VANDERBILT UNIVERSITY

SEXUAL MISCONDUCT POLICY

Effective August 1, 2024[1]

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[1] Vanderbilt will review, evaluate, and make any revisions or amendments to its policies and procedures on an ongoing and as-needed basis.

I. Introduction

Sexual Misconduct is contrary to Vanderbilt University's values. Vanderbilt University ("Vanderbilt") does not tolerate Sexual Misconduct and encourages everyone affected by Sexual Misconduct, or who suspects or witnesses such misconduct, to report it and to seek support from available resources. See Section VIII for a list of resources. Vanderbilt 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.

Vanderbilt is committed to equal opportunity and to maintaining a safe and healthy environment for all members of the Vanderbilt Community, guests, and visitors.

Specifically, consistent with Vanderbilt's non-discrimination policy, Vanderbilt complies with the requirements of Title IX, a federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.

A. Accessibility

The Title IX Office is committed to making our services accessible to all members of the Vanderbilt Community. Accessibility includes but is not limited to: providing reasonable accommodations to persons with disabilities, including mental health concerns; assuring our online resources are accessible; providing translation or interpretation services; and providing competent, respectful, and effective service to people of all identities and expressions. To request an accommodation to engage with Vanderbilt's Title IX Office or any of its processes, or to discuss any questions or concerns about the accessibility of the Title IX Office's services or resources, please contact the Title IX Coordinator.

II. Purpose

Vanderbilt prohibits and seeks to eliminate all forms of Sexual Misconduct, including Sexual Harassment and Sexual Assault.[2] Under federal law, Vanderbilt has a duty to take steps to prevent and address the effects of Sexual Misconduct.

The Sexual Misconduct Policy ("SMP") serves as Vanderbilt's comprehensive policy against Sexual Misconduct. The SMP contains general guidelines, definitions, and processes, while the accompanying Formal Grievance Protocol ("FGP") covers a narrower sub-set of conduct that must be addressed according to a defined resolution process as required by U.S. Department of Education ("USDOE") Title IX Regulations effective August 14, 2020. The purpose of the SMP, read in combination with the FGP, is to:

- specify the types of conduct that are prohibited;

[2] Capitalized terms are defined below. See SMP Section IV for definitions of all relevant terms used in the Policies.

- identify the resources and support services available to Vanderbilt Community members who have been affected by the prohibited conduct; and,
- outline the processes that apply to allegations of Sexual Misconduct involving members of the Vanderbilt Community.

The SMP and FGP (the "Policies") are intended to assure: that all members of the Vanderbilt Community who are affected by an incident or complaint of Sexual Misconduct, whether as a Complainant, a Respondent, or a Third Party, receive appropriate support and fair treatment; and that the investigation and resolution of Incident Reports and Formal Complaints of Sexual Misconduct are handled in a prompt, thorough, and equitable manner.

III. Scope

The Policies apply to all members of the Vanderbilt Community, guests, and visitors with respect to conduct that occurs on campus or at Vanderbilt-sponsored activities. The SMP also applies to conduct that occurs off campus and has an on-campus effect, including conduct connected with Vanderbilt programs or activities; or that otherwise interferes with or limits the ability of a member of the Vanderbilt Community to participate in or to receive benefits, services, or opportunities from Vanderbilt's programs or activities.

Alleged Sexual Misconduct that falls within both the definitional and jurisdictional requirements identified below must be addressed under the FGP processes rather than the SMP processes to the extent the processes differ. Allegations of Sexual Misconduct that do not meet both of these requirements will be addressed under the SMP process.

- **Definitional**: conduct on the basis of sex that constitutes Sexual Harassment, as defined in detail in Section V below;
- **Jurisdictional**: conduct that relates to a Vanderbilt "education program or activity" and that occurs in the United States.
    - An "education program or activity" includes:
        - locations, events, or circumstances where Vanderbilt exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs; and
        - any building owned or controlled by a student organization that is officially recognized by Vanderbilt.

A. Policy Applicability

Processes

The Title IX Office will apply the processes in the Policies in effect on the date the Title IX Office receives the Formal Complaint irrespective of the date the reported incident(s) occurred.

Definitions

The Title IX Office will use the definitions, including of prohibited conduct, in effect on the date of the alleged incident(s). The Title IX Office will use the definitions section(s) of the relevant policies in effect at the time of the most recent alleged incident for reported conduct spanning more than one year.

B. Scope Inquiries

Persons with questions about the SMP and its applicability to any alleged conduct may contact the Title IX Coordinator:

Title IX Coordinator
615-343-9004
titleix@vanderbilt.edu
2100 West End Avenue, Suite 700
Nashville, TN 37203
https://www.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.

IV. Definitions

Adviser: A person who can assist the Parties during investigations, Hearings, Informal Resolution Processes, and any other stage of the processes covered by the Policies, although they are not permitted to participate directly apart from conducting cross-examination at a Hearing. Vanderbilt will provide Parties with a list of persons who have been identified and received training by Vanderbilt to serve as Advisers at no cost to Parties (Vanderbilt Advisers), but Parties retain the right to select another Adviser if they so choose. Parties may only have one Adviser participating in the Title IX process at a time. Advisers are expected to participate in the process in a timely manner that does not unreasonably delay the investigation or resolution process.

Appeals Panel: A trained panel that considers and decides appeals of findings by a Hearing Panel and of sanctions resulting from those findings. The members of the Appeals Panel will not have had previous involvement in the case under review. The Appeals Panel is authorized to make recommendations to the Chancellor to affirm, remand, or reverse the original findings or sanctions

recommended by the Hearing Panel. Once issued, the Chancellor's decision with respect to the Appeals Panel's recommendation is final.

Appellate Officer: A trained person who considers and decides appeals of findings and sanctions imposed by a Hearing Officer. The Appellate Officer will not have had previous involvement in the case under review. The Appellate Officer is authorized to affirm, remand, or reverse the original findings or sanctions recommended by the Hearing Officer. Once issued, the Appellate Officer's decision is final.

Blackout: When a person is awake and functioning but is not able to create memories for events and actions. Blackout refers to amnesia for places a person went or things they did while intoxicated. Not all Blackouts are the same; some Blackouts involve a continuous period of time while others may result in large segments of time missing from memory, each segment of which may be a different length of time.

Coercion: Conduct that places unreasonable pressure on someone to engage in unwelcome sexual contact. Coercion may include manipulation, intimidation, unwanted contact, or express or implied threats of harm. In evaluating whether Coercion occurred, Vanderbilt will consider the type, 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.

Complainant: A person who is alleged to have experienced Sexual Misconduct as defined under the Policies. A witness to Sexual Misconduct is not a Complainant. Similarly, the fact that the Title IX Coordinator may convert an Incident Report to a Formal Complaint does not make the Title IX Coordinator a Complainant.

Dating Violence: See Section V(1)(c) – Prohibited Conduct – FGP; see also Section VI(1)(e) – Prohibited Conduct – SMP.

Decision Maker**:** The person(s) who have the ability to render or recommend a decision on behalf of Vanderbilt, including Hearing Officers, Hearing Panels, Appellate Officers, and Appeals Panels.

Domestic Violence: See Section V(1)(d) – Prohibited Conduct – FGP; see also Section VI(1)(g) – Prohibited Conduct – SMP.

Effective Consent**:** An informed, freely, and actively given agreement that requires mutually understandable words or actions indicating a willingness to engage in a mutually agreed upon form of sexual activity.[3]

a. A person must have the Effective Consent of any person with whom they engage in sexual activity. If at any time a person is uncertain whether another person is providing Effective

[3] Vanderbilt prohibits or otherwise restricts romantic and/or sexual relationships between certain members of the Vanderbilt Community. (See *Faculty Handbook – Consensual and Familial Interpersonal Relationships Policy*; *Vanderbilt University People Experience Policies and Procedures – Relationships in the Workplace*.)

Consent to sexual activity, the person must immediately clarify whether they have the person's Effective Consent and respond accordingly.

b. A person is not required to resist, physically, verbally, or otherwise, in order to demonstrate a lack of Effective Consent.
c. Effective Consent must be maintained by all Parties throughout the sexual interaction.
d. A person may withdraw Effective Consent to sexual activity entirely 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. When "no" to a form of sexual activity is communicated verbally or physically, that sexual activity must cease immediately.
f. Whether any sexual activity or relationship between a Complainant and Respondent is relevant to determining whether Effective Consent existed between them for a particular sexual activity will be evaluated on a case-by-case basis. Sexual relationships of the Complainant and the Respondent with others generally are irrelevant to the determination regarding Effective Consent.
g. Effective Consent expires after a reasonable time, which is determined case-by-case based on the circumstances. Effective Consent in one interaction may not carry over to another sexual interaction, whether on the same day or another day.
h. A person does not provide Effective Consent through their attire, acceptance of a social invitation, or invitation to their residence.
i. Because Effective Consent must be informed, a person must not engage in sexual activity with another person if the person knows or reasonably should know the person is Incapacitated.
j. If at any point during sexual activity a person becomes Incapacitated, any previously established consent to sexual activity is void, and Effective Consent no longer exists.
k. Agreement or acquiescence obtained through the use of fraud, Force, or other forms of Coercion is not Effective Consent.
l. Effective Consent requires mutual understanding and agreement regarding the use and method of prophylaxis and contraception.
m. Under Tennessee law, a person who is under the age of 18 cannot provide Effective Consent to conduct defined in these Policies as Non-consensual Sexual Penetration with a person four or more years older than the underage person.[4]
n. Because Effective Consent must be informed, a person may be unable to provide Effective Consent in some circumstances due to a cognitive disability or other condition that significantly limits the person's ability to understand the nature of an action for which Effective Consent is required.
o. Neither intoxication nor Incapacitation excuses the failure to obtain Effective Consent.

[4] For related state law definitions, see Tennessee Code § 39-13-501 and Tennessee Code § 39-13-506.

p. To establish Effective Consent for conduct that falls within bondage and discipline, dominance and submission, and sadism and masochism ("BDSM"), a person must receive explicit and contemporaneous consent from all participants in advance. A person must also comply with established boundaries, safe words, or other mechanisms to revoke Effective Consent.

Force: The use or threat of physical violence or intimidation to make a person participate in sexual activity against their will. A person is not required to resist a sexual advance or request to establish non-consent, but resistance will be viewed as a clear demonstration of non-consent. Sexual activity that is forced is non-consensual.

Formal Complaint: A written and signed document filed with the Title IX Coordinator alleging a violation of the Policies, and requesting that Vanderbilt take further steps, such as an investigation, to resolve the alleged violation. Formatting and other requirements for a Formal Complaint can be found in Section XII(B).

Hearing: A Vanderbilt administrative proceeding through which a Decision Maker evaluates evidence related to a Formal Complaint to determine whether a Respondent violated the Policies, based on the Preponderance of Evidence standard.

Hearing Manager: A person who serves as the Title IX Coordinator's designee to facilitate the Hearing process and related logistics under the Policies.

***Hearing Officer*:** A Decision Maker who considers cases brought under the Policies. They review the evidence of an alleged violation, determine whether a violation has occurred, and determine appropriate sanctions, when applicable.

Hearing Panel: A Decision Maker, composed of multiple persons, who considers cases brought under the Policies. They review the evidence of an alleged violation and determine whether a violation has occurred.

Hostile Environment Sexual Harassment: See Section V(1)(b) – Prohibited Conduct – FGP.

Harassing Conduct: See Section VI(1) – Prohibited Conduct – SMP.

Incapacitation: The inability to make rational, reasonable judgments as a result of alcohol consumption, voluntary or involuntary drug use, being asleep, or being unconscious. An Incapacitated person cannot make rational, reasonable decisions because that person lacks the ability to fully understand the who, what, where, when, or how of their sexual interaction. Determining whether a person is incapacitated requires an individualized assessment. Incapacitation is a state beyond drunkenness or intoxication. Blackout can be a factor in determining Incapacitation, though it is not conclusive evidence of Incapacitation. An assessment of whether a Respondent knew or should have known of another person's Incapacitation is part of evaluating whether a Respondent had Effective Consent to engage in sexual activity.

