arrange for reasonable
supportive measures (academic, residential, or otherwise) in response to a request from a student or employee who has reported a violation of the Vanderbilt University Formal Grievance Protocol (“Formal Grievance Protocol”) or Vanderbilt University Sexual Misconduct Policy (“Sexual Misconduct Policy”) and will take any other interim actions that are appropriate to ensure the safety and security of the campus community. It is not necessary to file a formal complaint or a police report to receive supportive measures. See also the Vanderbilt University Sexual Misconduct Policy (Appendix A), Section XII, at vanderbilt.edu/title-ix/docs/SexualMisconductPolicy.pdf and the Formal Grievance Protocol (Appendix B), Section III, at vanderbilt.edu/title-ix/docs/FormalGrievanceProtocol.pdf.

RESOURCES AND SUPPORT/IMMEDIATE ASSISTANCE AND ONGOING ASSISTANCE

Any member of the Vanderbilt community who has experienced or been affected by sexual misconduct, including prior to their affiliation with Vanderbilt, may seek immediate and/or ongoing assistance from one or more of the resources outlined below. Some of these resources are confidential; others are subject to mandatory reporting requirements. The level of confidentiality offered by the listed resources is described in the Sexual Misconduct Policy and below.

Confidential Resources

These confidential resources do not report any information about an incident to law enforcement or to the Title IX Office without the permission of the person consulting them.

Confidential resources include:

- **Vanderbilt University Counseling Center:**  
  (615) 322-2571

- **Work/Life Connections – Employee Assistance Program:**  
  (615) 936-1327

- Pastoral counselors acting in that capacity, which may include the Vanderbilt Office of the University Chaplain and Religious Life:  
  (615) 322-2457

- Medical professionals acting in a patient-care role, such as the Student Health Center, the Vanderbilt University Medical Center Emergency Department, or other clinics or hospitals

Off-campus counselors and health care providers will also generally maintain confidentiality and refrain from sharing information with the University unless the person consulting them requests the disclosure and signs a consent or waiver form. However, under state or federal law, all resources may have other reporting obligations. For example, health care providers and certain other individuals are required to notify law enforcement when someone seeks treatment for injuries caused by a violent crime, including sexual assault. Similarly, all persons are required to notify law enforcement or the Department of Children’s Services (DCS) when they receive a report of any abuse of a minor (see Protection of Minors on Campus in Section 4 above). Anyone who at first uses a confidential resource may later decide to make a report to a non-confidential resource, such as the Title IX Office or law enforcement.

**Limited Confidential Resource**

Project Safe is a limited confidential resource at Vanderbilt. The office contact number is (615) 322-7233. Individuals who work at the Project Safe Center, including front desk staff and graduate assistants, can generally talk to any person affected by sexual misconduct without revealing any personally identifying information about an incident to others within the University. A person can seek assistance and support from Project Safe Center staff without initiating a Report to the University that could reveal that person’s identity or that the person has disclosed the incident (see Section 7 below regarding reporting generally and the definition of a Report). However, a person who self-discloses to Project Safe Center staff that the person engaged in a possible violation of the Formal Grievance Protocol or the Sexual Misconduct Policy may not be covered by limited confidentiality.

Without disclosing personally identifying information about the victim, the Project Safe Center will notify the Title IX Office of the nature, date, time, and general location of an incident. This notification helps keep the Title IX Office informed of the general extent and nature of sexual violence on and off campus, and allows for tracking patterns, evaluating the scope of the problem, and formulating appropriate campus-wide responses. The Project Safe Center will also notify the Title IX Office of the name of the alleged perpetrator, if known, when the alleged perpetrator is affiliated with Vanderbilt University as a faculty member, staff member, postdoctoral fellow/trainee, teaching assistant, independent contractor, adviser, or in any other similar capacity, other than as a student. (However, the Title IX Office in most cases cannot proceed to investigate the matter under the U.S. Department of Education Title IX Regulations (“Title IX Regulations”) in the absence of a Formal Complaint. See Section 7 below.)

Project Safe Center staff can assist in providing additional information, including potentially identifying information, to the Title IX Office, if the victim so wishes. Anyone who at first notifies Project Safe Center staff may later decide to make a report to the Title IX Office or law enforcement. Project Safe Center staff can assist a victim with seeking supportive and protective measures; however, the provision of supportive measures that involve a non-confidential University department or impact another person may require the disclosure of identifying information to the relevant department or person as well as the Title IX Office.

While Project Safe Center staff may maintain a victim’s confidentiality vis-à-vis the University, they may have...
Mandatory Reporters Under Title IX

A mandatory reporter is an individual who is obligated under University policy to report any knowledge they may have of sexual misconduct. Vanderbilt defines all faculty and staff as mandatory reporters except certain confidential resources and limited confidential resources staff. A non-exhaustive list of mandatory reporters is contained in Section IX of the Sexual Misconduct Policy (see Appendix A to this Annual Security Report below).

Mandatory reporters are required to report to the Title IX Coordinator or the Title IX Office staff any knowledge they receive of possible violations of the Formal Grievance Protocol or the Sexual Misconduct Policy. Mandatory reporters must relay all known information about any reported Policy violation, including, but not limited to: names of involved individuals, the nature of the incident, and the time and location of the incident, so that the University can take steps to address the matter promptly, including identifying support resources, and resolve it fairly.

If a mandatory reporter believes a person may intend to share any information regarding an instance of sexual misconduct, the mandatory reporter should seek to confirm that the reporting party understands the mandatory reporter’s reporting obligations. If the reporting party would prefer to speak to a confidential resource, the mandatory reporter should direct the reporting party to a confidential resource.

Anonymous Reporting

Any individual can make an anonymous report of a violation of the Formal Grievance Protocol or the Sexual Misconduct Policy. An individual may report the incident without disclosing their name, identifying a Complainant or a Respondent, or requesting any action. Vanderbilt will attempt to investigate such reports, but depending on the extent of information available about the incident or the individuals involved, Vanderbilt’s ability to investigate and respond to an anonymous report may be limited, particularly to the extent that the conduct alleged would be subject to the Formal Grievance Protocol (see Section 7 below). Vanderbilt will attempt to investigate anonymous reports under the Sexual Misconduct Policy, but without being able to collect evidence from and ask follow-up questions to a reporter, the potential for discipline may be lessened as compared to personal reports. The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate.

The University provides several resources for anonymous reporting for individuals who do not wish to be identified. Anonymous reports of sexual misconduct may be made via the online reporting form (available at vanderbilt. guardianconduct.com/incident-reporting/). Individuals may also report anonymously to the Project Safe Center at (615) 322-7233 or through the Vanderbilt University Compliance Reporting Hotline, an independently-operated compliance hotline that may be used to report incidents of apparent wrongdoing on campus. The Compliance Reporting Hotline is available 24 hours a day, seven days a week, and 365 days a year at (844) 814-5935 or online at vanderbiltcompliancehotline.ethicspoint.com. Students also may report anonymously to the Community Standards hotline at (615) 343-7867. NOTE: These resources, aside from the Project Safe Center, should not be used for immediate assistance.

Third-Party Reporting

Vanderbilt encourages third parties to report incidents of sexual misconduct to the Title IX Office, VUPD, or MNPD. Third parties may also report incidents to any mandatory reporter or through the anonymous reporting resources identified above. The University may not be able to move forward based on a third-party report if the victim does not wish to cooperate and/or proceed with an investigation. After providing a report, third parties are not entitled to information about the University’s investigation and response due to privacy concerns and applicable federal and state laws.

A reporter can also make a report disclosing their name but requesting confidentiality. An affected person who is the subject of a third-party’s report can also request confidentiality. See Requests Not to Pursue an Investigation or for Confidentiality for Purposes of an Investigation in Section 7 below. Statistical information regarding all reports received by law enforcement, the Title IX Office, and other mandatory reporters are included in the annual disclosure of crime statistics; personally identifiable
information will be kept confidential and will not be published in the crime log or annual crime statistics.

**Bystander Intervention**

Vanderbilt encourages anyone who witnesses, experiences, or has information about possible sexual misconduct, including sexual assault, dating and domestic violence or stalking, to take reasonable actions to prevent or stop such actions. Reasonable actions may include, depending on the relevant facts and circumstances, reporting the behavior (in accordance with the reporting options outlined above), directly intervening when it is safe and reasonable to do so, or contacting law enforcement. Bystander intervention is an effective means by which to reduce sexual misconduct in our community. Vanderbilt provides bystander intervention training, available through the Project Safe Center. A person who has been subjected to sexual misconduct need not confront the other party.

**Contact Information for Resources**

Any member of the Vanderbilt University community who has experienced sexual misconduct may seek immediate and/or ongoing assistance from one or more of the following resources. The resources listed will provide assistance whether or not the individual chooses to make a report to the Title IX Office or law enforcement, or to participate in an investigation. The level of confidentiality offered is noted by each resource.

**VICTIM ADVOCACY SERVICES**

*Confidential (Limited)*

- Vanderbilt Project Safe Center Support Line
  (24/7/365)
  (615) 322-SAFE (7233)

**TITLE IX OFFICE**

*Not Confidential (Confidentiality may be requested from Title IX Coordinator; see Requests Not to Pursue an Investigation or for Confidentiality for Purposes of an Investigation in Section 7 below)*

- (615) 322-9004

**LAW ENFORCEMENT**

Not Confidential, VUPD is a Mandatory Reporter

- Vanderbilt University Police Department
  (615) 322-2745
  Emergency: 911 or (615) 421-1911
- Metro Nashville Police Department
  (615) 862-8600
  Emergency: 911

**MEDICAL SERVICE PROVIDERS**

*Confidential*

(*But required to notify law enforcement when a person seeks treatment for injuries caused by a violent crime)*

- Vanderbilt University Medical Center Emergency Services
  (615) 322-0160
- For Students: Student Health Center
  (615) 322-2427
- For Faculty and Staff: Occupational Health Clinic
  (615) 936-0955

**COUNSELING SERVICES**

*Confidential*

- For Students:
  - Vanderbilt University Counseling Center
    (615) 322-2571
  - Vanderbilt Office of the University Chaplain and Religious Life
    (615) 322-2457
- For Faculty and Staff:
  - Work/Life Connections—Employee Assistance Program
    (615) 936-1327
  - Faculty and Physician Wellness Program
    (615) 936-1327
  - Nurse Wellness Program
    (615) 936-1327

**ADDITIONAL SUPPORT FOR VANDERBILT STUDENTS**

Not Confidential, Mandatory Reporters

- Office of the Dean of Students
  (615) 322-6400
- Office of Housing and Residential Experience
  (615) 322-2591
- Office of Student Care Coordination
  (615) 343-9355
- Center for Student Wellbeing
  (615) 322-0480
- Margaret Cuninggim Women’s Center
  (615) 322-4843
- Office of LGBTQI Life
  (615) 322-3330
- Bishop Joseph Johnson Black Cultural Center
  (615) 322-2524

**RESOURCES IN THE COMMUNITY**

No Mandatory Report to Vanderbilt

- Nashville Sexual Assault Center Hotline
  (800) 879-1999
- YWCA Crisis and Information Line
  (800) 799-SAFE (7233)
- RAINN/National Sexual Assault Hotline
  (800) 656-4673
- 1 in 6: 24-hour Helpline Chat
  1in6.org/helpline/ (for male survivors over 18 years of age)
- National Suicide Prevention Lifeline
  (800) 273-8255
- Trans Lifeline
  (877) 565-8860
- Saint Thomas Midtown Hospital Emergency Department
  (615) 284-5555
- Nashville General Hospital at Meharry Emergency Department
  (615) 341-4000
- TriStar Centennial Medical Center Emergency Department
  (615) 342-1000
Additional Information

The medical service providers listed above are available to treat injuries and possible sexually-transmitted infections and diseases, as well as for other health services and consultations. If a forensic exam is requested, one can be performed at the Student Health Center (Monday through Friday, 8:00 a.m. to 4:30 p.m.) or the Vanderbilt University Medical Center Emergency Department (VUMC ED) (24/7/365) by a Sexual Assault Nurse Examiner (SANE) on site. Please note that medical treatment and a forensic examination may aid in the identification and preservation of physical evidence associated with the assault and can be performed even if a person does not wish to proceed with an investigation at that time. A forensic exam facilitates the identification and preservation of physical evidence associated with the assault.

Tennessee law requires all medical personnel to report to law enforcement when a person seeks treatment for injuries caused by a violent crime, including sexual assault. Medical personnel are also required to report to law enforcement and/or the Tennessee Department of Children’s Services when a minor presents for treatment for any injury or condition that reasonably indicates it was caused by violence or abuse, including physical or sexual abuse. Medical personnel are also required to report to law enforcement and/or Adult Protective Services when certain vulnerable adults present and there is reasonable belief that they are victims of adult abuse, neglect, or exploitation.

Upon request, a Victim Resource Specialist from the Project Safe Center will meet a student at a medical service provider, law enforcement agency, or other location for assistance or consultation. Project Safe Center Victim Resource Specialists are available 24 hours a day, seven days a week, 365 days a year. The Project Safe Center, the Work/Life Connections—Employee Assistance Program, Faculty and Physician Wellness Program, Nurse Wellness Program, and the community resources listed above are also available to assist members of the Vanderbilt community. Students, faculty, staff members, or postdoctoral fellows/trainees seen at the VUMC ED may also obtain victim support through the Nashville Sexual Assault Center.

Immediate Priority—Preserving Evidence: To help preserve evidence, individuals who have experienced sexual assault are advised not to change clothes or bedding, take a shower, douche, or clean up until evidence has been collected by the police or SANE. Evidence may still be available even after someone has changed clothes or cleaned up/showered. Therefore, any clothes or bedding that may contain evidence should be left unfolded and undisturbed, if possible. If clothing or bedding must be moved, each item should be kept separate to prevent transfer of body fluids or other trace evidence. Any potentially relevant video, audio, photographs, text messages, messages through other social media applications or outlets (e.g., Snapchat, Facebook, Twitter, Instagram, Tinder, Grindr, etc.), emails, voicemails, written notes, or any other media, including hard-copy documents should be preserved by anyone who possesses such evidence.

Supportive Measures

In cases of reported alleged sexual misconduct, Vanderbilt may implement supportive measures immediately or at any time that Vanderbilt determines such measures are necessary. Supportive measures are non-disciplinary and non-punitive individualized services available to the parties before or after a Complaint is filed or where no Complaint has been filed. The Title IX Coordinator shall have responsibility for coordinating the effective implementation of supportive measures, in consultation with other university offices and departments such as the Project Safe Center and the Dean of Students Office. In cases involving faculty and staff who request supportive measures, the Title IX Coordinator will confer with Human Resources or the appropriate Dean. Some of these supportive measures also may continue in effect after an investigation is closed or as sanctions or accommodations, depending on the outcome of the matter. For more information, see the Formal Grievance Protocol, Section III.B. and the Sexual Misconduct Policy, Section XII (Appendices B and A respectively).

Examples of supportive measures that Vanderbilt may consider and elect to implement for students include, but are not limited to:

- Access to on-campus counseling services and assistance in setting up an initial appointment;
- Mutual no-contact Directives
- Rescheduling or extension of academic exams and assignments;
- Providing alternative course or program completion options;
- Changing class schedules, including the ability to transfer course sections or withdraw from or re-take a course;
- Changing work schedules, job assignments, or job locations for University employment;
- Changing residence hall or classroom assignments;
- Providing an escort for transit between University classes and activities;
- Providing academic support services, such as tutoring;
- Restrictions, which may include limiting or barring access to certain facilities or activities;
- Student-requested leaves of absence.

Examples of supportive measures that Vanderbilt may consider and elect to implement for faculty, staff, and postdoctoral fellows/trainees may include, but are not limited to:

- Access to on-campus counseling services through Work/Life Connections (EAP) and assistance in setting up an initial appointment;
- Changing work schedules, job assignments, job locations, or reporting lines;
- Limiting or barring access to certain Vanderbilt-owned facilities or activities;
- Providing an escort for transit around campus.
Supportive measures will be balanced based on the facts collected, seriousness of the allegations, and the potential safety risks posed to the Vanderbilt community. Supportive measures are designed to restore or preserve equal access to Vanderbilt’s education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and Vanderbilt’s educational or work environment, as well as to deter sexual misconduct.

Vanderbilt will keep any supportive measures provided to a Complainant or Respondent private, to the extent possible. Supportive measures that affect other members of the Vanderbilt community (e.g. mutual No-Contact Directives, where the other party must be informed of the directive and its implications) may be disclosed to facilitate implementation. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive measures. Vanderbilt will maintain as confidential any personal supportive measures provided only to the Complainant or only to the Respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the supportive measures (e.g., not applicable to mutual no-contact directives).

Vanderbilt may also implement supportive measures that affect the broader Vanderbilt community and that are aimed to eliminate occurrences of sexual misconduct and to promote academic and employment environments free of such conduct.

If a Respondent student withdraws from Vanderbilt while a Report or Complaint is pending, supportive measures for the Complainant may be continued. The Respondent may be required to notify the Title IX Coordinator if they intend to visit any building owned or controlled by Vanderbilt or a student organization that is officially recognized by Vanderbilt, or if they otherwise seek to attend any Vanderbilt education program or activity or event, so that the Complainant may be given an opportunity to receive supportive measures if needed. The Respondent’s student records also may be marked to indicate their departure during a disciplinary process (which may resume if they return to Vanderbilt), but will not indicate that such Respondent was found or assumed responsible for any alleged misconduct pending at the time of departure.

**No-Contact Directives and Orders of Protection**

Given the nature of cases involving sexual misconduct, the Director of the Title IX Office, or the Director’s designee, may issue no-contact directives in connection with a Report or Complaint under the Sexual Misconduct Policy to individuals to cease any communication. When a request is filed by one of the parties, the Director or the Director’s designee will determine whether the request is a reasonable supportive measure in light of the available facts, and if so, will issue mutual no-contact directives to the parties.

A report of a violation of a no-contact directive by a student who is subject to the directive may result in a warning or in the filing of a charge against that student. A charge will be addressed according to the usual accountability procedures. If the accountability proceedings result in a finding that the student is responsible for violating the directive, corrective action will be taken.

The issuance or continuation of a no-contact directive is not an accountability proceeding or corrective action for purposes of a student’s record and is not subject to appeal.

Students may also seek orders of protection, restraining orders, or other similar orders issued by a court of law and may be assisted in doing so by representatives from University offices, including, for example, the Project Safe Center, the Office of Housing and Residential Experience, and VUPD. If an individual obtains an order of protection or similar order issued by a court, the individual should share that information with VUPD so the University can assist. VUPD and the Project Safe Center also are available to assist faculty and staff in obtaining such orders.

**INSTITUTIONAL DEFINITIONS**

Institutional definitions of specific offenses are set forth in Section III of the Sexual Misconduct Policy at Appendix A to this Annual Security and Fire Safety Report, or at vanderbilt.edu/title-ix/docs/SexualMisconductPolicy.pdf. See also, the Formal Grievance Protocol, Section III, at Appendix B to this Report or at vanderbilt.edu/title-ix/docs/FormalGrievanceProtocol.pdf. The following are selected definitions, or summaries thereof, contained in the Sexual Misconduct Policy.

**Sexual Misconduct:**

Is a broad term that, in addition to actions that violate criminal statutes such as sexual assault, dating and domestic violence, and stalking, also includes “sexual harassment” as defined by the Title IX Regulations and the more broad behaviors included in Section III of the Sexual Misconduct Policy. It also encompasses other sexually-motivated or gender-biased misconduct beyond sexual harassment. Examples may include sexual exploitation and many forms of verbal harassment that may not meet the Title IX Regulations’ definition of “sexual harassment.” In addition, facilitation/assistance of or attempts to commit sexual misconduct are prohibited under the Sexual Misconduct Policy.

If alleged sexual misconduct does not satisfy the Title IX Regulations’ jurisdictional criteria, such as off-campus sexual misconduct (including sexual harassment) alleged to have an on-campus effect or occurring during a study abroad program, then it may be addressed under alternative procedures, as provided in other relevant Vanderbilt policies, including but not limited to the Sexual Misconduct Policy. Such off-campus sexual harassment may be referred to as Non-Consensual Sexual Contact (“NCSC”) or Non-Consensual Sexual
Penetration ("NCSP") (defined below) to avoid confusion between charges brought under the Policy and its procedures as compared to the Title IX Regulations’ “sexual harassment” definitions and requirements, which are governed by Vanderbilt's Formal Grievance Protocol.

A. **Non-Consensual Sexual Contact:** Sexual contact is any contact of a sexual nature — however slight — with the breasts, buttocks, groin, genitals, mouth, or other body part of another, by any person upon another without effective consent. This offense also includes contact of a sexual nature involving an individual causing someone else to touch him/her/them with, or on, any of these body parts without effective consent (see definition below). For purposes of crime reporting and the Clery Act, this contact would be classified as Fondling, a category of sexual assault.

B. **Non-Consensual Sexual Penetration:** Sexual penetration is any vaginal and/or anal penetration — however slight — by any body part (e.g., penis, tongue, or finger) or object, and/or oral copulation (mouth to genital contact), by any person upon another without effective consent. Non-Consensual Sexual Penetration also includes an individual causing someone else to penetrate him/her/them vaginally, anally, or orally without effective consent (see definition below). For purposes of crime reporting and the Clery Act, this contact would be classified as Rape, a category of sexual assault.

C. **Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or the benefit of anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:
- Non-consensual video or audio-taping of sexual activity or other private activity, even if that activity occurs in a public or semi-public place;
- Non-consensual dissemination of video, photographs, or audio of sexual activity or other private activity, including dissemination by a third party or a person not involved in the original conduct;
- Sexually-based blackmail or extortion;
- Exceeding the boundaries of consent (such as covertly observing or permitting others to covertly observe consensual sexual activity, videotaping (or otherwise recording) or permitting others to videotape (or otherwise record) a person using a bathroom or engaging in other private activities);
- Engaging in voyeurism, exposing one's breasts, buttocks, or genitals in a non-consensual circumstance or inducing another to expose their breasts, buttocks, or genitals without effective consent;
- Procuring, offering for, or promoting sexual exploitation of another person, or using another person for sex work or transactional sex for one's own benefit;
- Knowing and non-consensually exposing someone to, or transmitting to someone, a sexually transmitted infection or sexually transmitted disease.
- Intentionally disclosing or threatening to disclose the sexual orientation, gender identity, STI/STD status, and/or gender expression of another if the person has kept, or sought to keep, their status private from the person(s) to whom it is disclosed; and
- Sexually-based stalking and/or bullying.

**Effective consent:** Is consent that is informed and freely and actively given. Effective consent requires mutually understandable words or actions indicating a willingness to engage in mutually agreed-upon sexual activity.
  - The person who wishes to engage in sexual activity with another bears the burden of specifically obtaining effective consent. If effective consent is in question or ambiguous, then the person who wishes to engage in sexual activity must clarify or explicitly ask for permission.
  - There is no requirement for a person to resist, physically or otherwise, in order to demonstrate a lack of effective consent. Effective consent means communicating “yes” by word or action; the absence of saying or indicating “no” does not equate to effective consent.
  - Effective consent must be maintained by both parties throughout the sexual interaction.
  - Effective consent to sexual activity may be withdrawn at any time, at which point all sexual activity must cease immediately.
  - Effective consent for one form of sexual activity does not constitute effective consent for another form of sexual activity.
  - When “no” to a form of sexual activity is communicated by word or action, that sexual activity must cease immediately. Repeated requests to engage in a form of sexual activity may amount to coercion, as explained below.
  - Previous sexual relationships of the complainant and the respondent with others are generally irrelevant to the existence of effective consent. But a previous, current, and/or subsequent sexual relationship between the complainant and the respondent may or may not be relevant to demonstrating or establishing, depending on the facts and circumstances, whether effective consent was sought or obtained. Relevancy of a previous, current, and/or subsequent sexual relationship between the complainant and respondent or others will be evaluated on a case-by-case basis.
  - Effective consent expires. Effective consent lasts for a reasonable time, depending on the circumstances. Thus, effective consent on one occasion, whether on the same day or another day, may not carry over to another sexual interaction.
  - Effective consent is never implied by a person’s attire, the person’s extension or acceptance of an invitation to dinner, a date (social function), or a person’s residence, or the person’s consensual participation in kissing or other sexual activity.
  - Because effective consent must be informed, an individual must not engage in sexual activity with
Sexual assault, domestic violence, dating violence, and stalking — prevention and response

Coercion: Is conduct that would reasonably place an individual in fear of immediate or future physical, emotional, or other harm and that is used to pressure someone to engage in sexual contact. Coercion can include manipulation, intimidation, unwanted contact, or express or implied threats of harm. In evaluating whether coercion was used, the University will consider whether pressure was applied and, if so, the frequency, intensity, and duration of the pressure, as well as the degree of isolation of the person being pressured. Sexual activity that is coerced is non-consensual.

Incapacitation: Means the lack of ability to make rational, reasonable judgments as a result of alcohol consumption, other drug use, sleep, the taking of any so-called “date-rape” drug, unconsciousness, or blackout. An incapacitated person cannot make rational, reasonable decisions because that person lacks the ability to fully understand the who, what, where, or how of their sexual interaction. Determining whether an individual is incapacitated requires an individualized assessment. Incapacitation is a state beyond drunkenness or intoxication, in which alcohol, drugs, or other factors render one unable to make fully informed judgments or have an awareness of consequences. Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known of the other individual's incapacitated state. While incapacitation may be caused by drugs or alcohol, it also includes the state of being asleep, during which time a person is unable to provide effective consent.

Blacking out: Is an amnesia-like state that may be brought on by drugs, heavy drinking, or intoxication; blacking out is not necessarily incompatible with the ability to engage in simple or even complex behavior. Afterwards the person has no recollection of all or part of the events that occurred during the blackout. There is a distinction between passing out (falling asleep or becoming unconscious) due to drug or alcohol use and blacking out in that a person in a blackout remains conscious and operative.

Depending on the facts and circumstances, intent may or may not be required for a finding of sexual misconduct. For example, engaging in intercourse without obtaining effective consent constitutes a violation of the policy regardless of intent. On the other hand, intent may be an appropriate consideration in some instances (such as when one person brushes up against another person in a crowded room).

Title IX: Refers to a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX prohibits the use of federal money to support sex discrimination in education programs and provides individual citizens effective protection against those practices.

Title IX Regulations: The U.S. Department of Education enacted revised Title IX Regulations (Part 106 of Title 34 of the Code of Federal Regulations), effective August 14, 2020, that are binding on Vanderbilt under certain circumstances involving sexual harassment, as that term is defined by the Regulations.

Note: Explicit and contemporaneous consent by all parties is required in advance for any behaviors that fall under bondage and discipline, dominance and submission, and sadism and masochism (BDSM). Compliance with established boundaries, safe words, or other mechanisms to revoke consent in encounters involving BDSM is also required.
The University will take prompt and effective action to address allegations of sexual misconduct and it will resolve complaints and reports in a timely and fair manner. As part of its commitment to maintaining a community free of discrimination, and in compliance with Title IX’s mandate, Vanderbilt will address allegations of sexual misconduct, will provide resources as needed for affected persons (Reporters, Complainants, Respondents and third parties within the Vanderbilt community), and will not tolerate retaliation against any person who reports sexual misconduct.

Vanderbilt is committed to providing a prompt, fair, and impartial investigation and resolution for all students and employees. All persons conducting investigations, making determinations, or imposing sanctions will be free from any conflict of interest or bias for or against the complainant or respondent. Complainant and respondent will be provided timely notice of all meetings at which either may have the right to be present. For additional information concerning the investigation and disciplinary process, please review the Sexual Misconduct Policy attached to this Annual Security and Fire Safety Report as Appendix A and the Formal Grievance Protocol (for Title IX cases) attached as Appendix B or at vanderbilt.edu/title-ix/docs/SexualMisconductPolicy.pdf and vanderbilt.edu/title-ix/docs/FormalGrievanceProtocol.pdf.

In addition, for employees, also please review the Anti-Harassment Policy at hr.vanderbilt.edu/policies/anti-harassment.php and the Workplace Violence Policy at hr.vanderbilt.edu/policies/workplace-violence.php. For generally applicable faculty disciplinary procedures, see vanderbilt.edu/faculty-manual/part-iv-disciplinary-actions-and-grievances/ch1-disciplinary-actions/.

Vanderbilt encourages everyone affected by sexual misconduct, including sexual assault, dating and domestic violence, or stalking, and everyone who suspects or witnesses such conduct to report it and to seek help and support from available resources.
The Vanderbilt University Sexual Misconduct Policy (Sexual Misconduct Policy) and Formal Grievance Protocol outline the procedures that apply to allegations of sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking, involving members of the Vanderbilt community. They are applicable to all members of the Vanderbilt community with respect to conduct that occurs on campus and conduct that occurs off campus that has an on-campus effect, including conduct in connection with University programs or activities or that otherwise interferes with or limits the ability of a member of the community to participate in or to receive benefits, services, or opportunities from the University’s programs or activities.

The Sexual Misconduct Policy sets forth the specific types of conduct that are prohibited, as well as the resources and support services available to Vanderbilt community members who have been affected by such conduct. The University will take prompt and effective action to address allegations of sexual misconduct, and it will resolve complaints and reports in a timely and fair manner.

The Sexual Misconduct Policy serves as Vanderbilt’s comprehensive policy against sexual misconduct in all of its forms. The accompanying Formal Grievance Protocol covers a narrower sub-set of conduct that must be addressed according to a defined formal grievance process as required by U.S. Department of Education Title IX Regulations effective August 14, 2020 ("Title IX Regulations"). To the extent the processes differ, when sexual misconduct meets the criteria specified in the Title IX Regulations, it must be addressed under the Formal Grievance Protocol. Otherwise, the overarching Sexual Misconduct Policy applies (e.g., the definitions in this Policy apply to the Formal Grievance Protocol).

All incidents of sexual assault, dating and domestic violence, and stalking that occur in the United States, either on campus, in other locations or circumstances where Vanderbilt exercises substantial control over both the Respondent and the location, or in any building owned or controlled by a student organization officially recognized by Vanderbilt, are governed by the Formal Grievance Protocol. Off-campus incidents that did not occur in connection with a Vanderbilt program or activity that took place abroad are outside the scope of the Formal Grievance Protocol and are governed by the procedures set forth in the Sexual Misconduct Policy.

Procedures for investigating and resolving allegations of sexual misconduct (other than conduct subject to the Formal Grievance Protocol) when the Respondent is a student are included in Section XIII of the Sexual Misconduct Policy (Appendix A). Procedures for investigating and resolving allegations of sexual misconduct (other than conduct subject to the Formal Grievance Protocol) where the Respondent is not a student are included in Section XIV. Combined, Vanderbilt’s policies and procedures are intended to ensure that all members of the Vanderbilt community who are affected by an incident or complaint of sexual misconduct receive appropriate support and fair treatment, and that allegations of sexual misconduct are handled in a prompt, thorough, and equitable manner.

Relevant terms are defined in Sections II and XV of the Sexual Misconduct Policy.

Vanderbilt will review, evaluate, and make any revisions or amendments to its policies and procedures on an ongoing and as-needed basis. The procedures outlined in the Sexual Misconduct Policy and the accompanying Formal Grievance Protocol will apply to all Reports of sexual misconduct received by Vanderbilt’s Title IX Coordinator on or after August 14, 2020, regardless of the date of the alleged incident. The procedures outlined in the Sexual Misconduct Policy and the accompanying Formal Grievance Protocol will not be applied retroactively. Procedures set out in the relevant version of the Vanderbilt Sexual Misconduct and Intimate Partner Policy, the Sexual Assault, Stalking, Dating and Domestic Violence Policy in Cases Not Involving Students (Campus SaVE Act Policy), the Anti-Harassment Policy, the Faculty Manual, and other applicable university policies will apply to Reports received by the Title IX Coordinator prior to August 14, 2020. The definitions, including of prohibited offenses, in effect as of the date of the alleged incident will be used. Reports of conduct spanning more than one year will be addressed using the definitions section(s) of the relevant policy in effect at the time of the most recent alleged incident.

Inquiries about the application of the Sexual Misconduct Policy should be directed to Vanderbilt’s Title IX Coordinator:

**Title IX Coordinator**
(615) 343-9004
110 21st Avenue South, Suite 975
Nashville, TN 37203
titleix@vanderbilt.edu
vanderbilt.edu/title-ix/

**Scope of the Formal Grievance Protocol**

As noted above, when sexual misconduct meets the criteria specified in the Title IX Regulations, effective August 14, 2020, it must be addressed under the Formal Grievance Protocol, and not the overarching Sexual Misconduct Policy, to the extent the processes differ. The Formal Grievance Protocol applies to “sexual harassment” in a Vanderbilt “education program or activity” against a person in the United States. “Sexual harassment” is defined in the Title IX Regulations as conduct on the basis of sex that satisfies one or more of the following:

1. A Vanderbilt faculty or staff member/employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (“quid pro quo”);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Vanderbilt’s education program or activity; or

3. Sexual assault, dating violence, domestic violence, or stalking (as defined in the Sexual Misconduct Policy).

“Sexual misconduct” prohibited by the Sexual Misconduct Policy includes sex-based conduct beyond the Title IX Regulations’ “sexual harassment” definition. Examples may include sexual exploitation and many forms of verbal harassment that may not meet the Title IX Regulations’ definition of “sexual harassment.”

Additionally, the Formal Grievance Protocol required by the Title IX Regulations applies to a narrower set of circumstances than the Sexual Misconduct Policy. All allegations regarding sexual assault, dating violence, domestic violence, or stalking occurring on the Vanderbilt campus will be addressed under the Formal Grievance Protocol. The Protocol applies to a Vanderbilt “education program or activity,” which is defined by the Title IX Regulations to include locations, events, or circumstances where Vanderbilt exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Vanderbilt. Under the Title IX Regulations, the Formal Grievance Protocol does not apply to any “education program or activity” that does not occur in the United States.

Sexual misconduct that is not covered by the Formal Grievance Protocol, such as off-campus sexual misconduct alleged to have an on-campus effect or occurring during a study abroad program, may be addressed under the Sexual Misconduct Policy.

Reporting an Incident to the University

Vanderbilt takes reports of sexual misconduct seriously. When an individual reports a potential incident of sexual misconduct, the University community can provide a number of written resources regarding the individual’s rights and options and information regarding support and resources. This information also is available on the websites of the Title IX Office at vanderbilt.edu/title-ix/resources.php or Project Safe Center at vanderbilt.edu/projectsafe/.

Whether or not a report is made to police, the University recommends that reports of sexual misconduct, including sexual assault, dating and domestic violence, and stalking, be made to the Title IX Office. If a person chooses to make an initial complaint to any other mandatory reporter, that person will refer the matter to the Title IX Office. How the University responds depends upon a variety of factors, including the wishes of the complainant, the facts and circumstances of the specific incident, to whom it was reported, and the University’s obligations under applicable federal and state laws.

There is no time limit for reporting incidents of sexual misconduct under the Sexual Misconduct Policy, although Vanderbilt encourages Reports to be made as soon as possible. Any individual who has been subjected to, or who knows of or has witnessed, an incident of sexual misconduct is encouraged to report the incident or file a Complaint immediately to maximize Vanderbilt’s ability to obtain information and conduct an adequate, thorough, prompt, and impartial investigation. A delayed Report of alleged sexual misconduct may result in the loss of relevant information, evidence, and reliable witness testimony, and may impair Vanderbilt’s ability to fully investigate the incident.

Anyone can report an incident of sexual misconduct to Vanderbilt (a “Report”). A Report can be made by any individual who has experienced sexual misconduct, who has been affected by sexual misconduct, or who has knowledge of sexual misconduct happening to or affecting someone else. A Report may be made anonymously.

Anyone can report an incident of sexual misconduct to Vanderbilt under the procedure described in Section IX of the Sexual Misconduct Policy. For example, a “Report” can be any individual who reports to Vanderbilt that they are a victim or survivor of sexual misconduct or that they have been affected by sexual misconduct (sometimes referred to as a “First-Party Reporter”) or that they have knowledge of sexual misconduct happening to or affecting someone else (sometimes referred to as a “Third-Party Reporter”).

Third-Party and Anonymous Reporting are discussed in Section 6 of this Annual Security and Fire Safety Report above.

Vanderbilt strongly encourages all individuals to report incidents of sexual misconduct even if the individual does not intend to pursue an official Complaint under the Sexual Misconduct Policy. Even if Vanderbilt does not have jurisdiction over the Respondent, Vanderbilt may take prompt action to provide supportive measures for the safety and well-being of any affected person and the broader Vanderbilt community. No person should assume that an incident has already been reported by someone else or that Vanderbilt already knows about a particular situation.

To make a Report to Vanderbilt, a reporting individual may do one or more of the following:

1. Report the incident to the Title IX Coordinator via email to titleix@vanderbilt.edu, in person, via the online reporting form at vanderbilt.guardianconduct.com/incident-reporting/, by mail, or by phone. See the Title IX Coordinator’s contact information above. Mandatory reporters should direct their Reports to the Title IX Coordinator. Other reporters are encouraged, but not required, to direct their Reports to the Title IX Coordinator.
2. Disclose the incident to a mandatory reporter other than the Title IX Coordinator. Generally, with the exception of the confidential resources discussed above, a University employee to whom a community member reports an incident of sexual misconduct is a mandatory reporter. This includes faculty members, teaching assistants, and most staff. A non-exhaustive list of mandatory reporters is contained in Section IX of the Sexual Misconduct Policy. If a person chooses to make an initial report to any mandatory reporter other than the Title IX Coordinator, the mandatory reporter must refer the information to the Title IX Coordinator. Once the information is received by the Title IX Coordinator, it will constitute a Report.

Mandatory reporters are required by Vanderbilt to report to the Title IX Coordinator any knowledge they receive of possible violations of the Policy. Mandatory reporters must relay all known information about any reported Sexual Misconduct Policy violation, including but not limited to: the names of involved individuals, the nature of the incident, and the time and location of the incident.

If a mandatory reporter believes a person may intend to share any information regarding an instance of sexual misconduct, the mandatory reporter should seek to confirm that the reporting party understands the mandatory reporter’s reporting obligations. If the reporting party would prefer to speak with a confidential resource, the mandatory reporter should direct the reporting party to a confidential resource. See Section XI of the Sexual Misconduct Policy for information about confidential and anonymous reporting.

Once the Title IX Coordinator learns of any Report of alleged sexual misconduct, whether from a direct Report or from a mandatory reporter, they will implement supportive measures as needed and initiate an investigation into the alleged incident. The form of the investigation may vary, including if the conduct alleged is governed by the U.S. Department of Education’s Title IX Regulations, in which case Vanderbilt’s Formal Grievance Protocol will apply. Following an investigation, which includes assessment of the allegations, the Title IX Coordinator has authority to resolve a Report, including the implementation of any supportive measures, and close the case if the Report does not constitute or become a Complaint.

After making a Report, an individual may choose to file or request a Complaint and pursue resolution (under the Sexual Misconduct Policy or the Formal Grievance Protocol, as applicable) or, if applicable, an Informal Resolution involving the Respondent; may choose to be involved in Vanderbilt’s investigation and any related proceedings; or may choose to end involvement in the process.

**Public Awareness Events**

Public awareness events, such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak-outs,” and other forums in which students disclose incidents of sexual violence, including meetings or other events organized by Rooted in Resilience, a support group led by the Project Safe Center staff, are not considered notice to the University of sexual misconduct for purposes of initiating its obligation to address any particular incident. To ensure that an event meets this definition, the organizing party must obtain clearance through the Office of the Dean of Students. Such events may, however, inform the need for campus-wide education and prevention efforts, and the University may provide information about students’ Title IX rights at these events.

**Protection of Minors and Reporting**

Vanderbilt University is dedicated to the welfare and safety of minors who are enrolled as Vanderbilt University students, who visit Vanderbilt’s campus, and who participate in Vanderbilt’s programs and activities. Minors (excluding those enrolled as Vanderbilt University students) participating in Vanderbilt programs and activities are expected to be supervised while on campus, and every adult member of the Vanderbilt community is required to follow the Protection of Minors (POM) Policy [vanderbilt.edu/riskmanagement/pompolicy.June2018.php](http://vanderbilt.edu/riskmanagement/pompolicy.June2018.php), including the Code of Conduct When Interacting with Minors. Everyone (not limited to individuals who interact with minors) is required by Tennessee law to report to DCS or law enforcement any type of known or suspected abuse, neglect, or inadequate care of a minor, including suspected child sexual abuse. Community members making a report in good faith are protected from criminal and civil liability for making a report. Vanderbilt also requires members of the University community to make an internal report to the Office of Risk and Insurance Management. For questions about the Protection of Minors policy, email protectionofminors@vanderbilt.edu.