Incident Report: 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 XI. 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.

Informal Resolution Process: A Vanderbilt process intended to allow the Complainant and the Respondent to reach a mutually agreeable resolution apart from the Hearing process. See Section XVI for more information.

Investigator: An official(s) designated by the Title IX Coordinator to conduct investigations of alleged Sexual Misconduct. The Investigator is a trained person who objectively collects directly related evidence of potential violations of the Policies. The Investigator is neutral and will not have a conflict of interest or bias against a Complainant or Respondent, or against Complainants or Respondents generally. The Investigator may serve as a witness at a Hearing.

Mandatory Reporter: A person who is obligated to report any knowledge they may have of Sexual Misconduct. Mandatory Reporters are required to report possible violations of the Policies to the Title IX Office, 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. Vanderbilt can then take steps to address the matter promptly, including identifying support resources, and to resolve it fairly. Vanderbilt defines all faculty and staff as Mandatory Reporters except certain "confidential resources" and "limited confidential resources" staff. See Section X below.

Non-consensual Sexual Contact: See Section VI(1)(a) – Prohibited Conduct – SMP.

Non-consensual Sexual Penetration: See Section VI(1)(b) – Prohibited Conduct – SMP.

Party: May refer to a Complainant or a Respondent involved in a case.

Pregnancy and Parenting Modifications: See Section XVIII – Pregnancy and Parenting Modifications.

Preponderance of the Evidence: The standard used by a Decision Maker to determine whether it is "more likely than not" that a violation of the Policies has occurred.

Quid Pro Quo Sexual Harassment: See Section V(1)(a) – Prohibited Conduct – FGP.

Reporter: A person who notifies the Title IX Coordinator, the Title IX Office, or a Mandatory Reporter of an alleged violation(s) of the Policies.

Respondent: A person alleged to have engaged in Sexual Misconduct under the Policies.

Retaliation: See Section VII(1)(f) – Prohibited Conduct – Retaliation.

Sexual Assault: See Section V(1)(e) – Prohibited Conduct – FGP.

Sexual Exploitation: See Section VI(1)(c) – Prohibited Conduct – SMP.

Sexual Harassment: See Section V(1) – Prohibited Conduct – FGP.

Sexual Misconduct: See Section VI(1) – Prohibited Conduct – SMP.

Stalking: See Section V(1)(f) – Prohibited Conduct – FGP.

Title IX Coordinator: A trained person appointed by Vanderbilt to monitor and assure Vanderbilt's compliance with its obligations under Title IX. These responsibilities include but are not limited to overseeing any investigations of complaints received pursuant to Title IX, implementation and administration of the Policies and associated processes, providing training to Title IX Office staff as well as various campus partners, overseeing the resolution processes, and overseeing efforts to remediate and mitigate the effects of any sexual misconduct at Vanderbilt. Throughout the Policies, references to the "Title IX Coordinator" also include any person expressly designated by the Title IX Coordinator to act on their behalf.

***Third Party*:** A non-Party participant in the process, including a witness or a person who makes an Incident Report on behalf of someone else.

Vanderbilt Community: All Vanderbilt students, faculty, staff, post-doctoral fellows, trainees, and contractors. For a definition of the term "students" refer to the Student Handbook. Does not include alumni, guests, or visitors to Vanderbilt.

V. Prohibited Conduct – Formal Grievance Protocol (FGP)

The following conduct, including the facilitation of, assistance of, or attempts to commit the same, is prohibited.[5] If the allegations satisfy the jurisdictional requirements outlined in Section III above, the case will proceed in accordance with the requirements of the FGP.

1. **Sexual Harassment**: Conduct on the basis of sex that satisfies one or more of the following:
    a. **Quid Pro Quo Sexual Harassment:** A Vanderbilt faculty, staff member, or postdoctoral trainee conditioning the provision of an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
    b. **Hostile Environment Sexual Harassment:** Unwelcome sexual 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**: 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 is 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**: Felony or misdemeanor crimes of violence committed between:
        - persons who are current or former spouses or intimate partners;

[5] These definitions are based on federal definitions provided in the Title IX regulations and may differ from state law. Consequently, any criminal proceeding brought by state or local law enforcement authorities may use different definitions.

- persons who share a child in common;
- persons who currently live together or have formerly lived together as spouses or intimate partners;
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of Vanderbilt's jurisdiction; or
- 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 Vanderbilt's jurisdiction.

e. **Sexual Assault**: Intentional physical contact of a sexual nature directed towards another person when the other person does not provide or is incapable of giving Effective Consent (see Section IV). This includes but is not limited to rape, sodomy, sexual battery, fondling, incest, and statutory rape.

f. **Stalking**: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Types of stalking could include but are not limited to:

- Intentionally following a specific person;
- Approaching or confronting that person in a public place or on private property;
- Persistent and unwelcome attempts to contact the person by phone, electronic communication (including via the internet and cellphones), or regular mail;
- Vandalizing the person's property or leaving unwanted items for the person;
- Persistently appearing at the person's classroom, residence, or workplace without that person's permission or other lawful purpose;
- Cyber-stalking, in which a person follows, monitors, or surveils another person through the use of electronic media such as the internet, digital media networks, blogs, cell phones, texts, or other monitoring devices; and
- Using visual or audio recording devices or hidden or remote cameras without the subject's Effective Consent (see Section IV).

VI. Prohibited Conduct – Sexual Misconduct Policy (SMP)

The SMP prohibits both the conduct described in both the preceding Section V and this Section VI, including facilitation of, assistance of, or attempts to commit the same. If the allegations do not satisfy the FGP jurisdictional requirements outlined in Section III above, the case will proceed under the SMP.

The following additional conduct is prohibited under the SMP:

1. **Sexual Misconduct:**
   a. **Dating Violence:** In addition to the definition in Section V above, Dating Violence for the purposes of the SMP includes sexual, psychological, financial, 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 (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of the interactions between the persons involved in the relationship, and (iv) 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 when assessing or weighing an allegation of Dating Violence against that Party. Dating Violence does not include acts covered under the definition of Domestic Violence.

b. **Domestic Violence:** In addition to the definition in Section V above, Domestic Violence for the purposes of the SMP includes sexual, psychological, financial, or physical abuse or the threat of such abuse committed between:
    - persons who are current or former spouses or intimate partners;
    - persons who share a child in common;
    - persons who currently live together or have formerly lived together as spouses or intimate partners;
    - persons who are similarly situated to spouses under the domestic or family violence laws of Vanderbilt's jurisdiction; or
    - an adult or youth who is protected from a person's acts under the domestic or family violence laws of Vanderbilt's jurisdiction and a person with a duty to protect that adult or youth under those laws.
c. **Harassing Conduct**: Unwelcome sexual conduct that unreasonably interferes with a Vanderbilt Community member's ability to perform a job, participate in activities, participate fully in Vanderbilt's education programs, or creates an intimidating, hostile, or offensive working or academic environment. Harassing Conduct also occurs when a member of the Vanderbilt Community conditions the provision of an aid, benefit, or service on another's participation in unwelcome sexual conduct.
d. **Non-Consensual Sexual Contact:** 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 (See Section IV). This includes a person causing someone else to touch that person, another, themselves, or an object with, or on, any of these body parts without Effective Consent (See Section IV).
e. **Non-Consensual Sexual Penetration**: Any vaginal, anal, or oral penetration – however slight – by any body part (e.g., penis, tongue, or finger) or object, or oral copulation (mouth to genital contact), by any person upon another without Effective Consent (See Section IV). This includes a person causing someone else to penetrate the person vaginally, anally, or orally without Effective Consent (See Section IV).
f. **Sexual Exploitation:** Taking non-consensual sexual advantage of another for one's own advantage or benefit, or for the benefit of anyone other than the one being exploited. Examples of Sexual Exploitation include, but are not limited to:

- Video or audio-recording of sexual activity or other private activity, even if that activity occurs in a public or semi-public place;
- Dissemination of video, photographs, or audio of sexual activity or other private activity, including when the dissemination is done by a Third Party;
- Engaging in sexually-based blackmail or extortion;
- Voyeurism;
- Exposing one's breasts, buttocks, or genitals in a non-consensual circumstance or inducing another to expose their breasts, buttocks, or genitals (See Section IV);
- 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;
- Intentionally failing to use contraception or prophylaxis as previously agreed without effective consent of the other person (including stealthing and intentionally damaging contraceptive or prophylactic devices);
- Intentionally exposing someone to, or transmitting to someone, a sexually transmitted infection or sexually transmitted disease; or
- Intentionally disclosing or threatening to disclose the sexual orientation, gender identity, STI/STD status, or gender expression of another.

VII. Prohibited Conduct – Retaliation

The following conduct, including facilitating, assisting, or attempting to commit the same, is prohibited under the Policies. Vanderbilt officials not only will take steps to prevent Retaliation but also will take strong responsive action if it occurs.

1. Retaliation is any adverse action taken, including but not limited to intimidation, harassment, threats, speech, coercion, or discrimination, with the purpose of interfering with any right or privilege secured by the Policies, against a person who participates in, or refuses to participate in, the Title IX processes. This includes, but is not limited to, persons who:
    a. in good faith, attempt to report, report, or otherwise disclose what they believe is Sexual Misconduct;
    b. participate in, or refuse to participate in, any investigation or proceeding under the Policies;
    c. oppose conduct that they believe to violate the Policies (including speaking against or refusing to engage in conduct that would violate the Policies);
    d. are charged with a conduct violation that does not involve sex discrimination or Sexual Harassment, but arises out of the same facts or circumstances as an Incident Report or Formal Complaint of sex discrimination, or an Incident Report or Formal Complaint of Sexual Harassment

Persons who believe they have experienced or have knowledge of Retaliation should promptly report the Retaliation to the Title IX Office. The Title IX Coordinator will determine the appropriate resolution process, which could include consolidating the allegations of Retaliation into an ongoing

resolution process, initiating a separate formal or informal resolution process, or addressing the allegations through other appropriate methods.

In the event a person alleges that the Title IX Coordinator retaliated against them, the person may file a Formal Complaint with the Associate Vice Chancellor Equity & Engagement, who will follow the grievance processes under the Policies. The Title IX Coordinator (or staff under the Title IX Coordinator's supervision) will not oversee the investigation or Hearing of a Formal Complaint alleging that the Title IX Coordinator engaged in Retaliation. If the Associate Vice Chancellor, Equity & Engagement, is also the Title IX Coordinator, a person alleging the Title IX Coordinator retaliated against them may file a Formal Complaint with the Vice Chancellor for People, Culture and Belonging.

Additional Communication Considerations

- Vanderbilt does not prohibit any Party from discussing their own experience but encourages Parties to respect the sensitive nature of allegations of Sexual Misconduct.
- A person's confidential information (including medical and academic information) obtained during the course of a Title IX investigation or a proceeding under the Policies should not be re-disclosed outside the investigation or proceeding. This provision does not apply to information learned outside of an investigation or proceeding under the Policies.
- Anyone who knowingly makes a false allegation of Prohibited Conduct or Retaliation of any form, or, knowingly submits false information during the investigation or hearing process, may be subject to an investigation for a potential violation of the Policies and may be subject to disciplinary action and the appropriate sanctions, up to and potentially including termination for employees and expulsion for students. A determination regarding responsibility alone, however, is not sufficient to conclude that any Party made a materially false statement in bad faith.

VIII. Available Resources

Any member of the Vanderbilt Community may seek immediate and ongoing assistance from one or more of the resources outlined below with or without filing an Incident Report or Formal Complaint. Some of these resources are confidential; others are subject to Mandatory Reporter requirements (See Section X). This section indicates the level of confidentiality offered by the listed resources: limited confidential, confidential, or non-confidential.

A. Privacy versus Confidentiality

For the purpose of the Policies, privacy and confidentiality have distinct meanings.

- Privacy means that information related to a complaint will be shared with a limited number of faculty, staff, or postdoctoral trainees, who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are responsible for Vanderbilt's response to violations of the Policies receive specific training and guidance about sharing and

safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), and the privacy of employee records will be protected in accordance with Tennessee law and Vanderbilt policy.

- Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy, when each is acting in their official capacity. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with and their patients, clients, parishioners, and spouses, respectively. Vanderbilt has designated persons who have the ability to have privileged communications as Confidential Resources, and these are listed below.

The Title IX Office will make reasonable and appropriate efforts to preserve a person's privacy and to protect the confidentiality of information. However, because of laws relating to reporting and other state and federal laws, Vanderbilt cannot guarantee confidentiality relating to incidents of Prohibited Conduct (see Sections V, VI, and VII) except where those reports are privileged communications to Confidential Resources. Even then, there are exceptions to maintaining confidentiality set by law; for example, physicians and nurses who treat any physical injury sustained during a Sexual Assault are required to report it to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, teachers, and social workers must report a Sexual Assault committed against a person under age 18.

Except for the Confidential Resources below (see Sections B and C), information shared with other persons is not legally protected from being disclosed. However, Vanderbilt takes requests for privacy and confidentiality seriously, while at the same time fulfilling its responsibility to provide a safe and nondiscriminatory environment for all students and the Vanderbilt Community.

B. Limited Confidential Vanderbilt Resource

Project Safe Center for Sexual Misconduct Prevention and Response

The Project Safe Center for Sexual Misconduct Prevention and Response ("Project Safe") provides to the Vanderbilt Community information, support, referrals, and education about Sexual Misconduct, healthy relationships, and healthy sexuality. Project Safe can assist with navigating Vanderbilt's resource and support network, as well as external support and law enforcement resources. Assistance may include meeting a student at a medical service provider, law enforcement agency, or other location for assistance. Project Safe can also assist persons in filing Incident Reports to the Title IX Office or reporting to law enforcement.

Vanderbilt has designated Project Safe as a limited confidential resource. This means that Project Safe staff can discuss incidents of Sexual Misconduct without being required to disclose personally identifying information about a person to the Title IX Office or other offices within the Vanderbilt Community; however, Project Safe will provide de-identified information to the Title IX Office, including the basic demographic profile of the respondent as well as the nature, date, time, and general

location of the alleged incident, if known. This notification helps keep the Title IX Office informed of the general extent and nature of Sexual Misconduct on and off campus, and allows for tracking patterns, evaluating the scope of a problem, and formulating appropriate campus-wide responses.

Project Safe Center staff will provide de-identified 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. The warning will include information to assist the community in remaining safe, including personally identifiable information about the Respondent, when available. The warning will not include information that identifies other persons involved in the incident. While Project Safe staff may maintain a person's confidentiality within the Vanderbilt Community, they may have reporting obligations under state and federal law, and they may be obligated to produce information in response to a lawfully issued subpoena or other court order.

In cases where a Respondent poses a serious or immediate threat to the Vanderbilt Community (based on, for example, the nature of the incident or a pattern of alleged misconduct), Project Safe staff will disclose all relevant information to the appropriate Vanderbilt offices, including, but not limited to, the Title IX Office and Vanderbilt University Public Safety.

Limited confidentiality may not extend to a person who self-discloses to Project Safe staff that the person engaged in a possible violation of the Policies.

Limited Confidential Vanderbilt Resources		
Office	**Available For**	**Contact Information**
Project Safe Center	Vanderbilt Community	24/7/365 Crisis/Support Hotline: 615-322-7233 Office: 615-875-0660 Email: projectsafe@vanderbilt.edu

C. Confidential Vanderbilt Resources

With limited exceptions, confidential resources cannot disclose any information about an alleged incident to the Title IX Office without the permission of the person meeting with them. Confidential resources are included in the table below.

Off-campus counselors and health care providers will also generally maintain confidentiality and refrain from sharing information with Vanderbilt unless the person consulting them requests the disclosure and signs a consent or waiver form.

Under state or federal law, some resources may have other reporting obligations. For example, healthcare providers and certain other persons are required to notify law enforcement when someone seeks treatment for injuries caused by a violent crime, including Sexual Assault.

Confidential Vanderbilt Resources		
Office	**Available For**	**Contact Information**
Vanderbilt University Counseling Center[6]	Students	615-322-2571
Lyra (previously EAP)[7]	Faculty Staff	615-936-1327
Center for Spiritual & Religious Life[8]	Vanderbilt Community	615-322-2457
Student Health Center (offers SANE Exams)	Students	615-322-2427
Vanderbilt University Medical Center Emergency Services (offers SANE Exams)	Vanderbilt Community	615-322-0160

D. Non-Confidential Vanderbilt Resources

Any member of the Vanderbilt Community who has been affected by Sexual Misconduct may seek immediate and ongoing assistance from one or more of the following resources. The resources listed below are Mandatory Reporters, who are required to report any potential violations of the Policies to the Title IX Office, including disclosures that occur in an academic setting or that are related to a pre-matriculation incident. See Section IV and Section X for more information.

[6] Confidential when a counselor is acting in their healthcare role.

[8] Confidential when clergy are acting in a pastoral role.

NON-CONFIDENTIAL VANDERBILT RESOURCES		
Office	**Available For**	**Contact Information**
Title IX Office	Vanderbilt Community	615-343-9004 TitleIX@vanderbilt.edu
VUPD	Vanderbilt Community	Emergency: 615-421-1911 Non-emergency: 615-322-2745 VUPD@vanderbilt.edu
Student Care Coordination	Students	615-343-9355 StudentCare@vanderbilt.edu
Housing and Residential Experience	Students	615-322-2591 housing@vanderbilt.edu
Student Affairs	Students	615-322-6400 DeanofStudents@vanderbilt.edu
Center for Student Wellbeing	Students	615-322-0480
Margaret Cuninggim Women's Center	Vanderbilt Community	615-322-4843
Office of LGBTQI Life	Vanderbilt Community	615-322-3330 LGBTQI@vanderbilt.edu
Bishop Joseph Johnson Black Cultural Center	Vanderbilt Community	615-322-2524
Community Standards Hotline	Vanderbilt Community	365/24/7 automated hotline: 615-343-7867
University Compliance Services	Vanderbilt Community	Paul.Liebman@vanderbilt.edu

E. External Resources

The resources listed below are not affiliated with Vanderbilt and are available to all members of the public.

External Resources		
Resource	**Available For**	**Contact Information**
Metropolitan Nashville Police Department	Vanderbilt Community	Emergency: 911 Non-emergency: 615-862-8600
Nashville Sexual Assault Center (offers SANE exams)	Vanderbilt Community	24/7 Hotline: 866-811-7473 Office: 615-259-9055
TN Coalition to End Domestic Violence	Vanderbilt Community	615-386-9406
YWCA Crisis and Information Line	Vanderbilt Community	1-800-799-SAFE (7233)
RAINN/National Sexual Assault Hotline	Vanderbilt Community	1-800-656-4673
1 in 6: 24/hour Helpline Chat	Male Complainants over 18	1-877-628-1466 https://1in6.org/helpline/
National Suicide Prevention Lifeline	Vanderbilt Community	988 1-800-273-8255
Trans Lifeline	Vanderbilt Community	1-877-565-8860
St. Thomas Midtown Hospital Emergency Department	Vanderbilt Community	615-284-5555
Nashville General Hospital at Meharry Emergency Department (offers SANE exams)	Vanderbilt Community	615-341-4000
TriStar Centennial Medical Center Emergency Department	Vanderbilt Community	615-342-1000

IX. Supportive Measures

Supportive Measures are non-disciplinary and non-punitive individualized services that provide assistance and support for persons going through the Title IX process. In cases of reported alleged Sexual Misconduct, the Title IX Office may implement Supportive Measures immediately or at any time that the Title IX Office determines such measures are necessary for Parties or witnesses. Supportive Measures are independent from investigations. Supportive Measures can be requested and adjusted at any time, regardless of an ongoing or completed investigation. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures, in consultation with other Vanderbilt offices and departments, including Project Safe and Student Affairs. In cases involving faculty and staff who request Supportive Measures, the Title IX Coordinator will confer with Center of Expertise ("COE"): People Experience or the appropriate Dean.

Supportive Measures are provided with consideration of the facts collected, the 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 other members of the Vanderbilt Community. Some Supportive Measures are designed to protect the safety of both Parties and Vanderbilt's educational or work environment, as well as to deter Sexual Misconduct. Vanderbilt will maintain privacy with respect to any personal Supportive Measures provided to Complainants, Respondents, or Third Parties, to the extent that maintaining such privacy would not impair Vanderbilt's ability to provide the Supportive Measures (e.g., Mutual No-contact Directives require notice to others).

Examples of Supportive Measures that the Title IX Office may consider and 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;
- Dean's Notifications, which are typically short-term considerations relating to absences or coursework, or rescheduling or extension of academic exams and assignments;
- alternative course completion options;
- changing class schedules, including the ability to transfer course sections or to withdraw from or re-take a course;
- academic support services, such as tutoring;
- changing work schedules, job assignments, or job locations for Vanderbilt employment;
- changing residence hall assignments;
- providing an escort for transit between Vanderbilt classes and activities;
- restrictions, which may include limiting or barring access to certain facilities or activities; or
- student-requested leaves of absence.

Examples of Supportive Measures that the Title IX Office may consider and implement for faculty, staff, and postdoctoral fellows or trainees may include, but are not limited to:

- access to counseling services through Lyra (EAP) and assistance in setting up an initial appointment;
- access to on-campus advocacy services through the Project Safe Center and assistance in setting up an initial appointment;
- changing work schedules, job assignments, or job locations;
- mutual No-contact Directives;
- limiting or barring access to certain Vanderbilt-owned facilities or activities; or
- providing an escort for transit around campus.

If a Respondent withdraws from, resigns from, or leaves the Vanderbilt Community while an Incident Report or Formal Complaint is pending, Supportive Measures for the Complainant may be continued. A 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, so the Complainant may be given an opportunity to receive Supportive Measures if needed.

X. Mandatory Reporters

Vanderbilt defines all faculty and staff as Mandatory Reporters except certain "confidential resources" and "limited confidential resources" staff. See Section VIII.

A. Mandatory Reporter Requirements

Vanderbilt requires Mandatory Reporters to report immediately to the Title IX Coordinator any knowledge they may have regarding possible violations of the Policies, including but not limited to, the Mandatory Reporter's name, the names of involved persons, the nature of the incident, and the time and location of the incident. Mandatory Reporters are encouraged to report using the online Incident Report form. Mandatory Reporters must report all information disclosed to them.

Mandatory Reporters should never assume that an Incident Report has already been submitted by someone else or that Vanderbilt already knows about a particular situation. Mandatory Reporters who fail to report such conduct may be subject to administrative action.

If a Mandatory Reporter believes a person intends to share information regarding an incident of Sexual Misconduct, the Mandatory Reporter should explain to the person their reporting obligations. If the person would prefer to speak with a confidential resource, the Mandatory Reporter should direct the person to a confidential resource. See Section VIII. Mandatory Reporters may also refer persons to limited confidential resources, such as Project Safe. See Section VIII.

Vanderbilt's Mandatory Reporters include, but are not limited to, the following employees or categories of employees:

- Faculty members, including adjunct, clinical, visiting faculty, lecturers, and professors of the practice;
- Teaching or research assistants at the undergraduate or graduate level;
- Senior leadership (e.g., Chancellor, Provost, Vice Chancellors, and Deans, including Associates and Assistants);
- Title IX Coordinator and staff in the Title IX Office;
- Staff in the Equal Opportunity and Access Office;
- Staff in Student Access;
- Staff in Vanderbilt University Public Safety;
- Staff in Student Accountability, Community Standards, and Academic Integrity;
- Staff in Student Care Coordination;
- Staff and graduate assistants in Student Affairs;
- Staff, graduate assistants, and resident advisers in the 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;
- Professional staff, graduate assistants, athletic trainers, and coaches in the Department of Athletics;
- COE: People Experience staff;
- Office of Risk and Insurance Management; and
- University Compliance Services, including the University Compliance Officer.