**Requests Not to Pursue an Investigation or for Confidentiality for Purposes of an Investigation**

A Reporter can also make a Report disclosing their name but requesting confidentiality. An affected person who is the subject of a third-party’s Report can also request confidentiality. In such instances, if they also request that no investigation or disciplinary action be pursued, the Title IX Coordinator will respect the request for confidentiality as long as only personal supportive measures are requested and grounds do not exist to convert the Report into a Complaint. A request for confidentiality cannot be granted in the case of a Complaint. Further, in some instances, Vanderbilt may deny or modify a request for confidentiality when weighed against Vanderbilt’s obligation to provide a safe and non-discriminatory environment, considering many factors, including:

- The seriousness of the alleged misconduct;
- Whether there have been other Reports of Sexual Misconduct against the Respondent known by Vanderbilt;
• Whether the Respondent has allegedly threatened further misconduct or violence;
• Whether the alleged misconduct was committed by multiple perpetrators;
• Whether the alleged misconduct involved use of a weapon;
• The age of the individual subjected to the alleged misconduct;
• Whether Vanderbilt possesses other means to obtain relevant evidence of the alleged misconduct;
• Whether the Report reveals a pattern of misconduct at a particular location or by a particular individual or group of individuals; and
• The accused individual’s right to receive information about the allegations if the information is maintained by Vanderbilt as an “education record” under the Family Educational Rights and Privacy Act (FERPA), if applicable.

In an instance where Vanderbilt determines it must deny or modify a request for confidentiality, the Title IX Coordinator will inform the requesting individual prior to making the disclosure to anyone beyond necessary school officials. Any such disclosure will be limited to individuals with a need to know such information.

Vanderbilt does not prohibit any party from discussing their own experience. While Vanderbilt cannot prevent a party or witness from discussing the allegations under investigation, Vanderbilt encourages parties to respect the sensitive nature of allegations of sexual misconduct. To the extent any person receives another person’s confidential information (such as medical or psychological treatment records) solely as a result of participation in any investigation or proceeding under the Sexual Misconduct Policy or the Formal Grievance Protocol, such confidential information may not be re-disclosed outside of such forums. This provision does not apply to any information learned outside of an investigation or proceeding under the Sexual Misconduct Policy or the Formal Grievance Protocol.

In all cases of alleged sexual misconduct under the Sexual Misconduct Policy reported to the Title IX Coordinator, Vanderbilt will investigate and implement supportive measures. Please note that Vanderbilt’s ability to investigate and respond fully to an incident may be limited because of requests for confidentiality or to not proceed with disciplinary action.

Retaliation
Vanderbilt expressly prohibits retaliation against anyone arising from their actions: 1) in good faith, report what they believe is sexual misconduct, 2) participate in, or refuse to participate in, any investigation or proceeding under the Sexual Misconduct Policy or the Formal Grievance Protocol, or 3) oppose conduct that they believe to violate the Sexual Misconduct Policy or the Formal Grievance Protocol. Retaliation includes intimidation, harassment, threats, or other adverse action or speech against the person who reported the misconduct, the parties, and their witnesses. Notwithstanding (2) above, staff, faculty, and employed postdoctoral fellows are generally required to participate in University investigations, including investigations of sexual misconduct, and refusal to participate in such an investigation may result in disciplinary action, which is not considered retaliation. See Section V of the Formal Grievance Protocol and Section V of the Sexual Misconduct Policy at Appendices B and A to this Report.

Vanderbilt will not only take steps to prevent retaliation, but it will also take strong corrective action if it occurs. Anyone who believes they have been the victim of retaliation should immediately report it to the Title IX Coordinator, who will treat it as a Report. Any individual found to have retaliated against another individual will be in violation of the Sexual Misconduct Policy and will be subject to disciplinary action, up to and potentially including termination for employees and expulsion for students. See below for information pertaining to retaliation in cases subject to the Formal Grievance Protocol, Section V (Appendix B).

Vanderbilt does not prohibit any party from discussing their own experience. While Vanderbilt cannot prevent a party or witness from discussing the allegations under investigation, Vanderbilt encourages parties to respect the sensitive nature of allegations of sexual misconduct.

To the extent any person receives another person’s confidential information (such as medical or psychological treatment records) solely as a result of participation in any investigation or proceeding under the Sexual Misconduct Policy or the Formal Grievance Protocol, such confidential information may not be re-disclosed outside of such forums. This provision does not apply to any information learned outside of an investigation or proceeding under the Sexual Misconduct Policy or the Formal Grievance Protocol.

Anyone who knowingly makes a false accusation of prohibited conduct or retaliation of any form, including knowingly submitting false information during the adjudicatory process, may be subject to an investigation for a potential violation of the Sexual Misconduct Policy and may be subject to disciplinary action, up to and potentially including termination for university employees and expulsion for students.

Limited Immunity for Alcohol and Other Drug Violations
Vanderbilt recognizes that individuals with information about sexual misconduct may be hesitant to provide that information if they fear that in doing so, they would have to reveal their own violation of other University policies. Therefore, while Vanderbilt does not condone any violations of its policies, the University will generally extend limited immunity for possession or use of alcohol
or drugs and any resulting intoxication to students, and may extend such immunity to other individuals, in order to facilitate reporting and investigation of sexual misconduct incidents. Individuals may be provided with resources on or referred for drug and alcohol assessment, counseling and/or education, as appropriate. The limited immunity provided in this section does not apply to situations where an individual intentionally and non-consensually provides or causes the consumption of alcohol or other drugs for the purpose of engaging in behavior prohibited by either the Sexual Misconduct Policy or the Formal Grievance Protocol. See Section VII of the Sexual Misconduct Policy at Appendix A to this Report.

**Criminal or Civil Complaints**

Criminal complaints may be filed with either VUPD or MNPD. VUPD and MNPD are not confidential resources. Victims may also decline to report to these authorities.

**Vanderbilt University Police Department**
2800 Vanderbilt Place, Nashville, TN 37212
(615) 322-2745
Emergency — 911 or (615) 421-1911
police.vanderbilt.edu

**Metro Nashville Police Department Headquarters**
200 James Robertson Parkway, Nashville, TN 37201
(615) 862-7400
Emergency — 911 or (615) 421-1911
police.nashville.gov

Civil or criminal proceedings are separate and distinct from internal University proceedings and they may or may not run parallel to one another. The University may be required by law to provide information to civil or criminal authorities or in civil or criminal proceedings. The filing of a police report or the pendency of civil or criminal proceedings does not preclude the Title IX Office or any other department of Vanderbilt University from proceeding with its investigation and determination. The investigation and determination may be delayed until the police have finished gathering evidence, but generally will not wait for the conclusion of any criminal proceeding. Vanderbilt encourages its students, faculty, staff, and postdoctoral fellows/trainees to report crimes to law enforcement. Project Safe Center staff are available to accompany victims who choose to report an incident to law enforcement.

When VUPD receives information concerning conduct that may be criminal, including sexual assault, it will work in conjunction with MNPD. Typically, VUPD and MNPD detectives work together to assist victims. In most sexual assault cases, VUPD will provide assistance and MNPD will be the primary investigating agency. For other sexual misconduct cases, including stalking and dating and domestic violence, VUPD may conduct the investigation and keep MNPD updated and informed. Regardless of whether VUPD or MNPD conducts the primary investigation, individuals may contact VUPD about the incident at any time. VUPD is available on request to assist victims in working with MNPD and in court proceedings.

### FILING A COMPLAINT OF SEXUAL MISCONDUCT

Depending on the conduct alleged and the location of the incident, a Complaint will be governed by either the Sexual Misconduct Policy or the Formal Grievance Protocol. A Formal Complaint under the Formal Grievance Protocol is a type of Complaint. (See Formal Grievance Protocol, Section IV.A., regarding Formal Complaints, and Sections I-II of each policy for descriptions of the scope of each respective policy. Appendices A and B to this Annual Security and Fire Safety Report.) As noted above, all complaints regarding sexual assault, dating or domestic violence, and stalking that occur in the United States, either on campus, in other locations or circumstances where Vanderbilt exercises substantial control over both the Respondent and the location, or in any building owned or controlled by a student organization officially recognized by Vanderbilt, are considered sexual harassment allegations subject to Title IX and must be filed under the procedures set forth in the Formal Grievance Protocol, Section IV (Appendix B).

If an individual wishes to pursue an incident of sexual misconduct beyond simply reporting it, they may file a Complaint. The filing of a Complaint means that the individual is asking Vanderbilt to take further steps, such as a full investigation and possibly holding an adjudication to resolve the alleged issue. Any Complainant (i.e., an alleged victim or survivor or someone who has otherwise been directly affected by sexual misconduct) may file a Complaint, and Vanderbilt will treat it as such. Any Third-Party Reporter may request that Vanderbilt treat their Report as a Complaint, but that request would not make the Third-Party Reporter into a Complainant, and Vanderbilt has discretion on whether to treat the Third-Party Report as a Complaint.

To meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Vanderbilt community, Vanderbilt may convert a Report into a Complaint if Vanderbilt determines that it must take additional steps to protect the Vanderbilt community.

### Filing a Formal Complaint under the Formal Grievance Protocol

**A. Formal Complaint**

i. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment as defined by the Title IX Regulations against a Respondent and requesting that Vanderbilt investigate the allegation of sexual harassment. The submission of a Formal Complaint triggers the Formal Grievance Process when a Formal Complaint is received by the Title IX Coordinator.
A Formal Complaint must be in writing and may be filed with the Title IX Coordinator in person, by mail, or by email. The Formal Complaint must contain the Complainant’s physical or digital signature, or some other indication that the Complainant is the person filing it. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity.

ii. If Vanderbilt receives an allegation of sexual misconduct that falls within the Formal Grievance Protocol’s scope (it meets both the Title IX Regulations’ definition of “sexual harassment” and their jurisdictional requirements) but no Formal Complaint is filed, then the Title IX Regulations prevent Vanderbilt from administering a formal grievance process (including any informal or early resolution) that permits the imposition of any disciplinary sanctions or other actions against a Respondent. Supportive measures, however, may still be given. Accordingly, Vanderbilt strongly encourages Complainants to file a Formal Complaint, so that the required Formal Grievance Process can be followed.

iii. After filing a Formal Complaint, a Complainant may withdraw their Formal Complaint at any time by providing written notice to the Title IX Coordinator. That withdrawal concludes the Formal Grievance Protocol process unless the Title IX Coordinator takes action under Subsection iv. immediately below. (See also Formal Grievance Protocol IV D v. regarding permissive dismissal.)

iv. A Title IX Coordinator may sign a Formal Complaint to initiate or continue the Formal Grievance Process, if necessary to fulfill Vanderbilt’s duties under Title IX to not be deliberately indifferent to actual knowledge of sexual misconduct. Signing a Formal Complaint does not make a Title IX Coordinator a Complainant or otherwise a party.

v. Vanderbilt may, but is not required to, consolidate Formal Complaints arising out of the same factual circumstances in two scenarios:
   a. Where there is more than one Complainant or Respondent;
   b. Where a Formal Complaint has also been filed by the Respondent against the Complainant. In such cases, the Formal Grievance Process for a later-filed Formal Complaint may be consolidated into an earlier-filed process rather than re-start from the beginning (e.g., the new charges may be considered in the course of a pre-existing investigation).
   c. Vanderbilt may also, but is not required to, consolidate Formal Complaints and other complaints initiated under the Sexual Misconduct Policy that arise out of the same factual circumstances so long as the consolidated complaint is resolved in accordance with the requirements of the Protocol.

vi. Mandatory Dismissal
   a. If a Formal Complaint is filed, Vanderbilt will investigate its allegations.
   b. If the conduct alleged does not meet the Formal Grievance Protocol scope requirements for “sexual harassment” as defined by USDOE, Vanderbilt must dismiss the Formal Complaint under the Protocol. However, in such circumstance, the Title IX Coordinator will transfer the complaint for review under the Vanderbilt Sexual Misconduct Policy and possible investigation and resolution.
   c. In such circumstance, Vanderbilt will promptly and simultaneously send written notice to each party of the dismissal of the Formal Complaint, the reasoning, and the transfer for review under the Vanderbilt Sexual Misconduct Policy.

B. Title IX Coordinator Initial Responsibilities
   i. Upon receipt of any report of alleged sexual misconduct, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures and explain the process involved in filing a Formal Complaint. The Title IX Coordinator will inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint and will consider the Complainant’s wishes with respect to supportive measures.

   ii. Supportive measures will be assessed and may be offered as needed to Complainants, Respondents, and other members of the Vanderbilt community who may have been affected by the alleged conduct. Supportive measures are discussed in the Formal Grievance Protocol Section III.B.

   iii. The Title IX Coordinator may conduct a limited, threshold investigation:
      1. to determine if the alleged conduct meets the Formal Grievance Protocol scope requirements for “sexual harassment” (see Section II);
      2. to determine whether Vanderbilt’s Title IX obligations require the Title IX Coordinator to “sign” a Formal Complaint if the Complainant does not file one; and
      3. for other limited purposes; provided that if a Formal Complaint is filed or signed, the Title IX Coordinator will fulfill the terms of the Formal Grievance Process, including the notice provisions immediately below.
and the more thorough investigation process described below even if it is somewhat duplicative of the threshold investigation.

iv. Vanderbilt may remove a Respondent from the education program or activity on an emergency basis, provided that the Title IX Coordinator undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. The Respondent must receive notice and an opportunity to challenge the decision immediately following the removal by following the Emergency Removal Grievance Procedure for Students.

v. Vanderbilt may place a non-student Respondent with a Vanderbilt employment relationship on administrative leave during the pendency of a proceeding under this Formal Grievance Protocol. Faculty Respondents may also be placed on “summary suspension” pursuant to the Faculty Manual (Part 4, Chapter 1).

C. Notice of Allegations

i. Upon receipt of a Formal Complaint, Vanderbilt will provide written notice to known parties of the following:
   1. Notice of Vanderbilt’s Formal Grievance Process by providing access to the Protocol.
   2. Notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time. Sufficient details are defined in the Title IX Regulations to include:
      a. The identities of the parties involved in the incident, if known;
      b. The conduct allegedly constituting sexual harassment; and
   c. The date and location of the alleged incident, if known.
 3. Per the Title IX Regulations, the written notice must include the following statements:
   a. The Respondent is presumed not responsible for the alleged conduct.
   b. A determination regarding responsibility is made at the conclusion of the grievance process.
   c. The parties may have an adviser of their choice, who may be, but is not required to be, an attorney.
   d. The parties may inspect and review evidence.
   e. The parties are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

4. The notice must be given as soon as practicable and with sufficient time to prepare a response before any initial investigation interview.

   ii. If, at any point during the course of the investigation, Vanderbilt decides to investigate allegations that are not included in the original notice, it will provide notice of the additional allegations to the parties.

Filing a Complaint Under the Sexual Misconduct Policy (Formal Grievance Protocol does not apply)

A. Filing a Complaint

Anyone seeking to file a complaint of individual or institutional sexual misconduct may do so with the Title IX Coordinator. Complaints must include all information that the filer believes to be relevant (e.g., time, location and nature of incident, names of individuals involved in or witnesses to the incident, names of other persons affected by the incident, etc.). An individual can file a Complaint through the online reporting form or by meeting with the Title IX Coordinator or designee and providing a verbal description of the sexual misconduct, which the Title IX Office will use to draft a written document that the individual will review, verify and sign to constitute a Complaint. The online reporting form is available at vanderbilt.guardianconduct.com/incident-reporting/.

B. Action Following the Filing of a Complaint

Vanderbilt will investigate all Complaints of sexual misconduct. A Complaint meeting the criteria of the Formal Grievance Protocol (a “Formal Complaint,” discussed above) will proceed according to that Protocol instead of the provisions below.

For a Complaint that does not meet the criteria of the Formal Grievance Protocol, Vanderbilt’s process will typically involve an investigation phase and some subsequent process to determine whether the Sexual Misconduct Policy has been violated. In matters where the Respondent is a student, a Resolution Hearing will be used to determine whether the Respondent is responsible or not responsible for having violated the Policy, except in the circumstances described below. In matters where the Respondent is not a student, a determination of whether the Respondent is responsible or not responsible for having violated the policy will be made by the Title IX investigator. In some instances, an Informal Resolution also may be an option for resolving a Complaint.

C. Where the Formal Grievance Protocol does not apply, the Title IX Coordinator will have discretion to resolve a Complaint, without additional fact-finding or a determination of responsibility, in the following circumstances:
   (1) If Vanderbilt lacks jurisdiction;
   (2) if a case involves a Vanderbilt employee (including faculty, staff member, employed postdoctoral fellow, or contract services
employee), the Title IX Coordinator will coordinate with the designated person in Human Resources or the appropriate Dean about appropriate processes and/or resolution;

3. if the allegations could not constitute a Sexual Misconduct Policy violation under any alleged circumstances;

4. if the Complaint is eligible for the Informal Resolution process and the Complainant and Respondent both consent to participate in the Informal Resolution process, with such consent obtained independently from each person by the Title IX Coordinator to avoid a risk of coercion;

5. if the Complaint was requested by a Third-Party Reporter who reported witnessing sexual misconduct happening to or affecting someone else, the Title IX Coordinator will have discretion to resolve the Complaint or to provide modified hearing procedures, particularly to account for the alleged victim’s wishes (e.g., if they do not wish to pursue the Complaint as a First-Party Complainant);

6. if either Complainant or Respondent, or both, cease to be a Vanderbilt student or employee prior to final resolution of the Complaint (e.g., a student withdrawal or employee is no longer employed by Vanderbilt), the Title IX Coordinator will have discretion to resolve the Complaint or to provide modified hearing procedures; or

7. if the Respondent admits responsibility for a violation, the Title IX Coordinator will have discretion to resolve the Complaint or to provide modified procedures to help the relevant decision-maker determine appropriate sanctions.

In all circumstances, the Title IX Coordinator will have authority to provide supportive measures and make accommodations consistent with Section XII of the Sexual Misconduct Policy (see Appendix A and the section on Supportive Measures above) and Section III of the Formal Grievance Protocol (see Appendix B) and take other measures consistent the Vanderbilt Student Handbook; and for employee matters, the Associate Vice Chancellor for Business Services or their designee shall have authority to take action consistent with the Vanderbilt Human Resources policies.

D. A person may withdraw a Complaint. If a Complaint is withdrawn, Vanderbilt will assess the information provided as it would any Report and proceed accordingly.

INVESTIGATION AND RESOLUTION PROCESSES

Depending on the conduct alleged and the location of the incident, the investigation and resolution of a Complaint or Formal Complaint will be governed by either the Sexual Misconduct Policy or the Formal Grievance Protocol. (See Formal Grievance Protocol, Section IV.D. and Sexual Misconduct Policy, Section XIII, as well as Sections I-II of each policy for descriptions of the scope of each respective policy. See Appendices A and B) As noted above, all complaints regarding sexual assault, dating or domestic violence, and stalking that occur in the United States, either on campus, in other locations or circumstances where Vanderbilt exercises substantial control over both the Respondent and the location, or in any building owned or controlled by a student organization officially recognized by Vanderbilt, are considered sexual harassment allegations subject to Title IX and will be investigated and resolved under the procedures set forth in the Formal Grievance Protocol, Section IV (Appendix B).

Formal Grievance Protocol Process

Investigation Procedure

i. The Title IX Coordinator will appoint an Investigator to investigate the allegations subject to the Formal Grievance Process. The investigation may include, among other steps, interviewing the Complainant, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents, social media posts, and other evidence.

The Investigator will attempt to collect all relevant information and evidence. While the Investigator will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to the Investigator so that they may be considered during the investigation. As described below, while all evidence presented at a hearing by the parties will be considered, the Adjudicator may, in its/their discretion, grant lesser weight to information or evidence introduced at the hearing that was available to the party but that was not previously presented for investigation by the Investigator.

The investigation file should contain all information gathered during the investigation that is potentially relevant to the alleged misconduct; the Investigator should not filter or exclude evidence or decide the weight or credibility of evidence, unless the evidence is clearly irrelevant.

Following the investigation, the Investigator will draft an investigation report succinctly describing all collected information. The Investigator will not make any recommendation as to whether a Protocol violation has occurred or potential sanctions.

ii. Evidentiary Considerations

1. While investigating the allegations of any Formal Complaint of sexual harassment,
the Investigator will conduct an objective evaluation of all relevant evidence. Relevant evidence is any evidence that may tend to make the allegations at issue more or less likely to be true, i.e., both “inculpatory” or corroborating evidence and “exculpatory” or contradicting evidence.

2. Standard of Evidence
   a. In assessing allegations of sexual harassment and conducting its Formal Grievance Process, Vanderbilt will use a preponderance of the evidence standard. This standard means that the alleged sexual misconduct is “more likely than not” to have occurred.
   b. That standard will apply to all Formal Complaints of sexual harassment, regardless of whether the Formal Complaint is against a student or other Vanderbilt community member, such as a faculty or staff member.

iii. As dictated by the Title IX Regulations, when investigating a Formal Complaint and throughout the grievance process, Vanderbilt will:
   1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Vanderbilt and not on the parties. This means that Vanderbilt’s decision-makers will use the preponderance of the evidence standard.
   2. Provide an equal opportunity for the parties to present witnesses and other relevant evidence.
   3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
      a. Vanderbilt does not prohibit any party from discussing their own experience. While Vanderbilt cannot prevent a party or witness from discussing the allegations under investigation, Vanderbilt encourages parties to respect the sensitive nature of allegations of sexual misconduct. In addition, the Title IX Regulations and the Protocol prohibit retaliation against any person because they participate or refuse to participate in any part of Vanderbilt’s sexual misconduct processes. See Formal Grievance Protocol, Section V.
      b. To the extent any person receives another person’s confidential information (such as medical or psychological treatment records) solely as a result of participation in any investigation or proceeding under the Protocol, such confidential information may not be re-disclosed outside of such forums. This provision does not apply to any information learned outside of an investigation or proceeding under the Protocol or the Sexual Misconduct Policy.
   4. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to bring an adviser of their choice to any related meeting or proceeding. The adviser may be, but is not required to be, an attorney. Vanderbilt will not limit the choice or presence of an adviser for either the Complainant or Respondent in any meeting or grievance proceeding; however, Vanderbilt will restrict the extent to which the adviser may participate in the proceedings, which will apply equally to both parties’ advisers.
      a. Note: Advisers are not permitted to participate directly in any proceeding, with the exception of hearings and certain related meetings, as specified below. Otherwise, advisers may be present solely to advise or support the party and are prohibited from speaking directly to the Investigator, Adjudicators, other parties, or witnesses in such proceedings.
   5. Provide written notice to each party of the date, time, location, participants, and purposes of each Formal Grievance Process meeting at which they are invited to participate, with sufficient time for the party to prepare to participate.
      a. For all hearings, Vanderbilt will provide at least 10 calendar days’ notice.
      b. For all non-hearing investigative interviews or meetings to which Vanderbilt invites a party, Vanderbilt will provide at least 5 calendar days’ notice to that party.
   6. Provide both parties an equal opportunity to inspect and review any evidence Vanderbilt obtained as part of the investigation, whether obtained from a party or other source, that is directly related to the allegations raised in a Formal Complaint. The provision of such evidence is intended to help each party meaningfully respond to the evidence prior to conclusion of the investigation.
      a. Parties may elect to submit certain records of medical examinations, treatment, or mental health services. Vanderbilt will not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s
capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party voluntarily consents in writing to their use in a Formal Grievance Process.

iv. Investigative Report
1. Prior to completion of the investigative report, Vanderbilt will send to each party, and the party’s adviser if any, a preliminary investigative report and the evidence subject to inspection and review.
   a. Such evidence will be available at any hearing, to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
   b. Vanderbilt retains discretion to elect to send such materials in an electronic format or a hard copy. The provision of such evidence may include data security safeguards that prevent it from being downloaded, printed or forwarded.
2. The parties will have 10 calendar days to submit a written response to the preliminary investigative report. See the Formal Grievance Protocol at Appendix B for requirements regarding spacing, margins, and font. Any such comments must be submitted by hand delivery to the Title IX Office, 110 21st Ave South, Suite 975, or by email attachment to the Investigator by no later than 5 pm on the 10th calendar day following the date the parties receive the evidence. Requests for extensions must be submitted to the Investigator prior to the expiration of the 10-day period. The Investigator will consider any such response prior to completion of the final investigative report.
3. The Investigator will then create a final investigative report that fairly summarizes the relevant evidence. The final investigative report will not make any recommendation as to whether a Protocol violation has occurred or potential sanctions. At least 10 calendar days prior to a hearing, Vanderbilt will send the final investigative report to each party simultaneously, and the party’s adviser if any, for their review and written response.
4. Any such response must be received by the Title IX Coordinator within five days of when the final investigative report was delivered to the party, so that the party’s response may be available for consideration by the Adjudicator. If warranted, the Investigator may choose to update the final investigative report to take a party’s response into account, in which case the hearing date may be postponed.
5. The University endeavors to conduct and complete the investigative process within 90 business days from the issuance of the notice of allegations. Good cause may exist for extending the time for investigation in some cases, such as multiple witnesses, complicated evidence, informal resolution, and University breaks and holidays. The parties will be notified simultaneously, in writing, if the investigation process cannot be completed within 90 business days, and they will be provided with a revised timeline for completion of the investigation.

v. Permissive Dismissal
1. At any time during the investigation or hearing, Vanderbilt may dismiss the Formal Complaint or any of its allegations if:
   a. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint in whole or in part;
   b. The Respondent is no longer enrolled or employed by Vanderbilt; or
   c. Specific circumstances prevent Vanderbilt from gathering evidence sufficient to reach a determination as to the Formal Complaint in whole or in part.
2. In all such circumstances, supportive measures may be continued.
3. Under the first circumstance (v.1.a.), the Title IX Coordinator may choose in their discretion to sign the Formal Complaint to continue the Formal Grievance Process.
4. Under the second circumstance (v.1.b):
   a. The Respondent’s student or employment records may be marked to indicate their departure during a disciplinary process (which may resume if they return to Vanderbilt), but will not indicate that the Respondent was found or assumed responsible for any alleged misconduct pending at the time of departure.
   b. The Respondent may be required to notify the Title IX Coordinator if they intend to visit any building owned or controlled by Vanderbilt or a student organization that is officially recognized by Vanderbilt, or if they otherwise seek to attend any Vanderbilt education program or activity or event, so that the Complainant may be given an opportunity to receive supportive measures if needed.
5. If permissive dismissal is granted under the section, the Formal Grievance Process will cease, no further investigation will occur, and no disciplinary sanctions or actions can be imposed against the Respondent.
6. A permissive dismissal under this section differs from a mandatory dismissal under Section IV.A.vi. for alleged conduct that does not meet the Formal Grievance Protocol scope requirements.

**Adjudication**

i. Adjudication via hearing

1. Vanderbilt’s Formal Grievance Process will culminate in a live hearing before an Adjudicator.
   a. If the Respondent is a faculty member, the Adjudicator will be a Hearing Panel. The Hearing Panel will consist of an independent, third-party Hearing Officer, who will chair the Panel and direct the hearing, and two faculty Hearing Panel members (selected by the Title IX Coordinator from among a pool of faculty members nominated by the Dean of each school) who will attend the hearing and participate in deliberations. The three Hearing Panel members will each have an equal vote.
   b. For all other Respondents, the Adjudicator will be a single independent, third-party Hearing Officer, who will direct the hearing process.

2. The Adjudicator will consider all evidence presented (subject to the terms below) and determine whether a Respondent is responsible for a violation of the Protocol. Applying the preponderance of the evidence standard, the burden of proof is met, and a Respondent may be found responsible for a Protocol violation, if the Adjudicator determines that it is more likely than not that the Respondent committed the conduct alleged. Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged conduct until the grievance process concludes and a determination regarding responsibility is issued. If the Respondent is found responsible for a violation of the Protocol, the Respondent may be subjected to disciplinary action.
   3. The Adjudicator will not be the same person as the Title IX Coordinator or the Investigator. The Adjudicator will receive training as appropriate to carry out their duties.
   4. At the request of either party, Vanderbilt will conduct the live hearing with the parties located in separate rooms. Technology must enable the Adjudicator as well as the parties to simultaneously see and hear any party or witness answering questions. Live hearings may, then, be conducted with all parties physically present in the same location, or any or all parties, witnesses and other participants may appear at the live hearing virtually.
   5. Vanderbilt will create a transcript or recording (audio or audiovisual) of any adjudicative hearing. It will be available to the parties for inspection and review pursuant to FERPA.

ii. Pre-hearing

1. The Title IX Coordinator or designee will identify the Adjudicator to the parties five days in advance of the hearing. Either party may challenge a named Adjudicator (Hearing Officer or faculty Hearing Panel member) if the party believes that the Adjudicator has a conflict of interest or bias. Any such challenge must be delivered in writing to the Title IX Coordinator or designee at least two days in advance of the hearing, specifying the reasons for such belief. The Title IX Coordinator or designee has sole discretion to keep or replace the challenged Adjudicator, and if replaced, will postpone the hearing to allow for the appointment of a replacement Adjudicator. (The Title IX Coordinator or designee may consult with the appropriate Dean in cases where a faculty Respondent challenges a faculty Hearing Panel member.)

2. Five calendar days in advance of the hearing, the parties will identify their expected attendees (including any adviser) and their expected witnesses (including themselves), including the witnesses’ expected sequence, via writing to the Title IX Coordinator or designee, who will supply the disclosure to the other party and the Adjudicator. The parties will not be strictly bound to their disclosures, but they should be submitted in good faith.

3. Typically, the parties will be in charge of choosing and supplying their own witnesses at the hearing. When necessary for the pursuit of truth and to gather evidence sufficient to reach a determination, the Hearing Officer (who may consult with the other members of the Hearing Panel, as appropriate) has discretion to ask the Title IX Coordinator or designee to request additional witnesses after receipt of the parties’ witness lists; recognizing, however, that Vanderbilt has no ability to compel any witness to attend. Any such requested witness will be disclosed to the parties.

4. Vanderbilt may, within its discretion, require the parties to participate in a pre-hearing conference with their advisers and the Hearing Officer. If the Adjudicator is a Hearing Panel, other members of the Hearing Panel may be present at the pre-hearing conference.
iii. Evidence
1. At the hearing, all relevant evidence will be objectively evaluated. Relevant evidence is any evidence that may tend to make the allegations at issue more or less likely to be true, i.e., “inculpatory” or corroborating evidence and “exculpatory” or contradicting evidence. Credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness.
2. Consistent with the Title IX Regulations, questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless:
   a. offered to prove that someone other than the Respondent committed the conduct alleged or
   b. 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.
3. While all relevant evidence presented at a hearing by the parties will be considered, the Adjudicator has discretion to grant lesser weight to last-minute information or evidence introduced at the hearing that was not previously presented for investigation by the Investigator.

iv. Cross-examination
1. As stated above, each party may be accompanied to the hearing by the adviser of their choice, who may be, but is not required to be, an attorney. Advisers may be present solely to advise or support the party and are prohibited from speaking directly to the Investigator, Adjudicators, other parties, or witnesses during the hearing, except for conducting cross-examination.
2. At the hearing, the Adjudicator will typically ask questions first, before either adviser. Subsequently, each party’s adviser is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party’s adviser of choice, and never by a party personally.
3. If a party does not have an adviser present at the live hearing, Vanderbilt will provide without fee or charge to that party, an adviser who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
   a. If a party does not have an adviser for the hearing, the party must notify the Title IX Coordinator or designee no later than the party’s pre-hearing disclosures. Otherwise, the hearing may be delayed, and the appointed adviser may have less time to prepare for the hearing.
   b. Vanderbilt will make available a pool of trained advisers from which the party may select an adviser.
4. Only relevant cross-examination and other questions may be asked of a party or witness. Before a party or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
5. If a party or witness does not submit to cross-examination at the live hearing, the Adjudicator must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Adjudicator cannot, however, draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

v. Determination Regarding Responsibility
1. Based on a preponderance of the evidence, the Adjudicator will decide if the Respondent is responsible for engaging in the conduct alleged, and if so, what disciplinary action may be appropriate. For cases where a faculty member is a Respondent, the Hearing Panel will deliberate and, at the conclusion of those deliberations, the Hearing Panel will issue a written determination, drafted by the Hearing Officer in collaboration with the other members of the Hearing Panel. For all other cases, the Hearing Officer will deliberate and issue a written determination. These determinations will typically be issued within 15 days following the hearing.
2. The written determination will include:
   a. Identification of the allegations potentially constituting sexual harassment under the Protocol;
   b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
   c. Findings of fact supporting the determination;
   d. Conclusions regarding the application of the Protocol to the facts;
   e. A statement of, and rationale for, the result as to each allegation, including:
      i. A determination regarding responsibility;
ii. Any disciplinary sanction(s) imposed on the Respondent (which in cases involving a faculty Respondent will be determined by the Dean, as described in section vi below; for all other cases, the sanction will be determined by the Hearing Officer); and

iii. Whether remedies designed to restore or preserve equal access to Vanderbilt’s education program or activity will be provided to the Complainant; and

f. Procedures and permissible bases for the parties to appeal the determination.

3. The written determination will be provided to the parties simultaneously.

4. Supportive measures also may be provided to the Complainant that are designed to restore or preserve equal access to Vanderbilt’s education program or activity, even if they are not listed in the written determination. Remedies and Supportive measures that do not impact the Respondent should not be disclosed in the written determination; rather, the determination should simply indicate that “remedies will be provided to the Complainant.” The Title IX Coordinator is responsible for effective implementation of any remedies and supportive measures.

vi. Range of Sanctions and Remedies
For student and staff Respondents, the Hearing Officer will, upon a finding of responsibility by a preponderance of the evidence, issue a sanction that is appropriate to the violation. For faculty Respondents, the Respondent’s Dean will determine the sanction after consultation with the Hearing Panel, and the sanction will be included in the written determination described above. Any such sanction for a Respondent will be generally consistent with other disciplinary decisions taken for similarly-situated Respondents.

1. For Student Respondents, sanctions can include, but are not limited to, the following:
   a. Expulsion
   b. Suspension
   c. Disciplinary Probation
   d. Deferred Disciplinary Probation
   e. Educational Conference
   f. Additional components of sanctions may include, but are not limited to: restrictions, which may include limiting or barring access to certain facilities or activities and removal or reassignment from University housing.

2. For faculty and staff Respondents, sanctions can include, but are not limited to, the following:
   a. Termination of Employment
   b. Reduction in salary and/or rank
   c. Suspension
   d. Probation
   e. No Contact Directives
   f. Campus restrictions
   g. Revocation of Vanderbilt privileges
   h. Educational programs
   i. Removal from (or reassignment to a different role on) a project
   j. A requirement to correct or retract publications affected by the findings of the investigation
   k. Written reprimand

For faculty Respondents, the Dean will provide a copy of the written determination to the Provost, or to the Chancellor for VUMC-employed faculty, and the University will report the outcome of the investigation to external agencies, as required.

vii. Finality
The determination regarding responsibility (including the sanction, if any) becomes final either:

1. if an appeal is filed, on the date that Vanderbilt provides the parties with the written determination of the result of the appeal, or
2. if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**Appeals**

i. Either party may appeal from a determination regarding responsibility (and/or the sanction, if any), or from a dismissal of a Formal Complaint in whole or in part, on the following bases only:
   1. A procedural irregularity, meaning an alleged failure to follow the process outlined in the Protocol, that affected the outcome of the matter;
   2. New evidence that was not reasonably available to the appealing party at the time of the hearing or dismissal, that could affect the outcome of the matter;
   3. The Title IX Coordinator, Investigator, or Adjudicator (Hearing Officer or Hearing Panel Member) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. The notice of appeal must describe with specificity the basis upon which such conflict of interest or bias is alleged and how it allegedly affected the outcome;  
   4. The determination cannot reasonably be supported by the evidence; or
   5. The severity of the sanction.

ii. The following are not grounds for appeal by any party:
   1. Issuance and implementation of Remedies and Supportive Measures other than Emergency Removal as described above; and
   2. Informal Resolutions.

iii. Appeals must be submitted in writing to the Title IX Coordinator or designee within 10 calendar days of the date that the written adjudication determination is provided to the parties. The written appeal must state the ground(s) for the appeal, include the name of the appealing party, and bear evidence that it was submitted by the appealing party. The appeal statement must contain a sufficient description supporting the grounds for appeal. If the grounds for appeal is to consider new evidence that could affect the outcome of the matter that was not reasonably available to the appealing party before or during the time of the hearing or the dismissal, then the written appeal must include such information. The Title IX Coordinator retains discretion to verify and/or waive minor procedural variations in the timing and content of the appeal submission.

iv. Upon receipt of an appeal, Vanderbilt will:
   1. Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties;
   2. Ensure that the decision-maker (Appeals Panel for faculty Respondents; Appeals Officer for all other Respondents) for the appeal is not the same person or persons as the decision-maker that reached the original determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator;
   3. Ensure that the decision-maker (Appeals Panel for faculty Respondents; Appeals Officer for all other Respondents) for the appeal does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, and that the decision-maker for the appeal has received the appropriate and necessary training;
   4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

v. Vanderbilt will provide a copy of the appeal to the non-appealing party. The non-appealing party may submit a written statement within 10 calendar days that may seek to affirm the initial decision and/or respond to the appeal statement.

vi. The Title IX Coordinator has discretion to impose or withhold any applicable sanctions or supportive measures prior to the appeal deadline and prior to the resolution of any appeal.

vii. The appeal will be referred to an Appeals Panel in the case of a faculty Respondent or an Appeals Officer for all other Respondents. For cases where the Respondent is a faculty member, the Appeals Panel will consist of an independent, third-party Appeals Officer and two additional faculty Appeals Panel members, each of whom will have an equal vote. The faculty Appeals Panel members will be selected by the Title IX Coordinator or designee from a standing pool of faculty members nominated by the Deans of the schools. For all other cases, the Appeals Officer will be an independent third-party. The Appeals Panel or Appeals Officer, as appropriate, will issue a written decision describing the result of the appeal and the rationale for the result within a reasonably prompt time frame, typically within 10 days following receipt of all appeals materials. The appeal will determine whether the Hearing Panel or Hearing Officer made an error on the ground(s) alleged in the appeal statement. The appeal is typically determined based on the existing record, but the appeal decision-maker has discretion to convene a limited or full hearing if needed. The appeal decision will be given simultaneously to both parties.
viii. For appeals referred to an Appeals Officer, the Appeals Officer will take action on the appeal consistent with the options set forth below in section x:

ix. For Appeals referred to an Appeals Panel, the Appeals Panel will review the record and make a recommendation consistent with the options set forth below in section x. This recommendation will be forwarded to the Chancellor (with notice to the Provost) for a determination.

x. Potential outcomes of an appeal are as follows (based on the relevant ground for appeal):

1. In cases where there has been a material procedural error sufficient to affect the determination posed, the case will be remanded to the Title IX Office with instructions, as appropriate.

2. In cases it is determined that there is new evidence that was not reasonably available to the appealing party at the time of the hearing or dismissal, that could affect the outcome of the matter, the case will be remanded to the Title IX Office with instructions, as appropriate.

3. In cases where it is determined that the Title IX Coordinator, Investigator, or Adjudicator had a conflict of interest or bias for or against the Complainant or the Respondent generally or the individual Complainant or Respondent that affected the outcome of the matter, the case will be remanded to the Associate Vice Chancellor for Equal Access to assure the University provides a resolution process without conflict of interest or bias.

4. In cases where the determination cannot reasonably be supported by the evidence, the Appellate Decisionmaker will reverse the determination.

5. If no ground for appeal is found, the determination will stand.

**Informal Resolution**

At any time prior to reaching a determination regarding responsibility, Vanderbilt may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Vanderbilt may not offer an informal resolution process unless a Formal Complaint is filed. Both parties must agree to participate in an informal resolution process, and if they do, the Formal Grievance Process stops. Either party may withdraw from the informal resolution process and resume the Formal Grievance Process at any time before an informal resolution is reached. Vanderbilt will not require the parties to participate in an informal resolution process, and will not require them to waive their rights to a Formal Grievance Process.