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 Misconduct, including meetings or other events organized by Rooted in Resilience, a support group led by the Project Safe staff, are not considered notice to Vanderbilt of Sexual Misconduct for purposes of initiating its obligation to address a particular incident. To ensure that an event meets this definition, the organizer must obtain clearance through Student Affairs. These events may, however, inform the need for campus-wide education and prevention efforts, and Vanderbilt may provide information to students about the Title IX process and related resources at these events.

B. Required Sharing of Information and Reporting for Supervisors and Managers

For Pregnant Staff, Faculty, or Postdoctoral Fellows

When a Vanderbilt employee or job applicant, or their union representative or legal representative, informs their supervisor or manager of the need for accommodations due to their Pregnancy or Related Conditions, that supervisor or manager must report immediately to the Title IX Coordinator any knowledge they may have regarding the accommodation request, including but not limited to, the supervisor or manager's name, the name of the pregnant person, and the nature of the accommodation

request. Persons submitting reports under this section are encouraged to report using the online Pregnancy Accommodation Request Form, and must report all related information disclosed to them.

For more information about pregnancy and parenting modifications, see section XVIII.

C. Minors Reporting Requirement

In addition to reporting to the Title IX Office, Tennessee law requires anyone aware of any type of known or suspected abuse, neglect, or inadequate care of a minor, including suspected child sexual abuse, to notify law enforcement or the Department of Children's Services (DCS). Community members making a report in good faith are protected from criminal and civil liability for making a report. See more information here.

Vanderbilt also requires members of the Vanderbilt Community to make an internal report to the Office of Risk Management (protectionofminors@vanderbilt.edu). Minors (excluding those enrolled as 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.

D. Medical Personnel Reporting Requirement

In accordance with Tennessee law, all medical personnel must disclose to law enforcement when a person seeks treatment for injuries caused by a violent crime, including Sexual Assault. Medical personnel are also required to disclose to law enforcement and 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 disclose to law enforcement and Adult Protective Services when certain vulnerable adults present and there is reasonable belief that they are victims of adult abuse, neglect, or exploitation.

XI. Options for Filing an Incident Report

Vanderbilt encourages everyone to disclose incidents of Sexual Misconduct immediately to maximize Vanderbilt's ability to obtain information and to conduct a thorough, prompt, and impartial investigation. Mandatory Reporters are required to immediately report incidents of Sexual Misconduct to the Title IX Office. A delayed Incident Report may result in the loss of relevant information, evidence, and reliable witness testimony and may impact Vanderbilt's ability to fully investigate the incident. An Incident Report is not a Formal Complaint and does not, on its own, initiate an investigation.

A. Reporting to Vanderbilt on Your Own Behalf

There is no time limit for disclosing personal incidents of Sexual Misconduct under the Policies, although Vanderbilt encourages persons to submit Incident Reports as soon as possible. To submit an Incident Report to the Title IX Office, a person may do one or more of the following:

1. Report the incident to the Title IX Coordinator via the online reporting form, via email to titleix@vanderbilt.edu, in person, by mail, or by phone. See Section III for the Title IX Coordinator's contact information.
2. Disclose the details of the incident to a Mandatory Reporter other than the Title IX Coordinator. See Section X for a list of Mandatory Reporters. If a person chooses to make an initial report to any Mandatory Reporter other than the Title IX Coordinator, the Mandatory Reporter must immediately report the information to the Title IX Coordinator because the Title IX Office has responsibility for responding to Incident Reports of Sexual Misconduct. Once the information is received by the Title IX Coordinator, it will constitute an Incident Report.

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 staff, are not considered notice to Vanderbilt of Sexual Misconduct for purposes of initiating its obligation to address any particular incident. To ensure that an event meets this definition, the organizer must obtain clearance through Student Affairs. These events may, however, inform the need for campus-wide education and prevention efforts, and Vanderbilt may provide information to students about Title IX at these events.

B. Reporting to Vanderbilt on Behalf of Another

Any Third Party who witnesses or knows of an incident of Sexual Misconduct may submit an Incident Report. Mandatory Reporters are required immediately to submit an Incident Report. See Section X. The Title IX Office will determine how to proceed with the Incident Report. After submitting an Incident Report, Third Parties will receive an acknowledgment of their submission, though they typically will not receive information about the Title IX Office's investigation and response due to privacy concerns and applicable federal and state laws.

To submit an Incident Report to the Title IX Office, a Third-Party Reporter may do one or more of the following:

1. Report the incident to the Title IX Coordinator via the online reporting form, via email to titleix@vanderbilt.edu, in person, by mail, or by phone. See Section III for the Title IX Coordinator's contact information.
2. Disclose the details of the incident to a Mandatory Reporter other than the Title IX Coordinator. See Section X for a list of Mandatory Reporters. If a person chooses to make an initial report to any Mandatory Reporter other than the Title IX Coordinator, the Mandatory Reporter must immediately report the information to the Title IX Coordinator because the Title IX Office has responsibility for responding to Incident Reports of Sexual Misconduct. Once the information is received by the Title IX Coordinator, it will constitute an Incident Report.

Other non-Mandatory Reporters (e.g., non-employee students, persons outside of the Vanderbilt Community) are encouraged, but not required, to direct their Incident Reports to the Title IX Coordinator. Also see Subsection E on Anonymous Reporting, below.

C. Options for Notifying Law Enforcement Authorities

Persons are encouraged, but are not required, to notify law enforcement authorities about any criminal incident of alleged Sexual Misconduct, including by dialing (911), calling the Metro Nashville Police Department at 615-862-8600, 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 alleged incident. Notifying law enforcement authorities other than VUPD will not constitute an Incident Report to Vanderbilt under the Policies, but it could result in such authorities reporting relevant information back to Vanderbilt, which Vanderbilt will review under the Policies. The Title IX Office and Project Safe, as well as other campus offices, can assist persons in notifying appropriate law enforcement authorities. Requesting such assistance from a Mandatory Reporter may trigger a reporting obligation, as described above. See Section X.

Law enforcement investigations of allegations of Sexual Misconduct operate independently of Title IX Office investigations. The Title IX Office may, at times, delay its resolution process while law enforcement gathers evidence, but it typically will not stay its process through the conclusion of any criminal or civil proceeding. In some circumstances, the Title IX Office may be required to provide information in criminal or civil proceedings.

D. Option to Not Report

Persons who have not been designated as Mandatory Reporters may choose not to notify Vanderbilt or any law enforcement authorities about an incident, 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. See Section X. Persons who have experienced an incident of Sexual Misconduct may choose not to notify Vanderbilt or any law enforcement authorities about that incident, with the exception of the requirement to report abuse of a minor.

E. Anonymous Reporting

Any person who is not a Mandatory Reporter can make an anonymous Incident Report of a violation of the Policies; the Reporter may report the incident without disclosing their name, identifying a Complainant or a Respondent, or requesting any action. Mandatory Reporters may report their own experience of Sexual Misconduct anonymously, notwithstanding the requirements of Section X.

Vanderbilt provides several methods for anonymous reporting. Anonymous reports of Sexual Misconduct may be made via the Title IX Office Incident Report and Accommodation Request Form. Persons may also report anonymously to the 24/7 Project Safe Hotline, the 24/7 Community Standards Hotline, or through the 24/7 Vanderbilt University Compliance Reporting Hotline, an independently-operated compliance hotline that may be used to anonymously report incidents of apparent wrongdoing on campus. See resource tables in Section IX.

If a Complainant files a Formal Complaint, they cannot remain anonymous. Certain Supportive Measures also require the requesting person to provide their name for the purpose of implementing the Supportive Measures.

Please note: Vanderbilt's ability to respond to reports submitted anonymously or without identified parties may be limited, including with respect to the collection of evidence and provision of Supportive Measures.

F. Requests to Remain Anonymous

The Title IX Office cannot withhold the identity of the Parties to a Formal Complaint. When a non-Party who is known to one or more Vanderbilt offices requests their identity not be shared in an investigation, the Title IX Coordinator will review the request, taking into consideration relevant circumstances. The Title IX Office may not be able to accommodate a request for anonymity when weighed against Vanderbilt's obligation to provide a safe and non-discriminatory environment.

Factors to consider include:

- The nature of the alleged Sexual Misconduct;
- Whether there have been other Incident Reports of Sexual Misconduct against the Respondent known by Vanderbilt;
- Whether the Respondent has allegedly threatened further misconduct or violence;
- Whether the alleged Sexual Misconduct was committed by multiple alleged Respondents;
- Whether the alleged Sexual Misconduct involved use of a weapon;
- The age of the person subjected to the alleged Sexual Misconduct;
- Whether the Title IX Office possesses other means to obtain relevant evidence of the alleged Sexual Misconduct;
- Whether the Incident Report reveals a pattern of Sexual Misconduct at a particular location or by a particular person or group of persons; and,
- The alleged Respondent'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 the Title IX Office determines it cannot accommodate a request for anonymity, the Title IX Coordinator will, whenever possible, inform the requesting person in advance of disclosure. Disclosures in these instances will be limited to persons with a need to know the information.

XII. Next Steps After Filing an Incident Report

A. Informational Meeting with Title IX Office

Following the submission of an Incident Report, the Title IX Office typically contacts the Complainant to share support resources and to schedule an informational meeting. During the informational meeting, the Title IX Office will discuss the process for filing a Formal Complaint, the options for resolving a Formal Complaint, including formal and informal resolution, and the availability of Supportive Measures. Supportive Measures are available throughout and following the resolution process. The Complainant may be accompanied by an Adviser of their choice, including a Vanderbilt-provided Adviser, to the informational meeting and any subsequent meetings with the Title IX Office. Vanderbilt Advisers are persons identified and trained by Vanderbilt who are made available to Parties at no cost. A list of Vanderbilt Advisers will be shared with Parties.

B. Filing a Formal Complaint

If the Complainant wishes to pursue an investigation or another resolution of an alleged incident of Sexual Misconduct, they must file a Formal Complaint. The filing of a Formal Complaint means that the person is asking the Title IX Office to take further steps, such as initiating an investigation and resolution process, which may include Informal Resolution or a Hearing.

Formal Complaints must be in writing and should include all information that the Complainant believes to be relevant (e.g., time, location and nature of incident, names of persons involved in or witnesses to the incident, names of other persons affected by the incident, etc.). Formal Complaints must be signed. Signature can be accomplished by: (1) the Complainant's physical signature; (2) submission through the Title IX Office's electronic Formal Complaint form; or (3) submission via the Complainant's Vanderbilt email account. Alternatively, a Complainant can file a Formal Complaint by meeting with the Title IX Office and providing a verbal description of the alleged incident. Based on this information, the Title IX Office will then draft a Formal Complaint that the Complainant will review, verify for accuracy, and sign.

In limited circumstances, the Title IX Office may convert an Incident Report into a Formal Complaint without a request from the Complainant so that Vanderbilt may fulfill its Title IX obligations to provide a safe and nondiscriminatory environment. In these circumstances, the Title IX Coordinator, or designee, will initiate an investigation.

The Title IX Office endeavors to conduct and complete the entire resolution process within 90 business days from the issuance of the Notice of Allegations. Good cause may exist for extending the time for the process in some cases, such as where there are multiple witnesses or complicated or extensive evidence, where the investigation is paused to pursue Informal Resolution, and as a result of Vanderbilt breaks, holidays, and closures. The Title IX Office will notify the Parties simultaneously, in writing, if the resolution process cannot be completed within 90 business days and will provide a revised timeline for completion of the process.

C. Assessment of a Formal Complaint

The Title IX Coordinator will assess the Formal Complaint to determine whether an investigation is appropriate. If an investigation is initiated, the Title IX Coordinator will determine whether the investigation proceeds under either one or both of the Policies based on the nature and location of the alleged conduct (See Section III).

Consolidation of Formal Complaints

The Title IX Office may, but is not required to, consolidate Formal Complaints arising out of the same factual circumstances where:

1. there is more than one Complainant or Respondent;
2. a Formal Complaint has also been filed by the Respondent against the Complainant. In such cases, the resolution process for a later-filed Formal Complaint may be consolidated into an earlier-filed process (i.e., the new allegations may be considered in the course of a pre-existing investigation), unless such process is inappropriate for the later-filed Formal Complaint under the Policies.
3. A Formal Complaint is initiated under the SMP and arises out of the same factual circumstances as a Formal Complaint under the FGP, so long as the consolidated Formal Complaint is resolved in accordance with the requirements of the FGP.