Vanderbilt will not offer or facilitate an informal resolution process to resolve allegations that a faculty or staff member sexually harassed a student.

Prior to facilitating an informal resolution process, Vanderbilt will:

1. Provide written notice to the parties disclosing the following:
   a. The allegations;
   b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
   c. The fact that, at any time prior to agreeing to an informal resolution, any party may withdraw from the informal resolution process and resume the Formal Grievance Process; and
   d. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

2. Obtain the parties’ voluntary, written consent to the informal resolution process.

3. If the parties agree to an informal resolution, the Formal Complaint is deemed withdrawn and the Formal Grievance Protocol will be terminated. However, the informal resolution is be considered binding, and its breach gives rise to a new Formal Grievance Protocol, which may restart the Formal Grievance Protocol.

**Retaliation**

A. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulation, or the Formal Grievance Protocol, 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. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or the Protocol, constitutes retaliation.

B. Vanderbilt will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by Title IX, FERPA, or as otherwise required by law,
or to carry out Vanderbilt’s Title IX Formal Grievance Protocol or other resolution procedures under the Policy.

C. The exercise of rights protected under the First Amendment does not constitute retaliation. The First Amendment does not restrict the activities of private universities including Vanderbilt; however, the USDOE is subject to the First Amendment and may not administer the Title IX Regulations in a manner that violates the First Amendment.

D. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a sexual misconduct grievance proceeding does not constitute retaliation. A determination regarding responsibility alone, however, is not sufficient to conclude that any party made a materially false statement in bad faith.

E. Complaints alleging retaliation may be filed with the Vice Chancellor for Administration.

Vanderbilt Sexual Misconduct Policy. The Title IX Coordinator for Equal Access is also the Title IX Coordinator, in retaliation. If the Associate Vice Chancellor alleging that the Title IX Coordinator engaged in retaliation into the investigation process whether to consolidate the allegations of misconduct reported to the Title IX Coordinator. The investigation phase typically will begin with intake meetings conducted by the Title IX Coordinator. The investigation phase may include interviewing the Complainant/First-Party Reporter, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents and evidence. The Title IX Coordinator or designee will notify the Respondent of the investigation with sufficient time to prepare before conducting an interview with the Respondent. The Title IX Office will provide the Complainant and Respondent a transcript of their own interview for their review and approval. The parties will have three business days to review and offer corrections to their transcript. If a party does not submit comments within three business days, the Investigator will proceed with the transcript as drafted.

For Reports, the Title IX Coordinator or their designee will conduct an initial investigation. If that initial investigation demonstrates that the case implicates Vanderbilt's Title IX obligations to provide a safe and nondiscriminatory environment for the broader Vanderbilt community, the Title IX Coordinator may treat the Report as a Complaint and follow the Complaint processes outlined in the Sexual Misconduct Policy. If the Title IX Coordinator determines that the Report does not implicate Vanderbilt's Title IX obligations, then after the Title IX Coordinator’s investigation, implementation of any supportive measures, and finalization of any investigation memo, the Title IX Coordinator will be authorized to close the matter.

For Complaints, the Title IX Coordinator will appoint an Investigator to handle the investigation. This Investigator will be a different person than the Title IX Coordinator. Following the investigation, the Investigator will draft an investigation report succinctly describing all collected information. Prior to completion of the investigative report, Vanderbilt will send to each party simultaneously, and the party’s adviser if any, a preliminary investigative report and the evidence subject to inspection and review. The evidence will be available at any hearing, to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. Vanderbilt retains discretion to elect to send such materials in an electronic format or a hard copy. The provision of such evidence may include data security safeguards that prevent it from being downloaded, printed or forwarded.

SEXUAL MISCONDUCT REPORTS AND INVESTIGATIONS
The parties will have ten days to submit a written response to the preliminary investigative report. See the Sexual Misconduct Policy at Appendix A for requirements regarding spacing, margins, and font. The response must be submitted by email attachment to the Investigator by no later than 5 pm on the tenth day following the date the parties receive the evidence. Requests for extensions must be submitted to the Investigator prior to the expiration of the ten-day period. The investigator will consider any such response prior to completion of the final investigative report.

The investigator will then create a final investigative report that fairly summarizes the relevant evidence, typically within 90 business days of the date the Respondent received notice of the investigation. The final investigative report will not make any recommendation as to whether a Protocol violation has occurred or potential sanctions. At least ten days prior to a hearing, Vanderbilt will send the final investigative report to each party simultaneously, and the party’s adviser if any, for their review and written response. Any such response must be received by the Title IX Coordinator within ten days of when the final investigative report was delivered to the party, so that the party’s response may be available for consideration by the adjudicator. Any such comments must be submitted by email attachment to the Investigator by no later than 5 pm on the tenth day following the date the parties receive the evidence. See Sexual Misconduct Policy, Section XIII A., for requirements regarding page limits, line spacing, margins, and font. If warranted, the investigator may choose to update the final investigative report to take a party’s response into account, in which case the hearing date may be postponed.

The Investigator will not make any recommendation as to whether a Sexual Misconduct Policy violation has occurred or potential sanctions. Depending on how the Complaint proceeds, the investigation report and other materials related to the investigation may be presented at a Resolution Hearing and/or may be presented during an Informal Resolution process.

Vanderbilt will make reasonable efforts to balance and protect the rights of the parties during any investigation commenced under the Sexual Misconduct Policy. Vanderbilt will respect the privacy of the parties and any witnesses in a manner consistent with Vanderbilt’s obligations to investigate the alleged incident and take appropriate interim and/or corrective action. The Title IX Coordinator will keep the parties reasonably informed of the status of the investigation.

Both Complainants and Respondents may utilize Advisers throughout the investigation process, including to accompany them to any hearing, conference, or related disciplinary proceeding. Advisers are not permitted to directly participate in Resolution Hearings or Informal Resolution conferences; they may be present solely to advise or support the party and are prohibited from speaking directly to the Investigator, the Sexual Misconduct Adjudicator, other parties, or witnesses.

**Advisers**

The Sexual Misconduct Policy defines an adviser as an attorney or a non-attorney adviser who can provide assistance to the Complainant or the Respondent during Resolution Hearings, Informal Resolution conferences, and any other stage of the processes covered by the Sexual Misconduct Policy, although they are not permitted to directly participate. Vanderbilt will provide a list of individuals who have received training to serve as Advisers, but parties retain the right to select their own Adviser if they so choose.

**Informal Resolution**

For Complaints with a student Respondent, at the discretion of the Title IX Coordinator, the parties may opt to pursue an Informal Resolution as an alternative to a Resolution Hearing. An Informal Resolution involves a remedies-based, non-judicial process designed to eliminate or address potential sexual misconduct. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties. Vanderbilt will not compel face-to-face confrontation between the parties or participation in any particular form of Informal Resolution.

The Title IX Coordinator will make an initial decision about whether a case qualifies for an Informal Resolution, and if both parties then agree to pursue that path, Vanderbilt will halt any investigation or scheduled Resolution Hearing so that the parties can explore the possibility of Informal Resolution. Participation in an Informal Resolution is voluntary, and either party can request to end the Informal Resolution conference at any time and return the investigation or proceeding to its pre-conference status. If the parties agree to a resolution during an Informal Resolution process, the Title IX Coordinator will oversee its implementation, the Complaint will be deemed withdrawn, and the matter will be terminated. However, the resolution will be considered binding, and its breach would give rise to a new Complaint, which may restart the investigation and/or Resolution Hearing process.

**Resolution Hearing/Standard of Evidence**

A Resolution Hearing is Vanderbilt’s disciplinary proceeding through which a Sexual Misconduct Adjudicator evaluates evidence related to a Complaint to determine whether a student Respondent is responsible or not responsible for a violation of the Policy, based on the criteria of “a preponderance of evidence.” Under this standard, the burden of proof is met and a Respondent may be found responsible for a Sexual Misconduct Policy violation if the Sexual Misconduct Adjudicator determines that it is more likely than not that the Respondent committed the violation. If the Respondent is found in violation of the Sexual Misconduct Policy, the Respondent may be subjected to disciplinary action.

The Sexual Misconduct Adjudicator will not be the same person as either the Title IX Coordinator or the Investigator. Cases will be adjudicated by a trained third-party adjudicator.
Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged conduct until the grievance process concludes and a determination regarding responsibility is issued. If the Respondent is found responsible for a violation of the Sexual Misconduct Policy, the Respondent may be subjected to disciplinary action.

At the request of either party, Vanderbilt will conduct the live hearing with the parties located in separate rooms. Technology must enable the Sexual Misconduct Adjudicator and parties to simultaneously see and hear the party or witness answering questions. Live hearings may, then, be conducted with all parties physically present in the same location, or any or all parties, witnesses and other participants may appear at the live hearing virtually. Vanderbilt will create a transcript or recording (audio or audiovisual) of any adjudicative hearing. It will be available to the parties for inspection and review in accordance with the requirements of FERPA.

The Title IX Coordinator or designee will identify the Sexual Misconduct Adjudicator to the parties five days in advance of the hearing. Either party may challenge a named adjudicator if believed to have a conflict of interest or bias. A challenge must be delivered in writing to the Title IX Coordinator or designee at least two days in advance of the hearing, specifying the reasons for such belief. The Title IX Coordinator or designee has the discretion to keep or replace the challenged adjudicator, and if replaced, will postpone the hearing to allow for a replacement adjudicator.

Ten days in advance of the hearing, the parties will identify their Adviser and any witnesses they request to the University be present at the hearing, via writing to the Title IX Coordinator or designee, who will supply the disclosure to the other party. The parties will not be strictly bound to their disclosures, but they should be submitted in good faith. The University will contact the witnesses that each party has identified and make all reasonable efforts to have the witnesses present at the hearing. When necessary for the pursuit of truth and to gather evidence sufficient to reach a determination, the Sexual Misconduct Adjudicator has discretion to ask the Title IX Coordinator or designee to request additional witnesses after receipt of the parties’ witness lists; recognizing, however, that Vanderbilt generally has no ability to compel any witness to attend. Any such requested witness will be disclosed to the parties.

Vanderbilt may, within its discretion, require the parties to participate in a pre-hearing conference with their advisers and the adjudicator.

At the hearing, all relevant evidence will be objectively evaluated by the adjudicator. Relevant evidence is any evidence that may tend to make the allegations at issue more or less likely to be true. i.e., “inculpatory” or corroborating evidence and “exculpatory” or contradicting evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless: (1) offered to prove that someone other than the Respondent committed the conduct alleged; or (2) if the questions and evidence concern specific incidents of the Complaint’s prior sexual behavior with respect to the Respondent and are offered to prove consent. While all relevant evidence presented at a hearing by the parties will be considered, the Sexual Misconduct Adjudicator has discretion to grant lesser weight to last-minute information or evidence introduced at the hearing that was not previously presented for investigation by the Investigator.

Each party may be accompanied to the hearing by the adviser of their choice, who may be, but is not required to be, an attorney. Advisers may be present solely to advise or support the party and are prohibited from speaking directly to the investigator, adjudicators, other parties, or witnesses during the hearing, except for conducting cross examination. At the hearing, the adjudicator will typically ask questions first, before either adviser. Subsequently, each party’s adviser is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party’s adviser of choice, and never by a party personally. If a party does not have an adviser present at the live hearing, Vanderbilt will provide without fee or charge to that party, an adviser who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. If a party does not have an adviser for the hearing, the party must notify the Title IX Coordinator or designee no later than the party’s pre-hearing disclosures. Otherwise, the hearing may be delayed, and the appointed adviser may have less time to prepare for the hearing. Vanderbilt will make available a pool of trained advisers from which the party may select an adviser.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a party or witness answers a cross-examination or other question, the Sexual Misconduct Adjudicator must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party or witness does not submit to cross-examination at the live hearing, the adjudicator must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The adjudicator cannot, however, draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

The Sexual Misconduct Adjudicator will issue a written determination, typically within 10 days following the hearing. Based on a preponderance of the evidence, the adjudicator will decide if the respondent is responsible for engaging in the conduct alleged, and if so, what disciplinary action may be appropriate. The written determination will include:
- Identification of the allegations potentially constituting sexual misconduct under the Policy;
• A description of the procedural steps taken from the receipt of the Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
• Findings of fact supporting the determination;
• Conclusions regarding the application of the Sexual Misconduct Policy to the facts;
• A statement of, and rationale for, the result as to each allegation, including:
  o A determination regarding responsibility;
  o Any disciplinary sanctions the adjudicator imposes on the respondent; and
  o Whether remedies designed to restore or preserve equal access to Vanderbilt’s education program or activity will be provided to the Complainant; and
• Procedures and permissible bases for the parties to appeal the determination.

The written determination will be provided to the parties simultaneously.

Supportive measures also may be provided to the Complainant that are designed to restore or preserve equal access to Vanderbilt’s education program or activity, even if they are not listed in the written determination. Remedies and supportive measures that do not impact the Respondent should not be disclosed in the written determination; rather, the determination should simply indicate that “remedies will be provided to the Complainant.” The Title IX Coordinator or designee is responsible for effective implementation of any remedies and supportive measures.

Sanctions
• Expulsion
• Suspension
• Disciplinary Probation
• Deferred Disciplinary Probation
• Educational Conference

 Appeals
 Appeals can only be raised on one or more of the following grounds: (1) a procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available to the appealing party before or during the time of the hearing and that could alter the decision; (3) the Title IX Coordinator, Investigator, or Adjudicator(s) had a conflict of interest or bias for or against complainants or respondents generally or against the appealing party individually that affected the outcome of the matter; (4) The determination cannot reasonably be supported by the evidence; or (5) the severity of the sanction.

Either Complainant or Respondent may appeal any Sexual Misconduct Adjudicator decision. Appeals must be submitted in writing to the Title IX Coordinator or designee within 10 days of the date that the written adjudication determination is provided to the parties. Any such appeal must be submitted by email attachment to the Title IX Coordinator or designee by no later than 5 pm on the tenth day following the date the parties receive the final report. See Sexual Misconduct Policy, Section XIII D., for requirements regarding page limits, line spacing, margins, and font. The written appeal must state the ground(s) for the appeal, include the name of the appealing party, and bear evidence that it was submitted by the appealing party. The appeal statement must contain a sufficient description supporting the grounds for appeal. If the grounds for appeal is to consider new evidence that could affect the outcome of the matter that was not reasonably available to the appealing party before or during the time of the hearing or the dismissal, then the written appeal must include such information. If the grounds for appeal is an allegation of conflict of interest or bias, the notice of appeal must describe with specificity the basis upon which such conflict of interest or bias is alleged and how it allegedly affected the outcome. The Title IX Coordinator retains discretion to verify and/or waive minor procedural variations in the timing and content of the appeal submission.

Upon receipt of an appeal, Vanderbilt will:
1. Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the Appellate Officer is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the Appellate Officer does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, and that the Appellate Officer has received the appropriate and necessary training;
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

Vanderbilt will provide a copy of the appeal to the non-appealing party. The non-appealing party may submit a written statement within 10 days that may seek to affirm the initial decision and/or respond to the appeal statement. Any such statement must be submitted by email attachment to the Title IX Coordinator or designee by no later than 5 pm on the tenth day following the date the non-appealing receives the appeal. See Sexual Misconduct Policy, Section XIII D., for requirements regarding page limits, line spacing, margins, and font.

The Title IX Coordinator has discretion to impose or withhold any applicable sanctions or supportive measures prior to the appeal deadline and prior to the resolution of any appeal.

The Appellate Officer will issue a written decision describing the result of the appeal and the rationale for the result within a reasonably prompt time frame, typically within 10 days following receipt of all appeals materials. The appeal will determine whether the adjudicator made an error on the grounds alleged in the appeal statement. The appeal is typically determined
based on the existing record, but the appeal decision-maker has discretion to convene a limited or full hearing if needed. The appeal decision will be given simultaneously to both parties.

The Appellate Officer will take action on the appeal based on the relevant ground for appeal as set forth below:

• In cases where there has been a material procedural error sufficient to affect the determination posed, the Appellate Officer will remand the case to the Title IX Office with instructions, as appropriate.
• In cases where the Appellate Officer deems there is new evidence that was not reasonably available to the appealing party at the time of the hearing or dismissal, that could affect the outcome of the matter, the Appellate Officer will refer the case to the Title IX Office with instructions, as appropriate.
• In cases where the Appellate Officer deems the Title IX Coordinator or Investigator had a conflict of interest or bias for or against the Complainant or the Respondent generally or the individual Complainant or Respondent that affected the outcome of the matter, the Appellate Officer will refer the case to the Associate Vice Chancellor for Equal Access to assure the University provides a resolution process without conflict of interest or bias.
• In cases where the Appellate Officer deems the determination cannot reasonably be supported by the evidence, the Appellate Officer will reverse the determination.

When the Complainant is not a Student and the Respondent is Staff

In instances where the Complainant is not a student and the Respondent is staff, the Investigator will draft an investigative report that includes findings of the investigation and a determination regarding whether the Respondent violated the Sexual Misconduct Policy. The Title IX Coordinator will review the investigative report and send to the staff Respondent’s Manager/Department Head, as well as Human Resources, who are responsible for sanctioning, as applicable. Any review of the findings and sanction would take place under applicable Human Resources policies or the Collective Bargaining Agreement (if applicable). The Title IX Coordinator or designee will simultaneously inform the Complainant and the Respondent of the determination as to whether the Respondent violated the Policy. Complainants will be informed of the outcome if the case involved allegations of sexual assault, dating or domestic violence, or stalking.

When the Complainant is not a Student and the Respondent is Faculty or a Postdoctoral Fellow/Trainee

In instances where the Complainant is not a student and the Respondent is either staff, faculty, or a postdoctoral fellow/trainee, the Investigator will provide the Respondent the opportunity to review the evidence gathered in the investigation prior to making a determination whether the Respondent violated the Policy. The Title IX Office may redact non-party names and sensitive information from the evidence. The Respondent may view the redacted information by scheduling an appointment with the Title IX Office. The Respondent may submit written comments on the evidence. See the Sexual Misconduct Policy, Section XIV, at Appendix A regarding page, spacing, margin, and font requirements. Comments must be submitted by email attachment to the Investigator by no later than 5pm on the tenth day following the date the Respondent receives the evidence.

Requests for extensions must be submitted to the Title IX Office prior to the expiration of the ten-day period. Following review of any comments submitted and additional investigation, as appropriate, the Investigator will prepare the investigative report that includes findings of the investigation and a determination whether the Respondent violated the Policy. The Title IX Coordinator will provide the report on the findings of the investigation simultaneously to the Complainant and the Respondent. Complainants will be informed of the outcome if the case involved
allegations of sexual assault, dating or domestic violence, or stalking.

When the Respondent is not a Vanderbilt Student, Staff, Faculty, or Postdoctoral Fellow/Trainee

When the Title IX Office receives a complaint against a person who is not a member of the Vanderbilt community (a Third Party), the Title IX Coordinator has the discretion to determine the most appropriate way to address the complaint. Vanderbilt’s ability to take appropriate corrective action against a Third Party will be determined by the nature of the Third Party’s relationship to Vanderbilt. The Title IX Coordinator will determine the appropriate manner of resolution in accordance with Vanderbilt’s commitment to a prompt and equitable process and consistent with state and federal law, regulations, guidance, and this Policy. The Title IX Coordinator will determine which Procedures apply based upon the facts and circumstances of the case.

Appeals

In investigations in which students are Complainants, the parties may appeal the determination by the Title IX Office. Appeals can only be raised on one or more of the following grounds: (1) a procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available to the appealing party before or during the time of the hearing and that could alter the decision; (3) the Title IX Coordinator or Investigator had a conflict of interest or bias for or against complainants or respondents generally or against the appealing party individually that affected the outcome of the matter; and (4) the determination cannot reasonably be supported by the evidence.

Appeals must be submitted in writing to the Title IX Coordinator within 10 days of the date that the written adjudication determination is provided to the parties. See the Sexual Misconduct Policy, Section XIV, at Appendix A regarding page, spacing, margin, and font requirements. The written appeal must state the ground(s) for the appeal, include the name of the appealing party, and bear evidence that it was submitted by the appealing party. The appeal statement must contain a sufficient description supporting the grounds for appeal. If the grounds for appeal is to consider new evidence that could affect the outcome of the matter that was not reasonably available to the appealing party before or during the time of the hearing or the dismissal, then the written appeal must include such information. If the grounds for appeal is an allegation of conflict of interest or bias, the notice of appeal must describe with specificity the basis upon which such conflict of interest or bias is alleged and how it allegedly affected the outcome. The Title IX Coordinator retains discretion to verify and/or waive minor procedural variations in the timing and content of the appeal submission.

Upon receipt of an appeal, Vanderbilt will notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties. Vanderbilt will provide a copy of the appeal to the non-appealing party. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The non-appealing party may submit a written statement within 10 days that may seek to affirm the initial decision and/or respond to the appeal statement. See the Sexual Misconduct Policy, Section XIV, at Appendix A regarding page, spacing, margin, and font requirements. The Title IX Coordinator has discretion to impose or withhold any applicable sanctions or supportive measures prior to the appeal deadline and prior to the resolution of any appeal.

The Appellate Officer will issue a written decision describing the result of the appeal and the rationale for the result within a reasonably prompt time frame, typically within 10 days following receipt of all appeals materials. The appeal is determined based on the existing record, the petition, any new evidence in the petition that was not reasonably available for presentation to the Title IX Office and the introduction of which could reasonably be expected to change the Title IX Office’s determination, and any written responses. The appeal decision will be provided simultaneously to both parties. The appeal decision will be also be provided to the following persons:

- Staff Respondent: The staff Respondent’s Manager/Department Head, as well as Human Resources;
- Faculty Respondent: The faculty Respondent’s Dean; and
- Post-doctoral fellow/trainee: The appropriate Dean(s).

The Appellate Officer will take action on the appeal based on the relevant ground for appeal as set forth below:

- In cases where there has been a material procedural error sufficient to affect the determination posed, the Appellate Officer will remand the case to the Title IX Office with instructions, as appropriate.
- In cases where the Appellate Officer deems there is new evidence that was not reasonably available to the appealing party at the time of the hearing or dismissal, that could affect the outcome of the matter, the Appellate Officer will remand the case to the Title IX Office with instructions, as appropriate.
- In cases where the Appellate Officer deems the Title IX Coordinator or Investigator had a conflict of interest or bias for or against the Complainant or the Respondent generally or the individual Complainant or Respondent that affected the outcome of the matter, the Appellate Officer will refer the case to the Associate Vice Chancellor for Equal Access to assure the University provides a resolution process without conflict of interest or bias.
- In cases where the Appellate Officer deems the determination cannot reasonably be supported by the evidence, the Appellate Officer will reverse the determination.
VUPD
VUPD provides referrals and support for victims of crime at Vanderbilt. When appropriate, a VUPD officer will accompany a victim to the hospital or to court, assist in obtaining protective orders or warrants, coordinate with the District Attorney’s Office, and guide the victim through the criminal justice system. Referrals are also made to campus and community support programs. For more detailed information, visit police.vanderbilt.edu/services/vicservices or call VUPD Dispatch at (615) 322-2745 to speak with an officer.

PROJECT SAFE CENTER
The Project Safe Center for Sexual Misconduct Prevention and Response provides information, support, referrals, and education about intimate partner violence (including sexual harassment, sexual assault, dating violence, domestic violence, and stalking), as well as consent, healthy relationships, and healthy sexuality to the Vanderbilt University community. Project Safe administers the University’s bystander intervention training and Preventing Sexual Assault, the online sexual assault prevention educational module required of all incoming students, and offers prevention education designed to address all forms of sexual harassment, assault, and misconduct.

Project Safe serves as a central resource for those affected by intimate partner violence and can assist with navigating the University’s complaint process and resource and support network (including the University Counseling Center, Student Health, the Equal Opportunity and Access Office, the Title IX Office, and the Vanderbilt University Police Department) as well as external support and law enforcement resources. Visit vanderbilt.edu/projectsafe.

Victims and survivors of crime at Vanderbilt can expect to receive compassion and support from a variety of resources on campus.
TITLE IX OFFICE

Vanderbilt’s Title IX Office, which operates within the Office of Equal Access, oversees the implementation and administration of the Formal Grievance Protocol and Sexual Misconduct Policy, and provides education and training on the policies and sexual misconduct prevention. The office also coordinates supportive measures for anyone involved in a sexual misconduct incident, as well as alternative methods of resolution of formal complaints of sexual misconduct. The office consists of the Director and Title IX Coordinator; the Assistant Director; the Supportive Measures/Informal Resolution Manager; and two Investigators. See vanderbilt.edu/title-ix/ or contact the office at (615) 343-9004 or by email at titleix@vanderbilt.edu.

The Sexual Misconduct Policy and the Formal Grievance Protocol (see sections 6 and 7 above) outline the procedures that apply to allegations of sexual misconduct, including sexual harassment, dating violence, domestic violence, stalking, and sexual assault, involving members of the Vanderbilt community. They apply to all members of the Vanderbilt community and cover conduct that occurs on campus and conduct that occurs off-campus that has an on-campus effect, including conduct in connection with university programs or activities or that otherwise interferes with or limits the ability of a member of the community to participate in or to receive benefits, services, or opportunities from the University’s programs or activities.

UNIVERSITY COUNSELING CENTER (UCC)

The UCC provides mental health services to Vanderbilt undergraduate, graduate, and professional students, regardless of insurance status. The staff of therapists and medical providers specializes in mental health care of the University population. Additionally, the UCC has a team of providers focused on supporting students coping with the psychological effects of sexual assault or other types of traumatic events—all services are confidential.

Individuals experiencing acute trauma may access services by requesting an appointment with a member of the Urgent Care Team. This team provides brief psychological care for students subsequent to exposure to a traumatic event. This care focuses on supportive and targeted skills-based interventions, which can lead to an increase in an individual’s coping, resilience, and quality of life. For information about an immediate crisis please visit vanderbilt.edu/ucc.

The UCC also provides individual therapy and consultation to guide students in managing the impact of intimate partner violence on survivors. Additionally, the UCC has a variety of groups and workshops designed to help students explore their identities, stressors, and relationships. If students are new to the UCC, they need to contact the Office of Student Care Coordination (OSCC) at vanderbilt.edu/carecoordination to schedule their first appointment. If they are returning students, they may call the UCC at (615) 322-2571 to schedule a consultation. In the aftermath of a traumatic event, students should ask for an appointment with an Urgent Care team member.

WORK/LIFE CONNECTIONS—EMPLOYEE ASSISTANCE PROGRAM (EAP)

Vanderbilt’s EAP provides confidential psychological support and counseling services for Vanderbilt staff and their spouses. Support and assistance are available for domestic violence; stress and emotional challenges; depression, grief, and loss; family and marital conflicts, relationships, interpersonal concerns, and divorce; alcohol and substance abuse; critical incident stress management; and career concerns, management consultation, and performance coaching. Besides the EAP for staff, there are two other specialty programs to serve the unique needs of the faculty, physicians, postdoctoral students, and nurses. Services are provided for Vanderbilt University and Vanderbilt University Medical Center. Services are provided face-to-face or through the ConnectCARE TeleHealth option. For more information visit vumc.org/health-wellness/work-life or contact EAP at (615) 936-1327.

Faculty and Physician Wellness Program

The Faculty and Physician Wellness Program is available to provide psychological support to the Vanderbilt faculty of all ten University schools as well as house staff and spouses.

Nurse Wellness Program

The components of the Nurse Wellness Program include counseling, workplace outreach, and the promotion of wellness activities. The Nurse Wellness Program is available to our Vanderbilt nurses including registered nurses, advanced practice nurses, graduate nurses, and licensed practical nurses, and their spouses. Nurses who are on faculty would be served by the Faculty and Physician Wellness Program.

Postdoc Wellness Program

The Postdoc Wellness Program of Work/Life Connections-EAP was created for Vanderbilt postdoctoral students to promote psychological resilience and support personal and professional well-being. The program strives to empower all postdocs as they develop their strengths, refine their skills, and establish their professional identities.
ZERFOSS STUDENT HEALTH CENTER

Student Health provides primary health care services to Vanderbilt undergraduate and graduate students, regardless of insurance coverage. Student Health is staffed by physicians and nurse practitioners who specialize in college health and are attuned to the unique health care needs of a student population. Student Health staff are trained to take care of sexual assault, domestic or partnership violence, and harassment victims in clinic on a confidential basis. All staff are required to attend 30 (nurses and nurse practitioners) or 50 (physicians) hours of continuing education classes annually; sexual violence-related topics are included in this education approximately one to three times per year. These classes address not only the medical aspects of sexual assault (e.g., proper treatment for sexually-transmitted diseases), but also related psychological and social issues (e.g., panic attacks, date rape). Several staff members also attend the annual conferences of the American College Health Association and the Southern College Health Association, both of which include educational programs on sexual violence and harassment.

The care provided by Student Health is multifaceted and includes, free of charge, an office visit with a clinician, pregnancy testing, HIV and STD testing and treatment, and referrals to other campus partners, including the University Counseling Center and the Project Safe Center. In addition, if a student seeks treatment for an injury or STD or pregnancy testing that could be related to violence in a relationship, the health care professional who treats the student provides one-on-one counseling and education as appropriate for that student.

The Student Health Center can also perform the Medical Legal Exam for the collection of evidence if a student wishes to pursue legal avenues after a sexual assault.

OFFICE OF STUDENT ACCOUNTABILITY, COMMUNITY STANDARDS, AND ACADEMIC INTEGRITY

The Office of Student Accountability promotes good citizenship in the Vanderbilt community through education. The office has jurisdiction over all persons enrolled in or taking courses—including those that involve, in whole or in part, online learning—at the University, or participating in programs and activities of the University as students, even if not registered primarily at Vanderbilt, students on official leaves from the University, and student organizations. The Office of Student Accountability has original jurisdiction in all cases of nonacademic misconduct, excluding sexual misconduct and discrimination cases, involving undergraduate, graduate, and professional students. For more information visit vanderbilt.edu/studentaccountability, contact the office at (615) 322-7868 or by email studentaccountability@vanderbilt.edu.

EQUAL OPPORTUNITY AND ACCESS

Equal Opportunity and Access, which operates within the Office of Equal Access, provides a range of services that support Vanderbilt’s commitment to fairness, equity, access and respect including conducting unbiased reviews of discrimination and harassment complaints. EOA services also include: monitoring the University’s compliance with applicable equal opportunity and affirmative action laws and regulations; advocating for equal opportunity and affirmative action for all persons; encouraging and promoting the recruitment and retention of qualified people from diverse backgrounds; and providing religious accommodations. EOA also provides education and training about EEO/AA, discrimination, harassment, diversity, disabilities, harassment and sexual misconduct.

EOA provides reasonable accommodations to qualified faculty and staff with disabilities, including any disabilities resulting from criminal activity. Similarly, Student Access Services, also within the Office of Equal Access, provides reasonable accommodations to qualified students with disabilities.

Bystander Intervention Training

The Project Safe Center offers bystander intervention training, an awareness-raising and skill-building program designed to reduce and prevent intimate partner violence, including stalking, sexual assault, and dating and domestic violence. This training provides strategies for bystanders to become part of the solution through focusing on their role in violence prevention. Visit vanderbilt.edu/projectsafe to learn more.

After-hours Transportation and Walking Safety Escorts

VandyRide

The VandyRide shuttle bus system, administered by Vanderbilt University Public Safety, operates during the academic year while students are present on campus. The hours of operation are 6:00 p.m. to 1:00 a.m., seven days a week, at marked designated pick-up and drop-off points on campus. Students can check the location and seating availability of VandyRide using their computers or smartphones.
and they can set up text message alerts to let them know when the VandyRide will be arriving at their stop. To access VandyRide, students can download the VandySafe app to their smartphone through the Apple and Google Play stores. Once inside the app, students can select “route” in the drop-down menu in the upper left-hand corner and select all routes to see the routes on the map. Students can also request a walking escort from the VandyRide stop or through the VandySafe app to their final destination. Additional information about VandyRide and routes is available online at vandyvan.doublemap.com/map. Additional information about VandyRide and other transportation options can be found at vanderbilt.edu/movevu/transportation-options/.

VandyRide provides point-to-point service to undergraduate students who live within a half-mile from campus and are registered with the Dean of Students Office. The service provides a free shuttle ride from a campus VandyRide stop or designated ridehail pickup location to their off-campus residence. Point-to-point service is one-way and designed to deliver students safely to their off-campus residences. It is available from 6 p.m. to 1 a.m. seven days per week. To schedule a ride students should contact VUPD Dispatch at (615) 322-2745.

Walking Safety Escort Service

VUPD provides walking safety escorts for students, faculty, and staff on campus who may feel unsafe. A walking safety escort may be requested by dialing (615) 322-2745 or through the VandySafe app on their smartphone.

VUMC Shuttle Service

The VUMC Shuttle Service operates to and from the Medical Center, designated Medical Center parking areas, and Vanderbilt Health at 100 Oaks clinics on business days. The VUMC Shuttle Service is not available on weekends. For VUMC shuttle information, call (615) 936-1215.

CRIME PREVENTION AND SAFETY-AWARENESS EDUCATION

Crime prevention and personal safety-awareness programs are available from several resources at Vanderbilt. The following departments and organizations sponsor prevention services and provide advice and educational programs. Many of these programs are described in greater detail below:

- Vanderbilt University Police Department
- Project Safe Center for Sexual Misconduct Prevention and Response
- Title IX Office
- Office of Housing and Residential Experience
- University Counseling Center
- Work/Life Connections—Employee Assistance Program (EAP), including the Faculty and Physician, Postdoc, and Nurse wellness programs
- Human Resources—Employee Relations
- Zerfoss Student Health Center
- International Student and Scholar Services

Upon request, VUPD provides talks, information, and/or programs on:

- Rape and sexual assault risk reduction
- Domestic violence education
- Personal safety (includes personal self-defense instruction, and classroom and workplace violence topics)
- Victim assistance and advocacy
- Alcohol and drug awareness/legal consequences
- Travel safety
- Property protection (includes information on fraud, identity theft, and larceny)
- Operation ID (a program to register laptops, tablets, and bicycles)

Student organizations and associations routinely sponsor programs and speakers on personal safety and awareness.

EDUCATION AND PREVENTION RELATING TO SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE, AND STALKING

Vanderbilt provides numerous programs that address sexual misconduct, which includes sexual assault, dating and domestic violence, and stalking, including the intersection of alcohol and drug use with sexual violence. A number of individual departments and offices, including the Title IX Office, the Project Safe Center, VUPD, the Center for Student Wellbeing, the Office of Housing and Residential Experience, and student organizations also provide regular and ongoing programming.

Vanderbilt provides orientation to incoming students with information intended to prevent all forms of sexual misconduct, including sexual assault, dating and domestic, and stalking. The information comprises definitions and a clear statement that the University prohibits such acts. Additionally, training and materials are provided defining consent, options for bystander intervention, information for risk reduction, and our policies and procedures for responding to these incidents. Ongoing prevention education and awareness campaigns are offered throughout the year.

Student Programs

All Vanderbilt first-year students participate in CommonVU, an orientation that includes advising sessions, community-building activities, and academic programming. CommonVU also marks the beginning of Vanderbilt Visions, the central community-building educational program of the first-year living and learning community, the Martha Rivers Ingram Commons. Vanderbilt Visions aims to form strong connections and support networks among classmates from the various houses that make up The Ingram Commons as a part of the process of transitioning first-year students into successful college students. Through Vanderbilt Visions, all first-year students are assigned to one of ninety-two

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small Visions groups of seventeen to nineteen students, each led by faculty and student VUceptors.

Each Vanderbilt Visions group must attend the True Life program during CommonVU. True Life is a student-produced program focusing on experiences of Vanderbilt students outside the classroom. True Life covers topics such as personal safety, community safety, health, and responsibility, and includes information related to sexual misconduct. Based on the actual experiences of Vanderbilt students, True Life skits are aimed at addressing a variety of issues that new students are likely to confront during their first year, such as alcohol, drugs, and/or sexual violence. After watching the True Life skits, Vanderbilt first-year students discuss the skits with their Vanderbilt Visions groups.

During CommonVU, the first-year students also attend two additional educational sessions, “Vanderbilt Addresses Sexual Violence” and “Community of Care: Alcohol Awareness and Community Responsibility,” in which University staff review University policy expectations, definitions of consent, sexual assault, dating violence, domestic violence, and stalking, information about University reporting procedures, resources to support survivors, bystander intervention strategies, social norming, health effects of alcohol and other drugs, and addiction, as well other health and wellness issues and resources.

All new undergraduate students (first-years and transfers) must also complete the following modules: Preventing Sexual Assault, AlcoholEdu, Protecting Youth, and Diversity, Equity, and Inclusion for Students. Vanderbilt also requires incoming graduate and professional students, faculty, and staff to raise awareness and help prevent sexual harassment, sexual assault, stalking, and dating and domestic violence. Project Safe offers programs on recognizing signs of violence and abuse, risk reduction, bystander intervention, supporting survivors, social media/online privacy and safety, understanding consent, establishing boundaries, and relationship communication.

Vanderbilt’s bystander intervention program is coordinated by the Project Safe Center. The Project Safe Center offers several bystander intervention trainings to students, faculty, and staff throughout the year. During the 2020/2021 academic year, all housing resident advisers, VUceptors, and all new members of Interfraternity Council chapters completed at least three hours of bystander intervention training. In 2020/2021, all Panhellenic sorority women completed a 1.5-hour program that combined bystander intervention training with trauma-informed instruction on how to constructively support survivors.

Anyone in the Vanderbilt community may participate in bystander intervention training offered by the Project Safe Center staff and members of the University’s bystander intervention committee. The Project Safe Center also offers dating violence awareness and prevention programs, which educate participants on the prevalence and warning signs of dating violence and how to support someone who may be involved in an unhealthy relationship.

Vanderbilt University Police Department typically offers the Rape Aggression Defense System or R.A.D. self-defense training 6 months a year (September, November, February, April, June, and July). Information on R.A.D. self-defense training can be found at police.vanderbilt.edu/services/radselfdefense.php. VUPD also provides programming on healthy relationships to reduce or prevent the occurrence of sexual assault, dating and domestic violence, and stalking and to protect personal safety. VUPD also collaborates with various departments on campus to provide other educational programming relating to sexual misconduct, dating and domestic violence, and stalking.

In addition, the chart in Appendix C provides additional examples of the type of programs presented during the 2020/2021 academic year to help prevent and raise awareness of sexual misconduct, dating and domestic violence, stalking, and other crimes.

**Faculty and Staff Programs**

Vanderbilt’s nondiscrimination policy makes clear that Vanderbilt is subject to Title IX and other applicable federal nondiscrimination laws and that the University does not tolerate discrimination. All Vanderbilt employees are informed of the University’s nondiscrimination policy, which also is included in the Vanderbilt University Standards of Conduct and the Faculty Manual. Policies are discussed during new employee orientation and the new employees are informed of their responsibility to know the policies. New faculty orientation also includes information regarding sexual misconduct policies, resources, and mandatory reporting responsibilities.

Vanderbilt ensures that faculty and staff also have access to relevant trainings and materials about the various resources available for students relating to sexual misconduct issues. For example, Project Safe distributes laminated contact cards as a quick
Vanderbilt’s Student Care Network maintains an online reference guide for faculty and staff on assisting students of concern, which highlights signals of distress, explains how to intervene and make referrals, lists available resources for students, and provides online training modules, including the interactive Kognito At-Risk program. Training for faculty and staff also focuses on increasing awareness about Title IX reporting obligations and how to provide information regarding confidential resources, supportive measures, and the complaint process, in the event they receive a report of sexual misconduct.

Vanderbilt provides numerous programs that address sexual misconduct and intimate partner violence issues, including the intersection of alcohol and drug use with sexual violence. Vanderbilt’s programs for faculty and staff cover harassment and violence prevention, reporting obligations, bystander intervention training and more. A number of individual departments and offices, including the Title IX Office, the Project Safe Center, and VUPD, provide regular and ongoing programming on these important issues. See the section above on “Student Programs” for more information.