Issuance of Notice of Allegations

If the Title IX Coordinator determines that an investigation is appropriate, the Title IX Office will notify the Parties simultaneously via a Notice of Allegations ("NOA") that an investigation will begin. The date a NOA is issued is the official start of an investigation. The Title IX Office will provide the Parties sufficient time to prepare for any investigative meetings.

The NOA will provide the following information:

1. Notice of the applicable Policies;
2. A summary of information from the Formal Complaint potentially constituting Sexual Misconduct, including sufficient details known at the time. Sufficient details include:
   a. The identities of the Parties involved in the incident, if known;
   b. The conduct allegedly constituting Sexual Misconduct; and
   c. The date and location of the alleged incident, if known.
3. The NOA will 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 resolution process, which will be either the formal investigative process or the Informal Resolution Process;
   c. The Parties may have one Adviser of their choice participating in the Title IX process at a time, who may be, but is not required to be, an attorney;
   d. The Parties may inspect and review evidence; and

e. The Parties are prohibited from knowingly making false statements or knowingly submitting false information during the resolution process.

If at any point during the investigation the Title IX Office decides to investigate allegations that are not included in the original NOA, it will provide a revised NOA to the Parties.

D. Respondent Informational Meeting

Following the issuance of the NOA (when no Notice of Dismissal is issued), the Respondent may schedule an informational meeting with the Title IX Office. During the informational meeting, the Title IX Office will discuss the resolution process, including formal and informal resolution, and the availability of Supportive Measures. Supportive Measures are available throughout and following the resolution process. The Respondent may be accompanied by an Adviser of their choice to the informational meeting and any subsequent meetings with the Title IX Office. Vanderbilt Advisers are persons identified and trained by Vanderbilt who are made available to Parties at no cost. A list of Vanderbilt Advisers will be shared with Parties.

E. Issuance of Notice of Dismissal

Under certain circumstances, after a Formal Complaint is received, the Title IX Coordinator may be required to or may elect to dismiss a Formal Complaint, as described below. The Title IX Coordinator will promptly and simultaneously send a Notice of Dismissal ("NOD") to the Parties when allegations are dismissed under the FGP. The Title IX Coordinator will also review the Formal Complaint to determine whether the allegations could constitute a violation of the SMP (in which case the Title IX Office will transfer the Formal Complaint for further proceedings under that process) or may transfer the Formal Complaint to another Vanderbilt office for review, if appropriate. Following the dismissal of a Formal Complaint the Title IX Office may refer the matter to other Vanderbilt offices for further action under other applicable Vanderbilt policies, as appropriate.

Mandatory Dismissal

If the conduct alleged does not meet the requirements of the FGP, the Title IX Coordinator must dismiss the Formal Complaint. Following a mandatory dismissal the Title IX Office may refer the matter to other Vanderbilt offices for further action under other applicable Vanderbilt policies, as appropriate. Reasons for mandatory dismissal include:

1. if Vanderbilt lacks jurisdiction as described in Section III; or,
2. if the allegations would not constitute a violation of the FGP under any alleged circumstances.

Permissive Dismissal

At any time during the investigation or Hearing, the Title IX Coordinator may dismiss a Formal Complaint or any portion of its allegations if:

1. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint in whole or in part;

2. A Party is no longer enrolled at or employed by Vanderbilt; or
3. Specific circumstances prevent the Title IX Office from gathering evidence sufficient to reach a determination as to the Formal Complaint in whole or in part.

Under the first Permissive Dismissal circumstance listed above, the Title IX Coordinator may choose in their discretion to use the Formal Complaint to initiate resolution process rather than dismiss the Formal Complaint.

Under the second Permissive Dismissal circumstance listed above:

1. The Respondent's student or employment records may be marked to indicate their departure during an administrative process (which may resume if they return to Vanderbilt) but will not indicate that the Respondent was found or assumed responsible for any alleged Sexual Misconduct pending at the time of departure.
2. 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 Vanderbilt registered student organization, 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.

If permissive dismissal is granted and the Title IX Coordinator does not initiate a resolution, the Title IX process will cease, no further Title IX investigation will occur, and no disciplinary action or sanction under Title IX can be imposed against the Respondent. The Title IX Office may refer the matter to other Vanderbilt offices for further action under other applicable Vanderbilt policies, as appropriate.

Supportive Measures Following a Notice of Dismissal

Supportive Measures remain available following permissive dismissal of a Formal Complaint.

In cases of mandatory dismissal, the Title IX Coordinator, in consultation with the Vice Provost and Dean of Students or designee, has the authority to provide Supportive Measures and make accommodations consistent with Section IX, and to take other measures consistent with the Student Handbook; for faculty matters, the Provost or designee, in consultation with the Title IX Coordinator, will have authority to take action consistent with the Faculty Manual; and for staff matters, the Associate Vice Chancellor and Chief People Experience Officer, or designee, in consultation with the Title IX Coordinator, will have authority to take action consistent with appropriate People Experience policies.

Appeal of a Notice of Dismissal

Both Parties may appeal the NOD. An appeal of a NOD must be submitted in writing to the Associate Vice Chancellor, Equity & Engagement, no later than 12:00 p.m. Central Time on the 10th day following issuance of the NOD. See Appendix A for contact information, and length and formatting requirements. The Title IX Coordinator retains discretion to verify, or waive minor procedural variations in, the timing and content of the appeal submission.

If a party submits a timely appeal of a NOD, the Title IX Office will notify the other party and provide a copy of the appeal materials. The other party will have three days[9] to submit, in writing, a position statement in opposition to the appeal. This submission is voluntary. See Appendix A for contact information, as well as length and formatting requirements.

The Associate Vice Chancellor, Equity & Engagement, will issue a decision on any appeal of a NOD within 10 business days of receipt of all documents. This decision is final and not subject to further challenge.

F. Withdrawal of a Formal Complaint

A Complainant may withdraw a Formal Complaint at any point in the process before a final determination. If a Complainant withdraws a Formal Complaint, the Title IX Office will assess all relevant information and determine whether and how to proceed.

G. Admission of Responsibility

If the Respondent admits responsibility for a violation, the Title IX Coordinator will have discretion to resolve the Formal Complaint or to provide for a modified process, as appropriate.

H. Removal from Campus

Student-Respondents

The Title IX Office may remove a Respondent from an education program or activity on an emergency basis, provided 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 person arising from the allegations of Sexual Misconduct justifies removal. The Respondent must receive notice and an opportunity to challenge the decision immediately following the removal.

If the Respondent wishes to challenge an Emergency Removal, the Respondent must submit a challenge of the Emergency Removal to the COE: Equity & Engagement (equity@vanderbilt.edu) within three days after receipt of the Notice of Removal.

The challenge must include the following information:

a. the Respondent's name, address, university email address, and phone number;

b. a full description of the Respondent's basis for the challenge; and

c. a statement of the resolution requested (for example, that the Emergency Removal be modified or rescinded in its entirety).

Upon receipt of the appeal, the Associate Vice Chancellor, Equity & Engagement, or their designee, will, as soon as practicable, provide the Respondent with notice acknowledging receipt of the appeal

[9] For purposes of the FGP, "days" means calendar days unless otherwise noted.

and will promptly initiate a meeting to discuss the appeal; typically, this meeting will be scheduled within one business day of the receipt of the Respondent's appeal. The meeting is for the Respondent to explain why the Emergency Removal should be rescinded or modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the Emergency Removal is appropriate.

See the Emergency Removal Process for more information.

Non-student Respondents

The Title IX Office may place a non-student Respondent with a Vanderbilt employment relationship on administrative leave during the pendency of a proceeding under the Policies. Faculty Respondents may also be placed on Summary Suspension in accordance with the provisions of the Faculty Manual (Part 4, Chapter 1). Persons, including those who are not members of the Vanderbilt Community, may be excluded from campus.

XIII. Investigation (Student Respondent)

For investigations in which the Respondent is a student and the conduct alleged does not fall within the scope of the FGP, the SMP processes will apply. The NOA will identify which Policy or Policies govern the investigation. For information about investigations in which the Respondent is not a student, please proceed to Section XV.

The Title IX Office will make reasonable efforts to balance and protect the rights of the Parties during any investigation commenced under the Policies. During the investigative process, a Respondent is presumed not responsible unless a determination of responsibility is made at the conclusion of the Hearing (and any appeal, as applicable). The Title IX Office 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 or corrective action. All investigations will be prompt, fair, and impartial. The Title IX Coordinator will appoint an Investigator to handle the investigation. This Investigator will be a different person than the Title IX Coordinator. The Title IX Office will keep the Parties reasonably informed of the status of the investigation.

Both Parties may use an Adviser throughout the investigation. If a Party wishes to have an Adviser but has not selected one, the Title IX Office will send a list of trained Advisers from which the Party may choose. Vanderbilt Advisers are persons identified and trained by Vanderbilt who are made available to Parties at no cost. A list of Vanderbilt Advisers will be shared with Parties.

Advisers are not permitted to participate directly in interviews; they are present solely to advise or support the Party and may not engage directly with the Investigator. Advisers are expected to participate in the process in a timely manner that does not unreasonably delay the resolution process. Advisers who exceed the scope of their role, unreasonably delay the resolution process, or otherwise do not comport with reasonable rules of decorum for meetings and proceedings will be cautioned and may be removed from the process at Vanderbilt's sole discretion.

Parties may change Advisers during the resolution process but are limited to one Adviser at any time. The Parties are ultimately responsible for their own engagement in the resolution process, and a Party's belief that an Adviser acted or failed to act, or otherwise underperformed, is not a ground for appeal of a determination.

Staff, faculty, and employed postdoctoral fellows are expected to participate in investigations, including investigations of Sexual Misconduct, and refusal to participate in such an investigation may result in disciplinary action.

During the investigation phase, the Investigator will strive to collect all evidence directly related to the allegations. The Title IX Office cannot compel external sources to provide evidence. Investigation steps may include interviewing the Complainant, the Respondent, and any witnesses; and gathering evidence, including, but not limited to:

- law enforcement investigation documents;
- medical records with the appropriate releases;
- relevant student or employment files;
- academic records;
- text messages;
- emails;
- screenshots;
- pictures;
- video surveillance;
- verbal or written statements;
- swipe records;
- receipts;
- internet or social media posts; and
- audio and video recordings.

The Parties will have an equal opportunity to present names of potential witnesses to the Investigator. The Parties may identify potential factual witnesses but may not present character witnesses. The Investigator will consider the witness lists provided by the Complainant and Respondent when identifying witnesses for interview, but decisions about whom to interview are solely within the Investigator's discretion. The Investigator retains discretion to limit the number of witness interviews conducted if the Investigator finds that the witnesses' statements would be unreasonably duplicative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant (subject to the limited exceptions described below). The Investigator may also choose to interview witnesses not identified by the Parties.

For all investigative interviews or other meetings to which the Title IX Office invites a Party or witness, the Title IX Office will provide sufficient time for the person to prepare to participate. The Investigator will record all interviews conducted as part of an investigation, which will serve as the

basis for preparing a transcript. The Title IX Office will provide all Parties and witnesses a transcript of their own interview. The Parties and witnesses will have five days to review and offer corrections to their transcript. Parties and witnesses are not required to submit corrections. The Title IX Office will append any corrections received to the original transcript. See Appendix A for contact information, and length and formatting requirements.

The Investigator will prepare a Preliminary Investigative Report ("PIR") which includes all directly related evidence, including all interview transcripts.

The Title IX Office will send the PIR to the Parties and their respective Advisers, if any, simultaneously. The Title IX Office retains discretion to send the PIR in an electronic or hard copy format. The Title IX Office may redact non-Party names and sensitive information from the evidence. The Title IX Office may also use data security safeguards when issuing documents and evidence. The Parties and their Advisers may review the evidence solely for the purposes of this process and may not photograph or disseminate the evidence.