Vanderbilt also provides regular and ongoing training to faculty and staff, including the Provost, the deans of the various schools, and Human Resources:

- The University provides training on nondiscrimination laws and policies, including those covering sexual assault, dating and domestic violence, and stalking as an essential part of new faculty and staff orientation.
- The Student Care Network maintains an online reference guide for faculty and staff on assisting students of concern.
- The Project Safe Center and the Student Care Network facilitate training on responding to students in distress.
- The University provides training for managers and supervisors with hiring responsibilities on subjects including discrimination, harassment, and retaliation.
- The Title IX Office provides in-person training regarding Title IX, sexual misconduct, and reporting obligations.
- The Title IX Office, the Office of Student Accountability, Community Standards, and Academic Integrity (Student Accountability) and the Project Safe Center also provide other training to faculty, staff, and students on sexual assault, dating and domestic violence, and stalking and the University’s policies that address these issues.

Vanderbilt has developed an orientation training module for new staff members. The orientation training and materials for new employees contain definitions for sexual assault, consent, domestic violence, dating violence, and stalking, as well as University policies and procedures for responding to these incidents, and also contain a clear statement that the University prohibits such acts. Additionally, the University offers programs on bystander intervention and offers information on risk reduction.

The Title IX coordinator, the Title IX Office staff, the Equal Opportunity and Access Office Director and staff, the director of Student Accountability, and the Project Safe Center staff are trained at least annually, and on an ongoing basis, on issues related to sexual harassment, sexual assault, dating and domestic violence, and stalking, and in conducting investigations. University law enforcement personnel, mandatory reporters, and others involved in responding to sexual misconduct cases receive training as well.

**Blue light phones are located around campus and have a direct line to VUPD’s Dispatch Center.**

**The VandySafe app on your smartphone allows users to:**

- Contact VUPD via phone call or chat
- Activate a mobile Bluelight that shares your location instantly with VUPD
- Initiate a “Virtual Walkhome” where VUPD can monitor your walk home, to the car, or the office
- Submit non-emergency reports with text, photos, or videos
- Assign contacts to monitor your safety at your request
- Share your location with a friend or VUPD
- View information about VandyRide
- Access support resources, such as Facilities, EAP, and Project Safe
- View emergency guides

VandySafe can be downloaded from the Apple or Google Play stores.

In addition, the chart in Appendix C provides additional examples of the type of programs presented during the 2020/2021 academic year to help prevent and raise awareness of sexual misconduct, dating and domestic violence, stalking, and other crimes.
**Risk Reduction**

The victim is not to blame for criminal behavior. The following are offered only as potential strategies to reduce one’s risk of harm:

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid dark or isolated areas. It is more difficult to get help if no one is around.
- Familiarize yourself with the blue light emergency phone locations around campus.
- Walk with confidence and purpose. Even if you don’t know where you are going, act like you do.
- Walk and jog in groups.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Know that you do not have to stop to talk to strangers.
- If you are being followed, go to the nearest area of safety.
- Try not to load yourself down with packages or bags, as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid using music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you attend social gatherings, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- If you can’t find traveling companions, use the escort service on campus, no matter how short the distance, and advise a friend or roommate of your destination and when you plan to return.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
- Don’t accept drinks from people you don’t know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself.
- At parties, don’t drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get them to a safe place immediately.
- Have a code word to use with your friends or family, so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before engaging in sexual activity.
- Be true to yourself. You should not feel obligated to do anything that you do not want to do. “I don’t want to” is always a good enough reason. Only do what feels right to you and what you are comfortable with.
- Download the VandySafe application to your smartphone. Additional information can be found regarding this resource at [police.vanderbilt.edu/services/vandysafe.php](http://police.vanderbilt.edu/services/vandysafe.php).

**How to Be an Active Bystander**

Bystanders may play a critical role in the prevention of violence. Bystanders are individuals who witness an act of violence or a situation posing the risk of violence and who may be in a position to intervene in an effective manner to preserve the health and safety of all those involved. Vanderbilt University strives to promote a culture of care and community accountability in which bystanders are actively engaged in the prevention of violence without causing further harm.

Bystanders may not always know what to do even if they want to help. Information regarding safe and appropriate bystander intervention may be found on the Vanderbilt University Project Safe Center website: [vanderbilt.edu/projectsafe](http://vanderbilt.edu/projectsafe). Vanderbilt University uses a bystander intervention program coordinated by the Project Safe Center. Anyone in the Vanderbilt community may participate in bystander intervention training offered by the Project Safe Center staff.

A Vanderbilt community member may be an active bystander by:
- Participating in a bystander intervention training in order to learn more about how to recognize high-risk situations and learn how to safely and appropriately intervene as a bystander.
- Watching out for friends, employees, colleagues, and students, and when observing a situation that could be high-risk or seeing a person who
may need assistance, asking if they are okay. If the situation would put your personal safety at risk, delegate to law enforcement or other security personnel.

- Speaking up and voicing disagreement when overhearing someone’s plans to take sexual advantage of another person.
- Being a sympathetic listener if someone discloses that they have experienced any form of intimate partner violence, advising them if you have reporting obligations required by law and/or University policy, and helping to connect them with support resources. A one-page informational sheet of the University’s reporting options and on-campus resources may be found on the Project Safe Center website.
- If it seems safe, consider confronting a person directly when they are observed attempting to isolate another person who is intoxicated or may be resisting romantic or sexual advances. Examples of this technique would be to say to the couple, “We are finding their friends, and they will take them home.” Or to say to the intoxicated person, “I am not letting a stranger take you home.” Or to say to the other party, “Hey, don’t take her/him/them upstairs; they’re too drunk.”
- If you are not comfortable directly confronting a person, distraction techniques may be effective to interrupt the flow of potential or escalating violence. Once the bystander identifies a high-risk situation, they act to distract either party. Some examples would be to ask one of the people to help you find a lost item, interrupt to ask for directions, spill a drink, or start talking to the couple and don’t leave, so the victim does not become isolated. An easy technique for women bystanders is to invite another woman who is at risk for harassment or violence to go to the bathroom with her. Once she is away from the other person, check in and ask if she is afraid or needs help.

- When a bystander doesn’t feel safe to approach the situation alone, they can involve others. An example of this would be to say to one’s friends, “I am concerned for that person. Can you find their friends and get them to check on the situation, while I stay here and watch?” Another way would be to delegate by recruiting someone with some authority to intervene. You could ask a bouncer or manager at a bar to look into the situation. You could also ask the host of a party to intervene. For example, “I am worried for that person who is so drunk. Could you let that person with them know that upstairs is off limits?”
Campus and Medical Center Physical Security

Residence Halls

The Office of Housing and Residential Experience works closely with the Vanderbilt University Police Department, Plant Operations, Buildings and Grounds, Campus Planning, and other departments to maintain and enhance the physical security of the residence halls. Throughout the academic year, the office sponsors educational programming for residents about residence hall security and safety. Student housing for undergraduates consists of single, double, and triple rooms, apartments, suites, and lodges. First-year students are housed at The Martha Rivers Ingram Commons, separate from other students.

The residence hall system is divided into seven administrative areas. Each area consists of a cluster of residence halls and has a central information desk. Branscomb Hall information desk is staffed 24 hours a day, seven days a week, during the academic year (including breaks). Hank Ingram House information desk is staffed 24 hours a day, seven days a week, during the academic year, but is closed during breaks. Each of the areas have desks operating from 8:00 a.m. until midnight. Information desk staff respond to a variety of situations and have been trained in University resources, customer service skills, and the operation of door and fire alarm panels.

Allied Universal personnel provide additional security in the residence halls. All residence halls (except Chaffin and Mayfield) have Allied Universal personnel at the main entrance from 8:00 p.m. until 6:00 a.m., seven days a week, throughout the academic year (including breaks), and in the residence halls used during the summer. Allied Universal personnel check to ensure anyone who enters has a Vanderbilt identification card. In addition, they log the names of guests who enter the residence halls when guests are permitted.

Administrative and Classroom Facilities

The building manager for each building or the department administrator for each department is responsible for physical security and determining access rights and hours. They may coordinate with VUPD to conduct security assessments and patrols of their facilities. In general, classroom buildings are locked after the last class in the building ends, and administrative buildings are locked after normal business hours.

Medical Center Facilities

After-hours access to any Vanderbilt University Medical Center building is restricted to designated points. Secured areas, such as the Emergency Department, require security screening before gaining access.
and conduct rounds through the interiors of the residence halls. Mayfield and Chaffin are garden style apartments without a single-entry point, so, during those same hours, Allied Universal patrols the exterior of those apartments. In addition, all residential areas have VUPD Community Service Officers monitoring the exterior areas.

Professional staff members share in a weekly duty rotation with at least three on duty 24/7 joined by paraprofessional staff support on the weekends when class is in session. All residence halls are equipped with smoke detectors and sprinkler systems. All residence halls are accessed via electronic key card. Electronic access is restricted to residents or authorized users of a residential area or building at all times. In some buildings, combination locks or electronic access devices further restrict access to corridors. Solicitation in halls is prohibited without authorization.

Cameras have been installed at all entry/exit points and in common areas. Most residence hall exit doors will trigger an audible alarm if they are opened during darkness. Keys to individual student rooms are unmarked to prevent unauthorized use in case they are lost. All operable windows have securing mechanisms.

Requests for routine maintenance should be submitted through the Student Housing Portal at vanderbilt.edu/ohare. Emergency maintenance issues should be reported to the resident adviser on duty via the duty cell phone.

Exterior doors that have been propped open should be closed and reported immediately to the resident adviser or, during normal business hours, to the area maintenance supervisor or front desk staff.

Tampering with or disabling security devices and smoke detectors may lead to disciplinary action.

Residence halls are closed during breaks. Traditionally, students who need housing over breaks may register for housing and will be permitted to remain in their halls.

Vanderbilt University traditionally does not operate off-campus housing nor does the University recognize any student organizations that own or control off-campus property; however, many graduate students and undergraduate students live in neighborhoods surrounding Vanderbilt. In an effort to de-densify campus during the COVID-19 pandemic, the Office of Housing & Residential Experience is managing housing at the Village at Vanderbilt apartments adjacent to campus.

MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes unsafe conditions. VUPD regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to the appropriate department for correction. VUPD conducts an annual Safety and Security Walk. Students, staff, and members of Student Housing, VU Facilities (Plant Operations and Campus Planning) are invited to participate. These tours assess popular pedestrian travel routes on campus and identify areas where additional lighting or physical improvements may enhance the overall safety and security of the area.

Members of the Vanderbilt community are encouraged to report potentially unsafe or hazardous conditions to VUPD, VU Facilities, or VUMC Facilities Maintenance at any time throughout the year:

- VUPD at (615) 322-2745 or online at police.vanderbilt.edu/services/lightingform.php
- VU Facilities at (615) 343-9675 or online at vanderbilt.edu/plantops/servicerequest.php
- VUMC Facilities Maintenance at (615) 343-4443

COMMODORE CARDS

All students, faculty, and staff members at Vanderbilt University are issued Commodore Cards. The Commodore Card is also available on iPhone and Apple Watch. All faculty and staff must be active in Human Resources before receiving a card. A valid photo ID (e.g., a driver’s license) is also required. Cards may be used to gain access to certain locations and may be used to make purchases from University facilities.

Lost or stolen Commodore Cards should be reported immediately to the Commodore Card Office by telephone at (615) 322-2273 during regular business hours. Card Holders may also report lost or found cards online at vanderbilt.edu/cardservices. If a student loses their card when the Commodore Card Office is closed, the student may get a temporary access card valid for their campus residence at the Branscomb Reeves Desk. Any stolen card should also be reported immediately to the Vanderbilt University Police Department.

OTHER PHYSICAL SECURITY MEASURES

Security cameras are in place at various locations around the Vanderbilt campus. VUPS works with University departments to determine locations and coordinate monitoring upon request. Recorded images may be used by law enforcement and/or University officials as evidence in criminal and/or University investigations.
The purpose of University policies, and the purpose of articulating them in great detail, is to enable students to make informed and, it is hoped, intelligent choices, as well as to enable them to understand the consequences of making unhealthy choices. In compliance with the federal Drug-Free Schools and Campuses regulations, Vanderbilt has adopted a policy that includes the expectation that students will comply with federal, state, and local laws, including those relating to alcoholic beverages, narcotics, and other drugs. All Vanderbilt employees are subject to the University’s Drugs and Alcohol Policy.

All first-year and transfer students are required to complete AlcoholEdu, an online course on alcohol and other drugs. In addition, the Community of Care: Alcohol Awareness & Community Responsibility Commons Module is a presentation given to all incoming first-year and transfer students. The Center for Student Wellbeing provides resources and support for students seeking information or assistance regarding alcohol or other drug misuse. For more information, see: vanderbilt.edu/healthydore and vanderbilt.edu/recoverysupport/. Information regarding education, treatment, and support regarding alcohol or other drug use is available to faculty and staff through the Employee Assistance Program at healthandwellness.vanderbilt.edu/work-life/eap.

The Center for Student Wellbeing also provides education programming in the residence halls and to student organizations, as well as education and information for parents during orientation. It also sponsors weekly support meetings for Vanderbilt students in recovery from substance use disorders. The Center conducts Host Responsibility Training, which prepares hosts to have safe and successful events through the discussion of Tennessee State Law, Vanderbilt Policy, and DUI prevention strategies. All student organizations hosting events plan and host events.
at which alcohol will be present are required to complete this training.

The University prohibits the unlawful possession, use, sale, distribution, or facilitation of the distribution of alcohol and other drugs by students, faculty, and staff, on its property, or as part of any University-sponsored activity. The prohibition extends to off-campus activities that are officially sponsored by Vanderbilt, its schools, departments, or organizations. In addition, the prohibition extends to off-campus professional or organizational activities, including attendance at conferences, when participation is sponsored by the University, or when the participating student, faculty member, or staff member is representing the University. Finally, the prohibition extends to “private” events off campus where the University may have an interest (e.g., if a student were to provide alcohol to underage students at an off-campus location).

In addition, the improper use of prescription drugs is a serious problem on college campuses. For this reason, it is a violation of University policy for a student to be in possession of, or use, another person’s prescription medication or for a student to distribute medications to one person that have been prescribed for another.

To underscore the seriousness with which it takes the issue of health and welfare of its constituent populations, the University will impose sanctions on students, faculty, and staff—up to and including expulsion or termination of employment, and possible referral for prosecution—for violation of the alcohol and other drugs policy. Conditions of continued employment or enrollment may include the completion of an appropriate rehabilitation program and/or active participation in a recovery program.

The minimum sanction for simple purchase, possession, or consumption of alcohol in violation of University policy is an educational conference for the first offense. The completion of an appropriate assessment will also be required.

The presumptive sanction for first-offense intoxication is disciplinary probation. Standard indicators of drinking to the level of intoxication may include lack of balance, loss of coordination, confusion, slurred speech, bloodshot eyes, odor of intoxicant, etc.

The minimum sanction for driving under the influence of alcohol or other drugs is disciplinary probation and may include loss of campus driving and parking privileges.

Unlawful provision, distribution, or sale of alcohol by a student in violation of University policy will result in serious disciplinary action, which may include suspension or expulsion for the first offense, and may also result in criminal prosecution. The presumptive sanction for a student who illegally distributes alcohol to an underage student will be disciplinary probation for the first offense. Persons who unlawfully furnish alcoholic beverages to students who are not of legal drinking age may also be held responsible for personal injuries or property damages resulting from misconduct committed by underage, intoxicated students.

Distribution or facilitation of distribution of illegal drugs (including unlawful distribution of prescription medication) may result in suspension or expulsion for a first offense; unlawful distribution includes incidents in which no money is exchanged. In addition, the possession of controlled substances or alcohol in such quantities as to create a presumption of possession with the intent to distribute on or off campus is a serious violation that may result in immediate suspension or expulsion. Evidence that a student has distributed drugs is grounds for interim suspension from the University and/or expulsion from University housing pending the findings of accountability proceedings. Students found to have distributed drugs to others may also be held responsible for personal injuries or property damages resulting from misconduct committed by the students under the influence of the distributed substances.

The presumptive sanction for a third violation of alcohol or other drugs policies is suspension.

Violations involving behavior that injures persons, that damages property, or that injures or damages the community at large, will increase the presumptive strength of the sanction given.

Sanctions may be accompanied by an accountability action plan to help students and organizations understand the potential consequences of policy violations and improve decision-making.

Such enhancements may include the following:
- Alcohol Use Disorders Identification Test (AUDIT);
- Cannabis Use Disorders Identification Test (CUDIT);
- Evaluation through Brief Alcohol Screening and Intervention for College Students (BASICS) or extensive clinical assessment by a counselor;
- Individual coaching session for harm reduction support;
- Participation in an individualized treatment plan to address substance use and/or co-occurring mental health disorders when indicated by the results of the evaluation;
- Required attendance at alcohol or other drug education seminars;
- Implementation of an alcohol or other drug educational program for peers;
- Completion of educational programs or online tutorials;
- Drug testing;

• Drug testing;
The University will impose disciplinary sanctions on faculty and staff, up to and including termination of employment and referral for prosecution, for violation of alcohol and drug laws. Conditions of continued employment may include the completion of an appropriate rehabilitation program. Faculty and staff should refer to the Faculty Manual, the Human Resources Policies and Procedures website (including but not limited to the Progressive Discipline policy), the Vanderbilt University Alcohol and Drug Use Policy, and any applicable union contract.

Tennessee alcohol and other drug laws, including penalties for violations, are detailed in the Student Handbook. Additional resources can be found at vanderbilt.edu/student_handbook/alcoholic-beverage-and-controlled-substances-policies.

With respect to employees, the Vanderbilt Drugs and Alcohol Policy requires faculty and staff to comply with all federal, state and local laws relating to alcoholic beverages, narcotics and other drugs. The University prohibits the unlawful possession, use or distribution of alcohol and illicit drugs by faculty and staff on its property or as part of any University-sponsored activity. The prohibition extends to off-campus activities that are officially sponsored by Vanderbilt, its schools, departments or organizations. In addition, the prohibition extends to off-campus professional or organizational activities, including attendance at conferences, when participation is sponsored by the University, or when the participant is representing the University. Finally, the prohibition extends to “private” events off-campus where the University may have an interest.

For more information regarding legal sanctions, the health risks, and on-campus resources for employees seeking help for alcohol or drug abuse, see the Drugs and Alcohol Policy at hr.vanderbilt.edu/policies/drug-alcohol.php. The Employee Assistance Program offers a range of services, including voluntary and confidential professional services and the Faculty and Physician Wellness Program (FPWP) and the Nurse Wellness Program, to assist faculty and staff with personal problems, such as alcohol and drug abuse. Faculty and staff may contact the Employee Assistance program at (615) 936-1327.

- Research or reflection essays;
- Restitution; or
- Letters of apology.

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- Research or reflection essays;
- Restitution; or
- Letters of apology.
The University does not permit storage of any firearms or archery equipment, even for the purposes for recreational sporting/hunting, inside residential facilities or any other building on campus. Students with weapons for lawful purposes can store them for safekeeping at the Vanderbilt University Police Department located at 2800 Vanderbilt Place. For complete information, including the required forms, visit police.vanderbilt.edu.

Due to restrictions under Tennessee law, as well as additional restrictions set by University policy, anyone other than commissioned law enforcement officers are prohibited from carrying weapons on campus.
CRIMINAL CONVICTIONS

Being convicted of a crime outside the workplace may render a staff member unsuitable for continued employment at the University. Vanderbilt reserves the right to terminate employment if an individual is convicted of a crime, even if the crime did not occur on Vanderbilt time or premises.

Misconduct that involves dishonesty, violation of the law, significant risks to Vanderbilt operations, or the safety and well-being of oneself or others may be grounds for immediate termination of employment, whether it results in criminal prosecution or conviction. However, the facts and circumstances of each case will determine what action, up to and including termination, is appropriate. Decisions to terminate employment will be made in consultation with appropriate representatives from central Human Resources.

Employees must report a criminal arrest or conviction through a Conflict of Interest disclosure (admin.app.vanderbilt.edu/coi) within three business days of the arrest or conviction.

A review of any criminal activity and disclosure will be conducted prior to any action being taken. The review will include, but not be limited to, an assessment of the underlying conduct, the nature and gravity of the offense or conduct, when the incident occurred (whether it occurred many years ago or within the last few years), and the nature of the position.

SEXUAL OFFENDER REGISTRATION

The Tennessee Bureau of Investigation (TBI) maintains the state’s Sex Offender Registry, a central information and registration system of sexual offenders located in Tennessee.

Information concerning registered sexual offenders can be obtained from the Sex Offender Registry by calling the hotline at (888) 837-4170 between 7:00 a.m. and 8:30 p.m. CDT, Monday through Friday, or on the weekends between 7:00 a.m. and 5:30 p.m. CDT (excluding holidays), or by email at TBISORMGR@tn.gov. A search of the Sex Offender Registry can be found by visiting the TBI website at tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html.
REFERENCE PHONE NUMBERS

VANDERBILT UNIVERSITY POLICE DEPARTMENT
• Emergency
  (615) 421-1911 or 911
  (all medical, fire, life/safety issues)
• Non-emergency
  (615) 322-2745
• Community Relations
  (615) 322-2745
• Walking Escorts
  (615) 322-2745
• Lost and Found
  (615) 343-5371

MEDICAL
• VUMC Emergency Room
  (615) 936-8883
• Student Health
  (615) 322-2427
  (for student non-emergency illness and injury)
• Occupational Health Clinic
  (615) 936-0955
  (work-related injuries or exposures)
• Poison Center Hotline
  (800) 222-1222

SAFETY HAZARDS
• Campus Safety Officer
  (615) 566-9158
  (615) 322-2045 after hours
• VU Facilities
  (615) 343-9675
  (request for services, 24 hours)
• VUMC Facilities Maintenance
  (615) 322-2041
  (request for repairs, 24 hours)
• Vanderbilt Information Technology
  (615) 343-3999

ON-CAMPUS RESOURCES
When dialing from an on-campus phone, use the last five digits in the phone number. Remember to dial area code (615) when using a cell phone.
**COUNSELING/SUPPORT/INFORMATION**

- **University Counseling Center**  
  (615) 322-2571  
  (counseling services and referrals for students)

- **Work/Life Connections—EAP**  
  (615) 936-1327  
  (counseling, referrals, violence in the workplace issues)

- **Faculty and Physician Wellness Program**  
  (615) 936-1327  
  (counseling, referrals, violence in the workplace issues)

- **Nurse Wellness Program**  
  (615) 936-1327  
  (counseling, referrals, violence in the workplace issues)

- **Center for Student Wellbeing**  
  (615) 322-0480

- **Project Safe Center for Sexual Misconduct Prevention and Response**  
  (615) 322-SAFE (7233)  
  (24-hour support hotline)  
  (615) 875-0660  
  (office line for non-urgent matters)

- **Office of Housing and Residential Experience**  
  (615) 322-2591  
  (615) 566-1010 On-duty Area Coordinator/Graduate Area Coordinator  
  (for referrals and support services; after hours, contact an Area Coordinator)

- **Office of the University Chaplain and Religious Life**  
  (615) 322-2457  
  (available after hours for crisis counseling through voice mail forwarding)

- **University Human Resources/Employee Service Center**  
  (615) 343-4788  
  (conflict resolution issues between staff members or between staff and supervisors)

- **Title IX Office**  
  (615) 322-9004  
  (student issues involving sexual harassment, sexual assault, dating and domestic violence, and stalking)

- **Equal Opportunity and Access**  
  (615) 343-9336  
  (faculty/staff issues involving discrimination, harassment, equal access, disabilities, and affirmative action)

- **Student Access Services**  
  (615) 322-9727  
  (issues involving equal opportunity in employment, public accommodations, transportation, state and local government services, and telecommunications for individuals with disabilities pertaining to students)

- **MNPD Domestic Violence Division**  
  (615) 880-3000

- **MNPD Victim Intervention**  
  (615) 862-7773

- **District Attorney’s Office Victim/Witness Division**  
  (615) 862-5500  
  (legal process questions)

- **Family and Children’s Service Crisis Line**  
  (615) 244-7444  
  (24-hour assistance)

- **Sexual Assault Center of Nashville, Crisis and Support Line**  
  866-811-RISE (7473) (24-hour assistance)

- **YWCA Domestic Violence Center, Crisis and Information Line**  
  (800) 799-SAFE (7233)  
  (24-hour assistance)

**PARKING AND VUMC SHUTTLES**

- **University Parking and Transportation**  
  (615) 322-2554

- **VUMC Parking Office**  
  (615) 936-1215 (Option 3)

- **VUMC Shuttle Service**  
  (615) 936-1215 (Option 3)

**OFF-CAMPUS RESOURCES**

When calling from an on-campus phone, dial “9” to get an outside line.

- **Metropolitan Nashville Police Department (MNPD)**  
  (615) 862-8600  
  (“911” call dialed from on campus will be routed through the Vanderbilt University Police Department dispatcher, who will notify Metro Police, if needed)

- **Crime Stoppers**  
  (615) 742-7463  
  (to give an anonymous tip on a crime)

- **MNPD Sex Crimes Unit**  
  (615) 862-7540
CRIME STATISTICS
by Year and Location

The following information provides context for the crime statistics reported to the U.S. Department of Education as part of compliance with the Clery Act. Any identifying information about victims of crime, including victims of sexual assault, dating and domestic violence, and stalking, are excluded from these statistics.

In addition, a chart providing Vanderbilt’s crime statistics reported to the Tennessee Bureau of Investigation’s Crime Statistics Unit is attached as Appendix D. Note that these statistics will differ due to varying federal and state legal definitions of some crimes, as well as different rules regarding the year for which each incident must be reported. For example, a crime that occurred in December 2019, but was reported in January 2020, would be included in the 2020 federal statistics and the 2019 TBI statistics.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from campus officials with significant responsibility for student and campus activities and security. Many sources provide data for the Annual Security Report, including: the Vanderbilt University Police Department, the Metropolitan Nashville Police Department, the Title IX Coordinator, the EOA Director, the Dean of Students, the Director of Student Accountability, the Project Safe Center, the University Compliance Officer, and other faculty and staff campus security authorities.

Crime statistics are reported annually to the Vanderbilt community via this Annual Security Report, published by the Vanderbilt University Police Department. Vanderbilt University then submits the annual crime statistics to the Department of Education. This statistical information also is available to the public through the Department of Education website at ope.ed.gov/campussafety/#/.

Students and employees are provided notice on an annual basis of the availability of this report on the Vanderbilt University website, and a printed version is available by request.

SPECIFIC INFORMATION ABOUT CLASSIFYING CRIME STATISTICS

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting (UCR) Program and relevant
federal law (the Clery Act as amended by the Campus SaVE Act).

Geography
Statistics must be disclosed if the crime occurred within University geography as defined by the Clery Act. The Department of Education describes the categories of Clery geography as On Campus, Public Property, and Non-Campus. Clery crimes that occur in residential housing are reported as a sub-category within the On Campus geography.

On Campus is described as:
• any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and
• any building or property that is within or reasonably contiguous to the area identified in the previous bullet of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Federal regulations require that Vanderbilt report all crimes that occur on Vanderbilt University Medical Center property that is contiguous to campus, including crime that occurs within the Emergency Department, Vanderbilt University Hospital, Monroe Carell Jr. Children’s Hospital, and Vanderbilt Behavioral Health. Those statistics are set forth in a separate chart below.

The on campus statistics includes a sub-category of residential housing statistics. A residential housing facility is defined as any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. On Vanderbilt’s campus, this includes any buildings housing Greek organizations in which some members reside.

Non-campus is any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution; or any building or property owned or controlled by a student organization that is officially recognized by the institution.

Public Property includes thoroughfares, streets, sidewalks, and public parking facilities, that is within the campus, or immediately adjacent to and accessible from campus.

Reasonably contiguous refers to a building or property the institution owns or controls that is in a location the institution and its students consider to be, and treat as, part of campus.

Clery Act Crimes
The number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: murder/non-negligent manslaughter; manslaughter by negligence; sex offenses, including rape, fondling, incest, and statutory rape; aggravated assault; domestic violence; dating violence; and stalking. For example, if an aggravated assault occurs, and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. In the crime categories of robbery, burglary, larceny, vandalism, and arson the number reflected in the statistics includes one offense per distinct operation. In cases of motor vehicle theft, each vehicle stolen is counted separately.

There are four categories of crime statistics:
1. Criminal Offenses
   • Murder and Non-negligent Manslaughter
   • Manslaughter by Negligence
   • Sex Offenses (Rape, Fondling, Incest, and Statutory Rape)
   • Robbery
2. Hate Crimes are incidents including any of the above-listed Criminal Offenses and any of the following additional offenses that were motivated by a bias with respect to race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and/or disability (see explanation below):
   • Larceny/Theft
   • Simple Assault
   • Intimidation
   • Destruction/Damage/Vandalism of Property
   (VAWA also includes sexual assault, which for reporting purposes is included in the Criminal Offenses category.)
   • Dating Violence
   • Domestic Violence
   • Stalking
4. Arrests and Referrals for Disciplinary Action
   • Weapons Law Violations—Carrying, Possession, etc.
   • Drug Abuse Violations
   • Liquor Law Violations

If an incident occurs that includes multiple offenses from the Criminal Offense category, a hierarchy rule must be used. Only the most serious offense is counted when more than one of the following is committed during a single incident. The hierarchy rule beginning with the most serious offense is as follows:
1. Murder and Non-negligent Manslaughter
2. Manslaughter by Negligence
3. Sex Offenses (Rape, Fondling, Incest, and Statutory Rape)
4. Robbery
5. Aggravated Assault
6. Burglary
7. Motor Vehicle Theft
Exceptions to applying the hierarchy rule include the following:
- With respect to incidents that include both a sexual offense and murder, both offenses are counted.
- Arson incidents are counted regardless of any additional offense committed during the incident.
- The most serious offense is counted along with the arson.
- When classifying hate crimes, all offenses in the incident that is motivated by bias are counted.
- When an incident occurs that includes offenses from any one of the four categories, the offense must be reported in each category. For example, if an aggravated assault that includes domestic violence and an arrest for a drug violation occurs in one incident, then each offense must be counted.

Definitions— VAWA Crimes and Tennessee Law

<table>
<thead>
<tr>
<th><strong>VAWA DEFINITIONS</strong></th>
<th><strong>TENNESSEE LAW DEFINITIONS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rape</strong></td>
<td><strong>TCA § 39-13-503 — Rape</strong></td>
</tr>
<tr>
<td>The penetration, no matter how slight, of the vagina or ans with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.</td>
<td>Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:</td>
</tr>
<tr>
<td></td>
<td>1. Force or coercion is used to accomplish the act;</td>
</tr>
<tr>
<td></td>
<td>2. The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time that the victim did not consent;</td>
</tr>
<tr>
<td></td>
<td>3. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or</td>
</tr>
<tr>
<td></td>
<td>4. The sexual penetration is accomplished by fraud.</td>
</tr>
<tr>
<td></td>
<td>There is no statutory definition for “consent” for sexual offense crimes in Tennessee.</td>
</tr>
<tr>
<td></td>
<td>Tennessee courts consider consent a question for the jury; however, they have held that non-consent does not constitute consent.</td>
</tr>
<tr>
<td></td>
<td>The statutory age of consent in Tennessee is 18 years of age.</td>
</tr>
<tr>
<td><strong>Fondling</strong></td>
<td><strong>TCA § 39-13-505 — Sexual Battery</strong></td>
</tr>
<tr>
<td>The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.</td>
<td>Sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:</td>
</tr>
<tr>
<td></td>
<td>1. Force or coercion is used to accomplish the act;</td>
</tr>
<tr>
<td></td>
<td>2. The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;</td>
</tr>
<tr>
<td></td>
<td>3. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or</td>
</tr>
<tr>
<td></td>
<td>4. The sexual contact is accomplished by fraud.</td>
</tr>
<tr>
<td></td>
<td>As used in this section, “coercion” means the threat of kidnapping, extortion, force or violence to be performed immediately or in the future.</td>
</tr>
</tbody>
</table>
### Definitions— VAWA Crimes and Tennessee Law

<table>
<thead>
<tr>
<th>VAWA DEFINITIONS</th>
<th>TENNESSEE LAW DEFINITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Incest</strong></td>
<td>A person commits incest who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:</td>
</tr>
<tr>
<td>Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.</td>
<td>1. The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or</td>
</tr>
<tr>
<td></td>
<td>2. The person's brother or sister of the whole or half-blood or by adoption.</td>
</tr>
<tr>
<td><strong>Statutory Rape</strong></td>
<td><strong>TCA § 39-15-506 — Statutory Rape</strong></td>
</tr>
<tr>
<td>Sexual intercourse with a person who is under the statutory age of consent.</td>
<td>Statutory Rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:</td>
</tr>
<tr>
<td></td>
<td>1. The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or</td>
</tr>
<tr>
<td></td>
<td>2. The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.</td>
</tr>
<tr>
<td></td>
<td><em>(For all victims under 13 and those under 18 where the defendant is more than 10 years older, the offense is considered to be Rape.)</em></td>
</tr>
</tbody>
</table>
### Definitions— VAWSA Crimes and Tennessee Law

<table>
<thead>
<tr>
<th>VAWA DEFINITIONS</th>
<th>TENNESSEE LAW DEFINITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any incident meeting the following definitions is considered a crime for the purposes of Clery Act reporting even if no Tennessee law was violated.</td>
<td><strong>TCA § 39-13-111 — Domestic Assault</strong>  Any assault committed against a “domestic abuse victim,” which includes:</td>
</tr>
<tr>
<td><strong>Domestic Violence</strong></td>
<td>1. Adults or minors who are current or former spouses;</td>
</tr>
<tr>
<td>A felony or misdemeanor crime of violence committed: By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. Regardless of state domestic assault laws, Clery does not include violence between roommates in this definition.</td>
<td>2. Adults or minors who live together or who have lived together;</td>
</tr>
<tr>
<td><strong>Dating Violence</strong></td>
<td>3. Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context;</td>
</tr>
<tr>
<td>Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based upon the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between persons involved in the relationship. <em>For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.</em></td>
<td>4. Adults or minors related by blood or adoption;</td>
</tr>
<tr>
<td></td>
<td>5. Adults or minors who are related or were formerly related by marriage; or</td>
</tr>
<tr>
<td></td>
<td>6. Adult or minor children of a person in a relationship that is described in (1)-(5).</td>
</tr>
<tr>
<td></td>
<td>Tennessee does not have a specific statute pertaining to dating violence that does not meet the definition of domestic violence above.</td>
</tr>
</tbody>
</table>
## Definitions— VAWA Crimes and Tennessee Law

<table>
<thead>
<tr>
<th>VAWA DEFINITIONS</th>
<th>TENNESSEE LAW DEFINITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Stalking</strong></td>
<td><strong>TCA § 39-17-315 Stalking</strong>&lt;br&gt;Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: Fear for the person's safety or the safety of others; or suffer substantial emotional distress.</td>
</tr>
<tr>
<td><strong>Reasonable Person</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Course of Conduct</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Substantial Emotional Distress</strong></td>
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</table>

"Definitions— VAWA Crimes and Tennessee Law"
University Campus

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>LOCATION</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder / Non-negligent Manslaughter</td>
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<tr>
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<td></td>
<td>Non-campus</td>
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<td>0</td>
</tr>
<tr>
<td></td>
<td>Public Property</td>
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<td>0</td>
</tr>
<tr>
<td>Manslaughter by Negligence</td>
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<td>Student Housing</td>
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<td>Non-campus</td>
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<tr>
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<tr>
<td>Rape</td>
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<td>26(^2)</td>
<td>13(^3)</td>
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<tr>
<td></td>
<td>Non-campus</td>
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<td>1(^4)</td>
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<tr>
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<tr>
<td>Incest / Statutory Rape</td>
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<td>Non-campus</td>
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<td>Robbery</td>
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<td>Aggravated Assault</td>
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<tr>
<td></td>
<td>Public Property</td>
<td>3</td>
<td>2</td>
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</tr>
</tbody>
</table>

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\(^1\) Thirteen of the rapes reported in 2018 occurred prior to 2018. Three of the rapes also are included in the domestic violence statistics.

\(^2\) Nine of the rapes reported in 2019 occurred prior to 2019. Six of the rapes also are included in the domestic violence statistics.

\(^3\) At least ten of the rapes reported in 2020 occurred prior to 2020. Five of the rapes reported involved the same victim and perpetrator, one of those rapes also is included in the domestic violence statistics.

\(^4\) This incident occurred during a Maymester trip to Paris, France in student housing.

\(^5\) This incident also was reported in the 2020 domestic violence statistics.
Motor vehicle thefts also include attempts or thefts of scooters, mopeds, and golf carts.

In 2018, three of the reported domestic violence incidents also are included in the rape statistics and one was included in the stalking statistics.

In 2019, six of the reported domestic violence incidents also are included in the rape statistics. Three incidents occurred prior to 2019. One incident also is included in the stalking statistics.

In 2020, one of the reported domestic violence incidents also is included in the rape statistics; another is included in the aggravated assault statistics. Four of the incidents were in two reports filed by the same couple. Three of these incidents occurred prior to 2020.

Federal regulations require that state law be followed when defining domestic violence; because Tennessee domestic violence law includes individuals who are or have been in a dating relationship, very few crimes fall into the Clery Dating Violence category.

Crime reports may be submitted anonymously or by a third-party reporter to a Campus Security Authority. Since these reports usually have very limited information, they often cannot be investigated by law enforcement; however, they will be included in the annual disclosure of crime statistics if they meet the definition of Clery crime.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>LOCATION</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burglary</td>
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<td></td>
<td>Non-campus</td>
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<td>Motor Vehicle Theft</td>
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<td>Non-campus</td>
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<tr>
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<tr>
<td>Arson</td>
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</tr>
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<td></td>
<td>Non-campus</td>
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</tr>
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<td>Liquor Law Violations:</td>
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<td></td>
<td>Non-campus</td>
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<td></td>
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<td>Liquor Law Violations:</td>
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<td>Referrals</td>
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<td></td>
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⁶ Motor vehicle thefts also include attempts or thefts of scooters, mopeds, and golf carts.

⁷ In 2018, three of the reported domestic violence incidents also are included in the rape statistics and one was included in the stalking statistics.

⁸ In 2019, six of the reported domestic violence incidents also are included in the rape statistics. Three incidents occurred prior to 2019. One incident also is included in the stalking statistics.

⁹ In 2020, one of the reported domestic violence incidents also is included in the rape statistics; another is included in the aggravated assault statistics. Four of the incidents were in two reports filed by the same couple. Three of these incidents occurred prior to 2020.

¹⁰ Federal regulations require that state law be followed when defining domestic violence; because Tennessee domestic violence law includes individuals who are or have been in a dating relationship, very few crimes fall into the Clery Dating Violence category.
### Vanderbilt University Medical Center

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**CATEGORY**  
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**2018**  
**2019**  
**2020**

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\(^1\) In 2020, one rape incident also is included in the domestic violence statistics.  
\(^2\) In 2019, one fondling incident also is included in the stalking statistics.  
\(^3\) In 2019, four of the reported aggravated assaults also are included in the domestic violence statistics.
CRIME STATISTICS BY YEAR AND LOCATION

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<thead>
<tr>
<th>CATEGORY</th>
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<th>2020</th>
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14 Five of the 2019 domestic violence incidents involved charges against both parties, resulting in 10 reports of domestic violence.

15 One of the 2020 domestic violence incidents also was included in the rape statistics.

**HATE CRIMES**

The Clery Act requires reporting of incidents where the offender’s bias against a person or property motivates them in whole or in part to commit the crime. This includes bias against race, gender, religion, national origin, sexual orientation, gender identity, disability, or ethnicity. Crimes listed in any of the categories in the tables above, as well as incidents of Larceny/Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property that involve any of these hate crime categories, must be reported.

**2020:** No hate crimes were reported at Vanderbilt University’s campus. One incident of vandalism of property involving a racially-biased statement written on the outside of a window of a VUMC building was reported.

**2019:** No hate crimes were reported at Vanderbilt University or at VUMC facilities.

**2018:** No hate crimes were reported at Vanderbilt University or at VUMC facilities.

**VANDERBILT PROGRAMS OUTSIDE NASHVILLE**

Vanderbilt conducts programs or sponsors travel during the summer in Washington, D.C., and to other locations outside of Tennessee or the United States. In some instances, Vanderbilt may lease classroom and living space for the students participating in these programs or trips, and security is provided by the leasing entity and local police authorities. Specific questions about security at program facilities and housing should be raised with the sponsoring department and the faculty member or administrator in charge of the program or trip. All victims are encouraged to report crimes to local police, the department or school sponsoring the program, and the Vanderbilt faculty or administrator in charge of the program.

Vanderbilt received no reports of crime occurring at property leased in connection with its programs in Washington or abroad during 2018 or 2020. In 2019, an incident of fondling occurred during a Maymester trip to Paris, France in student housing; that crime is included in the 2019 statistics for fondling in the “non-campus” category.

**REPORTS OF CRIMES THAT HAVE BEEN UNFOUNDED**

During 2018, one report was unfounded from a residence hall in the University campus precinct. In 2019, five reports were unfounded, four from the University campus precinct, including one from a residence hall, and one from the VUMC precinct. In 2020, one report was unfounded from the University campus precinct.

A reported crime may be unfounded only if sworn or commissioned law enforcement personnel have fully investigated the reported crime and made a formal determination that the report is false or baseless. For example, if an individual reports a motor vehicle theft, but then later reports to police that the vehicle had actually been borrowed or parked in a different location, the report of that crime will be unfounded because the investigation concluded that no crime had occurred. These reports are not included in either the Clery or the Tennessee College and University Information Security Act (Appendix D) crime statistics.

No one other than appropriate law enforcement personnel may unfound a crime. A prosecutor’s decision not to bring charges, a finding of not guilty by a jury, or a finding of no responsibility by Vanderbilt University officials is not sufficient to unfound a reported crime.
The Vanderbilt University Campus Fire Safety Program is managed by the Vanderbilt University Public Safety (VUPS) Office of Emergency Management. This office maintains all campus fire-related statistical data and works to ensure campus facilities and operations are in compliance with the Metro Davidson County Fire Department rules and regulations.

COVID-19 & FIRE SAFETY

The health and safety of the Vanderbilt community is our highest priority. Plans for the current academic year have been developed in close consultation with experts from the Vanderbilt University Medical Center, the School of Nursing, as well as national, state, and local public health officials. In response to the ongoing pandemic, Vanderbilt University has de-densified residential spaces to provide housing that is as safe as possible. To accomplish this initiative, non-traditional housing at the Villages at Vanderbilt will be utilized as a residence hall. This location has been added to the fire safety systems table below. Additionally, the Office of Housing and Residential Experience has identified dedicated quarantine and isolation housing on campus.

FIRE SAFETY RESPONSIBILITIES

The following departments, entities, and individuals identified below all have vital roles in the overall fire safety of Vanderbilt University.
Vanderbilt Community Members

Fire safety is everyone’s responsibility. All fires on campus must be reported immediately to VU Public Safety and the Office of Housing and Residential Experience (OHARE).

Vanderbilt University Public Safety — Office of Emergency Management

The Office of Emergency Management employs a full-time certified Fire Inspector-1 (ICC, NFPA, TN) to assist with code compliance and provide fire safety training and education to students, staff and faculty.

Specific responsibilities are as follows:

• Serves as the primary liaison to the Metro Nashville Fire Department and Fire Marshal’s Office
• Assists with special event planning and code interpretation
• Conducts visual inspections of University owned and maintained buildings within the University Facilities Zones (excludes Real Estate owned/operated buildings)
• Provides fire safety training to VUPD sworn and non-sworn officers upon hire and during annual in-service training
• Provides annual training to select student groups, such as Residential Advisors, Greek Life Managers and Residents, and Student Life Center student workers, as well as other groups upon request
• Conducts routine fire drills in accordance with applicable fire codes and the Clery Act
• Collaborates with VU Facilities to maintain the Fire Alarm Response Procedure
• Approves fire pit requests for special events on campus

Vanderbilt University Plant Operations — Fire and Life Safety

The Vanderbilt University Plant Operations Controls Group, in accordance with local fire codes, is responsible for all fire system testing and maintenance for all campus buildings. Testing, as well as, preventative and corrective maintenance are carried out on all campus systems including fire alarms, fire sprinklers, kitchen and laboratory suppression equipment, and fire extinguishers on a periodic basis. NICET qualified staff have extensive training on the systems that are primarily used in campus buildings.

All fire detection systems are monitored by Plant Operations Building Systems Controls (BSC), which is staffed 24 hours per day, seven days a week. Under the University’s fire response procedures, BSC will notify the VUPD Dispatch Center of alarms in campus buildings and if additional resources are needed, VUPD Dispatch will request assistance from Metro Nashville Fire Department (MNFD).

BSC maintains a detailed daily log of activities of important life safety events and alarms; coordinates with contractors for fire watches, hot work, and sprinkler/fire alarm system outages; conducts all maintenance and testing on all life safety systems for each building on campus; responds to all fire issues; acts as a communication bridge between VUPD and Facilities; and dispatches staff to potential fire events or elevator captures.

FIRE SAFETY IMPROVEMENTS

The Office of Emergency Management continuously assesses the need for fire safety improvements across campus in conjunction with the Metro Nashville Fire Marshal’s Office. A certified Fire Inspector-1 within VU Public Safety performs inspections upon request in campus buildings to ensure fire and life safety code compliance.

Branscomb Quad and Gillette Hall have received new fire detection and suppression systems. Plant Operations Building Systems Controls (BSC) has also increased sprinkler testing frequency and thoroughness.

The Office of Emergency Management is currently developing a University Fire Safety Plan, which outlines the fire safety practices, procedures, and policies in place to ensure safe operations and regulatory compliance. This Plan will include roles/responsibilities, fire inspection processes, fire/evacuation drills, fire safety systems and equipment, fire prevention, emergency access, fire alarm response procedures, and fire reporting.

Due to significant construction and improvement projects affecting the West End Neighborhood, evacuation plans for Greek Life residences have been reviewed, updated, and posted to the emergency.vanderbilt.edu website.

Questions regarding code compliance or general fire and life safety inquiries can be directed to the Office of Emergency Management at publicsafetyinfo@vanderbilt.edu.

RESIDENTIAL FIRE SAFETY EDUCATION AND TRAINING

Residential Staff Training

Prior to the beginning of each fall semester, the Office of Emergency Management provides fire
safety training for all residential advisers (RA). Topics covered include RA fire safety responsibilities, fire safety rules, evacuation procedures, fire drills, and extinguisher training.

**Student Resident Training**

At the start of each fall semester, RAs are instructed to review the Evacuation Fire Safety Fact Sheet with residents of their floor during the first residence hall meeting.

The following instructions are posted in every student's residence room on campus:

**Fire Evacuation**

*When you hear a fire alarm or see smoke and fire:*

- Exit the building immediately using the nearest exit.
- Never use an elevator as an exit during a fire.
- Feel each door as you approach. Never open a hot door.
- If the hallway or stairwell is smoky, seek another path or await rescue in your room.
- Once outside, proceed to the Area Rally Point. Never reenter the building.

At the start of each fall semester, the Office of Emergency Management provides fire safety training for all Greek House officers. This training covers fire prevention, extinguisher training, and evacuation safety.

**Emergency Evacuation Drills**

Emergency evacuation drills are conducted each fall semester in every Vanderbilt residence hall. The drills are planned and coordinated by the Office of Emergency Management, with input and assistance from the senior director of the Residential Experience Office, the associate directors, and the area coordinators for each residential area. BSC staff members activate the alarms and then check the operating condition of fire alarm audible and visual alarms in each residence hall during the drill. Emergency evacuation drills are planned for all residence halls at Vanderbilt University during August–September 2021 (Note that this is subject to change based on any changes to COVID-19 campus health protocols).

**STUDENT FIRE SAFETY REGULATIONS**

Vanderbilt University is a smoke-free campus. Smoking is prohibited in all buildings on campus, including University residence halls and Greek chapter houses and on the grounds of the campus, with the exception of designated outdoor smoking areas. Additional smoking policy information can be found in the Student Handbook at vanderbilt.edu/student_handbook/university-policies-and-regulations/#smoke-free-campus.

Residents must abide by the fire safety regulations outlined in the Student Handbook (See vanderbilt.edu/student_handbook/residential-life/#general-residence-life-policies):

- Combustible materials may not be stored on the premises.
- Cardboard boxes may not be used for storage of items in storage areas.
- The Metropolitan Nashville-Davidson County Fire Code prohibits the use and storage of grills within ten (10) feet of any combustible materials on any balcony or patio of a multifamily dwelling. Use or storage of grills is prohibited on any balcony or patio, or in any residential facility.
- Motorcycles, mopeds, and other internal combustion machines may not be kept in University housing.
- The use, possession, or storage of Hoverboards, Swagways, IO Hawks, Skywalkers, and similar devices is prohibited inside all Vanderbilt buildings and facilities, including, but not limited to, residence halls, Greek houses, student centers, academic buildings, labs, and parking structures.
- Bicycles may not be stored in hallways, stairwells, or other common areas because they may block emergency egress. Bicycles may be stored in student rooms.
- Candles, other devices that produce open flames, oil lamps, and incense are prohibited in the residence halls and subject to confiscation, whether or not they are lit at the time they are discovered. Exceptions for registered events sponsored by University departments may be made at the discretion of the senior director for housing operations, or the director's designee.
- Walkways, stairs, and corridors must be kept clear at all times for emergency egress. Student property may not be stored in these areas.
- Heat producing appliances (coffee makers, heating pads, slow-cookers, etc.) must be attended when turned on.
- Flammable materials (e.g., sheets, blankets, bandanas, scarves), may not be used to cover or obstruct light sources, heating/cooling sources, or fire-safety fixtures.
- The University’s smoke-free campus policy limits smoking to designated outdoor areas. Extinguishing or disposing of smoking materials by any means other than the urns provided is prohibited.
- Access to windows and doors must be kept clear for emergency egress.
- Emergency exits may be used by residents or guests only for emergency exit or exit during drills. Other use is prohibited.
- Failure to evacuate a building when a fire alarm sounds is prohibited.

Additionally, the following are prohibited and will likely result in corrective action through the University’s accountability process, which may result in sanctions, including possible suspension from the University or a prorated damage charge among the residents of a particular area if the responsible person(s) cannot be identified:
• Tampering with door alarms, fire extinguishers, sprinkler heads, water flow or other control valves and other fire-safety equipment
• Tampering with smoke detectors, emergency phones, building access systems, elevator systems, surveillance cameras or other safety and security equipment
• Tube lights and string lights, except that string lights may be used under the following conditions: Such lights may be used only in individual rooms and not in common areas. The lights must be UL approved and in good condition and may not be used for more than 90 days. No more than three strands of such lights may be strung together, and they must be plugged directly into an outlet or into a surge protector that is plugged directly into an outlet.
• Items suspended from the ceilings, sprinkler heads, overhead piping, or on or near water pipes
• Use or possession of fireworks
• Disabling fire alarm systems
• Arson/igniting fires
• Tampering with or damaging fire-exit lights, signs, horns, strobes or other notification devices
• Tampering with or obstructing emergency-exit doors

FIRE SAFETY RULES FOR ELECTRICAL APPLIANCES

Approved Appliances
Electric-powered appliances such as radios, sound systems, TVs, electric blankets, clocks, lamps, and coffee makers with enclosed heating elements are permitted in residence hall rooms. All appliances used in campus residences must be in good condition, with special attention given to seals, electrical cords, and plugs. Only power strips with circuit breakers may be used as extension cords. Additional approved electrical appliances include:
• Microwave ovens (800 watt maximum and interior capacity of one cubic foot)
• Refrigerators (4-foot capacity)

The residential staff may require that any appliance be placed in storage if the manner in which the appliance is used causes interruption of service or endangers the health, safety, or well-being of the residential community.

Restricted Appliances
Electric-powered appliances with exposed heating elements and grills (either outdoor or indoor use, including “George Foreman” grills and similar devices) are prohibited. Appliances that draw a large amount of current from each circuit, such as hot plates, air conditioners, and electric heaters are prohibited. Additional restricted electrical appliances include:
• Halogen lamps or halogen light sources
• Washing machines
• Dryers
• Water-heating elements

The senior director of housing operations reserves the option of revoking authorization for the use of any appliance in individual buildings or throughout the residential campus.

FIRE SAFETY RULES FOR FURNISHINGS

Student-owned furniture brought into campus residences and Greek houses must meet the hospitality/contract-grade furniture fire-safety specifications of either the National Fire Protection Association (NFPA) 260 or the California Technical Bulletin 117, section E. Furniture that complies with either standard will be appropriately tagged by the manufacturer.

RESIDENCE HALL FIRE SAFETY SYSTEMS
All traditional Vanderbilt residence halls and Greek houses are protected by fire detection and automatic sprinkler systems. The fire detection systems are designed to alert building occupants in the event of a fire and is activated by smoke detectors, sprinkler water flow, or manual pull station activation. Sprinkler systems are activated when the fire sprinkler heads detect temperatures above a designated temperature threshold. Some residence halls have commercial food service areas and are equipped with hood suppression systems in the event of a cooking fire. Each residence hall and Greek house has an adequate complement of dry chemical fire extinguishers located in common areas, multi-room suites, mechanical, and storage areas as required by local and state fire codes. The Fire Safety Systems table at the end of the section contains a complete listing of all the current fire safety systems.

Non-Traditional Residence Halls
During the COVID-19 pandemic, Vanderbilt University de-densified residential spaces for on-campus students. To accomplish this, the university is using non-traditional housing facilities near campus at the Village at Vanderbilt (South Tower and Townhomes) as residence halls. The fire safety systems for these designated facilities are included in the fire safety systems list at the end of this report.

FIRE LOG

2018–2020 FIRE STATISTICS
The following chart summarizes all fires occurring in residence halls or Greek houses from 2018 through 2020. Within that time period, there were a total of thirteen fires (six in 2020, five in 2019, and two in 2018), none of which caused any injuries. None of these fires exceeded $2,000 in damage. Six of the thirteen fires occurred in kitchens.
## RESIDENCE HALL/ADDRESS
Portions of Kensington Place and 24th Ave. were closed in summer 2019; New street addresses for some buildings are noted in parentheses.

<table>
<thead>
<tr>
<th>RESIDENCE HALL/ADDRESS</th>
<th>Year</th>
<th># of Fires</th>
<th>Cause of Fire</th>
<th># of Injuries Requiring Medical Facility Treatment</th>
<th># of Deaths</th>
<th>Damages</th>
<th>Notes</th>
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<td>Cigarettes were improperly disposed in a restroom trash can.</td>
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<td>Building demolished summer 2021</td>
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<td>Kitchen pans were not removed from the oven prior to pre-heating, resulting in a small fire.</td>
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<td>0</td>
<td>$0</td>
<td>Building demolished summer 2019</td>
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<td>RESIDENCE HALL/ADDRESS</td>
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<td># of Fires</td>
<td>Cause of Fire</td>
<td># of Injuries Requiring Medical Facility Treatment</td>
<td># of Deaths</td>
<td>Damages</td>
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<td>2020</td>
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<td>A clothes dryer caught fire as the result of excess lint buildup in the exhaust ventilation pipes.</td>
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<tr>
<td>Delta Delta Delta 120 24th Ave. S. (2308E Vanderbilt Pl.)</td>
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</table>

Portions of Kensington Place and 24th Ave. were closed in summer 2019; New street addresses for some buildings are noted in parentheses.
## Residence Hall/Address

Portions of Kensington Place and 24th Ave. were closed in summer 2019; New street addresses for some buildings are noted in parentheses.

<table>
<thead>
<tr>
<th>Residence Hall/Address</th>
<th>Year</th>
<th># of Fires</th>
<th>Cause of Fire</th>
<th># of Injuries Requiring Medical Facility Treatment</th>
<th># of Deaths</th>
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House demolished Summer 2018
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<th>Damages</th>
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<td>While cooking, butter dropped onto the burner, resulting in a small fire.</td>
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<td>The blower motor on an HVAC unit overheated and caused a mechanical equipment fire.</td>
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<tr>
<td><strong>Sigma Nu</strong> 2412 Kensington Pl. (110C 25th Ave. S.)</td>
<td>2018</td>
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</table>

Portions of Kensington Place and 24th Ave. were closed in summer 2019; New street addresses for some buildings are noted in parentheses.

Scarritt Bennett was used as quarantine and isolation housing during academic year 2020-2021.
<table>
<thead>
<tr>
<th>RESIDENCE HALL/ADDRESS</th>
<th>Year</th>
<th># of Fires</th>
<th>Cause of Fire</th>
<th># of Injuries</th>
<th># of Deaths</th>
<th>Damages</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith Hall 2101 West End Ave.</td>
<td>2018</td>
<td>0</td>
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</tr>
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<td></td>
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<td>Sutherland House 1900 South Dr.</td>
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<tr>
<td>Tolman Hall 320 West Side Row (2304C Vanderbilt Pl.)</td>
<td>2018</td>
<td>0</td>
<td>A clothes dryer caught fire due to overloading from a large load of clothes, bedding, and a foam pillow being dried simultaneously.</td>
<td>0</td>
<td>0</td>
<td>$750</td>
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<td>Vaughn House 313 24th Ave. S.</td>
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<td></td>
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</tr>
<tr>
<td>Village at Vanderbilt 403 Village at Vanderbilt University</td>
<td>2018</td>
<td>N/A</td>
<td>A fire occurred on an outside balcony. A discarded cigarette butt burned the outside facade and caused damage.</td>
<td>0</td>
<td>0</td>
<td>$2,000</td>
<td>The Village apartments were used as quarantine and isolation housing for academic year 2020-2021. For academic year of 2021-2022, the Villages will be used as a Residence Hall.</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>N/A</td>
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<td>West House 1400 21st Ave. S.</td>
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<tr>
<td>Zeta Tau Alpha 118 24th Ave. S. (200D 25th Ave. S.)</td>
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</table>

Portions of Kensington Place and 24th Ave. were closed in summer 2019. New street addresses for some buildings are noted in parentheses.
# Fire Safety Systems Table

<table>
<thead>
<tr>
<th>RESIDENCE HALL/ADDRESS</th>
<th>Automatic Fire Alarm System</th>
<th>Automatic Fire Sprinkler System</th>
<th>Portable Fire Extinguishers</th>
<th>Smoke Detection</th>
<th>Hood Suppression System (Commercial Kitchen Unless Otherwise Noted)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portions of Kensington Place and 24th Ave. were closed in summer 2019; New street addresses for some buildings are noted in parentheses.</td>
<td></td>
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<td>Alpha Chi Omega, 2414 Vanderbilt Place</td>
<td>Yes</td>
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<td>Alpha Delta Pi, 2410 Vanderbilt Place</td>
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<td>Alpha Epsilon Pi, 209 24th Ave. S.</td>
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<td>Alpha Tau Omega, 2422 Kensington Pl. (110A 25th Ave. S.)</td>
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<td>Beta Theta Pi, 210 24th Ave. S.</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Not currently used for housing</td>
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<td>Blakemore House, 2818 Vanderbilt Place</td>
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<td>Chaffin Place A, 1406A 25th Ave. S.</td>
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<td>Chaffin Place B, 1406B 25th Ave. S.</td>
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<td>Chaffin Place C, 1406C 25th Ave. S.</td>
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<td>Chaffin Place D, 1406D 25th Ave. S.</td>
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<td>Chaffin Place E, 1406E 25th Ave. S.</td>
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<td>Chaffin Place F, 1406F 25th Ave. S.</td>
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<td>Cole Hall, 2304 Vanderbilt Place (2304A Vanderbilt Pl.)</td>
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<td>Crawford House, 1910 South Dr.</td>
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<td>Delbruck Hall, 105 21st Ave. S.</td>
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<td>Delta Delta Delta, 120 24th Ave. S. (2308E Vanderbilt Pl.)</td>
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<td>Delta Kappa Epsilon, 101 24th Ave. S. (2402 Vanderbilt Pl.)</td>
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<td>E. Bronson Ingram, 2211 West End Ave.</td>
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<td>East House, 1920 South Dr.</td>
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<td>Elliston Hall, 105 21st Ave. S.</td>
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<td>Hank Ingram House, 1401 18th Ave. S</td>
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<td>Kappa Delta, 203 24th Ave. S. (2400C Vanderbilt Pl.)</td>
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<td>Lewis House, 1410 25th Ave. S.</td>
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<td>Lupton House, 2401 Vanderbilt Place</td>
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<td>Mayfield Place A, 1412A 25th Ave. S.</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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## Fire Safety Systems Table

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<tr>
<th>RESIDENCE HALL/ADDRESS</th>
<th>Automatic Fire Alarm System Monitored on Campus</th>
<th>Automatic Fire Sprinkler System</th>
<th>Portable Fire Extinguishers</th>
<th>Smoke Detection</th>
<th>Hood Suppression System (Commercial Kitchen Unless Otherwise Noted)</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>Portions of Kensington Place and 24th Ave. were closed in summer 2019; New street addresses for some buildings are noted in parentheses.</td>
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<td>Mayfield Place B, 1412B 25th Ave. S.</td>
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<td>Mayfield Place C, 1412C 25th Ave. S.</td>
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<td>Mayfield Place D, 1412D 25th Ave. S.</td>
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<td>Yes</td>
<td>Yes</td>
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<td>Mayfield Place E, 1412E 25th Ave. S.</td>
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<td>McGill Hall, 310 West Side Row (2304F Vanderbilt Pl.)</td>
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<td>Memorial House, 1910 Horton Ave.</td>
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<td>Morgan House, 1408 25th Ave. S.</td>
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<td>Pi Beta Phi, 2408 Kensington Pl. (110D 25th Ave. S.)</td>
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<td>Rice Hall, 2101 West End Ave.</td>
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<td>Scales House, 311 24th Ave. S.</td>
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<td>Sigma Alpha Epsilon, 2500 Kensington Place</td>
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<td>Sigma Chi, 2420 Vanderbilt Place</td>
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<td>Yes</td>
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<td>Sigma Nu, 2412 Kensington Pl. (110C 25th Ave. S.)</td>
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<td>Yes</td>
<td>Yes</td>
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<td>Smith Hall, 2101 West End Ave.</td>
<td>Yes</td>
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<td>Yes</td>
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<td>Stambaugh House, 1405 18th Ave. S.</td>
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<td>Yes</td>
<td>Yes</td>
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<td>Stapleton House, 315 24th Ave. S.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Sutherland House, 1900 South Dr.</td>
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<td>Zeta Beta Tau, 2419 Kensington Pl. (200B 25th Ave. S.)</td>
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<td>Zeta Tau Alpha, 118 24th Ave. S. (200D 25th Ave. S.)</td>
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I. PURPOSE

Vanderbilt University is committed to equal opportunity and to maintaining a safe and healthy environment for all members of the University community (including students, faculty, staff, postdocs, and trainees), guests, and visitors. The University’s policies, programs, and activities are designed to foster courtesy and respect. The University prohibits and seeks to eliminate all forms of sexual misconduct, including sexual harassment and sexual assault. Under federal law, Vanderbilt has a duty to take steps to prevent and redress sexual misconduct. Such conduct is contrary to Vanderbilt’s values and is not tolerated.

This Sexual Misconduct Policy (Policy) outlines the procedures that apply to allegations of sexual misconduct, including sexual harassment and sexual assault, involving members of the Vanderbilt community. It is applicable to all members of the Vanderbilt community, with respect to conduct that occurs on campus and conduct that occurs off campus that has an on campus effect, including conduct in connection with University programs or activities or that otherwise interferes with or limits the ability of a member of the community to participate in or to receive benefits, services, or opportunities from the University’s programs or activities.

This Policy sets forth the specific types of conduct that are prohibited, as well as the resources and support services available to Vanderbilt community members who have been affected by such conduct. Vanderbilt encourages everyone affected by sexual misconduct, and everyone who suspects or witnesses such conduct, to report it and to seek help and support from available resources. The University will take prompt and effective action to address allegations of sexual misconduct, and it will resolve complaints and reports in a timely and fair manner.

This Policy serves as Vanderbilt’s comprehensive policy against sexual misconduct in all of its forms. The accompanying Formal Grievance Protocol, which is linked here, covers a narrower sub-set of conduct that must be addressed according to a defined formal grievance process as required by U.S. Department of Education Title IX Regulations effective August 14, 2020. To the extent the procedures differ, when sexual misconduct meets the criteria specified in the Title IX Regulations, it must be addressed under the Formal Grievance Protocol. Otherwise, this overarching Sexual Misconduct Policy applies (e.g., the definitions in this Policy apply to the Formal Grievance Protocol).

Procedures for investigating and resolving allegations of sexual misconduct (other than conduct subject to the Formal Grievance Protocol) when the Respondent is a student are included in Section XII. Procedures for investigating and resolving allegations of sexual misconduct (other than conduct subject to the Formal Grievance Protocol) where the Respondent is not a student are included in Section XIII. Combined, Vanderbilt’s policies and procedures are intended to ensure that all members of the Vanderbilt community who are affected by an incident or complaint of sexual misconduct receive appropriate support and fair treatment, and that allegations of sexual misconduct are handled in a prompt, thorough, and equitable manner.

Relevant terms are defined in Sections II (below) and XIV (at the end of this Policy).

Vanderbilt will review, evaluate, and make any revisions or amendments to its policies and procedures on an ongoing and as-needed basis. The procedures outlined in this Policy and the accompanying Formal Grievance Protocol will apply to all Reports of sexual misconduct received by Vanderbilt’s Title IX Coordinator on or after August 14, 2020, regardless of the date of the alleged incident. The procedures outlined in this Policy and the accompanying Formal Grievance Protocol will not be applied retroactively. Procedures set out in the relevant version of the Vanderbilt Sexual Misconduct and Intimate Partner Policy, the Sexual Assault, Stalking, Dating and Domestic Violence Policy in Cases Not Involving Students (Campus SaVE Act Policy), the Anti-Harassment Policy, the Faculty Manual, and other applicable university policies will apply to Reports received by the Title IX Coordinator prior to August 14, 2020. The definitions, including of prohibited offenses, in effect as of the date of the alleged incident will be used. Reports of conduct spanning more than one year will be addressed using the definitions section(s) of the relevant policy in effect at the time of the most recent alleged incident.

Inquiries about the application of this policy should be directed to Vanderbilt’s Title IX Coordinator:

**Title IX Coordinator**
(615) 343-9004
titleix@vanderbilt.edu
110 21st Avenue South, Suite 975
Nashville, TN 37203
vanderbilt.edu/title-ix/

II. SCOPE OF POLICY

A. Scope

This Policy and the Formal Grievance Protocol are intended to protect and guide individuals who have been affected by sexual misconduct, whether as a Complainant, a Respondent, or as a witness, and to provide fair and equitable procedures for investigation and resolution of Reports and Complaints.

Whether this Policy or the Formal Grievance Protocol applies depends in part on the kind of conduct alleged and the setting where it is alleged to have occurred.

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1. The effective date of this Sexual Misconduct Policy is 14 August 2020.
As noted above, when sexual misconduct meets the criteria specified in the Title IX Regulations, effective August 14, 2020, it must be addressed under the Formal Grievance Protocol, and not this overarching Sexual Misconduct Policy, to the extent the processes differ. The Formal Grievance Protocol applies to “sexual harassment” in a Vanderbilt “education program or activity” against a person in the United States. 34 C.F.R. § 106.44(a). “Sexual harassment” is defined in the Title IX Regulations (§ 106.30) as conduct on the basis of sex that satisfies one or more of the following:

1. A Vanderbilt faculty or staff member/employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (“quid pro quo”);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Vanderbilt’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking. (These terms are defined in the Definitions section below, Section XIV.)

“Sexual misconduct” prohibited by this Policy includes sex-based conduct beyond the Title IX Regulations’ “sexual harassment” definition. Examples may include sexual exploitation and many forms of verbal harassment that may not meet the Title IX Regulations’ definition of “sexual harassment.”

Additionally, the Formal Grievance Protocol required by the Title IX Regulations applies to a narrower set of circumstances than this Policy. The Formal Grievance Protocol applies to a Vanderbilt “education program or activity,” which is defined by the Title IX Regulations to include locations, events, or circumstances where Vanderbilt exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Vanderbilt. Under the Title IX Regulations, the Formal Grievance Protocol does not apply to any “education program or activity” that does not occur in the United States. (§ 106.44(a).)

Sexual misconduct that is not covered by the Formal Grievance Protocol, such as off-campus sexual misconduct alleged to have an on-campus effect or occurring during a study abroad program, may be addressed under this Sexual Misconduct Policy.

B. Overview of Policy and Certain Key Definitions

Vanderbilt is authorized under this Sexual Misconduct Policy and its accompanying Formal Grievance Protocol to take certain actions to address or remedy sexual misconduct after receiving a report of sexual misconduct (“Report”), during an investigation, and after an investigation even if the matter does not proceed to an adjudication.

Anyone can report an incident of sexual misconduct to Vanderbilt under the procedure described in Section VIII of this Policy. For example, a “Reporter” can be any individual who reports to Vanderbilt that they are a victim or survivor of sexual misconduct or that they have been affected by sexual misconduct (sometimes referred to as a “First-Party Reporter”) or that they have knowledge of sexual misconduct happening to or affecting someone else (sometimes referred to as a “Third-Party Reporter”).

A Report becomes a “Complaint” if a First-Party Reporter files a written document with the Title IX Coordinator describing an incident of sexual misconduct and indicating that they want Vanderbilt to take further steps, such as a full investigation and possibly holding an adjudication to resolve the matter. Vanderbilt can also convert a Report to a “Complaint” if Vanderbilt determines that, in order to meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Vanderbilt community, it must take further steps to address and resolve the matter. A Formal Complaint under the Formal Grievance Protocol is a type of Complaint. (See Formal Grievance Protocol, Section IV.A., regarding Formal Complaints.)

A “Complainant” refers to an individual who is alleged to have been subjected to an incident of sexual misconduct (i.e., a First-Party Reporter or a victim or person who has otherwise been affected by sexual misconduct, or under the Formal Grievance Protocol, an individual who is alleged to be the victim of conduct that could constitute sexual harassment). A Complainant has certain rights under this Policy, as discussed below. A Reporter who reports sexual misconduct happening to or affecting someone else (i.e., a Third-Party Reporter) can file a Report and request that it be treated as a Complaint, but that does not make them a Complainant. Similarly, the fact that the Title IX Coordinator converts a Report to a Complaint does not make the Title IX Coordinator a Complainant.

A “party” to a case may refer to a Complainant, a Respondent, or a third party.

A “Respondent” refers to an individual who has been accused of conduct that could constitute sexual misconduct prohibited under this Policy (or, under the Formal Grievance Protocol, an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment). A Respondent has certain rights under this Policy, as discussed below, and under the Formal Grievance Protocol when that policy is applicable.

A “third party” refers to any other participant in the process, including a witness to the incident or
an individual who makes a Report on behalf of someone else.

As used throughout this Policy, references to the “Title IX Coordinator” include any other person expressly designated by the Title IX Coordinator to act on their behalf.

Additional definitions are contained in Section XIV at the end of this Policy.

III. PROHIBITED CONDUCT

A. Formal Grievance Protocol (FGP)

The Formal Grievance Protocol (FGP), as required by the Title IX Regulations (§ 106.44(a)), applies to conduct that meets both:

• A definitional requirement: conduct on the basis of sex that constitutes “sexual harassment” and

• A jurisdictional requirement: conduct that relates to a Vanderbilt “education program or activity” against a person in the United States on or after August 14, 2020

An “education program or activity” includes locations, events, or circumstances over which Vanderbilt exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Vanderbilt. The Title IX Regulations exclude any “education program or activity” that does not occur in the United States. (§ 106.44(a).)

Sexual misconduct that does not satisfy the USDOE’s jurisdictional requirement, such as off-campus behavior alleged to have an on-campus effect, may be addressed under alternative procedures, as provided in the Vanderbilt Sexual Misconduct Policy, instead of this Protocol.

The following conduct is prohibited under the University’s FGP.

1. Sexual Harassment: “Sexual harassment” is defined in the new Title IX Regulations (34 C.F.R. § 106.30), effective August 14, 2020, to be conduct on the basis of sex that satisfies one or more of the following:

   a. A Vanderbilt faculty or staff member/employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (“quid pro quo”);

   b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Vanderbilt’s education program or activity;

   c. Dating Violence: The term “dating violence” is defined in the new Title IX Regulations by reference to federal statute 34 U.S.C. § 12291(a)(10), which defines the term as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

   d. Domestic Violence: The term “domestic violence” is defined in the new Title IX Regulations by reference to federal statute 34 U.S.C. § 12291(a)(8), which defines the term as felony or misdemeanor crimes of violence committed between:

   o individuals who are current or former spouses or intimate partners,

   o persons who share a child in common,

   o persons who currently live together or have formerly lived together as spouses or intimate partners,

   o a person similarly situated to a spouse of the victim under the domestic or family violence laws of the school’s jurisdiction, or

   o any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the school’s jurisdiction.

   e. Sexual Assault: An act of sexually-motivated physical contact directed towards another person when the other person does not consent or is incapable of giving consent. This includes but is not limited to rape, sodomy, sexual battery, fondling, incest, and statutory rape. See Title IX Regulations, which cite to 20 U.S.C. § 1092(f)(6)(A)(v).

   f. Stalking: The term “stalking” is defined in the new Title IX Regulations by reference to federal statute 34 U.S.C. § 12291(a)(30), which defines the term as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Types of stalking could include, but are not limited to:

o Following the targeted person;

o Approaching or confronting that person in a public place or on private property;

o Persistent and unwelcome attempts to contact the person by phone, electronic communication (including via the internet and cellphones), or regular mail, either anonymously or non-anonymously;

o Vandalizing the person’s property or leaving unwanted items for the person;

o Persistently appearing at the person’s classroom, residence, or workplace without that person’s permission or other lawful purpose;

o Cyber-stalking, in which a person follows,
observes, monitors, or surveils another person through the use of electronic media such as the Internet, digital media networks, blogs, cell phones, texts or other similar devices; and
- Using visual or audio recording devices or hidden or remote cameras used without the subject’s consent.

The Title IX Regulations’ use of federal definitions of sexual assault, dating violence, domestic violence, and stalking may differ from state law. Accordingly, any criminal proceeding brought by state or local law enforcement authorities may use different definitions.

**B. Sexual Misconduct Policy (SMP)**

“Sexual misconduct” is a broader term that covers other sex-based conduct beyond the USDOE’s “sexual harassment” definition. Sexual misconduct that does not satisfy the USDOE’s definition of “sexual harassment” or the related jurisdictional requirements may be addressed under alternative procedures, as provided in the Vanderbilt Sexual Misconduct Policy, instead of the FGP.

In addition, the following conduct, including facilitation/assistance of or attempts to commit the same, is prohibited under the University’s Sexual Misconduct Policy (SMP).

1. **Sexual Misconduct:** Is a broad term that includes what most people colloquially refer to as “rape,” but also includes other forms of misconduct, including both “sexual harassment” as defined by the Title IX Regulations and the more broad behaviors included in this section. It also encompasses other sexually-motivated or gender-biased misconduct beyond sexual harassment. Examples may include sexual exploitation and many forms of verbal harassment that may not meet the Regulations’ definition of “sexual harassment.”

If alleged sexual misconduct does not satisfy the Title IX Regulations’ jurisdictional criteria, such as off-campus sexual misconduct (including sexual harassment) alleged to have an on-campus effect or occurring during a study abroad program, then it may be addressed under this Sexual Misconduct Policy. Such off-campus sexual harassment may be referred to as Non-Consensual Sexual Contact (“NCSC”) or Non-Consensual Sexual Penetration (“NCSP”) (defined below) to avoid confusion between charges brought under this Policy and its procedures as compared to the Title IX Regulations’ “sexual harassment” definitions and requirements, which are governed by Vanderbilt’s Formal Grievance Protocol.

Sexual misconduct is conduct that is unwanted or unwelcome and is sexual in nature. Experiencing sexual misconduct may interfere with a Vanderbilt community member’s ability to perform a job, participate in activities, and/or participate fully in Vanderbilt’s education programs. Sexual misconduct is demeaning to others and undermines the integrity of the employment relationship and/or learning environment by creating an intimidating, hostile or offensive working or academic environment through verbal or physical conduct of a sexual nature. Sexual misconduct is prohibited regardless of whether it occurs between or among members of any sex. Sexual misconduct may also consist of inappropriate gender-based comments and gender stereotyping, even if the acts do not involve conduct of an overtly sexual nature.

a. **Non-Consensual Sexual Contact:** “Sexual contact” is any contact of a sexual nature – however slight – with the breasts, buttocks, groin, genitals, mouth, or other body part of another, by any person upon another without effective consent. This offense also includes contact of a sexual nature involving an individual causing someone else to touch him/her/them with, or on, any of these body parts without effective consent.

b. **Non-Consensual Sexual Penetration:** “Sexual penetration” is any vaginal and/or anal penetration – however slight – by any body part (e.g., penis, tongue, or finger) or object, and/or oral copulation (mouth to genital contact), by any person upon another without effective consent. Non-Consensual Sexual Penetration also includes an individual causing someone else to penetrate him/her/them vaginally, anally, or orally without effective consent.

c. **Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or the benefit of anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

- Non-consensual video or audio-taping of sexual activity or other private activity, even if that activity occurs in a public or semi-public place;
- Non-consensual dissemination of video, photographs, or audio of sexual activity or other private activity, including dissemination by a third party or a person not involved in the original conduct;
- Sexually-based blackmail or extortion;
- Exceeding the boundaries of consent (such as covertly observing or permitting others to covertly observe consensual sexual activity, videotaping (or otherwise recording) or permitting others to videotape (or otherwise record) a person using a bathroom or engaging in other private activities);
- Engaging in voyeurism, exposing one’s breasts, buttocks, or genitals in a non-consensual circumstance or inducing another to expose their breasts, buttocks, or genitals without effective consent;
- Procuring, offering for, or promoting

APPENDIX A. VANDERBILT UNIVERSITY SEXUAL MISCONDUCT POLICY
sexual exploitation of another person, or using another person for sex work or transactional sex for one’s own benefit;
   o Knowingly and non-consensually exposing someone to, or transmitting to someone, a sexually transmitted infection or sexually transmitted disease.
   o Intentionally disclosing or threatening to disclose the sexual orientation, gender identity, STI/STD status, and/or or gender expression of another if the person has kept, or sought to keep, their status private from the person(s) to whom it is disclosed; and
   o Sexually-based stalking and/or bullying.

C. Effective Consent and Related Terms Under the FGP and SMP

1. **Blacking Out:** is an amnesia-like state that may be brought on by drugs, heavy drinking, or intoxication; blacking out is not necessarily incompatible with the ability to engage in simple or even complex behavior. Afterwards the person has no recollection of all or part of the events that occurred during the blackout. There is a distinction between passing out (falling asleep or becoming unconscious) due to drug or alcohol use and blacking out in that a person in a blackout remains conscious and operative.

2. **Coercion:** is conduct that would reasonably place an individual in fear of immediate or future physical, emotional, or other harm and that is used to pressure someone to engage in sexual contact. Coercion can include manipulation, intimidation, unwanted contact, or express or implied threats of harm. In evaluating whether coercion was used, the University will consider whether pressure was applied and, if so, the frequency, intensity, and duration of the pressure, as well as the degree of isolation of the person being pressured. Sexual activity that is coerced is non-consensual.

3. **Effective Consent:** Is consent that is informed and freely and actively given. Effective consent requires mutually understandable words or actions indicating a willingness to engage in mutually agreed-upon sexual activity.
   a. The person who wishes to engage in sexual activity with another bears the burden of specifically obtaining effective consent. If effective consent is in question or ambiguous, then the person who wishes to engage in sexual activity must clarify or explicitly ask for permission.
   b. There is no requirement for a person to resist, physically or otherwise, in order to demonstrate a lack of effective consent. Effective consent means communicating “yes” by word or action; the absence of saying or indicating “no” does not equate to effective consent.
   c. Effective consent must be maintained by both parties throughout the sexual interaction.
   d. Effective consent to sexual activity may be withdrawn at any time, at which point all sexual activity must cease immediately.
   e. Effective consent for one form of sexual activity does not constitute effective consent for another form of sexual activity.
   f. When “no” to a form of sexual activity is communicated by word or action, that sexual activity must cease immediately. Repeated requests to engage in a form of sexual activity may amount to coercion, as explained below.
   g. Previous sexual relationships of the complainant and the respondent with others are generally irrelevant to the existence of effective consent, but a previous, current, and/or subsequent sexual relationship between the complainant and the respondent may or may not be relevant to demonstrating or establishing, depending on the facts and circumstances, whether effective consent was sought or obtained. Relevancy of a previous, current, and/or subsequent sexual relationship between the complainant and respondent or others will be evaluated on a case-by-case basis.
   h. Effective consent expires. Effective consent lasts for a reasonable time, depending on the circumstances. Thus, effective consent on one occasion, whether on the same day or another day, may not carry over to another sexual interaction.
   i. Effective consent is never implied by a person’s attire, the person’s extension or acceptance of an invitation to dinner, a date (social function), or a person’s residence, or the person’s consensual participation in kissing or other sexual activity.
   j. Because effective consent must be informed, an individual must not engage in sexual activity with another person if the individual knows or reasonably should know the person is incapacitated.
   k. Effective consent is deemed withdrawn at any point during sexual activity when an individual has become or is incapacitated.
   l. Agreement or acquiescence obtained through the use of fraud, force (actual or implied), or other forms of coercion, as defined below, is not effective consent.
   m. Effective consent requires mutual understanding and agreement regarding the use and/or method of prophylaxis and contraception.
   n. A person’s age may be a factor in determining the ability to give effective consent. For example, under Tennessee law, a person who is under the age of 18 cannot
effectively consent to sexual intercourse with a person four or more years older than the underage person.