The Parties will have 10 days to review the PIR and submit a response. Responses to the PIR are an opportunity for the Parties to clarify the meaning of the evidence presented and to reply to the other Party's or witnesses' statements. If a Party desires to submit new evidence, they may submit the evidence to the Investigator separately from their PIR response. Requests for extensions to review and submit a response to the PIR must be submitted via email to the Investigator by no later than 12:00 p.m. Central Time on the 10th day of the PIR review and response period. See Appendix A for contact information, and length and formatting requirements.

The Investigator will review any responses to the PIR to determine whether additional investigation is needed. The Investigator will keep the Parties apprised of the investigation's status. The Investigator will attach any responses to the PIR (that meet the requirements outlined above and in Appendix A) and any new evidence gathered to the Final Investigative Report ("FIR").

The Investigator will prepare a FIR that includes all directly related evidence. The FIR will not contain any recommendation or determination as to whether a violation of the Policies has occurred, or potential sanctions are appropriate.

The Title IX Office will simultaneously send the FIR to the Parties and their respective Advisers, if any. The Title IX Office retains discretion to elect to send the FIR in an electronic or hard copy format. The Title IX Office may redact non-Party names and sensitive information from the evidence. The Title IX Office may also use data security safeguards when issuing documents and evidence. The Parties and their Advisers may review the evidence solely for the purposes of this process and may not photograph or disseminate the evidence.

The Parties will have five days to review the FIR and submit a response. Responses to the FIR are an opportunity for the Parties to clarify the meaning of any new evidence presented in the FIR and to reply to the other Party's or witness' statements before a Hearing. Following receipt of the responses to the FIR, the Investigator may conduct additional investigation as necessary, in which case the Hearing date may be postponed (See Section XIV). Requests for extensions to review and submit a response to

the FIR must be submitted via email to the Investigator by no later than 12:00 p.m. Central Time on the fifth day of the FIR review and response period. See Appendix A for contact information, and length and formatting requirements.

Parties and witnesses may choose to end their involvement in the resolution process at any time. If applicable, Parties may request switching to an Informal Resolution Process.

XIV. Hearings (Student Complainant and Student Respondent)

Hearings will take place at least 10 days after issuance of the FIR. All Hearings will be prompt, fair, and impartial. The Hearing Manager will serve as the administrator for all Hearings and appeals processes.

The Hearing process is outlined below.

If both Parties are students and the FGP does not govern, the Hearing will proceed under this Section XIV of the SMP. See Section III for more information on the scope of the Policies. If the Respondent is not a student and the FGP does not govern, the resolution process will proceed under Section XV of the SMP. See Section III for more information on the scope of the Policies.

Section A discusses the pre-hearing conference and other steps that must be completed before the Hearing taking place, including how to address new evidence or new witnesses.

Section B discusses the Hearing format, how relevancy and credibility determinations are made, and the Advisers' role in a Hearing.

Section C discusses the range of sanctions and remedies that may be implemented in cases involving Student Respondents.

Section D discusses the appeal options for cases involving a student Complainant(s) and a student Respondent(s).

Section E discusses when a determination of responsibility is final and no longer appealable.

A. Pre-Hearing Conference

The Decision Maker will conduct a pre-hearing conference with the Parties, their Advisers, and the Hearing Manager following issuance of the FIR. The pre-hearing conference may be in person or remotely, at the discretion of the Hearing Manager. For in-person pre-hearing conferences, either Party may request, or the Hearing Manager may require, the Parties to be located in separate rooms. Technology must enable the Decision Maker and Parties to simultaneously see and hear all attendees.

The Decision Maker will consider all relevant evidence but may afford lesser weight to any evidence submitted after the issuance of the FIR that was, or reasonably could have been, available but was not presented to the Title IX Office for investigation.

During the Pre-Hearing Conference, the Decision Maker will discuss the Hearing and related processes, including the following:

- Preparation for the Hearing;
- Review of responses to the FIR;
- Confirmation of the Advisers for each Party;
- Confirmation of access to the FIR and evidence;
- Requested witnesses; and
- Hearing processes and rules of decorum.

Identification of the Decision Maker

Cases will be adjudicated by a trained external Decision Maker. At least five days before the pre-hearing conference, the Hearing Manager will identify the Decision Maker to the Parties. The Decision Maker will not be the same person as the Title IX Coordinator, the Hearing Manager, or the Investigator.

The Hearing Manager will assure that the Decision Maker 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 has received the appropriate and necessary training.

At least two days before the pre-hearing conference, either Party may challenge the named Decision Maker if the Party believes the Decision Maker has a conflict of interest or bias for or against Complainants or Respondents generally or against a Party individually. The notice of a conflict of interest or bias must be provided in writing to the Hearing Manager and articulate the rationale for the challenge. The Hearing Manager has the discretion to keep or replace the challenged Decision Maker. If the Decision Maker is replaced, the Hearing Manager will postpone the pre-hearing conference and Hearing to allow time for engaging a replacement.

Identification of the Advisers

Each Party is required to have an Adviser for the Hearing. If a Party is without an Adviser, they must notify the Hearing Manager at least two days before the pre-hearing conference. The Title IX Office will provide, without fee or charge to that Party, an Adviser to conduct cross-examination on behalf of that Party. The Hearing may be postponed to allow time for engaging an Adviser. The Title IX Office will send a list of trained Advisers from which the Party may select an Adviser.

Identification of the Witnesses

Parties also must identify any witnesses they want to be present at the hearing, in writing, to the Hearing Manager by 12:00 p.m. on the day before the pre-hearing conference. The Decision Maker may also request additional witnesses be present at the Hearing. The Hearing Manager will provide the Parties with a list of the additional witnesses and will make all reasonable efforts to contact the identified witnesses and to have the witnesses present at the Hearing. The Title IX Office generally has no ability to compel student or unaffiliated witnesses to attend a Hearing. The Hearing Manager will provide a list of all confirmed witnesses to the Parties in advance of the Hearing.

Issuance of Notices of Attendance

At least five days before the Hearing and after the pre-hearing conference, the Hearing Manager will transmit notices of attendance to any witness identified by a Party or the Decision Maker as a witness for the Hearing. The notice will advise the person of the date and time of the Hearing and instruct the person to contact the Hearing Manager immediately if there is a material and unavoidable conflict.

A person who receives an attendance notice should notify any manager, member, coach, or other supervisor, as necessary and as soon as practicable, if attendance at the Hearing will conflict with job duties, classes, or other obligations. Managers, faculty members, coaches, and other supervisors should excuse the subject of the obligation, or provide another accommodation, so that the person may attend the Hearing as specified in the notice. Managers, faculty members, coaches, and other supervisors may contact the Hearing Manager with any questions regarding a hearing notice of attendance.

B. Hearing

Hearing Format

Hearings will be conducted live, either in person or remotely, at the discretion of the Hearing Manager. The Hearing Manager may require, and a Party may request, in-person Hearings be conducted with the Parties located in separate rooms. Technology must enable the Decision Maker and Parties to simultaneously see and hear the Party or witness answering questions. At the discretion of the Hearing Manager, Hearings may be conducted with all Parties physically present in the same location, or with any or all Parties, witnesses, and other participants appearing virtually. Vanderbilt will create a transcript or recording of the Hearing, which will be available to the Parties for inspection and review by request.

At the Hearing, the Decision Maker will call each Party or witness present for cross examination. No opening or closing statements will be allowed.

Typically, the Decision Maker will ask questions of each Party or witness first, followed by the Advisers. The Decision Maker has discretion to allow follow-up questions by each Adviser. Each Adviser is permitted to ask the other Party and any witnesses relevant questions, including those challenging credibility.

Relevance Determinations

At the Hearing, the Decision Maker will evaluate whether evidence presented is relevant. Relevant evidence is any evidence that may tend to make the allegations at issue more or less likely to be true. This includes corroborating evidence and contradicting evidence.

Whether a question is relevant is determined solely by the Decision Maker. Advisers may ask only relevant cross-examination and follow-up questions of a Party or witness. Before a Party or witness answers a cross-examination or follow-up question, the Decision Maker must determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition (or tendencies) 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 Effective Consent.

Credibility Determinations

Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness. The Decision Maker will consider all relevant evidence presented in the FIR and at a Hearing by the Parties. The Decision Maker has the discretion to grant lesser weight to information or evidence introduced at the Hearing that was not previously presented for investigation.

Parties and witnesses, solely in the Decision Maker's discretion, may be given a chance to clarify or otherwise explain responses that they provided during the investigation that differ from those offered during a Hearing. The Decision Maker has sole discretion to determine the effect of any purported discrepancies on a Party's or witness' credibility.

Advisers' Role in Hearings

Each Party must be accompanied to the Hearing by their Adviser. Advisers are present solely to advise or support the Party and are prohibited from speaking directly to the Decision Maker, other Parties, or witnesses during the Hearing, except for conducting cross examination. Cross examination at a Hearing must be conducted directly, orally, and in real time by each Party's Adviser, and never by a Party personally. Advisers who exceed the scope of their role or otherwise do not comport with reasonable rules of decorum for meetings and proceedings will be cautioned and may be removed from the process at Vanderbilt's sole discretion.

Party or Witness' Absence from a Hearing

The Decision Maker will consider neutral records without requiring the author or custodian of those records to be present during the Hearing or to submit to cross examination unless the Decision Maker has a specific concern regarding the authenticity of the evidence. This neutral record evidence includes but is not limited to:

- medical records with the appropriate releases;
- privileged legal records with the appropriate releases;
- Sexual Assault Nurse Examiner records provided with the appropriate releases;
- police reports;
- video; or,
- other security recordings.

The Decision Maker may also consider text messages, emails, group chat messages, other social media posts, or other electronic evidence without requiring the Party or witness who provided the evidence to be present during the Hearing or to submit to cross examination unless the Decision Maker has a specific concern regarding the authenticity of the evidence.

In most cases, a Party or witness should be present at the Hearing to answer questions posed by the Decision Maker and Advisers. Instances where a Decision Maker may consider these statements even in the absence of the Party or witness include, but are not limited to, cases where:

- the Party or witness is deceased, is without access to a means to participate, is on military deployment, or is incapable of participating in the Hearing;
- the Parties stipulate that a witness does not need to be cross-examined and that the witness' statement may be considered; or,
- a Party or witness gives a statement that is an admission of responsibility or otherwise against that Party's or witness' interest.

If a Party or witness does not appear at the Hearing or make themselves available for cross examination, the Decision Maker may still consider that Party's or witness's previous statements but may, in the Decision Maker's discretion, give lesser weight to that Party or witness's statements when reaching a determination of responsibility.

The Decision Maker will not draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the Hearing or refusal to answer cross examination or other questions.

Determination Regarding Responsibility

The Decision Maker will issue a written determination, typically within 14 days following the Hearing. Based on a Preponderance of the Evidence, the Decision Maker will decide whether the Respondent is responsible for engaging in the alleged conduct, whether the conduct is a violation of the Policies, and if so, what disciplinary action and sanctions may be appropriate. The written determination will include:

- Identification of the allegations potentially constituting Sexual Misconduct under the Policies;
- 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;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policies to the facts;
- A statement of, and rationale for, the result as to each allegation, including:
    - A determination regarding responsibility;
    - Any disciplinary action and sanctions imposed 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
- Processes and permissible bases for the Parties to appeal the determination.

The Hearing Manager will provide the written determination to the Parties simultaneously. If the Respondent is found responsible for a violation of the Policies, they will be subject to disciplinary action and the appropriate sanctions.

Remedies and Supportive Measures that do not affect 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 the effective implementation of any remedies and Supportive Measures.

C. Range of Sanctions and Remedies (Student Respondent)

When determining sanctions for student Respondents, the Decision Maker will consult with the Associate Dean of Students for Community Standards and Student Support or their designee to review any precedent that may inform the decision, including past conduct and past history. While weight is given to the consultation, the Decision Maker will have final authority on determining appropriate sanctions. The Decision Maker will issue one of the following sanctions, as appropriate to the violation:

- Deferred Disciplinary Probation
- Disciplinary Probation
- Suspension
- Expulsion

A Decision Maker may assign other sanctions in addition to the above, such as an educational conference or barring access to certain facilities or activities.