4. Incapacitation: Means the lack of ability to make rational, reasonable judgments as a result of alcohol consumption, other drug use, sleep, the taking of any so-called “date-rape” drug, unconsciousness, or blackout. An incapacitated person cannot make rational, reasonable decisions because that person lacks the ability to fully understand the who, what, where, or how of their sexual interaction. Determining whether an individual is incapacitated requires an individualized assessment. Incapacitation is a state beyond drunkenness or intoxication, in which alcohol, drugs, or other factors render one unable to make fully informed judgments or have an awareness of consequences. Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known of the other individual’s incapacitated state. While incapacitation may be caused by drugs or alcohol, it also includes the state of being asleep, during which time a person is unable to provide effective consent.

IV. TITLE IX AND NONDISCRIMINATION

Title IX is a federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX prohibits use of federal money to support sex discrimination in education programs and provides individuals protection against such practices.

In compliance with federal law, including the provisions of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, the ADA Amendments Act of 2008, Executive Order 11246, the Vietnam Era Veterans Readjustment Assistance Act of 1974 as amended by the Jobs for Veterans Act, the Uniformed Services Employment and Reemployment Rights Act, as amended, and the Genetic Information Nondiscrimination Act of 2008, Vanderbilt University does not discriminate against individuals on the basis of their race, sex, sexual orientation, gender identity, religion, color, national or ethnic origin, age, disability, military service, covered veterans status, or genetic information in its administration of educational policies, programs, or activities; admissions policies; scholarship and loan programs; athletic or other University-administered programs; or employment. In addition, the University does not discriminate against individuals on the basis of their gender expression consistent with the University’s nondiscrimination policy.

As part of its commitment to maintaining a community free of discrimination, and in compliance with Title IX’s mandate, Vanderbilt will address allegations of sexual misconduct, including sexual harassment and sexual assault, in a timely and effective way, will provide resources as needed for affected persons (Reporters, Complainants, Respondents and third parties within the Vanderbilt community), and will not tolerate retaliation against any person who reports sexual misconduct.

Any individual designated by Vanderbilt to have the duty to report alleged sexual misconduct, sexual harassment and/or related retaliation (known as a “Mandatory Reporter”) and who fails to report such conduct may be subjected to disciplinary action by Vanderbilt.

Inquiries about the application of Title IX should be directed to Vanderbilt’s Title IX Coordinator. Additional information can be found on Vanderbilt’s website: vanderbilt.edu/title-ix/.

Inquiries about the application of Title IX also can be directed to the U.S. Department of Education’s Office for Civil Rights.

V. RETALIATION

Vanderbilt expressly prohibits retaliation against anyone arising from their actions to: 1) in good faith, report what they believe is sexual misconduct, 2) participate in, or refuse to participate in, any
investigation or proceeding under this Policy or the Formal Grievance Protocol, or 3) oppose conduct that they believe to violate this Policy or the Formal Grievance Protocol. Retaliation includes intimidation, harassment, threats, or other adverse action or speech against the person who reported the misconduct, the parties, and their witnesses. Notwithstanding the provision in (2) above, staff, faculty, and employed postdoctoral fellows are generally required to participate in University investigations, including investigations of sexual misconduct, and refusal to participate in such an investigation may result in disciplinary action, which is not considered retaliation under this Policy.

Vanderbilt will not only take steps to prevent retaliation, but it will also take strong corrective action if it occurs. Anyone who believes they have been the victim of retaliation should immediately report it to the Title IX Coordinator, who will treat it as a Report. Any individual found to have retaliated against another individual will be in violation of this Policy and will be subject to disciplinary action, up to and potentially including termination for employees and expulsion for students.

Vanderbilt does not prohibit any party from discussing their own experience. While Vanderbilt cannot prevent a party or witness from discussing the allegations under investigation, Vanderbilt encourages parties to respect the sensitive nature of allegations of sexual misconduct.

To the extent any person receives another person’s confidential information (such as medical or psychological treatment records) solely as a result of participation in any investigation or proceeding under this Policy or the Formal Grievance Protocol, such confidential information may not be redisclosed outside of such forums. This provision does not apply to any information learned outside of an investigation or proceeding under this Policy or the Formal Grievance Protocol.

Anyone who knowingly makes a false accusation of prohibited conduct or retaliation of any form, including knowingly submitting false information during the adjudicatory process, may be subject to an investigation for a potential violation of this Policy and may be subject to disciplinary action, up to and potentially including termination for university employees and expulsion for students.

VI. TIME CONSIDERATIONS FOR REPORTING AND FILING COMPLAINTS

There is no time limit for reporting incidents of sexual misconduct under this Policy, although Vanderbilt encourages Reports to be made as soon as possible. Any individual who has been subjected to, or who knows of or has witnessed, an incident of sexual misconduct is encouraged to report the incident or file a Complaint immediately to maximize Vanderbilt’s ability to obtain information and conduct an adequate, thorough, prompt, and impartial investigation. A delayed Report of alleged sexual misconduct may result in the loss of relevant information, evidence, and reliable witness testimony, and may impair Vanderbilt’s ability to fully investigate the incident.

VII. LIMITED IMMUNITY FOR ALCOHOL AND OTHER DRUG VIOLATIONS

Vanderbilt recognizes that individuals with information about sexual misconduct may be hesitant to provide that information if they fear that in doing so, they would have to reveal their own violation of other University policies. Therefore, while Vanderbilt does not condone any violations of its policies, the University will generally extend limited immunity for possession or use of alcohol or drugs and any resulting intoxication to students, and may extend such immunity to other individuals, in order to facilitate reporting and investigation of sexual misconduct incidents. Individuals may be provided with resources on or referred for drug and alcohol assessment, counseling and/or education, as appropriate. The limited immunity provided in this section does not apply to situations where an individual intentionally and non-consensually provides or causes the consumption of alcohol or other drugs for the purpose of engaging in behavior prohibited by either this Policy or the Formal Grievance Protocol.

VIII. AVAILABLE RESOURCES AND RECOMMENDED IMMEDIATE STEPS FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT

Any member of the Vanderbilt community who has experienced or been affected by sexual misconduct, including prior to their affiliation with Vanderbilt, may seek immediate and/or ongoing assistance from one or more of the resources outlined below. Some of these resources are confidential; others are subject to mandatory reporting requirements. This Policy indicates the level of confidentiality offered by the listed resources.

Confidential Resources

Some resources are confidential. These confidential resources do not report any information about an incident to the Title IX Office without the permission of the person consulting them. Confidential resources include:

- Vanderbilt University Counseling Center: (615) 322-2571
- Work/Life Connections—Employee Assistance Program: (615) 936-1327
- Pastoral counselors acting in that capacity, which may include the Vanderbilt Office of the University Chaplain and Religious Life: (615) 322-2457
• Medical professionals acting in a patient-care role, such as the Student Health Center, the Vanderbilt University Medical Center Emergency Department, or other clinics or hospitals

Off-campus counselors and health care providers will also generally maintain confidentiality and refrain from sharing information with the University unless the person consulting them requests the disclosure and signs a consent or waiver form. However, under state or federal law, all resources may have other reporting obligations. For example, healthcare providers and certain other individuals are required to notify law enforcement when someone seeks treatment for injuries caused by a violent crime, including sexual assault. Similarly, all persons are required to notify law enforcement or the Department of Children’s Services (DCS) when they receive a report of any abuse of a minor. Anyone who at first uses a confidential resource may later decide to make a report to a non-confidential resource, such as the Title IX Office or law enforcement.

**Limited Confidential Resource**

Project Safe is a limited confidential resource at Vanderbilt. The office contact number is (615) 322-7233. Individuals who work at the Project Safe Center, including front desk staff and graduate assistants, can generally talk to any person impacted by sexual misconduct without revealing any personally identifying information about an incident to others within the University. A person can seek assistance and support from Project Safe Center staff without initiating a Report to the University that could reveal that person’s identity or that the person has disclosed the incident. However, a person who self-discloses to Project Safe Center Staff that the person engaged in a possible violation of this Policy may not be covered by limited confidentiality.

Without disclosing personally identifying information about the victim, the Project Safe Center will notify the Title IX Office of the nature, date, time, and general location of an incident. This notification helps keep the Title IX Office informed of the general extent and nature of sexual violence on and off campus, and allows for tracking patterns, evaluating the scope of the problem, and formulating appropriate campus-wide responses. The Project Safe Center will also notify the Title IX Office of the name of the alleged perpetrator, if known, when the alleged perpetrator is affiliated with Vanderbilt University as a faculty member, staff member, postdoctoral fellow/trainee, teaching assistant, independent contractor, adviser, or in any other similar capacity, other than as a student. (However, the Title IX Office in most cases cannot proceed to investigate the matter under the Title IX Regulations in the absence of a Formal Complaint.)

Project Safe Center staff can assist in providing additional information, including potentially identifying information, to the Title IX Office, if the victim so wishes. Anyone who at first notifies Project Safe Center staff may later decide to make a report to the Title IX Office or law enforcement. Project Safe Center staff can assist a victim with seeking supportive and protective measures; however, the provision of supportive measures that involve a non-confidential University department or impact another person may require the disclosure of identifying information to the relevant department and person as well as the Title IX Office. While Project Safe Center staff may maintain a victim’s confidentiality vis-a-vis the University, they may have reporting obligations under state and federal law.

In addition, if Project Safe Center staff determines that the respondent poses a serious and/or immediate threat to the University community (based on, for example, the nature and severity of the incident or a pattern of alleged misconduct), Project Safe Center staff will disclose all relevant information to the appropriate University authorities, including, but not limited to, the Title IX Office.

Project Safe Center staff will provide non-identifying information, similar to that provided to the Title IX Office, to the Vanderbilt University Police Department (VUPD) for crime statistics reporting under the Clery Act. The information reported may result in the issuance of a timely warning or security notice to the community, but the warning will not include any information that identifies the victim.

For more information about the services provided by the Project Safe Center and for contact information for Project Safe Center staff, please visit the Project Safe Center website.

**Contact Information for Resources**

Any member of the Vanderbilt University community who has experienced sexual misconduct may seek immediate and/or ongoing assistance from one or more of the following resources. The resources listed will provide assistance whether or not the individual chooses to make a report to the Title IX Office or law enforcement, or to participate in an investigation.

**VICTIM ADVOCACY SERVICES**

*Confidential (Limited)*

- Vanderbilt Project Safe Center Support Line (24/7/365)
  (615) 322-SAFE (7233)

**LAW ENFORCEMENT**

*Not Confidential, VUPD is a Mandatory Reporter*

- Vanderbilt University Police Department
  (615) 322-2745
  **Emergency:** 911 or (615) 421-1911
- Metro Nashville Police Department
  (615) 862-8600
  **Emergency:** 911
MEDICAL SERVICE PROVIDERS
Confidential*
(But required to notify law enforcement when a person seeks treatment for injuries caused by a violent crime)
- Vanderbilt University Medical Center Emergency Services
  (615) 322-0160
- For Students: Student Health Center
  (615) 322-2427
- For Faculty and Staff: Occupational Health Clinic
  (615) 936-0955

COUNSELING SERVICES
Confidential
- For Students:
  - Vanderbilt University Counseling Center
    (615) 322-2571
  - Vanderbilt Office of the University Chaplain and Religious Life
    (615) 322-2457
- For Faculty and Staff:
  - Work/Life Connections—Employee Assistance Program
    (615) 936-1327
  - Faculty and Physician Wellness Program
    (615) 936-1327
  - Nurse Wellness Program
    (615) 936-1327

ADDITIONAL SUPPORT FOR VANDERBILT STUDENTS
Not Confidential, Mandatory Reporters
- Office of the Dean of Students
  (615) 322-6400
- Office of Housing and Residential Experience
  (615) 322-2591
- Office of Student Care Coordination
  (615) 343-9355
- Center for Student Wellbeing
  (615) 322-0480
- Margaret Cuninggim Women’s Center
  (615) 322-4843
- Office of LGBTQI Life
  (615) 322-3330
- Bishop Joseph Johnson Black Cultural Center
  (615) 322-2524

RESOURCES IN THE COMMUNITY
No Mandatory Report to Vanderbilt
- Nashville Sexual Assault Center Hotline
  (800) 879-1999
- YWCA Crisis and Information Line
  (800) 799-SAFE (7233)
- RAINN/National Sexual Assault Hotline
  (800) 656-4673
- 1 in 6: 24-hour Helpline Chat
  1in6.org/helpline/ (for male survivors over 18 years of age)
- National Suicide Prevention Lifeline
  (800) 273-8255
- Trans Lifeline
  (877) 565-8860
- Saint Thomas Midtown Hospital Emergency Department
  (615) 284-5555
- Nashville General Hospital at Meharry Emergency Department
  (615) 341-4000
- TriStar Centennial Medical Center Emergency Department
  (615) 342-1000

Additional Information
VUPD and MNPD are available for emergency response, facilitating medical transport, investigating incidents of a criminal nature, referrals to community support resources, and advice concerning and/or assistance with preserving evidence. VUPD also provides support for crime victims and is available to accompany them to court.

The medical service providers listed above are available to treat injuries and possible sexually transmitted infections and diseases, as well as for other health services and consultations. If a forensic examination is requested, one can be performed at the Student Health Center (Monday through Friday, 8:00 am to 4:30 pm) or the Vanderbilt University Medical Center Emergency Department (ED) (24/7/365) by a Sexual Assault Nurse Examiner (SANE) on site. Please note that medical treatment and a forensic examination may aid in the identification and preservation of physical evidence associated with the assault and can be performed even if a person does not wish to proceed with an investigation at that time. A forensic exam facilitates the identification and preservation of physical evidence associated with the assault.

Tennessee law requires all medical personnel to report to law enforcement when a person seeks treatment for injuries caused by a violent crime, including sexual assault. Medical personnel are also required to report to law enforcement and/or DCS when a minor presents for treatment for any injury or condition that reasonably indicates it was caused by violence or abuse, including physical or sexual abuse. Medical personnel are also required to report to law enforcement and/or Adult Protective Services when certain vulnerable adults present and there is reasonable belief that they are victims of adult abuse, neglect, or exploitation.

Upon request, a Victim Resource Specialist from the Project Safe Center will meet a student at a medical service provider, law enforcement agency, or other location for assistance or consultation. Project Safe Center Victim Resource Specialists are available 24 hours a day, 7 days a week, 365 days a year. The Project Safe Center, Work/Life Connections - Employee Assistance Program, Faculty and Physician Wellness Program, Nurse Wellness Program, and the community resources
listed above are also available to assist members of the Vanderbilt community. Students, faculty or staff members, and postdoctoral fellows/trainees seen at the Vanderbilt University Medical Center ED may also obtain support through the Nashville Sexual Assault Center.

*Immediate Priority—Preserving Evidence:* To help preserve evidence, individuals who have experienced sexual assault are advised not to change clothes or bedding, take a shower, douche, or clean up until evidence has been collected by the police or SANE. Evidence may still be available even after someone has changed clothes or cleaned up/showered. Therefore, any clothes or bedding that may contain evidence should be left unfolded and undisturbed, if possible. If clothing or bedding must be moved, each item should be kept separate to prevent transfer of body fluids or other trace evidence. Any potentially relevant video, audio, photographs, text messages, messages through other social media applications or outlets (e.g., Snapchat, Facebook, Twitter, Instagram, Tinder, Grindr, etc.), emails, voicemails, written notes, or any other media, including hard-copy documents, should be preserved by anyone who possesses such evidence.

**IX. OPTIONS AND PROCEDURES FOR REPORTING OR DISCLOSING TITLE IX INCIDENTS OF SEXUAL MISCONDUCT**

**A. Options for Reporting to Vanderbilt Under this Policy**

Anyone can report an incident of sexual misconduct to Vanderbilt (a “Report”). A Report can be made by any individual who has experienced sexual misconduct, who has been affected by sexual misconduct, or who has knowledge of sexual misconduct happening to or affecting someone else. A Report may be made anonymously (see Section X).

Vanderbilt strongly encourages all individuals to report incidents of sexual misconduct even if the individual does not intend to pursue a Complaint. Even if Vanderbilt does not have jurisdiction over the Respondent, Vanderbilt may take prompt action to provide supportive measures for the safety and well-being of any affected person and the broader Vanderbilt community. No person should assume that an incident has already been reported by someone else or that Vanderbilt already knows about a particular situation. To make a Report to Vanderbilt, a reporting individual may do one or more of the following:

1. Report the incident to the Title IX Coordinator via email to titleix@vanderbilt.edu, in person, via the online reporting form, by mail, or by phone. See Section I for the Title IX Coordinator’s contact information. Mandatory Reporters should direct their Reports to the Title IX Coordinator. Other Reporters are encouraged, but not required, to direct their Reports to the Title IX Coordinator.
2. Disclose the incident to a Mandatory Reporter other than the Title IX Coordinator. Generally, with the exception of the confidential resources discussed above, a University employee to whom a community member reports an incident of sexual misconduct is a Mandatory Reporter. This includes faculty members, teaching assistants, and most staff. A non-exhaustive list of Mandatory Reporters is contained in Appendix A at the end of this Policy. If a person chooses to make an initial report to any Mandatory Reporter other than the Title IX Coordinator, the Mandatory Reporter must refer the information to the Title IX Coordinator because the Title IX Office has responsibility for responding to Reports of sexual misconduct. Once the information is received by the Title IX Coordinator, it will constitute a Report.

Vanderbilt defines all faculty and staff as mandatory reporters except certain “confidential resources” and “limited confidential resources” staff. The University’s mandatory reporters include, but are not limited to, the following employees or categories of employees:

- Faculty members and teaching/graduate/research assistants
- Senior leadership (e.g., Chancellor, Provost, Vice Chancellors, and Deans, including Associates and Assistants)
- Title IX Coordinator and staff in the Title IX and Student Discrimination Office
- Staff in the Equal Employment Opportunity Office
- Staff in Student Access Services
- Staff in Vanderbilt University Public Safety
- Staff in the Office of Student Accountability, Community Standards, and Academic Integrity
- Staff in the Office of Student Care Coordination
- Staff and graduate assistants in the Office of the Dean of the Students
- Staff, graduate assistants, and resident advisers in the Office of Housing and Residential Experience
- Staff and graduate assistants in the Office of the Dean of the Ingram Commons
- Student and faculty VUceptors
- Faculty Heads of House, Faculty in Residence, and Faculty Directors in Living Learning Communities
- Other professional staff working within the Provost’s areas, including departmental program coordinators
- Professional staff, graduate assistants, and coaches in the Department of Athletics
- Designated staff in Human Resources
- Administrative Compliance Officer in the Office of Audit, Risk, and Advisory Services
- Staff in the Office of Risk and Insurance Management
Mandatory Reporters are required by Vanderbilt to report to the Title IX Coordinator any knowledge they receive of possible violations of this Policy. Mandatory Reporters must relay all known information about any reported Policy violation, including but not limited to: the names of involved individuals, the nature of the incident, and the time and location of the incident. A non-exhaustive list of Mandatory Reporters is contained in Appendix A at the end of this Policy.

If a Mandatory Reporter believes a person may intend to share any information regarding an instance of sexual misconduct, the Mandatory Reporter should seek to confirm that the reporting party understands the Mandatory Reporter’s reporting obligations. If the reporting party would prefer to speak with a confidential resource, the Mandatory Reporter should direct the reporting party to a confidential resource. See Section X for information about confidential and anonymous reporting.

Once the Title IX Coordinator learns of any Report of alleged sexual misconduct, whether from a direct Report or from a Mandatory Reporter, they will implement supportive measures as needed and initiate an investigation into the alleged incident. The form of the investigation may vary, including if the conduct alleged is governed by the U.S. Department of Education’s Title IX Regulations, in which case Vanderbilt’s Formal Grievance Protocol will apply. Following an investigation, which includes assessment of the allegations, the Title IX Coordinator has authority to resolve a Report, including the implementation of any supportive measures, and close the case if the Report does not constitute or become a Complaint.

After making a Report, an individual may choose to file or request a Complaint and pursue resolution (under this policy or the Formal Grievance Protocol, as applicable) or, if applicable, an Informal Resolution involving the Respondent; may choose to be involved in Vanderbilt’s investigation and any related proceedings; or may choose to end involvement in the process.

NOTE: Public awareness events, such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak-outs,” and other forums in which students disclose incidents of sexual violence, including meetings or other events organized by Rooted in Resilience, a support group led by the Project Safe Center staff, are not considered notice to the University of sexual misconduct for purposes of initiating its obligation to address any particular incident. To ensure that an event meets this definition, the organizing party must obtain clearance through the Office of the Dean of Students. Such events may, however, inform the need for campus-wide education and prevention efforts, and the University may provide information about students’ Title IX rights at these events.

Vanderbilt University is dedicated to the welfare and safety of minors who are enrolled as Vanderbilt University students, who visit Vanderbilt’s campus, and who participate in Vanderbilt’s programs and activities. Minors (excluding those enrolled as Vanderbilt University students) participating in Vanderbilt programs and activities are expected to be supervised while on campus, and every adult member of the Vanderbilt community is required to follow the Protection of Minors (POM) Policy (vanderbilt.edu/riskmanagement/pompolicy.june2018.php), including the Code of Conduct When Interacting with Minors. Everyone (not limited to individuals who interact with minors) is required by Tennessee law to report to DCS or law enforcement any type of known or suspected abuse, neglect, or inadequate care of a minor, including suspected child sexual abuse. Community members making a report in good faith are protected from criminal and civil liability for making a report. Vanderbilt also requires members of the University community to make an internal report to the Office of Risk and Insurance Management. For questions about the Protection of Minors policy, email protectionofminors@vanderbilt.edu.

B. Options for Confidential and Limited Confidential Resources

Confidential Resources

Rather than making a Report, individuals can confidentially discuss incidents of sexual misconduct with one of the following Vanderbilt “confidential resources”:

• Vanderbilt University Counseling Center: (615) 322-2571
• Work/Life Connections—Employee Assistance Program: (615) 936-1327
• Pastoral counselors acting in that capacity, which may include the Vanderbilt Office of the University Chaplain and Religious Life: (615) 322-2457
• Medical professionals acting in a patient-care role, such as the Student Health Center, the Vanderbilt University Medical Center Emergency Department, or other clinics or hospitals

Disclosures made to these confidential resources will be held in strict confidence and will not constitute a Report to Vanderbilt under this Policy. In other words, these confidential resources do not report any information about an incident to the Title IX Coordinator without the permission of the person consulting them. These confidential resources may assist individuals with making Reports or filing Complaints if, and only if, the Complainant requests that they do so or if there is an emergency in which the Complainant cannot report the alleged sexual misconduct.
**Limited Confidential Resource**

As described above, individuals can contact the Vanderbilt Project Safe Center, including through its Support Line (24/7/365): (615) 322-SAFE (7233). For more information about the services provided by the Project Safe Center and for contact information for Project Safe Center staff, please visit the Project Safe Center website.

**C. Options for Notifying Law Enforcement Authorities**

Individuals can, but are not required to, notify law enforcement authorities about any incident of alleged sexual misconduct, including by dialing (911), calling the Metro Nashville Police Department at (615) 862-8600, and/or calling VUPD at (615) 421-1911 (emergency) or (615) 322-2745. Individuals can also contact other law enforcement agencies, depending on the location of the incident. Notifying law enforcement authorities other than VUPD will not constitute a Report to Vanderbilt under this Policy, but it may or may not result in such authorities reporting relevant information back to Vanderbilt which Vanderbilt will investigate.

Individuals can request assistance from Vanderbilt faculty and staff in notifying appropriate law enforcement agencies, which Vanderbilt encourages them to provide. Requesting such assistance from a Mandatory Reporter will constitute a Report as described above.

**D. Option to Not Report**

Individuals can choose not to notify Vanderbilt or any law enforcement authorities about an alleged incident of sexual misconduct, except that all persons are required to notify law enforcement or the Department of Children’s Services (DCS) when they receive a report of any abuse of a minor.

**X. FILING A COMPLAINT OF SEXUAL MISCONDUCT**

If an individual wishes to pursue an incident of sexual misconduct beyond simply reporting it, they may file a Complaint. The filing of a Complaint means that the individual is asking Vanderbilt to take further steps, such as a full investigation and possibly holding an adjudication to resolve the alleged issue. Any Complainant (i.e., an alleged victim or survivor or someone who has otherwise been directly affected by sexual misconduct) may file a Complaint, and Vanderbilt will treat it as such. Any Third-Party Reporter may request that Vanderbilt treat their Report as a Complaint, but that request would not make the Third-Party Reporter into a Complainant, and Vanderbilt has discretion on whether to treat the Third-Party Reporter into a Complaint.

To meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Vanderbilt community, Vanderbilt may convert a Report as a Complaint if Vanderbilt determines that it must take additional steps to protect the Vanderbilt community.

Depending on the conduct alleged and the location of the incident, a Complaint will be governed by either this Policy or the accompanying Formal Grievance Protocol. A Formal Complaint under the Formal Grievance Protocol is a type of Complaint. (See Formal Grievance Protocol, Section IV.A., regarding Formal Complaints, and Sections I-II of each policy for descriptions of the scope of each respective policy.)

**A. Filing a Complaint**

Anyone seeking to file a Complaint of individual or institutional sexual misconduct may do so with the Title IX Coordinator. Complaints must be in writing and include all information that the filer believes to be relevant (e.g., time, location and nature of incident, names of individuals involved in or witnesses to the incident, names of other persons affected by the incident, etc.). Alternatively, an individual can file a Complaint by meeting with the Title IX Coordinator or designee and providing a verbal description of the sexual misconduct, which the Title IX Office will use to draft a written document that the individual will review, verify and sign to constitute a Complaint.

**B. Action Following the Filing of a Complaint**

Vanderbilt will investigate all Complaints of sexual misconduct. A Complaint meeting the criteria of the Formal Grievance Protocol (a “Formal Complaint”) will proceed according to that Protocol instead of the provisions below.

For a Complaint that does not meet the criteria of the Formal Grievance Protocol, Vanderbilt’s process will typically involve an investigation phase and some subsequent process to determine whether this Policy has been violated. In matters where the Respondent is a student, a Resolution Hearing will be used to determine whether the Respondent is responsible or not responsible for having violated this Policy, except in the circumstances described below. In matters where the Respondent is not a student, a determination of whether the Respondent is responsible or not responsible for having violated the policy will be made by the Title IX investigator. In some instances, an Informal Resolution also may be an option for resolving a Complaint.

**C. Where the Formal Grievance Protocol does not apply, the Title IX Coordinator will have discretion to resolve a Complaint, without additional fact-finding or a**
determination of responsibility, in the following circumstances:

1. if Vanderbilt lacks jurisdiction;
2. if a case involves a Vanderbilt employee (including faculty, staff member, employed postdoctoral fellow, or contract services employee), the Title IX Coordinator will coordinate with the designated person in Human Resources or the appropriate Dean about appropriate processes and/or resolution;
3. if the allegations could not constitute a Policy violation under any alleged circumstances;
4. if the Complaint is eligible for the Informal Resolution process and the Complainant and Respondent both consent to participate in the Informal Resolution process, with such consent obtained independently from each person by the Title IX Coordinator to avoid a risk of coercion;
5. if the Complaint was requested by a Third-Party Reporter who reported witnessing sexual misconduct happening to or affecting someone else, the Title IX Coordinator will have discretion to resolve the Complaint or to provide modified hearing procedures, particularly to account for the alleged victim’s wishes (e.g., if they do not wish to pursue the Complaint as a First-Party Complainant);
6. if either Complainant or Respondent, or both, cease to be a Vanderbilt student or employee prior to final resolution of the Complaint (e.g., a student withdrawal or employee is no longer employed by Vanderbilt), the Title IX Coordinator will have discretion to resolve the Complaint or to provide modified hearing procedures; or
7. if the Respondent admits responsibility for a violation, the Title IX Coordinator will have discretion to resolve the Complaint or to provide modified procedures to help the relevant decision-maker determine appropriate sanctions.

In all circumstances, the Title IX Coordinator will have authority to provide supportive measures and make accommodations consistent with Section XI below and take other measures consistent the Vanderbilt Student Handbook; and for employee matters, the Associate Vice Chancellor for Business Services or their designee shall have authority to take action consistent with the Vanderbilt Human Resources policies.

D. A person may withdraw a Complaint.

If a Complaint is withdrawn, Vanderbilt will assess the information provided as it would any Report and proceed accordingly.

XI. CONFIDENTIAL AND ANONYMOUS REPORTING

As discussed above in Section VIII.B., individuals can confidentially discuss incidents of sexual misconduct with Vanderbilt’s “confidential resources” and “limited confidential resource” staff; those discussions will remain confidential and not be considered a Report to Vanderbilt.

This Section X relates to situations in which a Reporter wants to make a Report to Vanderbilt (e.g., so an investigation process may begin) in which the Reporter wishes to remain anonymous or wishes for Vanderbilt to keep certain information confidential.

Any individual can make an anonymous Report of a violation of this Sexual Misconduct Policy. An individual may report the incident without disclosing their name, identifying a Complainant or a Respondent, or requesting any action. Vanderbilt will attempt to investigate such Reports, but depending on the extent of information available about the incident or the individuals involved, Vanderbilt’s ability to investigate and respond to an anonymous Report may be limited, particularly to the extent that the conduct alleged would be subject to the Formal Grievance Protocol. Vanderbilt will attempt to investigate anonymous Reports under this Policy, but without being able to collect evidence from and ask follow-up questions to a Reporter, the potential for discipline may be lessened as compared to personal Reports. The Title IX Coordinator will receive the anonymous Report and will determine any appropriate steps, including individual or community remedies as appropriate.

The University provides several resources for anonymous reporting for individuals who do not wish to be identified. Anonymous reports of sexual misconduct may be made via the online reporting form. Individuals may also report anonymously to the Project Safe Center at (615) 322-7233 or through the Vanderbilt University Compliance Reporting Hotline, an independently-operated compliance hotline that may be used to report incidents of apparent wrongdoing on campus. The Compliance Reporting Hotline is available 24 hours a day, 7 days a week, 365 days a year at 844-814-5935 or on the website. Students may report anonymously to the Community Standards hotline at (615) 343-7867.

Vanderbilt encourages third parties to report incidents of sexual misconduct to the Title IX Office, VUPD, or the Metro Nashville Police Department (MNPD). Third parties may also report incidents to any Mandatory Reporter or through the anonymous reporting resources identified above. The University may not be able to move forward based on a Third-Party Report if the victim does not wish to cooperate and/or proceed with an investigation. After providing a Report, third parties are not entitled to information about the University’s investigation and response due to privacy concerns and applicable federal and state laws.

A Reporter can also make a Report disclosing their name but requesting confidentiality. An
affected person who is the subject of a third-party’s Report can also request confidentiality. In such instances, if they also request that no investigation or disciplinary action be pursued, the Title IX Coordinator will respect the request for confidentiality as long as only personal supportive measures are requested and grounds do not exist to convert the Report into a Complaint. A request for confidentiality cannot be granted in the case of a Complaint. Further, in some instances, Vanderbilt may deny or modify a request for confidentiality when weighed against Vanderbilt’s obligation to provide a safe and non-discriminatory environment, considering many factors, including:

- The seriousness of the alleged misconduct;
- Whether there have been other Reports of Sexual Misconduct against the Respondent known by Vanderbilt;
- Whether the Respondent has allegedly threatened further misconduct or violence;
- Whether the alleged misconduct was committed by multiple perpetrators;
- Whether the alleged misconduct involved use of a weapon;
- The age of the individual subjected to the alleged misconduct;
- Whether Vanderbilt possesses other means to obtain relevant evidence of the alleged misconduct;
- Whether the Report reveals a pattern of misconduct at a particular location or by a particular individual or group of individuals; and
- The accused individual’s right to receive information about the allegations if the information is maintained by Vanderbilt as an “education record” under the Family Educational Rights and Privacy Act (FERPA), if applicable.

In an instance where Vanderbilt determines it must deny or modify a request for confidentiality, the Title IX Coordinator will inform the requesting individual prior to making the disclosure to anyone beyond necessary school officials. Any such disclosure will be limited to individuals with a need to know such information.

Vanderbilt does not prohibit any party from discussing their own experience. While Vanderbilt cannot prevent a party or witness from discussing the allegations under investigation, Vanderbilt encourages parties to respect the sensitive nature of allegations of sexual misconduct. To the extent any person receives another person’s confidential information (such as medical or psychological treatment records) solely as a result of participation in any investigation or proceeding under this Policy or the Formal Grievance Protocol, such confidential information may not be re-disclosed outside of such forums. This provision does not apply to any information learned outside of an investigation or proceeding under this Policy or the Formal Grievance Protocol.

In all instances, Vanderbilt prohibits retaliation against anyone who reports a potential Title IX incident or participates in a Title IX process. Vanderbilt officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

In all cases of alleged sexual misconduct under this Policy reported to the Title IX Coordinator, Vanderbilt will investigate and implement supportive measures. Please note that Vanderbilt’s ability to investigate and respond fully to an incident may be limited because of requests for confidentiality or to not proceed with disciplinary action.

XII. SUPPORTIVE MEASURES

In cases of reported alleged sexual misconduct, Vanderbilt may implement supportive measures immediately or at any time that Vanderbilt determines such measures are necessary. Supportive measures are non-disciplinary and non-punitive individualized services available to the parties before or after a Complaint is filed or where no Complaint has been filed. The Title IX Coordinator shall have responsibility for coordinating the effective implementation of supportive measures, in consultation with other university offices and departments, such as the Project Safe Center and the Dean of Students Office. In cases involving faculty and staff who request supportive measures, the Title IX Coordinator will confer with Human Resources or the appropriate Dean. Some of these supportive measures also may continue in effect after an investigation is closed or as sanctions or accommodations, depending on the outcome of the matter. Examples of supportive measures that Vanderbilt may consider and elect to implement for students include, but are not limited to:

- access to on-campus counseling services and assistance in setting up an initial appointment;
- Mutual No-contact Directives;
- rescheduling or extension of academic exams and assignments;
- providing alternative course completion options;
- changing class schedules, including the ability to transfer course sections, withdraw from, or re-take a course;
- providing academic support services
- changing work schedules, job assignments, or job locations for University employment;
- changing residence hall assignments;
- providing an escort for transit between University classes and activities;
- providing academic support services, such as tutoring;
- restrictions, which may include limiting or barring access to certain facilities or activities;
- student-requested leaves of absence.

Examples of supportive measures that Vanderbilt may consider and elect to implement for faculty,
staff, and postdoctoral fellows/trainees may include, but are not limited to:

- access to on-campus counseling services through Work/Life Connections (EAP) and assistance in setting up an initial appointment;
- changing work schedules, job assignments, or job locations;
- limiting or barring access to certain Vanderbilt-owned facilities or activities;
- providing an escort for transit around campus.

Supportive measures will be balanced based on the facts collected, seriousness of the allegations, and the potential safety risks posed to the Vanderbilt community. Supportive measures are designed to restore or preserve equal access to Vanderbilt’s education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and Vanderbilt’s educational or work environment, as well as to deter sexual misconduct. Vanderbilt will maintain as confidential any personal supportive measures provided only to the Complainant or only to the Respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the supportive measures (e.g., not applicable to mutual no contact directives).

Vanderbilt may also implement supportive measures that affect the broader Vanderbilt community and that are aimed to eliminate occurrences of sexual misconduct and to promote academic and employment environments free of such conduct.

If a Respondent student withdraws from Vanderbilt while a Report or Complaint is pending, supportive measures for the Complainant may be continued. The Respondent may be required to notify the Title IX Coordinator if they intend to visit any building owned or controlled by Vanderbilt or a student organization that is officially recognized by Vanderbilt, or if they otherwise seek to attend any Vanderbilt education program or activity or event, so that the Complainant may be given an opportunity to receive supportive measures if needed. The Respondent’s student records also may be marked to indicate their departure during a disciplinary process (which may resume if they return to Vanderbilt), but will not indicate that such Respondent was found or assumed responsible for any alleged misconduct pending at the time of departure.

XIII. INVESTIGATION AND RESOLUTION PROCESSES WHEN THE RESPONDENT IS A STUDENT

This Section describes Vanderbilt’s investigation and resolution processes for cases in which the Respondent is a student and in which the conduct alleged does not fall within the scope of the Vanderbilt Formal Grievance Protocol. Determinations in these cases will be made using the preponderance of the evidence standard.

A. Investigation

Vanderbilt will investigate all Reports of sexual misconduct reported to the Title IX Coordinator regardless of whether the Report becomes a Complaint. The investigation and adjudication procedures (if needed) will be prompt, fair, and impartial. The process typically will begin with intake meetings conducted by the Title IX Coordinator. The investigation phase may include interviewing the Complainant/First-Party Reporter, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents and evidence. The Title IX Coordinator or designee will notify the Respondent of the investigation with sufficient time to prepare before conducting an interview with the Respondent. The Title IX Office will provide the Complainant and Respondent a transcript of their own interview for their review and approval. The parties will have three (3) business days to review and offer corrections to their transcript. If a party does not submit comments within three (3) business days, the Investigator will proceed with the transcript as drafted.

For Reports, the Title IX Coordinator or their designee will conduct an initial investigation. If that initial investigation demonstrates that the case implicates Vanderbilt’s Title IX obligations to provide a safe and nondiscriminatory environment for the broader Vanderbilt community, the Title IX Coordinator may treat the Report as a Complaint and follow the Complaint processes outlined in this Policy. If the Title IX Coordinator determines that the Report does not implicate Vanderbilt’s Title IX obligations, then after the Title IX Coordinator’s investigation, implementation of any supportive measures, and finalization of any investigation memo, the Title IX Coordinator will be authorized to close the matter.

For Complaints, the Title IX Coordinator will appoint an Investigator to handle the investigation. This Investigator will be a different person than the Title IX Coordinator. Following the investigation, the Investigator will draft an investigation report succinctly describing all collected information. Prior to completion of the investigative report, Vanderbilt will send to each party, and the party’s adviser if any, a preliminary investigative report and the evidence subject to inspection and review. The evidence will be available at any hearing, to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. Vanderbilt retains discretion to elect to send such materials in an electronic format or
The parties will have ten (10) days to submit a written response to the preliminary investigative report. Any such comments are limited to no more than ten (10) double-spaced pages with one (1) inch margins and twelve (12) point font must be submitted by email attachment to the Investigator by no later than 5 pm on the tenth (10th) day following the date the parties receive the evidence. Requests for extensions must be submitted to the Investigator prior to the expiration of the ten (10)-day period. The investigator will consider any such response prior to completion of the final investigative report.

The investigator will then create a final investigative report that fairly summarizes the relevant evidence, typically within 90 business days of the date the Respondent received notice of the investigation. The final investigative report will not make any recommendation as to whether a Protocol violation has occurred or potential sanctions. Depending on how the Complaint proceeds, the investigation report and other materials related to the investigation may be presented at a Resolution Hearing and/or may be presented during an Informal Resolution process.

Vanderbilt will make reasonable efforts to balance and protect the rights of the parties during any investigation commenced under this Policy. Vanderbilt will respect the privacy of the parties and any witnesses in a manner consistent with Vanderbilt’s obligations to investigate the alleged incident and take appropriate interim and/or corrective action. The Title IX Coordinator will keep the parties reasonably informed of the status of the investigation.