A student Respondent found to have violated the Policies will have their student record marked in accordance with the Student Handbook. A Respondent's student record also may indicate their departure during an administrative process (which may resume if they return to Vanderbilt) but will not indicate that such Respondent was found or assumed responsible for any alleged Sexual Misconduct pending at the time of departure.

The Decision Maker may recommend implementation of remedies for the Parties to restore or preserve equal access to Vanderbilt's education programs or activities. The Title IX Coordinator will approve and implement remedies, as appropriate. Remedies can include, but are not limited to, the following:

- Access to on-campus counseling services and assistance in setting up an initial appointment with those services;
- Mutual No-Contact Directives;
- Rescheduling of academic exams and assignments;
- Alternative course or program completion options;
- Changing class schedules, including the ability to transfer course sections or withdraw from a course;
- Changing work schedules, job assignments, job locations, or reporting lines for Vanderbilt employment;

- Changing on-campus residence hall or classroom assignments;
- Escorts for transit between Vanderbilt classes and activities;
- Academic support services, such as tutoring; or
- Leaves of absence.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the Parties even if no policy violation is found.

D. Appeals (Student Respondent)

Either Complainant or Respondent may appeal a written determination. A Party must submit an appeal by email to the Hearing Manager by no later than 12:00 p.m. Central Time on the 10th day after the Parties are sent the written determination. See Appendix A for contact information, and length and formatting requirements. The Title IX Coordinator retains discretion to verify, or waive minor procedural variations in, the timing and content of the appeal submission.

Appeals can only be raised on one or more of the following grounds:

1. A procedural irregularity that affected the outcome of the matter. Procedural or technical irregularities will not be sufficient to sustain an appeal unless found to have affected the determination.
2. New evidence that was not reasonably available before or during the time of the Hearing and that could affect the outcome of the matter. An appeal on this basis must specify the new evidence that was not reasonably available at the time of the determination, why the evidence was unknown or unavailable before or during the time of the Hearing, and how the new evidence could affect the determination.
3. The Title IX Coordinator, Investigator, or hearing Decision Maker 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. The appeal must specify the basis on which the Party believes there is a conflict of interest or bias that affected the outcome of the matter.
4. The determination cannot reasonably be supported by the evidence.
5. The severity of the sanction.

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. Terms of an Informal Resolution Agreement.

The written appeal must include:

- the ground(s) for the appeal with sufficient detail to support the ground(s);
- the name of the appealing Party; and
- evidence that the appeal could affect the outcome of the matter.

Upon receipt of an appeal, the Hearing Manager will:

1. Notify the other Party in writing that an appeal had been filed and implement appeal processes equally for both Parties;
2. Refer the appeal to an Appellate Officer, who will be an independent third party;
3. Assure that the appeal Decision Maker is not the same person as the Investigator(s), Title IX Coordinator, or hearing Decision Maker; and
4. Assure that the appeal Decision Maker 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 appeal Decision Maker has received the appropriate and necessary training.

Upon receipt of an appeal, the Hearing Manager will notify the Parties of the appointment of the appeal Decision Maker. Within two days of the notice of appeal being sent, the Parties may challenge the named appeal Decision Maker if the Party believes the appeal Decision Maker has a conflict of interest or bias for or against Complainants or Respondents generally or against a Party individually. The notice of a conflict of interest or bias must be provided in writing to the Hearing Manager and articulate the rationale for the challenge. The Hearing Manager has the discretion to keep or replace the challenged appeal Decision Maker. If the appeal Decision Maker is replaced, the Hearing Manager will give notice and extend the appeal process timeline to allow time for engaging a replacement.

The Hearing Manager 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 determination or respond to the appeal statement. Any such response must be submitted by email attachment to the Hearing Manager by no later than 12:00 p.m. Central Time on the 10th day after the date the non-appealing Party is sent the appeal. See Appendix A for contact information, and length and formatting requirements.

The Title IX Coordinator is permitted, but not required, to file a response addressing concerns relating to procedural irregularities or bias in the Investigation or Hearing process raised in any appeal submitted by a Party.

The Title IX Coordinator has discretion to continue or institute any applicable Supportive Measures before the appeal deadline and before the resolution of any appeal.

It is not the role of an Appellate Officer to substitute their judgment for the judgment of the hearing Decision Maker if there is a reasonable basis for the hearing Decision Maker's determination based on a Preponderance of the Evidence. An Appellate Officer may not alter, or recommend altering, the determination unless, in the Appellate Officer's assessment, the determination is clearly erroneous based on one or more of the permitted grounds.

The Appellate Officer will issue a written decision that includes the result of the appeal and the rationale for the result. The written decision will issue in a reasonably prompt time frame, typically within 14 days following receipt of all appeals materials. The appeal is typically determined based on the existing record, but the Appellate Officer has the discretion to convene a limited or full appellate

Hearing, if needed. The Hearing Manger will provide the appeal decision simultaneously to both Parties.

Appellate Officers will review the record and will take action consistent with the options set forth below:

- In cases where there has been a procedural error sufficient to affect the determination, the Appellate Officer will remand the case to the hearing Decision Maker with instructions to address the procedural error, as appropriate. The Hearing Manager will provide the results of the remand to the Appellate Officer for review to assure the procedural error has been remedied. The decision of the Appellate Officer following the remand cannot be appealed.
- 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 hearing Decision Maker with instructions to conduct a limited Hearing on remand to consider the new evidence, as appropriate. Each Party has the option, once, to appeal the determination of the Hearing on remand. Grounds for appeal are limited to those listed above.
- 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 send the case to the hearing Decision Maker to assure Vanderbilt provides a resolution process without conflict of interest or bias.
- In cases where the Appellate Officer deems the hearing Decision Maker 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 send the case to the Associate Vice Chancellor, Equity & Engagement, to assure Vanderbilt 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. This reversal may not be appealed.
- In cases where the Appellate Officer deems the hearing Decision Maker erred in the severity of the sanction issued, the Appellate Officer will issue a revised sanction. The Appellate Officer will consult with appropriate Vanderbilt officials who will not have been involved in the Hearing process. This revised sanction may not be appealed.
- If the Appeal Officer decides there is insufficient evidence to support the appeal, the Appeal Officer will uphold the original determination.

E. Finality

A determination regarding responsibility (including any sanctions) becomes final either:

- if an appeal is filed, on the date that the appellate process is completed; or
- if an appeal is not filed, on the date on which an appeal would no longer be considered timely.

XV. Non-student Respondent Resolution Process

If the Respondent is not a student and the FGP does not govern, the investigation will proceed under this Section XV of the SMP. See Section III for more information on the scope of the Policies.

Section A discusses the basic process used for all investigations.

Section B discusses the resolution process for cases involving a non-student Complainant and staff Respondents.

Section C discusses the resolution process for cases involving a non-student Complainant and faculty or postdoctoral trainee Respondents.

Section D discusses the resolution process for cases involving a student Complainant and either a staff, faculty, or postdoctoral trainee Respondent.

Section E discusses the resolution process for cases involving a Respondent who is not a member of the Vanderbilt Community.

Section F discusses the appeal process used only for cases involving a student Complainant.

A. Investigation

The Notice of Allegations ("NOA") will identify which Policy or Policies govern the investigation. The Incident Report, Formal Complaint, and notification processes are described in Section XI and Section XII.

The Title IX Office will make reasonable efforts to balance and protect the rights of the Parties during any investigation initiated under the Policies. A Respondent is presumed not responsible unless found to have violated the Policies after the conclusion of an investigation and any applicable appeals processes. The Title IX Office 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 or corrective action. All investigations will be prompt, fair, and impartial. The Title IX Coordinator will appoint an Investigator to handle the investigation. This Investigator will be a different person than the Title IX Coordinator. The Title IX Office will keep the Parties reasonably informed of the status of the investigation.

Both Parties may have an Adviser throughout the investigation. If a Party wishes to have an Adviser but has not selected one, the Title IX Office will send a list of trained Advisers from which the Party may choose. Vanderbilt Advisers are persons identified and trained by Vanderbilt who are made available to Parties at no cost. A list of Vanderbilt Advisers will be shared with Parties.

Advisers are not permitted to participate directly in interviews; they are present solely to advise or support the Party and may not engage directly with the Investigator. Advisers are expected to participate in the process in a timely manner that does not unreasonably delay the resolution process. Advisers who exceed the scope of their role, unreasonably delay the resolution process, or otherwise do

not comport with reasonable rules of decorum for meetings and proceedings will be cautioned and may be removed from the process at Vanderbilt's sole discretion.

Parties may change Advisers during the resolution process but are limited to one Adviser at any time. The Parties are ultimately responsible for their own engagement in the resolution process, and a Party's belief that an Adviser acted or failed to act, or otherwise underperformed, is not a ground for appeal of a determination.

Staff, faculty, and employed postdoctoral fellows are expected to participate in investigations, including investigations of Sexual Misconduct, and refusal to participate in an investigation may result in disciplinary action.

During the investigation phase, the Investigator will strive to collect all evidence directly related to the allegations. The Title IX Office cannot compel external sources to provide evidence they may have. This may include interviewing the Complainant, the Respondent, and any witnesses; and gathering evidence, including, but not limited to:

- Formal Complaint and Incident Report;
- law enforcement investigation documents;
- medical records;
- relevant student or employment files;
- academic records;
- text messages;
- emails;
- screenshots;
- pictures;
- video surveillance;
- verbal or written statements;
- swipe records;
- receipts;
- internet or social media posts; or
- audio and video recordings.

The Parties will have an equal opportunity to present names of potential witnesses to the Investigator. The Parties may identify potential factual witnesses but may not present character witnesses. The Investigator will take the witness lists provided by the Complainant and Respondent into consideration when identifying the witnesses they will interview, but these decisions are solely within the Investigator's discretion. The Investigator retains discretion to limit the number of witness interviews conducted if the Investigator finds that the witnesses' statements would be unreasonably duplicative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The Investigator may also choose to interview other witnesses not identified by the Parties.

For all investigative interviews or other non-Hearing meetings to which the Title IX Office invites a Party or witness, the Title IX Office will provide sufficient time for the person to prepare to participate. The Investigator will record all interviews conducted as part of an investigation. The Title IX Office will provide all Parties and witnesses a transcript of their own interview. The Parties and witnesses will have five days to review and offer corrections to their transcript. Parties and witnesses are not required to submit corrections. The Title IX Office will append any corrections received to the original transcript. See Appendix A for contact information, and length and formatting requirements.

B. When the Complainant is not a Student, and the Respondent is Staff

The Title IX Office will prepare an investigative report including a determination, by a Preponderance of the Evidence, as to whether the Respondent violated the SMP. The Title IX Office will send the investigative report to the appropriate supervisor, as well as COE: People Experience. The supervisor and COE: People Experience are responsible for determining sanctions, as applicable. If the Respondent's supervisor is a Party to the investigation, the Title IX Office will work with COE: People Experience to identify the appropriate supervisor to receive the investigation report.

Any review of the findings and sanctions will take place under applicable People Experience policies or the Collective Bargaining Agreement (as applicable). The Title IX Coordinator will inform the Parties simultaneously of the determination as to whether the Respondent violated the SMP. In cases involving allegations of Sexual Assault, Dating or Domestic Violence, or Stalking, the Title IX Office will provide the Parties with the determination of responsibility and any sanctions. The determination of responsibility and any sanctions given are final and not appealable.

C. When the Complainant is not a Student, and the Respondent is Faculty or a Postdoctoral Fellow or Trainee

The Title IX Office will prepare an investigative report that includes a determination, by a Preponderance of the Evidence, as to whether the Respondent violated the SMP. The Title IX Office will send the investigative report to the Respondent's Dean, who is responsible for sanctioning and any other applicable processes. If the Respondent is a Dean or other senior administrator who does not work under the purview of a Dean, the Title IX Office will send the investigative report to the Provost's designee. If the Respondent is the Provost, the Title IX Office will send the investigative report to the Chancellor.