Both Complainants and Respondents may utilize Advisers throughout the investigation process, including to accompany them to any hearing, conference, or related disciplinary proceeding. Advisers are not permitted to directly participate in Resolution Hearings or Informal Resolution conferences; they may be present solely to advise or support the party and are prohibited from speaking directly to the Investigator, the Sexual Misconduct Adjudicator, other parties, or witnesses.

B. Informal Resolution

For Complaints with a student Respondent, at the discretion of the Title IX Coordinator, the parties may opt to pursue an Informal Resolution as an alternative to a Resolution Hearing. An Informal Resolution involves a remedies-based, non-judicial process designed to eliminate or address potential sexual misconduct. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties. Vanderbilt will not compel face-to-face confrontation between the parties or participation in any particular form of Informal Resolution.

The Title IX Coordinator will make an initial decision about whether a case qualifies for an Informal Resolution, and if both parties then agree to pursue that path, Vanderbilt will halt any investigation or scheduled Resolution Hearing so that the parties can explore the possibility of Informal Resolution. Participation in an Informal Resolution is voluntary, and either party can request to end the Informal Resolution conference at any time and return the investigation or proceeding to its pre-conference status. If the parties agree to a resolution during an Informal Resolution process, the Title IX Coordinator will oversee its implementation, the Complaint will be deemed withdrawn, and the matter will be terminated. However, the resolution will be considered binding, and its breach would give rise to a new Complaint, which may restart the investigation and/or Resolution Hearing process.

C. Resolution Hearing

A Resolution Hearing is Vanderbilt’s disciplinary proceeding through which a Sexual Misconduct Adjudicator evaluates evidence related to a Complaint to determine whether a student Respondent is responsible or not responsible for a violation of this Policy, based on the criteria of “a preponderance of evidence.” Under this standard, the burden of proof is met and a Respondent may be found responsible for a Policy violation if the Sexual Misconduct Adjudicator determines that it is more likely than not that the Respondent committed the violation. If the Respondent is found in violation of the Policy, the Respondent may be subjected to disciplinary action.

The Sexual Misconduct Adjudicator will not be the same person as either the Title IX Coordinator or the Investigator. Cases will be adjudicated by a trained third-party adjudicator.

Respondents are entitled to, and will receive the benefit of, a presumption that they are not
responsible for the alleged conduct until the grievance process concludes and a determination regarding responsibility is issued. If the Respondent is found responsible for a violation of this Policy, the Respondent may be subjected to disciplinary action.

At the request of either party, Vanderbilt will conduct the live hearing with the parties located in separate rooms. Technology must enable the Sexual Misconduct Adjudicator and parties to simultaneously see and hear the party or witness answering questions. Live hearings may, then, be conducted with all parties physically present in the same location, or any or all parties, witnesses and other participants may appear at the live hearing virtually. Vanderbilt will create a transcript or recording (audio or audiovisual) of any adjudicative hearing. It will be available to the parties for inspection and review in accordance with the requirements of FERPA.

The Title IX Coordinator or designee will identify the Sexual Misconduct Adjudicator to the parties five days in advance of the hearing. Either party may challenge a named adjudicator if believed to have a conflict of interest or bias. A challenge must be delivered in writing to the Title IX Coordinator or designee at least two days in advance of the hearing, specifying the reasons for such belief. The Title IX Coordinator or designee has the discretion to keep or replace the challenged adjudicator, and if replaced, will postpone the hearing to allow for a replacement adjudicator.

Ten days in advance of the hearing, the parties will identify their Adviser and any witnesses they request to the University be present at the hearing, via writing to the Title IX Coordinator or designee, who will supply the disclosure to the other party. The parties will not be strictly bound to their disclosures, but they should be submitted in good faith. The University will contact the witnesses that each party has identified and make all reasonable efforts to have the witnesses present at the hearing.

When necessary for the pursuit of truth and to gather evidence sufficient to reach a determination, the Sexual Misconduct Adjudicator has discretion to ask the Title IX Coordinator or designee to request additional witnesses after receipt of the parties’ witness lists; recognizing, however, that Vanderbilt generally has no ability to compel any witness to attend. Any such requested witness will be disclosed to the parties.

Vanderbilt may, within its discretion, require the parties to participate in a pre-hearing conference with their advisers and the adjudicator.

At the hearing, all relevant evidence will be objectively evaluated by the adjudicator. Relevant evidence is any evidence that may tend to make the allegations at issue more or less likely to be true. i.e., “inculpatory” or corroborating evidence and “exculpatory” or contradicting evidence. Credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless: (1) offered to prove that someone other than the Respondent committed the conduct alleged; or (2) 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. While all relevant evidence presented at a hearing by the parties will be considered, the Sexual Misconduct Adjudicator has discretion to grant lesser weight to last-minute information or evidence introduced at the hearing that was not previously presented for investigation by the Investigator.

Each party may be accompanied to the hearing by the adviser of their choice, who may be, but is not required to be, an attorney. Advisers may be present solely to advise or support the party and are prohibited from speaking directly to the investigator, adjudicators, other parties, or witnesses during the hearing, except for conducting cross examination. At the hearing, the adjudicator will typically ask questions first, before either adviser. Subsequently, each party’s adviser is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party’s adviser of choice, and never by a party personally. If a party does not have an adviser present at the live hearing, Vanderbilt will provide without fee or charge to that party, an adviser who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. If a party does not have an adviser for the hearing, the party must notify the Title IX Coordinator or designee no later than the party’s pre-hearing disclosures. Otherwise, the hearing may be delayed, and the appointed adviser may have less time to prepare for the hearing. Vanderbilt will make available a pool of trained advisers from which the party may select an adviser.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a party or witness answers a cross-examination or other question, the Sexual Misconduct Adjudicator must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party or witness does not submit to cross-examination at the live hearing, the adjudicator must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The adjudicator cannot, however, draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

The Sexual Misconduct Adjudicator will issue a written determination, typically within 10 days following the hearing. Based on a preponderance of the evidence,
the adjudicator will decide if the respondent is responsible for engaging in the conduct alleged, and if so, what disciplinary action may be appropriate. The written determination will include:

- Identification of the allegations potentially constituting sexual harassment under this Policy;
- A description of the procedural steps taken from the receipt of the Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of this Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including:
  - A determination regarding responsibility;
  - Any disciplinary sanctions the adjudicator imposes on the respondent; and
  - Whether remedies designed to restore or preserve equal access to Vanderbilt’s education program or activity will be provided to the Complainant; and
- Procedures and permissible bases for the parties to appeal the determination.

The written determination will be provided to the parties simultaneously.

Supportive Measures also may be provided to the Complainant that are designed to restore or preserve equal access to Vanderbilt’s education program or activity, even if they are not listed in the written determination. Remedies and Supportive Measures that do not impact the Respondent should not be disclosed in the written determination; rather, the determination should simply indicate that “remedies will be provided to the Complainant.” The Title IX Coordinator or designee is responsible for effective implementation of any remedies and Supportive Measures.

Range of Sanctions and Remedies

Sanctions
- Expulsion
- Suspension
- Disciplinary Probation
- Deferred Disciplinary Probation
- Educational Conference

D. Appeals

 Appeals can only be raised on one or more of the following grounds: (1) a procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available to the appealing party before or during the time of the hearing and that could alter the decision; (3) the Title IX Coordinator, Investigator, or Adjudicator(s) had a conflict of interest or bias for or against complainants or respondents generally or against the appealing party individually that affected the outcome of the matter; (4) The determination cannot reasonably be supported by the evidence; or (5) the severity of the sanction.

Either Complainant or Respondent may appeal any Sexual Misconduct Adjudicator decision. Appeals must be submitted in writing to the Title IX Coordinator or designee within 10 days of the date that the written adjudication determination is provided to the parties. Any such appeal is limited to no more than ten (10) double-spaced pages with one (1) inch margins and twelve (12) point font must be submitted by email attachment to the Title IX Coordinator or designee by no later than 5 pm on the tenth (10th) day following the date the parties receive the final report. The written appeal must state the ground(s) for the appeal, include the name of the appealing party, and bear evidence that it was submitted by the appealing party. The appeal statement must contain a sufficient description supporting the grounds for appeal. If the grounds for appeal is to consider new evidence that could affect the outcome of the matter that was not reasonably available to the appealing party before or during the time of the hearing or the dismissal, then the written appeal must include such information. If the grounds for appeal is an allegation of conflict of interest or bias, the notice of appeal must describe with specificity the basis upon which such conflict of interest or bias is alleged and how it allegedly affected the outcome. The Title IX Coordinator retains discretion to verify and/or waive minor procedural variations in the timing and content of the appeal submission.

Upon receipt of an appeal, Vanderbilt will:
1. Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the Appellate Officer is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the Appellate Officer does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, and that the Appellate Officer has received the appropriate and necessary training;
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

Vanderbilt will provide a copy of the appeal to the non-appealing party. The non-appealing party may submit a written statement within 10 days that may seek to affirm the initial decision and/or respond to the appeal statement. Any such statement is limited to no more than ten (10) double-spaced pages with one (1) inch margins and twelve (12) point font must be submitted by email attachment to the Title IX Coordinator or designee by no later than 5 pm on the tenth (10th) day following the date the non-appealing receives the appeal.
The Title IX Coordinator has discretion to impose or withhold any applicable sanctions or supportive measures prior to the appeal deadline and prior to the resolution of any appeal.

The Appellate Officer will issue a written decision describing the result of the appeal and the rationale for the result within a reasonably prompt time frame, typically within 10 days following receipt of all appeals materials. The appeal will determine whether the adjudicator made an error on the grounds alleged in the appeal statement. The appeal is typically determined based on the existing record, but the appeal decision-maker has discretion to convene a limited or full hearing if needed. The appeal decision will be given simultaneously to both parties.

The Appellate Officer will take action on the appeal based on the relevant ground for appeal as set forth below:

• In cases where there has been a material procedural error sufficient to affect the determination posed, the Appellate Officer will remand the case to the Title IX Office with instructions, as appropriate.
• In cases where the Appellate Officer deems there is new evidence that was not reasonably available to the appealing party at the time of the hearing or dismissal, that could affect the outcome of the matter, the Appellate Officer will remand the case to the Title IX Office with instructions, as appropriate.
• In cases where the Appellate Officer deems the determination cannot reasonably be supported by the evidence, the Appellate Officer will reverse the determination.

XIV. INVESTIGATION AND RESOLUTION PROCESSES WHEN THE RESPONDENT IS NOT A STUDENT

If the Respondent is not a student, and the Formal Grievance Protocol is not required under Section 106.30 of the Title IX Regulations, then some of the procedures for investigation and resolution may differ from the processes involving student Respondents described in Section XII, above. The report and notification processes, however, will be consistent with the processes described in Section XII. Determinations in these cases will be made using the preponderance of the evidence standard.

When the Complainant is not a Student and the Respondent is Staff

In instances where the Complainant is not a student and the Respondent is staff, the Investigator will draft an investigative report that includes findings of the investigation and a determination regarding whether the Respondent violated the Policy. The Title IX Coordinator will review the investigative report and send to the faculty or postdoctoral fellow/trainee Respondent’s Dean, who is responsible for sanctioning, as well as any other applicable process. Any review of the findings and sanction would take place under the Faculty Manual for faculty, and any applicable policy based on the status of the postdoctoral fellow/trainee. The Title IX Coordinator or designee will inform the Complainant and the Respondent of the determination as to whether the Respondent violated the Policy. Complainants will be informed of the outcome if the case involved allegations of sexual assault, dating or domestic violence, or stalking.

When the Complainant is a Student and the Respondent is Faculty or a Postdoctoral Fellow/Trainee

In instances where the Complainant is a student and the Respondent is faculty or a postdoctoral fellow/trainee, the Investigator will provide the Respondent the opportunity to review the evidence gathered in the investigation prior to making a determination whether the Respondent violated the Policy. The Title IX Office may redact non-party names and sensitive information from the evidence. The Respondent may view the redacted information by scheduling
an appointment with the Title IX Office. The Respondent may submit written comments on the evidence. Any such comments are limited to no more than ten (10) double-spaced pages with one (1) inch margins and twelve (12) point font and must be submitted either by hand delivery to the Title IX Office, 110 21st Avenue South, Suite 975, or by email attachment to the Investigator by no later than 5pm on the tenth (10th) day following the date the Respondent receives the evidence. Requests for extensions must be submitted to the Title IX Office prior to the expiration of the ten (10)-day period. Following review of any comments submitted and additional investigation, as appropriate, the Investigator will prepare the investigative report that includes findings of the investigation and a determination whether the Respondent violated the Policy. The Title IX Coordinator will provide the report on the findings of the investigation to the Complainant and the Respondent. Complainants will be informed of the outcome if the case involved allegations of sexual assault, dating or domestic violence, or stalking.

When the Respondent is not a Vanderbilt Student, Staff, Faculty, or Postdoctoral Fellow/Trainee

When the VU Title IX Office receives a complaint against a person who is not a member of the community (a Third Party), the Title IX Coordinator has the discretion to determine the most appropriate way to address the complaint. Vanderbilt’s ability to take appropriate corrective action against a Third Party will be determined by the nature of the Third Party’s relationship to Vanderbilt. The Title IX Coordinator will determine the appropriate manner of resolution in accordance with Vanderbilt’s commitment to a prompt and equitable process and consistent with state and federal law, regulations, guidance, and this Policy. The Title IX Coordinator will determine which Procedures apply based upon the facts and circumstances of the case.

Appeals

In investigations in which students are
Complainants, the parties may appeal the determination by the Title IX Office. Appeals can only be raised on one or more of the following grounds: (1) a procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available to the appealing party before or during the time of the hearing and that could alter the decision; (3) the Title IX Coordinator or Investigator had a conflict of interest or bias for or against complainants or respondents generally or against the appealing party individually that affected the outcome of the matter; and (4) the determination cannot reasonably be supported by the evidence.

Appeals must be submitted in writing to the Title IX Coordinator within 10 days of the date that the written adjudication determination is provided to the parties. The notice of appeal must be no longer than ten (10) double-spaced pages with one (1) inch margins and twelve (12) point font. The written appeal must state the ground(s) for the appeal, include the name of the appealing party, and bear evidence that it was submitted by the appealing party. The appeal statement must contain a sufficient description supporting the grounds for appeal. If the grounds for appeal is to consider new evidence that could affect the outcome of the matter that was not reasonably available to the appealing party before or during the time of the hearing or the dismissal, then the written appeal must include such information. If the grounds for appeal are an allegation of conflict of interest or bias, the notice of appeal must describe with specificity the basis upon which such conflict of interest or bias is alleged and how it allegedly affected the outcome. The Title IX Coordinator retains discretion to verify and/or waive minor procedural variations in the timing and content of the appeal submission.

Upon receipt of an appeal, Vanderbilt will notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties. Vanderbilt will provide a copy of the appeal to the non-appealing party. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The non-appealing party may submit a written statement within 10 days that may seek to affirm the initial decision and/or respond to the appeal statement. The non-appealing party’s written statement must be no longer than ten (10) double-spaced pages with one (1) inch margins and twelve (12) point font. The Title IX Coordinator has discretion to impose or withhold any applicable sanctions or supportive measures prior to the appeal deadline and prior to the resolution of any appeal.

The Appellate Officer will issue a written decision describing the result of the appeal and the rationale for the result within a reasonably prompt time frame, typically within 10 days following receipt of all appeals materials. The appeal is determined based on the existing record, the petition, any new evidence in the petition that was not reasonably available for presentation to the Title IX Office and the introduction of which could reasonably be expected to change the Title IX Office’s determination, and any written responses. The appeal decision will be provided simultaneously to both parties. The appeal decision will be also be provided to the following persons:

- Staff Respondent: The staff Respondent’s Manager/Department Head, as well as Human Resources;
- Faculty Respondent: The faculty Respondent’s Dean; and
- Post-doctoral fellow/trainee: The appropriate Dean(s).
The Appellate Officer will take action on the appeal based on the relevant ground for appeal as set forth below:

- In cases where there has been a material procedural error sufficient to affect the determination posed, the Appellate Officer will remand the case to the Title IX Office with instructions, as appropriate.
- In cases where the Appellate Officer deems there is new evidence that was not reasonably available to the appealing party at the time of the hearing or dismissal, that could affect the outcome of the matter, the Appellate Officer will remand the case to the Title IX Office with instructions, as appropriate.
- In cases where the Appellate Officer deems the Title IX Coordinator or Investigator had a conflict of interest or bias for or against the Complainant or the Respondent generally or the individual Complainant or Respondent that affected the outcome of the matter, the Appellate Officer will refer the case to the Associate Vice Chancellor for Equal Access to assure the University provides a resolution process without conflict of interest or bias.
- In cases where the Appellate Officer deems the determination cannot reasonably be supported by the evidence, the Appellate Officer will reverse the determination.

**XV. DEFINITIONS**

Please also refer to Section II.B. for more information about certain key definitions.

**Adviser:** Refers to an attorney or a non-attorney adviser who can provide assistance to the Complainant or the Respondent during Resolution Hearings, Informal Resolution conferences, and any other stage of the processes covered by this Policy, although they are not permitted to directly participate. Vanderbilt will provide a list of individuals who have received training to serve as Advisers, but parties retain the right to select their own Adviser if they so choose.

**Appellate Officer:** Refers to a trained individual that hears and decides appeals of findings and sanctions imposed by the Sexual Misconduct Adjudicator (defined below). The Appellate Officer in a particular case will have had no prior involvement in the case. This Appellate Officer is authorized to affirm, remand, or reverse the original findings and/or sanctions recommended by the Sexual Misconduct Adjudicator. Once issued, the Appellate Officer’s decision is final.

**Complaint:** Refers to a written complaint filed with the Title IX Coordinator alleging any action, policy, procedure or practice that would be prohibited by this Policy and indicating that they want Vanderbilt to take further steps, such as a full investigation and possibly holding an adjudication to resolve the alleged issue. A Complaint may be filed by a Complainant. A third-party who knows of or witnessed an incident of Sexual Misconduct but who did not suffer such misconduct themselves may request that Vanderbilt treat their third-party Report as a Complaint. Vanderbilt can convert a Report to a Complaint if Vanderbilt determines that, in order to meet its Title IX obligations to provide a safe and nondiscriminatory environment for the broader Vanderbilt community, it must take further steps to address and resolve the matter. A Formal Complaint under the Formal Grievance Protocol is a type of Complaint. See Formal Grievance Protocol, Section IV.A., regarding Formal Complaints.

**Complainant:** Refers to an individual who is alleged to have been subjected to an incident of sexual misconduct (i.e., a First-Party Reporter or a victim or person who has otherwise been affected by sexual misconduct, or under the Formal Grievance Protocol governing sexual harassment, an individual who is alleged to be the victim of conduct that could constitute sexual harassment). A Reporter who reports witnessing sexual misconduct happening to or affecting someone else (i.e., a Third-Party Reporter) can file a Report and request that it be treated as a Complaint, but that does not make them a Complainant. Similarly, the fact that the Title IX Coordinator may convert a Report to a Complaint does not make the Title IX Coordinator a Complainant.

**Consent:** See Effective Consent in Section III above.

**Dating Violence:** In addition to the regulatory definition in Section III above, Vanderbilt defines Dating Violence for the purposes of this Policy as sexual, psychological, or physical abuse or the threat of such abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person against whom the dating violence is perpetrated. The existence of a social relationship of a romantic or intimate nature may be determined by the length of the relationship, the type of relationship, the frequency of the interactions between the persons involved in the relationship, and other relevant contextual factors. Whether the alleged conduct constitutes abuse or the threat of abuse will depend on a number of factors, including, but not limited to, the nature, severity, and frequency of the conduct. Whether a party was acting in self-defense may also be considered. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** In addition to the regulatory definition in Section III above, Vanderbilt defines Domestic Violence for the purposes of this Policy as sexual, psychological, or physical abuse or the threat of such abuse committed between:

- individuals who are current or former spouses or intimate partners,
- persons who share a child in common,
- persons who currently live together or have
Formal Complaint: See Complaint above. See also Formal Grievance Protocol, Section IV.A.

Formal Grievance Process: The process described in the Formal Grievance Protocol for addressing and resolving a Formal Complaint, as required by the new Title IX Regulations, effective August 14, 2020.

Informal Resolution: A process intended to allow the Complainant and the Respondent to provide information about the alleged incident(s) of sexual misconduct, and to reach a mutually agreeable resolution. An Informal Resolution process may take many forms upon the agreement of the parties and the Title IX Coordinator. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.

Investigator: Refers to an official(s) designated by the Title IX Coordinator to conduct an investigation of alleged sexual misconduct. The Investigator will be a trained individual who objectively collects and examines the facts and circumstances of potential violations of this Policy and documents them for review. The Investigator will be neutral and will not have a conflict of interest or bias against the Complainant or Respondent. The Investigator may act as a witness in the event of a Resolution Hearing.

Mandatory Reporter: Refers to an individual who is obligated to report any knowledge they may have of sexual misconduct. Mandatory reporters are required to report possible violations of this Policy to the Title IX Coordinator or the Title IX Office staff, including disclosures that occur in an academic setting or that are related to a pre-matriculation incident. Mandatory reporters must report names, if known, and all relevant details about the alleged sexual misconduct, so that the University can take steps to address the matter promptly, including identifying support resources, and resolve it fairly. Vanderbilt defines all faculty and staff as mandatory reporters except certain “confidential resources” and “limited confidential resources” staff. (See Section VIII above.)

Preponderance of Evidence: Refers to the standard by which it is determined at a hearing whether or not a violation of this Policy has occurred, and means that an act of sexual misconduct is “more likely than not” to have occurred. This standard applies for all claims of sexual misconduct.

Report: Refers to any communication that puts a Vanderbilt official with authority to take corrective action (e.g., the Title IX Coordinator) on notice of an allegation that sexual misconduct occurred or may have occurred. Anyone can report an incident of sexual misconduct to Vanderbilt under the procedure described in Section VIII of this Policy. Notice may be given directly to the Title IX Coordinator (“actual notice”) or to any Mandatory Reporter who has a duty to report such information to the Title IX Coordinator. Once the Title IX Coordinator learns of any Report of alleged sexual misconduct, whether from a direct Report or from a Mandatory Reporter, they will implement supportive measures as needed and initiate an investigation into the alleged incident. The form of the investigation may vary, including if the conduct alleged is governed by the U.S. Department of Education’s Title IX Regulations, in which case Vanderbilt’s Formal Grievance Protocol will apply. Following an investigation, which includes assessment of the allegations, the Title IX Coordinator has authority to resolve a Report, including the implementation of any supportive measures, and close the case if the Report does not constitute or become a Complaint.

After making a Report, an individual may choose to end their involvement in the process; may choose to be involved or not be involved in Vanderbilt’s investigation and related proceedings; or may choose to file or request a Complaint and pursue resolution (under this policy or the Formal Grievance Protocol, as applicable) or, if applicable, an Informal Resolution involving the Respondent. Vanderbilt strongly encourages all individuals to report incidents of sexual misconduct even if the individual does not intend to pursue a Complaint.

Reporter: Refers to an individual who notifies the Title IX Coordinator or a Mandatory Reporter of an alleged violation of this Policy. A Reporter can be any individual who reports to Vanderbilt that they are a victim or survivor of sexual misconduct; that they have been affected by sexual misconduct; or that they have knowledge of sexual misconduct happening to or affecting someone else.

Resolution Hearing: Refers to Vanderbilt’s disciplinary proceeding through which the Sexual Misconduct Adjudicator evaluates evidence related to a Complaint to determine whether a Respondent is in violation of this Policy, based on the criteria of a preponderance of evidence. This process differs from the Formal Grievance Process for sexual harassment required by the new Title IX Regulations, effective August 14, 2020.

Respondent: Refers to an individual who has been accused in a Report or Complaint of conduct that could constitute sexual misconduct prohibited under this Policy (or, under the Formal Grievance Protocol governing sexual harassment, an individual who has been reported to be the
perpetrator of conduct that could constitute sexual harassment).

**Sexual Assault:** See **Sexual Harassment** below, Subsection A.

**Sexual Exploitation:** See **Sexual Misconduct** below, Subsection C.

**Sexual Misconduct Adjudicator:** Refers to the decision maker(s) who considers cases brought under this Policy. The Adjudicator hears the facts and circumstances of an alleged Policy violation as presented by the Investigator, a Complainant, a Respondent and/or witnesses at a Resolution Hearing. This Adjudicator is responsible for determining if a Policy violation has occurred and whether/what sanctions are appropriate.

**Stalking:** See **Sexual Harassment** above, Subsection D.

**Title IX:** Refers to a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX prohibits the use of federal money to support sex discrimination in education programs and provides individual citizens effective protection against those practices.

**Title IX Regulations:** The U.S. Department of Education enacted revised Title IX Regulations (Part 106 of Title 34 of the Code of Federal Regulations), effective August 14, 2020, that are binding on Vanderbilt under certain circumstances involving sexual harassment, as that term is defined by the Regulations. The most extensive changes to the Title IX Regulations appear in 34 C.F.R. §§ 106.30, 106.44 and 106.45.
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**Vanderbilt University Formal Grievance Protocol**

As Required by the U.S. Department of Education Title IX Regulations

(34 C.F.R. § 106.45, effective August 14, 2020)
APPENDIX B. VANDERBILT UNIVERSITY FORMAL GRIEVANCE PROTOCOL

I. INTRODUCTION

As required by the U.S. Department of Education (USDOE), effective August 14, 2020, this Formal Grievance Protocol (Protocol) addresses certain allegations of sexual misconduct subject to the Title IX Regulations as set forth in Section II, below. This Protocol contains citations to the applicable sections of the Title IX Regulations (34 C.F.R. Part 106) throughout. For the complete Vanderbilt Sexual Misconduct Policy (the Policy), which addresses allegations of sexual misconduct beyond the scope of the Title IX Regulations, please click here.

This Formal Grievance Protocol proceeds in four additional sections:

• Section II defines the scope of this Formal Grievance Protocol. Under the Title IX Regulations, sexual harassment as defined by the Title IX Regulations (a subset of sexual misconduct prohibited by the Policy) must be investigated and adjudicated according to the procedures set forth in this Protocol. Although the Title IX Regulations narrowly define sexual harassment, Vanderbilt remains committed to providing an environment that is free from sexual misconduct in all its forms. To that end, sexual misconduct that is not sexual harassment as defined by the USDOE, or that does not meet the jurisdictional requirements under the Title IX Regulations, will still be investigated and addressed under the Policy.

• Section III contains the USDOE’s statements regarding equitable treatment under the Title IX Regulations. Equitable treatment includes the provision of supportive measures and waiting until the grievance process ends to make conclusions as to whether a person violated the Policy.

• Section IV contains Vanderbilt’s Formal Grievance Process to investigate and adjudicate allegations of sexual harassment, as required by the Title IX Regulations. This section provides information on filing a Formal Complaint of sexual harassment, the investigation process, the role of the Title IX Coordinator, Title IX’s live hearing requirements, the appeals process, and related topics.

• Section V explains that Vanderbilt will not retaliate against any person for that person’s involvement in the Title IX process.

This Formal Grievance Protocol, as dictated by the USDOE, along with the comprehensive Vanderbilt Sexual Misconduct Policy, are intended to define, address, and remedy sexual misconduct for members of the Vanderbilt community (defined for purposes of this Protocol to include faculty, staff, students, postdocs, trainees, and those who use Vanderbilt facilities as well as those who are seeking to participate in Vanderbilt’s educational and employment programs, such as applicants for admission or employment).

Vanderbilt prohibits sexual misconduct by members of the Vanderbilt community. The prohibition applies regardless of the gender of the individuals involved and includes conduct in relationships involving a status differential and in relationships between peers, colleagues, and co-workers.

This Protocol applies to all members of the Vanderbilt community and its terms supersede any contrary Vanderbilt policies pertaining to the investigation or adjudication of “sexual harassment” as defined in this Protocol.

Questions about the Protocol and its applicability to any alleged conduct may be directed to Vanderbilt’s Title IX Coordinator, who oversees compliance with applicable non-discrimination policies, including this Protocol:

**Title IX Coordinator**

110 21st Avenue South
Baker Building, Suite 975
Nashville, TN 37203
Phone: (615) 343-9004 (V/TDD)
titleix@vanderbilt.edu
vanderbilt.edu/title-ix/

II. SCOPE OF PROTOCOL

This Formal Grievance Protocol, as required by the Title IX Regulations (§ 106.44(a)), applies to conduct that meets both:

• A definitional requirement: conduct on the basis of sex that constitutes “sexual harassment” and

• A jurisdictional requirement: conduct that relates to a Vanderbilt “education program or activity” against a person in the United States on or after August 14, 2020.

A. Definitional Requirement

“Sexual harassment” is defined in the Title IX Regulations (§ 106.30) to be conduct on the basis of sex that satisfies one or more of the following:

1. A Vanderbilt faculty or staff member/employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (“quid pro quo”);

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Vanderbilt’s education program or activity; or

3. Sexual assault, dating violence, domestic violence, or stalking. (These terms are defined in the Definitions section of the Sexual Misconduct Policy.)

“Sexual misconduct” is a broader term that covers other sex-based conduct beyond the USDOE’s “sexual harassment” definition. Sexual misconduct that does not satisfy the USDOE’s definition of “sexual harassment” may be addressed under alternative procedures, as provided in other relevant Vanderbilt policies, including but not limited to the Sexual Misconduct Policy, instead of this Protocol.

B. Jurisdictional Requirement

An “education program or activity” includes locations, events, or circumstances over which Vanderbilt
exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Vanderbilt. The Title IX Regulations exclude any “education program or activity” that does not occur in the United States. (§ 106.44(a).)

Sexual misconduct that does not satisfy the USDOE's jurisdictional requirement, such as off-campus behavior alleged to have an on-campus effect, may be addressed under alternative procedures, as provided in the Sexual Misconduct Policy, instead of this Protocol.

C. Other Definitions

The terms “Complainant” and “Respondent” are used throughout this Protocol as well as the Sexual Misconduct Policy. For purposes of this Protocol, a Complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. A Respondent is an individual alleged to be the perpetrator of conduct that could constitute sexual harassment. (§ 106.30.)

Other terms that are used in this Protocol, like Supportive Measures and Formal Complaint, are defined below. All relevant terms, including Consent and Incapacitation, are defined in the Sexual Misconduct Policy.

III. USDOE STATEMENTS OF EQUITABLE TREATMENT

A. As required by USDOE’s Title IX Regulations, Vanderbilt’s Formal Grievance Protocol treats Complainants and Respondents equitably by: (1) offering Supportive Measures (as defined below) to a Complainant, and (2) following a grievance process that complies with the procedural requirements of the Title IX Regulations before the imposition of any disciplinary sanctions against a Respondent. (§ 106.44(a); § 106.45(b)(1)(i).) Supportive Measures also may be offered as needed to Respondents and other members of the Vanderbilt community who may be affected by sexual harassment.

B. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. (§ 106.30) They may be sought or provided before or after a Formal Complaint is filed, or where no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to Vanderbilt’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment.

Supportive Measures may include, but are not limited to: access to on-campus counseling services and assistance in setting up an initial appointment, extensions of deadlines or other course-related adjustments (such as rescheduling of exams/assignments or providing alternative course or program completion options), modifications of work or class schedules (such as the ability to change work schedules, job assignments, job locations, or reporting lines; or the ability to transfer course sections or withdraw from a course), campus escort services for transit around campus (such as before and after work or between classes and activities), mutual restrictions on contact between the parties (such as Vanderbilt No-Contact Directives), changes in work or housing locations (such as changing residence hall or classroom assignment), student-requested leaves of absence, administrative leave, increased security and monitoring of certain areas of the campus, academic support services such as tutoring, and other similar measures.

Vanderbilt will keep any Supportive Measures provided to a Complainant or Respondent private, to the extent possible. Supportive Measures that affect other members of the Vanderbilt community (e.g., mutual No-Contact Directives, where the other party must be informed of the directive and its implications) may be disclosed to facilitate implementation. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

C. An individual’s status as a Respondent will not be considered a negative factor during any process under this Protocol. Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged conduct unless and until the process concludes and a determination regarding responsibility is issued. Similarly, a person’s status as a Complainant, Respondent, or witness will not determine whether that person is deemed credible. (§ 106.45(b)(1)(ii-iv).)

D. Vanderbilt’s Formal Grievance Process provides remedies to a Complainant only if the grievance process described in this Protocol results in a determination that the Respondent is responsible for sexual harassment. Remedies are designed to restore or preserve equal access to Vanderbilt’s education program or activity and may include the same individualized services as Supportive Measures. Remedies may be disciplinary and punitive and may burden a Respondent. (§ 106.45(b)(1)(i).)

E. Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process (collectively, Title IX administrators) will not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or an individual Complainant or Respondent. Vanderbilt will provide necessary and appropriate training to each Title IX administrator. Training materials will not rely on sex stereotypes and will promote
impartial investigations and adjudications of Formal Complaints of sexual harassment. (§ 106.45(b)(1)(iii).)

IV. FORMAL GRIEVANCE PROCESS

This portion of the Protocol outlines the steps taken to initiate a grievance, as well as USDOE’s procedural requirements for investigation and adjudication of Formal Complaints.

A. Formal Complaint

i. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment as defined by the Title IX Regulations against a Respondent and requesting that Vanderbilt investigate the allegation of sexual harassment. The submission of a Formal Complaint triggers the Formal Grievance Process when a Formal Complaint is received by the Title IX Coordinator.

A Formal Complaint must be in writing and may be filed with the Title IX Coordinator in person, by mail, or by email. The Formal Complaint must contain the Complainant’s physical or digital signature, or some other indication that the Complainant is the person filing it. (§ 106.30.) At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity.

ii. If Vanderbilt receives an allegation of sexual misconduct that falls within the Formal Grievance Protocol’s scope (it meets both the Title IX Regulations’ definition of “sexual harassment” and their jurisdictional requirements (see Section II)) but no Formal Complaint is filed, then the Title IX Regulations prevent Vanderbilt from administering a formal grievance process (including any informal or early resolution) that permits the imposition of any disciplinary sanctions or other actions against a Respondent. Supportive Measures, however, may still be given. (§ 106.44(a); § 106.45(b)(1)(i); see also § 106.8(c).) Accordingly, Vanderbilt strongly encourages Complainants to file a Formal Complaint, so that the required Formal Grievance Process can be followed.

iii. After filing a Formal Complaint, a Complainant may withdraw their Formal Complaint at any time by providing written notice to the Title IX Coordinator. That withdrawal concludes the Formal Grievance Protocol process unless the Title IX Coordinator takes action under Subsection A.iv. immediately below. (See also Subsection D.v. below regarding permissive dismissal.)

iv. A Title IX Coordinator may sign a Formal Complaint to initiate or continue the Formal Grievance Process, if necessary to fulfill Vanderbilt’s duties under Title IX to not be deliberately indifferent to actual knowledge of sexual misconduct. Signing a Formal Complaint does not make a Title IX Coordinator a Complainant or otherwise a party. (§ 106.30.)

v. Vanderbilt may, but is not required to, consolidate Formal Complaints arising out of the same factual circumstances in two scenarios:

1. Where there is more than one Complainant or Respondent;
2. Where a Formal Complaint has also been filed by the Respondent against the Complainant. (§ 106.45(b)(4).) In such cases, the Formal Grievance Process for a later-filed Formal Complaint may be consolidated into an earlier-filed process rather than re-start from the beginning (e.g., the new charges may be considered in the course of a pre-existing investigation).
3. Vanderbilt may also, but is not required to, consolidate Formal Complaints and other complaints initiated under the Policy that arise out of the same factual circumstances so long as the consolidated complaint is resolved in accordance with the requirements of this Protocol.

vi. Mandatory Dismissal (§ 106.45(b)(3)(i, iii).)

1. If a Formal Complaint is filed, Vanderbilt will investigate its allegations.
2. If the conduct alleged does not meet the Formal Grievance Protocol scope requirements in Section II for “sexual harassment” as defined by USDOE, Vanderbilt must dismiss the Formal Complaint under this Protocol. However, in such circumstance, the Title IX Coordinator will transfer the complaint for review under the Vanderbilt Sexual Misconduct Policy and possible investigation and resolution.
3. In such circumstance, Vanderbilt will promptly and simultaneously send written notice to each party of the dismissal of the Formal Complaint, the reasoning, and the transfer for review under the Vanderbilt Sexual Misconduct Policy.

B. Title IX Coordinator

Initial Responsibilities

i. Upon receipt of any report of alleged sexual misconduct, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures and explain the process involved in filing a Formal Complaint. The Title IX Coordinator will inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint and will consider the Complainant’s wishes with respect to Supportive Measures. (§ 106.44(a).)

ii. Supportive Measures will be assessed and may be offered as needed to Complainants, Respondents, and other members of the Vanderbilt community who may have been affected by the alleged conduct. Supportive Measures are discussed in Section III.B.

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2 Please note that “grievance” for purposes of this Formal Grievance Protocol is not equivalent to a grievance under the Faculty Manual or the Collective Bargaining Agreement between Vanderbilt and LIUNA.
C. Notice of Allegations (§ 106.45(b)(2))

i. Upon receipt of a Formal Complaint, Vanderbilt will provide written notice to known parties of the following:
1. Notice of Vanderbilt’s Formal Grievance Process by providing access to this Protocol.
2. Notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time.
   Sufficient details are defined in the Title IX Regulations to include:
   a. The identities of the parties involved in the incident, if known;
   b. The conduct allegedly constituting sexual harassment; and
   c. The date and location of the alleged incident, if known.
3. Per the Title IX Regulations, the written notice must include the following statements:
   a. The Respondent is presumed not responsible for the alleged conduct.
   b. A determination regarding responsibility is made at the conclusion of the grievance process.
   c. The parties may have an adviser of their choice, who may be, but is not required to be, an attorney.
   d. The parties may inspect and review evidence.
   e. The parties are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.
4. The notice must be given as soon as practicable and with sufficient time to prepare a response before any initial investigation interview.

D. Investigation Procedure

i. The Title IX Coordinator will appoint an Investigator to investigate the allegations subject to the Formal Grievance Process. The investigation may include, among other steps, interviewing the Complainant, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents, social media posts, and other evidence.

The Investigator will attempt to collect all relevant information and evidence. While the Investigator will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to the Investigator so that they may be considered during the investigation. As described below in Section IV.E.iii.3., while all evidence presented at a hearing by the parties will be considered, the Adjudicator may, in its/their discretion, grant lesser weight to information or evidence introduced at the hearing that was available to the party but that was not previously presented for investigation by the Investigator.

The investigation file should contain all information gathered during the investigation that is potentially relevant to the alleged misconduct; the Investigator should not filter or exclude evidence or decide the weight or credibility of evidence, unless the evidence is clearly irrelevant.

Following the investigation, the Investigator will draft an investigation report succinctly describing all collected information. The Investigator will not make any recommendation as to whether a Protocol violation has occurred or potential sanctions.

ii. Evidentiary Considerations
   1. While investigating the allegations of any Formal Complaint of sexual harassment,
the Investigator will conduct an objective evaluation of all relevant evidence. Relevant evidence is any evidence that may tend to make the allegations at issue more or less likely to be true, i.e., both “inculpatory” or corroborating evidence and “exculpatory” or contradicting evidence. (§ 106.45(b)(1)(iii).)

2. Standard of Evidence
   a. In assessing allegations of sexual harassment and conducting its Formal Grievance Process, Vanderbilt will use a preponderance of the evidence standard. (§ 106.45(b)(1)(vii).) This standard means that the alleged sexual misconduct is “more likely than not” to have occurred.
   b. That standard will apply to all Formal Complaints of sexual harassment, regardless of whether the Formal Complaint is against a student or other Vanderbilt community member, such as a faculty or staff member. (§ 106.45(b)(1)(vii).)

iii. As dictated by the Title IX Regulations (§ 106.45(b)(5)), when investigating a Formal Complaint and throughout the grievance process, Vanderbilt will:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Vanderbilt and not on the parties. (§ 106.45(b)(5)(ii).) This means that Vanderbilt’s decision-makers will use the preponderance of the evidence standard. See also Subsection D.i. above.

2. Provide an equal opportunity for the parties to present witnesses and other relevant evidence. (§ 106.45(b)(5)(iii).)

3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. (§ 106.45(b)(5)(iii).)
   a. Vanderbilt does not prohibit any party from discussing their own experience.

4. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to bring an adviser of their choice to any related meeting or proceeding. The adviser may be, but is not required to be, an attorney. Vanderbilt will not limit the choice or presence of an adviser for either the Complainant or Respondent in any meeting or grievance proceeding; however, Vanderbilt will restrict the extent to which the adviser may participate in the proceedings, which will apply equally to both parties’ advisers. (§ 106.45(b)(5)(iv).)
   a. Note: Advisers are not permitted to participate directly in any proceeding, with the exception of hearings and certain related meetings, as specified in Section IV.E.iv. below. Otherwise, advisers may be present solely to advise or support the party and are prohibited from speaking directly to the Investigator, Adjudicator, other parties, or witnesses in such proceedings.

5. Provide written notice to each party of the date, time, location, participants, and purposes of each Formal Grievance Process meeting at which they are invited to participate, with sufficient time for the party to prepare to participate.
   a. For all hearings, Vanderbilt will provide at least 10 days’ notice.3
   b. For all non-hearing investigative interviews or meetings to which Vanderbilt invites a party, Vanderbilt will provide at least 5 days’ notice to that party. (§ 106.45(b)(5)(vi).)

6. Provide both parties an equal opportunity to inspect and review any evidence Vanderbilt obtained as part of the investigation, whether obtained from a party or other source, that is directly related to the allegations raised in a Formal Complaint. The provision of such evidence is intended to help each party meaningfully respond to the evidence prior to conclusion of the investigation. (§ 106.45(b)(5)(vi).)
   a. Parties may elect to submit certain records of medical examinations, treatment, or mental health services. Vanderbilt will not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party voluntarily consents in writing to their use in a Formal Grievance Process. (§ 106.45(b)(5)(i).)

3 For purposes of this Formal Grievance Protocol, “days” means calendar days unless otherwise noted.
iv. Investigative Report (§ 106.45(b)(5)(vi-vii).)
   1. Prior to completion of the investigative report, Vanderbilt will send to each party, and the party’s adviser, if any, a preliminary investigative report and the evidence subject to inspection and review.
      a. Such evidence will be available at any hearing, to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
      b. Vanderbilt retains discretion to elect to send such materials in an electronic format or a hard copy. The provision of such evidence may include data security safeguards that prevent it from being downloaded, printed or forwarded.
   2. The parties will have 10 days to submit a written response to the preliminary investigative report. Any such comments are limited to no more than 10 double-spaced pages with one-inch margins and 12-point font and must be submitted by hand delivery to the Title IX Office, 110 21st Ave South, Suite 975, or by email attachment to the Investigator by no later than 5 pm on the tenth day following the date the parties receive the evidence. Requests for extensions must be submitted to the Investigator prior to the expiration of the 10-day period. The Investigator will consider any such response prior to completion of the final investigative report.
   3. The Investigator will then create a final investigative report that fairly summarizes the relevant evidence. The final investigative report will not make any recommendation as to whether a Protocol violation has occurred or potential sanctions. At least 10 days prior to a hearing, Vanderbilt will send the final investigative report to each party, and the party’s adviser if any, for their review and written response.
   4. Any such response must be received by the Title IX Coordinator within five days of when the final investigative report was delivered to the party, so that the party’s response may be available for consideration by the Adjudicator. If warranted, the Investigator may choose to update the final investigative report to take a party’s response into account, in which case the hearing date may be postponed.
   5. The University endeavors to conduct and complete the investigative process within 90 business days from the issuance of the notice of allegations. Good cause may exist for extending the time for investigation in some cases, such as multiple witnesses, complicated evidence, informal resolution, and University breaks and holidays. The parties will be notified simultaneously, in writing, if the investigation process cannot be completed within 90 business days, and they will be provided with a revised timeline for completion of the investigation.

v. Permissive Dismissal
   1. At any time during the investigation or hearing, Vanderbilt may dismiss the Formal Complaint or any of its allegations:
      a. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint in whole or in part;
      b. The Respondent is no longer enrolled or employed by Vanderbilt; or
      c. Specific circumstances prevent Vanderbilt from gathering evidence sufficient to reach a determination as to the Formal Complaint in whole or in part. (§ 106.45(b)(3)(ii.).)
   2. In all such circumstances, Supportive Measures may be continued.
   3. Under the first circumstance (Subsection v.1.a), the Title IX Coordinator may choose in their discretion to sign the Formal Complaint to continue to the Formal Grievance Process. See also Sections IV.A.iii-iv, above.
   4. Under the second circumstance (Subsection v.1.b):
      a. The Respondent’s student or employment records may be marked to indicate their departure during a disciplinary process (which may resume if they return to Vanderbilt), but will not indicate that the Respondent was found or assumed responsible for any alleged misconduct pending at the time of departure.
      b. The Respondent may be required to notify the Title IX Coordinator if they intend to visit any building owned or controlled by Vanderbilt or a student organization that is officially recognized by Vanderbilt, or if they otherwise seek to attend any Vanderbilt education program or activity or event, so that the Complainant may be given an opportunity to receive Supportive Measures if needed.
   5. If permissive dismissal is granted under this section, the Formal Grievance Process will cease, no further investigation will occur, and no disciplinary sanctions or actions can be imposed against the Respondent. See Section IV.A.ii. (citing § 106.44(a); § 106.45(b)(1)); § 106.8(c).)
   6. A permissive dismissal under this section differs from a mandatory dismissal under Section IV.A.vi. for alleged conduct that does not meet the Formal Grievance Protocol scope requirements contained in Section II for “sexual harassment” as defined by § 106.30.

E. Adjudication
i. Adjudication via hearing
   1. Vanderbilt’s Formal Grievance Process will culminate in a live hearing before an Adjudicator.
      a. If the Respondent is a faculty member, the Adjudicator will be a Hearing Panel. The Hearing Panel will consist of an independent, third-party Hearing Officer, who will chair
APPENDIX B. VANDERBILT UNIVERSITY FORMAL GRIEVANCE PROTOCOL

4. At the request of either party, Vanderbilt will

3. The Adjudicator will not be the same person
may, then, be conducted with all parties
witness answering questions. Live hearings
can be conducted with the parties
enable the Adjudicator as well as the parties,
appropriate to carry out their duties.
The Adjudicator will receive training as
as the Title IX Coordinator or the Investigator.
9.65(b)(6)(i).)
may be subjected to disciplinary action. (§
for a violation of this Protocol, the Respondent
conduct until the grievance process concludes
and will receive the benefit of, a presumption
conduct alleged. Respondents are entitled to,
and receive the benefit of, a presumption
that they are not responsible for the alleged
conduct until the grievance process concludes
and a determination regarding responsibility is
issued. If the Respondent is found responsible
for a violation of this Protocol, the Respondent
may be subjected to disciplinary action. (§
106.45(b)(6)(i).)
3. The Adjudicator will not be the same person
as the Title IX Coordinator or the Investigator.
The Adjudicator will receive training as
appropriate to carry out their duties.
4. At the request of either party, Vanderbilt will
conduct the live hearing with the parties
located in separate rooms. Technology must
enable the Adjudicator as well as the parties,
to simultaneously see and hear any party or
witness answering questions. Live hearings
may, then, be conducted with all parties
physically present in the same location, or any
or all parties, witnesses and other participants
may appear at the live hearing virtually.
5. Vanderbilt will create a transcript or recording
(audio or audiovisual) of any adjudicative
hearing. It will available to the parties for
inspection and review pursuant to FERPA.

ii. Pre-hearing
1. The Title IX Coordinator or designee will
identify the Adjudicator to the parties five
days in advance of the hearing. Either party
may challenge a named Adjudicator (Hearing
Officer or faculty Hearing Panel member) if
the party believes that the Adjudicator has a
conflict of interest or bias. Any such challenge
must be delivered in writing to the Title IX
Coordinator or designee at least two days in
advance of the hearing, specifying the reasons
for such belief. The Title IX Coordinator or
designee has sole discretion to keep or replace
the challenged Adjudicator, and if replaced,
will postpone the hearing to allow for the
appointment of a replacement Adjudicator.
(The Title IX Coordinator or designee may
consult with the appropriate Dean in cases
where a faculty Respondent challenges a
faculty Hearing Panel member.)
2. Five days in advance of the hearing, the
parties will identify their expected attendees
(including any adviser) and their expected
witnesses (including themselves), including the
witnesses’ expected sequence, via writing to
the Title IX Coordinator or designee, who will
supply the disclosure to the other party and to
the Adjudicator. The parties will not be strictly
bound to their disclosures, but they should be
submitted in good faith.
3. Typically, the parties will be in charge of
choosing and supplying their own witnesses
at the hearing. When necessary for the
pursuit of truth and to gather evidence
sufficient to reach a determination, the

iii. Evidence
1. At the hearing, all relevant evidence will be
objectively evaluated. Relevant evidence
is any evidence that may tend to make the
allegations at issue more or less likely to be
true—i.e., “inculpatory” or corroborating
evidence and “exculpatory” or contradicting
evidence. Credibility determinations will not be
based on a person’s status as a Complainant,
Respondent, or witness. (§ 106.45(b)(1)(ii).)
2. Consistent with the Title IX Regulations,
questions and evidence about the
Complainant’s sexual predisposition or prior
sexual behavior are not relevant, unless:
   a. “offered to prove that someone other
than the Respondent committed the
conduct alleged” or
   b. “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.” (§ 106.45(b)(6)(i).)
3. While all relevant evidence presented at a
hearing by the parties will be considered,
the Adjudicator has discretion to grant lesser
weight to last-minute information or evidence

the Panel and direct the hearing, and two
faculty Hearing Panel members (selected
by the Title IX Coordinator from among a
pool of faculty members nominated by the
Dean of each school) who will attend the
hearing and participate in deliberations.
The three Hearing Panel members will
each have an equal vote.

b. For all other Respondents, the
Adjudicator will be a single independent,
third-party Hearing Officer, who will
direct the hearing process.

2. The Adjudicator will consider all evidence
presented (subject to the terms below) and
determine whether a Respondent is responsible
for a violation of this Protocol. Applying the
preponderance of the evidence standard, the
burden of proof is met, and a Respondent may
be found responsible for a Protocol violation, if
the Adjudicator determines that it is more likely
than not that the Respondent committed the
conduct alleged. Respondents are entitled to,
and will receive the benefit of, a presumption
that they are not responsible for the alleged
conduct until the grievance process concludes
and a determination regarding responsibility is
issued. If the Respondent is found responsible
for a violation of this Protocol, the Respondent
may be subjected to disciplinary action. (§
106.45(b)(6)(i).)
introduced at the hearing that was not previously presented for investigation by the Investigator. See also Section IV.D.i., above.

iv. Cross-examination
1. As stated above in Section IV.D.iii.4., each party may be accompanied to the hearing by the adviser of their choice, who may be, but is not required to be, an attorney. Advisers may be present solely to advise or support the party and are prohibited from speaking directly to the Investigator, Adjudicator, other parties, or witnesses during the hearing, except for conducting cross examination.
2. At the hearing, the Adjudicator will typically ask questions first, before either adviser. Subsequently, each party’s adviser is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party’s adviser of choice, and never by a party personally. (§ 106.45(b)(6)(i).)
3. If a party does not have an adviser present at the live hearing, Vanderbilt will provide without fee or charge to that party, an adviser who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. (§ 106.45(b)(6)(i).)
   a. If a party does not have an adviser for the hearing, the party must notify the Title IX Coordinator or designee no later than the party’s pre-hearing disclosures. (See Section IV.E.ii.2., above.) Otherwise, the hearing may be delayed, and the appointed adviser may have less time to prepare for the hearing.
   b. Vanderbilt will make available a pool of trained advisers from which the party may select an adviser.
4. Only relevant cross-examination and other questions may be asked of a party or witness. See Section IV.E.iii., above, regarding relevancy. Before a party or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. (§ 106.45(b)(6)(i).)
5. If a party or witness does not submit to cross-examination at the live hearing, the Adjudicator must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Adjudicator cannot, however, draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions. (§ 106.45(b)(6)(i).)

v. Determination Regarding Responsibility
1. Based on a preponderance of the evidence, the Adjudicator will decide if the Respondent is responsible for engaging in the conduct alleged, and if so, what disciplinary action may be appropriate. For cases where a faculty member is a Respondent, the Hearing Panel will deliberate and, at the conclusion of those deliberations, the Hearing Panel will issue a written determination, drafted by the Hearing Officer in collaboration with the other members of the Hearing Panel. For all other cases, the Hearing Officer will deliberate and issue a written determination. These determinations will typically be issued within 15 days following the hearing.
2. The written determination will include:
   a. Identification of the allegations potentially constituting sexual harassment under this Protocol;
   b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
   c. Findings of fact supporting the determination;
   d. Conclusions regarding the application of this Protocol to the facts;
   e. A statement of, and rationale for, the result as to each allegation, including:
      i. A determination regarding responsibility;
      ii. Any disciplinary sanction(s) imposed on the Respondent (which in cases involving a faculty Respondent will be determined by the Dean, as described in section vi below; for all other cases, the sanction will be determined by the Hearing Officer); and
      iii. Whether remedies designed to restore or preserve equal access to Vanderbilt’s education program or activity will be provided to the Complainant; and
f. Procedures and permissible bases for the parties to appeal the determination. (§ 106.45(b)(7)(ii).)
3. The written determination will be provided to the parties simultaneously.
4. Supportive Measures also may be provided to the Complainant that are designed to restore or preserve equal access to Vanderbilt’s education program or activity, even if they are not listed in the written determination. Remedies and Supportive Measures that do not impact the Respondent should not be disclosed in the written determination; rather, the determination should simply indicate that “remedies will be provided to the Complainant.” The Title IX Coordinator is
vi. Range of Sanctions and Remedies (§ 106.45(b)(1)(vi)). For student and staff Respondents, the Hearing Officer will, upon a finding of responsibility by a preponderance of the evidence, issue a sanction that is appropriate to the violation. For faculty Respondents, the Respondent’s Dean will determine the sanction after consultation with the Hearing Panel, and the sanction will be included in the written determination described in section v.2.e above. Any such sanction for a Respondent will be generally consistent with other disciplinary decisions taken for similarly-situated Respondents.

1. For student Respondents, sanctions can include, but are not limited to, the following:
   a. Expulsion
   b. Suspension
   c. Disciplinary Probation
   d. Deferred Disciplinary Probation
   e. Educational Conference
   f. Additional components of sanctions may include, but are not limited to: restrictions, which may include limiting or barring access to certain facilities or activities and removal or reassignment from University housing.

2. For faculty and staff Respondents, sanctions can include, but are not limited to, the following:
   a. Termination of Employment
   b. Reduction in salary and/or rank
   c. Suspension
   d. Probation
   e. No Contact Directives
   f. Campus restrictions
   g. Revocation of Vanderbilt privileges
   h. Educational programs
   i. Removal from (or reassignment to a different role on) a project
   j. A requirement to correct or retract publications affected by the findings of the investigation
   k. Written reprimand

For faculty Respondents, the Dean will provide a copy of the written determination to the Provost, or to the Chancellor for VUMC-employed faculty, and the University will report the outcome of the investigation to external agencies, as required.

3. Remedies may also be implemented by the University to restore or preserve equal access to Vanderbilt’s education programs or activities. Remedies can include, but are not limited to, the following:
   a. Access to on-campus counseling services and assistance in setting up an initial appointment with those services;
   b. No-Contact Directives;
   c. Rescheduling of academic exams and assignments;
   d. Providing alternative course or program completion options;
   e. Changing class schedules, including the ability to transfer course sections or withdraw from a course;
   f. Changing work schedules, job assignments, job locations, or reporting lines for University employment;
   g. Changing on campus residence hall or classroom assignments;
   h. Providing an escort for transit between University classes and activities;
   i. Providing academic support services, such as tutoring;
   j. Leaves of absence;
   k. Referral for consideration of the Complainant’s status through the appropriate process (including for faculty, the Grievance process under Part IV, Chapter 2 of the Faculty Manual).

vii. Finality
The determination regarding responsibility (including the sanction, if any) becomes final either:
1. if an appeal is filed, on the date that Vanderbilt provides the parties with the written determination of the result of the appeal, or
2. if an appeal is not filed, the date on which an appeal would no longer be considered timely. (§ 106.45(b)(7)(iii).)

F. Appeals

i. Either party may appeal from a determination regarding responsibility (and/or the sanction, if any), or from a dismissal of a Formal Complaint in whole or in part, on the following bases only:
   1. A procedural irregularity, meaning an alleged failure to follow the process outlined in this Protocol, that affected the outcome of the matter;
   2. New evidence that was not reasonably available to the appealing party at the time of the hearing or dismissal, that could affect the outcome of the matter;
   3. The Title IX Coordinator, Investigator, or Adjudicator (Hearing Officer or Hearing Panel member) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. The notice of appeal must describe with specificity the basis upon which such conflict of interest or bias is alleged and how it allegedly affected the outcome;
   4. The determination cannot reasonably be supported by the evidence; or
   5. The severity of the sanction.

ii. The following are not grounds for appeal by any party:
   1. Issuance and implementation of Remedies and Supportive Measures other than
iii. Appeals must be submitted in writing to the Title IX Coordinator or designee within 10 days of the date that the written adjudication determination is provided to the parties. The written appeal must state the ground(s) for the appeal, include the name of the appealing party, and bear evidence that it was submitted by the appealing party. The appeal statement must contain a sufficient description supporting the grounds for appeal. If the grounds for appeal is to consider new evidence that could affect the outcome of the matter that was not reasonably available to the appealing party before or during the time of the hearing or the dismissal, then the written appeal must include such information. The Title IX Coordinator retains discretion to verify and/or waive minor procedural variations in the timing and content of the appeal submission.

iv. Upon receipt of an appeal, Vanderbilt will

1. Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties;

2. Ensure that the decision-maker (Appeals Panel for faculty Respondents; Appeals Officer for all other Respondents) for the appeal is not the same person or persons as the decision-maker that reached the original determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator;

3. Ensure that the decision-maker (Appeals Panel for faculty Respondents; Appeals Officer for all other Respondents) for the appeal does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, and that the decision-maker for the appeal has received the appropriate and necessary training;

4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. (§ 106.45(b)(8)(iii).)

v. Vanderbilt will provide a copy of the appeal to the non-appealing party. The non-appealing party may submit a written statement within 10 days that may seek to affirm the initial decision and/or respond to the appeal statement.

vi. The Title IX Coordinator has discretion to impose or withhold any applicable sanctions or supportive measures prior to the appeal deadline and prior to the resolution of any appeal.

vii. The appeal will be referred to an Appeals Panel in the case of a faculty Respondent or an Appeals Officer for all other Respondents. For cases where the Respondent is a faculty member, the Appeals Panel will consist of an independent, third-party Appeals Officer and two additional faculty Appeals Panel members, each of whom will have an equal vote. The faculty Appeals Panel members will be selected by the Title IX Coordinator or designee from a standing pool of faculty members nominated by the Deans of the schools. For all other cases, the Appeals Officer will be an independent third-party. The Appeals Panel or Appeals Officer, as appropriate, will issue a written decision describing the result of the appeal and the rationale for the result within a reasonably prompt time frame, typically within 10 days following receipt of all appeals materials. The appeal will determine whether the Hearing Panel or Hearing Officer made an error on the ground(s) alleged in the appeal statement. The appeal is typically determined based on the existing record, but the appeal decision-maker has discretion to convene a limited or full hearing if needed. The appeal decision will be given simultaneously to both parties. (§ 106.45(b)(8)(iii)(E-F).)

viii. For appeals referred to an Appeals Officer, the Appeals Officer will take action on the appeal consistent with the options set forth below in section F. x.

ix. For Appeals referred to an Appeals Panel, the Appeals Panel will review the record and make a recommendation consistent with the options set forth below in section F. x. This recommendation will be forwarded to the Chancellor (with notice to the Provost) for a determination.

x. Potential outcomes of an appeal are as follows (based on the relevant ground for appeal):

1. In cases where there has been a material procedural error sufficient to affect the determination posed, the case will be remanded to the Title IX Office with instructions, as appropriate.

2. In cases where it is determined that there is new evidence that was not reasonably available to the appealing party at the time of the hearing or dismissal, that could affect the outcome of the matter, the case will be remanded to the Title IX Office with instructions, as appropriate.

3. In cases where it is determined that the Title IX Coordinator, Investigator, or Adjudicator had a conflict of interest or bias for or against the Complainant or the Respondent generally or the individual Complainant or Respondent that affected the outcome of the matter, the case will be remanded to the Associate Vice Chancellor for Equal Access to assure the University provides a resolution process without conflict of interest or bias.

4. In cases where the determination cannot reasonably be supported by the evidence, the Appellate Decisionmaker will reverse the determination.

5. If no ground for appeal is found, the determination will stand.
G. Informal Resolution

ii. At any time prior to reaching a determination regarding responsibility, Vanderbilt may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Vanderbilt may not offer an informal resolution process unless a Formal Complaint is filed. Both parties must agree to participate in an informal resolution process, and if they do, the Formal Grievance Process stops. Either party may withdraw from the informal resolution process and resume the Formal Grievance Process at any time before an informal resolution is reached. Vanderbilt will not require the parties to participate in an informal resolution process, and will not require them to waive their rights to a Formal Grievance Process. (§ 106.45)(b)(9).)

iii. Vanderbilt will not offer or facilitate an informal resolution process to resolve allegations that a faculty or staff member sexually harassed a student. (§ 106.45)(b)(9)(iii).)

iv. Prior to facilitating an informal resolution process, Vanderbilt will:

1. Provide written notice to the parties disclosing the following:
   a. The allegations;
   b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
   c. The fact that, at any time prior to agreeing to an informal resolution, any party may withdraw from the informal resolution process and resume the Formal Grievance Process; and
   d. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

2. Obtain the parties’ voluntary, written consent to the informal resolution process. § 106.45)(b)(9)(i-ii).)

v. If the parties agree to an informal resolution, the Formal Complaint is deemed withdrawn and the Formal Grievance Protocol will be terminated. However, the informal resolution is be considered binding, and its breach gives rise to a new Formal Grievance Protocol, which may restart the Formal Grievance Protocol.

V. RETALIATION (§ 106.71.)

A. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulation, or this Formal Grievance Protocol, 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. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Protocol, constitutes retaliation.

B. Vanderbilt will “keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any [C] complainer, any individual who has been reported to be the perpetrator of sex discrimination, any [R]espondent, and any witness, except as may be permitted” by Title IX, FERPA, or as otherwise required by law, or to carry out Vanderbilt’s Title IX Formal Grievance Protocol or other resolution procedures under the Policy. (§ 106.71)(a.)

C. The exercise of rights protected under the First Amendment does not constitute retaliation. The First Amendment does not restrict the activities of private universities including Vanderbilt; however, the USDOE is subject to the First Amendment and may not administer the Title IX Regulations in a manner that violates the First Amendment.

D. Charging an individual with a code of conduct violation for making a materially-false statement in bad faith in the course of a sexual misconduct grievance proceeding does not constitute retaliation. A determination regarding responsibility alone, however, is not sufficient to conclude that any party made a materially-false statement in bad faith.

E. Complaints alleging retaliation may be filed with the Title IX Coordinator, who will determine whether to consolidate the allegations of retaliation into the investigation process described herein or through other appropriate methods.

F. In the event an individual alleges that the Title IX Coordinator retaliated against them, the individual may file a complaint with the Associate Vice Chancellor for Equal Access, who will follow the grievance procedures either under this Protocol or under the Vanderbilt Sexual Misconduct Policy. The Title IX Coordinator (nor staff under the Title IX Coordinator’s supervision) will not oversee the investigation or adjudication of a complaint alleging that the Title IX Coordinator engaged in retaliation. If the Associate Vice Chancellor for Equal Access is also the Title IX Coordinator, an individual alleging the Title IX Coordinator retaliated against them may file a complaint with the Vice Chancellor for Administration.
APPENDIX C. PROGRAMMING AND AWARENESS EVENTS

2020 – 2021 Academic Year

The following chart provides examples of the type of programs presented during the 2020-2021 academic year to raise awareness of and prevent sexual assault, domestic and dating violence, stalking, and other crimes. Due to pandemic health and safety protocols, all programming, education, and awareness events were provided remotely via Zoom or other on-line platforms.
<table>
<thead>
<tr>
<th>MONTH</th>
<th>PROGRAM</th>
<th>PRESENTED/SPONSORED BY</th>
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<tbody>
<tr>
<td>July</td>
<td>New Student Athletes Policy and Resources Overview</td>
<td>Project Safe Center for Sexual Misconduct Prevention and Response (Project Safe Center) and the Title IX Office</td>
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<td>Medical School Orientation: Policy and Resources Overview</td>
<td>Title IX Office, Equal Opportunity and Access office (EOA), and Project Safe Center</td>
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<td>Dores Prevention Playbook (Student Athlete Prevention Program): Football first-year and transfer student athletes: program includes: bystander intervention training, effective consent, dating violence and sexual assault prevention. First part of a four-year educational program for student athletes.</td>
<td>Project Safe Center, Athletics, Student Accountability, Community Standards, and Academic Integrity (Student Accountability), and Title IX Office.</td>
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<td>Dores Prevention Playbook: Sessions for Sophomore, Junior, and Senior Football players</td>
<td>Project Safe Center, Athletics, Student Accountability, and Title IX Office</td>
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<td>Athletics Football Coaching Staff Mandatory Reporter and Resources Training</td>
<td>Project Safe Center and Athletics</td>
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<td>Campus Connectors Reporting Obligations and Supporting Survivors Training (Every undergraduate student is assigned a Campus Connector, a professional staff member from Academic Affairs. That person is a single point of contact, providing support and information and connections to campus resources.)</td>
<td>Project Safe Center</td>
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<td>August</td>
<td>Orientation Leader Student Care Network Panel</td>
<td>Project Safe Center and the Student Care Network</td>
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<td>Law School Orientation Sexual Misconduct Policy and Resources Overview</td>
<td>Project Safe Center</td>
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<td>Dean of Students Division Mandatory Reporting and Survivor Support Training</td>
<td>Project Safe Center</td>
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<td>Housing Resident Adviser Staff Training sessions: • Supporting Student Survivors • Bystander Intervention • Advanced Bystander Intervention</td>
<td>Project Safe Center and the Office of Housing and Residential Experience (OHARE)</td>
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<td>Housing Resident Adviser Staff Training: Sexual Misconduct Policy and Reporting</td>
<td>Title IX, Student Accountability, Project Safe Center, and OHARE</td>
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<td>Fraternity House Manager training, includes prohibited behaviors, support resources, and bystander intervention.</td>
<td>Greek Life</td>
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<td>Divinity Student Orientation Campus Resources Fair</td>
<td>Project Safe Center</td>
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<td>Community of Care: Alcohol Awareness and Social Responsibility</td>
<td>Center for Student Wellbeing and the Martha Rivers Ingram Commons (Commons) (first-year residential college)</td>
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<td>Vanderbilt Addresses Sexual Violence —Workshop addressing dating violence and sexual assault prevention for all first-year students. Students also view CommonVU True Life, a student-produced program focusing on experiences of Vanderbilt students outside the classroom, including personal safety and sexual misconduct</td>
<td>Commons, Project Safe Center, Title IX Office, and Student Accountability</td>
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<td>Vandy Sex Ed Peer Educators Consent Training</td>
<td>Project Safe Center and the Margaret Cuninggim Women's Center (Women's Center)</td>
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<td>September</td>
<td>Navigating Healthy Relationships: Vandy Sex Ed</td>
<td>Office of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Life (Office of LGBTQI Life) and Women's Center</td>
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<td>Healthy Relationships in the U.S.</td>
<td>Project Safe and International Student and Scholar Services</td>
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<td>Staying Safe in Nashville/International Orientation</td>
<td>VUPD and International Student and Scholar Services</td>
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<td>Reporting and Responding to Disclosures of Sexual Misconduct (Faculty Workshop)</td>
<td>Project Safe Center and Title IX</td>
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<td>Neuroscience Research Forum: Student Resources Panel</td>
<td>Project Safe Center and the Neuroscience Graduate Program</td>
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<td>Gaslighting, When the Receipts Don't Add Up</td>
<td>Project Safe Center and the Bishop Joseph Johnson Black Cultural Center (Black Cultural Center)</td>
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<td>Diverse ‘Dores Day: provides an opportunity for the entire Vanderbilt community to learn more about various support centers and identity-related resources and spaces on campus.</td>
<td>Various campus offices including: Project Safe Center, Office of LGBTQI Life, Women's Center, Student Access Services, Center for Student Wellbeing, Black Cultural Center, and Office of the University Chaplain and Religious Life</td>
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<td>National Academies of Science, Engineering and Medicine (NASEM) Action Collaborative Panel: Title IX Updates</td>
<td>Project Safe Center</td>
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<td>Vanderbilt Recovery Support Seminar</td>
<td>Center for Student Wellbeing</td>
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<td>Sexual Assault and Domestic Violence from a Transnational Perspective</td>
<td>Project Safe Center and the Gender and Sexuality Studies Department</td>
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<td>Assertive and Boundary-Setting Workshop: Theta Tau Business Fraternity</td>
<td>Project Safe Center</td>
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<td>October</td>
<td>Housing Professional Staff Training: Campus Title IX Process Changes</td>
<td>Project Safe Center and OHARE</td>
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<td>Supporting Survivors During a Pandemic</td>
<td>Project Safe Center</td>
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<td>P.R.I.D.E. (Pursuing Respect, Inclusion, Diversity and Equity) Training. The PRIDE program aims to create a visible network of support for LGBTQI individuals and their allies. Available to students, faculty and staff</td>
<td>Office of LGBTQI Life</td>
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<td>Chi Omega Health &amp; Wellbeing Task Force Prevention and Support Training</td>
<td>Project Safe Center and Greek Life</td>
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<td>MONTH</td>
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<td>October</td>
<td>Dating and Domestic Violence Awareness month activities, programs include: National Call for Unity; The History of Domestic Violence Awareness Month Activism; What is VAWA? An Overview; Navigating Boundaries in a Breakup; Creating Healthy Boundaries; the Escalation Workshop on Dating Violence; Supporting a Survivor, and Domestic Violence Resources at VU and in the Community; and Set the Expectation Week Survivor Speak-Out</td>
<td>Project Safe Center and Purple Ribbon Project (student organization)</td>
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<td>Project Safe Resources</td>
<td>Project Safe Center and the University Counseling Center</td>
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<td>Sexual Assault Prevention: Naval ROTC Students</td>
<td>Project Safe Center and Naval ROTC</td>
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<td>Bystander Intervention Training: Interfraternity Council</td>
<td>Project Safe Center and Greek Life</td>
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<td>Vanderbilt Recovery Support Seminar</td>
<td>Center for Student Wellbeing</td>
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<td>Supporting a Survivors and Bystander Intervention Training</td>
<td>Project Safe Center and Office of Greek Life</td>
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<td>Set The Expectation Sexual Assault Awareness and Prevention Football Game</td>
<td>Athletics and Project Safe Center</td>
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<td>Bystander Intervention for Incivility and Harassment: Business Services (multiple sessions)</td>
<td>Project Safe Center and Business Services</td>
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<td>November</td>
<td>Supporting a Survivor workshops for individual sororities</td>
<td>Project Safe Center and Greek Life</td>
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<td>Assertiveness and Boundary-Setting workshops</td>
<td>Project Safe Center and School of Medicine</td>
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<td>NPHC Chapter Prevention Action planning workshops for individual NPHC chapters</td>
<td>Project Safe Center, Greek Life, and individual NPHC sororities and fraternities</td>
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<td>Helping Patients Who Have Experienced Sexual Assault and Intimate Partner Violence</td>
<td>Project Safe Center and School of Nursing</td>
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<td>Intimate Partner Violence on College Campuses: An Overview: Women’s Fund of Nashville</td>
<td>Project Safe Center and the Women’s Fund of Nashville</td>
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<td>Vanderbilt Recovery Support Seminar</td>
<td>Center for Student Wellbeing</td>
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<td>December</td>
<td>Bystander Intervention Training: Vanderbilt Student Government (VSG) (multiple sessions)</td>
<td>Project Safe Center and Vanderbilt Student Government</td>
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<td>Vanderbilt Recovery Support Seminar</td>
<td>Center for Student Wellbeing</td>
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<td>January</td>
<td>Bystander Intervention training for New Housing Staff</td>
<td>Project Safe Center and OHARE</td>
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<td>Mandatory Reporting training for New Housing Staff</td>
<td>Project Safe Center and OHARE</td>
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<td>Sexual Assault Awareness and Prevention: individual Greek organizations</td>
<td>Project Safe Center and Greek Life</td>
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<td>Vanderbilt Recovery Support Seminar</td>
<td>Center for Student Wellbeing</td>
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<td>Understanding Stalking</td>
<td>Project Safe Center</td>
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<td>P.R.I.D.E. (Pursuing Respect, Inclusion, Diversity and Equity) Training. The PRIDE program creates a visible network of support for LGBTQI individuals and allies.</td>
<td>Office of LGBTQI Life</td>
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<td>February</td>
<td>Sex Ed and Healthy Relationships Week programs, including Healthy Relationships at Vanderbilt and Safest Sex During COVID-19</td>
<td>Women’s Center, Vandy Sex Ed, and Student Health Center</td>
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<td>What is Rape Culture? (multiple sessions)</td>
<td>Project Safe Center</td>
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<td>Supporting a Survivor workshops (multiple sessions)</td>
<td>Project Safe Center</td>
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<td>Bystander Intervention Training (multiple sessions)</td>
<td>Project Safe Center</td>
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<td>Interfraternity Council New Member Education, programs include: Understanding Rape Culture; Alcohol &amp; Sex; Bystander Intervention Training</td>
<td>Project Safe Center and Greek Life</td>
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<td>The Neurobiology of Trauma (multiple sessions)</td>
<td>Project Safe Center</td>
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<td>Sexual Assault Awareness and Prevention: individual Greek organization</td>
<td>Project Safe Center and Greek Life</td>
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<td></td>
<td>Vanderbilt Recovery Support Seminar</td>
<td>Center for Student Wellbeing</td>
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<td>Advanced Bystander Intervention Training (multiple sessions)</td>
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<td>Supporting a Survivor workshop for VSG</td>
<td>Project Safe Center and Vanderbilt Student Government</td>
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<td>March</td>
<td>Bystander Intervention Training (multiple sessions)</td>
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<td>Greek Liaisons Training</td>
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<td>Dores Prevention Playbook: separate sessions for Senior Men, Senior Women, Junior Men, Junior Women, Sophomore Men, Sophomore Women, First-Year Men, and First-Year Women</td>
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<td>Sex in the Dark Panel (questions submitted anonymously are answered by the panel)</td>
<td>Project Safe Center, Student Health Center, Vandy Sex Ed Peer Educators, and Office of LGBTQI Life</td>
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<td>Interfraternity Council New Member Education program: Alcohol &amp; Sex</td>
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<td>Advanced Bystander Intervention Training (multiple sessions)</td>
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### APPENDIX C. PROGRAMMING AND AWARENESS EVENTS

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<tr>
<th>MONTH</th>
<th>PROGRAM</th>
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<tr>
<td>March</td>
<td>What is Rape Culture? (multiple sessions)</td>
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<td>The Neurobiology of Trauma (multiple sessions)</td>
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<td>Supporting a Survivor Workshop (multiple sessions)</td>
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<td>Rape Culture, Alcohol and Sex: Planned Parenthood Student Chapter</td>
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<td>Vanderbilt Recovery Support Seminar</td>
<td>Project Safe Center and Center for Student Wellbeing</td>
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<td>Bystander Intervention Training NPHC sororities (multiple sessions)</td>
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<td>VSG Student Assembly: What does a Prevention Educator and Victim Resource Specialist Do?</td>
<td>Project Safe Center and Vanderbilt Student Government</td>
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<td>AAPI Attacks Vigil/Holding Space and the Vanderbilt University Vigil of Sorrow, Hope, and Solidarity</td>
<td>Project Safe Center, University Counseling Center, Women's Center, and Office of Equity, Diversity, and Inclusion</td>
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<td>Project Safe Overview: Experiential Learning Directors</td>
<td>Project Safe Center and Dean of Students Student Engagement and Leadership Team</td>
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<td>Alcohol, Consent, &amp; Rape Culture: Generation Action Student Organization</td>
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<td>Project Safe Center and the Basic Sciences Department</td>
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<td>April</td>
<td>Sexual Assault Awareness Month (SAAM) 2021 What Faculty and Staff Can Do with Donna Freitas</td>
<td>Project Safe Center and the Provost’s Sexual Misconduct Prevention Committee</td>
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<td>SAAM 2021 Kick-Off: Consent on Campus with Donna Freitas</td>
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<td>SAAM 2021 programs, including Privilege The Intersections of Class, Gender, &amp; Consent (featuring author Mary Adkins); Your Campus Sexual Assault Resources Panel; Sex &amp; Survivorship: Lessons from the Margins; The SANE Exam – What to Know, What to Expect; and Project Safe Presents Ashlee Haz</td>
<td>Project Safe Center and Dean of Students</td>
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<td>Consent Education and Campus Reporting and Support Resources</td>
<td>Project Safe Center and ROTC</td>
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<td>SAAM 2021 Survivor Speak Out</td>
<td>Project Safe Center and Dean of Students</td>
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<td>Programming for individual Greek organizations, including: Bystander Intervention Training, Advanced Bystander Intervention Training, and Alcohol and Other Drug Misuse Prevention</td>
<td>Project Safe Center, Greek Life, and the Center for Student Wellbeing</td>
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<td>SAAM 2021 Sis, Get Information...Intimate Partner Violence in the Black Community</td>
<td>Project Safe Center and Greek Life</td>
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<td>Sexual Harassment in the Workplace</td>
<td>Project Safe Center, Women in Government, and the Student Government Sexual Assault Prevention Subcommittee (VSAP)</td>
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<td>VU Staff Listening Session AAPI Violence</td>
<td>Office of Equity, Diversity, and Inclusion, USAC, and Project Safe Center</td>
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<td>SAAM 2021 (In)Visible Portraits: Black Women and Experiences of Sexual Assault</td>
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<td>SAAM 2021 VSAP Presents Chanel Miller</td>
<td>VSG, VSG Sexual Assault Prevention Subcommittee (VSAP), and Project Safe Center</td>
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<td>Barriers to Bystander Intervention</td>
<td>Project Safe Center and the Department of Cell and Developmental Biology</td>
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<td>SAAM 2021 Faith, Sexual Assault, &amp; Survivorship: Exploring the Intersections</td>
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<td>Sexual Violence Impacting AAPI Women</td>
<td>Project Safe Center and the South Asian Cultural Exchange</td>
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<td>SAAM 2021 Supporting a Survivor Workshop</td>
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<td>SAAM 2021 Assertiveness and Boundary-Setting Workshop</td>
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<td>SAAM 2021 Dating Apps: Intentions, Communication, &amp; Tips for Staying Safe</td>
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<td>SAAM 2021 Calling Out Inappropriate Behavior</td>
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<td>SAAM 2021 #AllMenCan: Men’s Role in Violence Prevention</td>
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<td>SAAM 2021 Sex in the Dark Panel</td>
<td>Project Safe Center, Student Health Center, Vandy Sex Ed Peer Educators, Office of LGBTQI Life</td>
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<tr>
<td>May</td>
<td>Violence Prevention and You: University School of Nashville Seniors and Parents</td>
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<td>June</td>
<td>New Student Athletes Policy and Resources Overview</td>
<td>Project Safe Center and Title IX Office</td>
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<td>Vanderbilt Summer Science Academy (VSSA) Orientation: Support Resources</td>
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In compliance with the Tennessee College and University Security Information Act, Vanderbilt University Police Department reports to the Tennessee Bureau of Investigation monthly incident-based crime data. The Tennessee Incident Based Reporting System (TIBRS) is the reporting method used to collect Group A and Group B incident data from law enforcement in the state of Tennessee. Reporting requirements are based on jurisdictional boundaries specified in the Memorandum of Understanding with MNPD, including the areas of Vanderbilt University campus, Vanderbilt University Medical Center, Vanderbilt Health at 100 Oaks, and all shops, restaurants, and a movie theater located at the 100 Oaks Mall. To access the statistical information online, go to crimeinsight.tbi.tn.gov.

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<td>Motor Vehicle Theft</td>
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