The Title IX Coordinator will inform the Parties simultaneously of the determination as to whether the Respondent violated the SMP. In cases involving allegations of Sexual Assault, Dating or Domestic Violence, or Stalking, the Title IX Office will provide the Parties with the determination of responsibility and any sanctions. The determination of responsibility and any sanctions given are final and not appealable under the Title IX resolution process.

D. When the Complainant is a Student and the Respondent is Staff or Faculty, or a Postdoctoral Fellow or Trainee

The Title IX Office will provide the Respondent the opportunity to review the evidence gathered in the investigation before determining, by a Preponderance of the Evidence, whether the Respondent violated the SMP.

The Title IX Office retains discretion to send the evidence in an electronic or hard copy format. The Title IX Office may redact non-Party names and sensitive information from the evidence. The Title IX Office may also use data security safeguards when issuing documents and evidence. The Respondent and their Adviser are permitted to review the evidence solely for the purposes of this process and may not photograph, retain copies of, or otherwise disseminate the evidence.

The Respondent may submit a response about the evidence gathered. Any such response must be submitted in writing to the Investigator by no later than 12:00 pm Central Time on the 10th day following the date the Title IX Office provides the Respondent with access to the evidence. Requests for extensions must be submitted to the Title IX Office prior to the expiration of the 10-day period. See Appendix A for length and formatting requirements.

Following review of any response submitted, and any additional investigation needed, the Investigator will prepare an investigative report that includes a determination as to whether the Respondent violated the SMP.

If the Respondent is a staff member, the Title IX Office will send the investigative report to the staff appropriate supervisor, as well as COE: People Experience. The supervisor and COE: People Experience are responsible for determining sanctions, as applicable. If the Respondent's supervisor is a Party to the investigation, the Title IX Office will work with COE: People Experience to identify the appropriate supervisor to receive the investigation report.

If the Respondent is a faculty member or postdoctoral trainee, the Title IX Office will send the investigative report to the Respondent's Dean, who is responsible for sanctioning and any other applicable processes. If the Respondent is a Dean or other senior administrator who does not work under the purview of a Dean, the Title IX Office will send the investigative report to the Provost's designee. If the Respondent is the Provost, the Title IX Office will send the investigative report to the Chancellor.

The Title IX Office will provide the investigative report to the Parties. In cases involving allegations of Sexual Assault, Dating or Domestic Violence, or Stalking, the Title IX Office will provide the Parties with the determination of responsibility and any sanctions. Either Party may appeal based on the grounds stated in Section XV(F) below.

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

When the Title IX Office receives a Formal Complaint against a person who is not a Vanderbilt student, staff, faculty, or postdoctoral fellow or trainee, the Title IX Coordinator has the discretion to determine the most appropriate course of action, consistent with Vanderbilt's commitment to a prompt and equitable process, as well as applicable law and university policies. Vanderbilt's ability to take appropriate corrective action will be determined by the nature of the person's relationship to Vanderbilt. Complainants may receive Supportive Measures regardless of the Respondent's relationship with Vanderbilt.

F. Appeals (Student Complainant and Non-Student Respondent other than Faculty)

If the Complainant is a student and the Respondent is Faculty, any review of a written determination will follow the procedures set forth in the Faculty Manual.

If the Complainant is a student, and the non-student Respondent is not Faculty, either party may appeal a written determination. A Party must submit an appeal by email attachment to the Hearing Manager by no later than 12:00 p.m. Central Time on the 10th day after the Parties are sent the written determination. See Appendix A for contact information, and length formatting requirements. The Title IX Coordinator retains discretion to verify, or waive minor procedural variations in, the timing and content of the appeal submission.

Appeals can only be raised on one or more of the following grounds:

1. A procedural irregularity that affected the outcome of the matter. Procedural or technical irregularities will not be sufficient to sustain an appeal unless found to have affected the determination.
2. New evidence that was not reasonably available before the investigation report's issuance and that could affect the outcome of the matter. An appeal on this basis must specify the new evidence that was not reasonably available at the time of the report's issuance, why the evidence was unknown or unavailable before of the report's issuance, and how the new evidence could affect the determination.
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. The appeal must specify the basis on which the Party believes there is a conflict of interest or bias that affected the outcome of the matter.
4. The determination cannot reasonably be supported by the evidence.

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;
2. Terms of an Informal Resolution agreement; and
3. The severity of the sanction.

The written appeal must include:

- the ground(s) for the appeal with sufficient detail to support the ground(s);
- the name of the appealing Party; and
- evidence that the appeal could affect the outcome of the matter.

Upon receipt of an appeal, the Hearing Manager will:

a. Notify the other Party in writing that an appeal had been filed and implement appeal processes equally for both Parties;
b. Refer the appeal to an Appellate Officer, who will be an independent third party;
c. Assure that the Appellate Officer is not the same person as the Investigator(s) or Title IX Coordinator; and
d. Assure 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 appeal Decision Maker has received the appropriate and necessary training.

Upon receipt of an appeal, the Hearing Manager will notify the Parties of the appointment of the appeal Decision Maker. Within two days of the notice of appeal being sent, the Parties may challenge the named Appellate Officer if the Party believes the Appellate Officer has a conflict of interest or bias for or against Complainants or Respondents generally or against a Party individually. The notice of a conflict of interest or bias must be provided in writing to the Hearing Manager and articulate the rationale for the challenge. The Hearing Manager has the discretion to keep or replace the challenged Appellate Officer. If the Appellate Officer is replaced, the Hearing Manager will give notice and extend the appeal process timeline to allow time for engaging a replacement.

The Hearing Manager 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 determination or respond to the appeal statement. Any such response must be submitted by email attachment to the Hearing Manager by no later than 12:00 p.m. Central Time on the 10th day after the date the non-appealing Party is sent the appeal. See Appendix A for contact information, and length and formatting requirements.

The Title IX Coordinator is permitted, but not required, to file a response addressing concerns relating to procedural irregularities or bias in the Investigation or other process raised in any appeal submitted by a Party.

The Title IX Coordinator has discretion to continue or institute any applicable Supportive Measures before the appeal deadline and before the resolution of any appeal.

It is not the role of an Appellate Officer to substitute their judgment for the judgment of the Investigator if there is a reasonable basis for Investigator's determination based on a Preponderance of the Evidence. An Appellate Officer may not alter, or recommend altering, the determination unless, in the Appellate Officer's assessment, the determination is clearly erroneous based on one or more of the permitted grounds.

The Appellate Officer will issue a written decision that includes the result of the appeal and the rationale for the result. The written decision will issue in a reasonably prompt time frame, typically within 14 days following receipt of all appeals materials. The appeal is typically determined based on the existing record, but the Appellate Officer has the discretion to convene a limited or full appellate Hearing, if needed. The Hearing Manger will provide the appeal decision simultaneously to both Parties.

Appellate Officers will review the record and will take action consistent with the options set forth below.

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

- In cases where there has been a procedural error sufficient to affect the determination, the Appellate Officer will remand the case to the Investigator with instructions to address the procedural error, as appropriate. The Hearing Manager will provide the results of the remand to the Appellate Officer for review to assure the procedural error has been remedied. The decision of the Appellate Officer following the remand cannot be appealed.
- 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 Investigator with instructions to conduct a limited Hearing on remand to consider the new evidence, as appropriate. Each Party has the option, once, to appeal the determination of the Hearing on remand. Grounds for appeal are limited to those listed above.
- 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 send the case to the Associate Vice Chancellor, Equity & Engagement, to assure Vanderbilt 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. This reversal may not be appealed.
- If the Appellate Officer decides there is insufficient evidence to support the appeal, the Appellate Officer will uphold the original determination.

Finality

A determination regarding responsibility (including any sanctions) becomes final under the Title IX process either:

- if an appeal is filed, on the date that the appellate process is completed; or
- if an appeal is not filed, on the date on which an appeal would no longer be considered timely.

XVI. Alternative/Informal Resolution Process

A. Availability of the Informal Resolution Process

In matters where a Formal Complaint has been filed and has passed the initial Formal Complaint assessment (See Section XI), the Parties may request to resolve the matter through the Title IX Office's Informal Resolution Process ("IRP"). IRP is not available to resolve allegations by a student Complainant where the Respondent is a faculty or staff member.

B. Informal Resolution Process Options

IRP involves a remedies-based, non-judicial process designed to eliminate or address alleged Sexual Misconduct following the filing of a Formal Complaint and before a final determination. IRP is intended to be flexible while also providing for a range of possible outcomes. This process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the Parties. IRP currently includes facilitated mediation, but the Title IX Office has the discretion under the Policies to incorporate additional forms of Informal Resolution, such as administrative resolution and restorative justice, at a time determined by the Title IX Office.

Facilitated Mediation

Facilitated mediation is an informal and flexible dispute resolution process where a mediator guides the Parties toward their own resolution by conveying messages, questions, demands, and proposals between both sides to help the Parties move closer to a resolution. In this process, a Party may accept responsibility for an action or outcome, the Parties may choose to share responsibility, or the Parties may resolve the allegations without an acceptance of responsibility.

C. Beginning the Informal Resolution Process

If either Party requests IRP, the Title IX Coordinator will make an initial decision about whether the case qualifies for IRP. If the Title IX Coordinator approves IRP as an option for resolution, the other Party must then agree to engage in IRP. If both Parties agree to IRP, the Title IX Office will halt any investigation or scheduled Hearing. A facilitator will be assigned as the primary contact point for the parties until IRP concludes. Participation in IRP is voluntary, and either Party may request to end IRP at any time before an Informal Resolution Agreement is executed and may return to the investigation or proceed with the Hearing process. If the Parties execute an Informal Resolution

Agreement during IRP, and the Title IX Coordinator approves the agreement, the Title IX Office will oversee the implementation of the agreement, the Formal Complaint will be deemed resolved, and the matter will be concluded. The Informal Resolution Agreement is binding and will provide the outcome for any breach of the agreement.

The following are the guidelines by which IRP must be conducted:

- IRP is only available once a Formal Complaint has been filed and before a final determination on the Formal Complaint.
- The Informal Resolution and Supportive Measures Manager, or other Title IX Coordinator designee, will facilitate the IRP.
- Either Party may petition the Title IX Coordinator in writing to offer IRP to the other Party.
- The facilitator will present the option of IRP to the other Party independently and in writing.
- Both Parties must agree in writing to participate in IRP, and the Title IX Coordinator must approve the request for the process to move forward.
- If both Parties agree to participate in IRP, and the Title IX Coordinator approves IRP, the Investigator assigned to the matter will communicate to both Parties that the investigation is stayed and will resume if the case is not resolved through IRP.
- IRP is not an available resolution process for cases in which the Complainant is a student, and the Respondent is a staff member or faculty member.

Withdrawal from the Informal Resolution Process

Participation in IRP is voluntary for all Parties and requires informed and written consent. Either Party may withdraw, without penalty, from IRP until such time as a written Informal Resolution Agreement is signed by both Parties, the facilitator, and the Title IX Coordinator. If either Party withdraws from IRP, the original process will resume.

In the case of a withdrawal from IRP, records from IRP will not be shared with those investigating the matter but may be maintained by the facilitator.

Informal Resolution Process Preparation Meeting

The next step in the IRP is for the facilitator to have an IRP preparation meeting with each Party, separately, to discuss the requirements and potential outcomes of IRP. After this meeting, the facilitator will schedule a date for the IRP Conference.

D. Informal Resolution Process Conference

During the IRP Conference, the facilitator will meet with each Party separately to discuss the allegations and to give each Party a chance to provide additional information about, reasons for participating in, concerns about, and goals of IRP. Additionally, the facilitator will facilitate the communication between the Parties, discussing the Parties' proposed terms of agreement to determine whether resolution of the Formal Complaint between the Parties is feasible.

IRP Terms:

Sanctions agreed to by the Parties can include, but are not limited to, the following:

For Students:

- Expulsion;
- Suspension;
- Disciplinary Probation;
- Deferred Disciplinary Probation;
- Educational Conference; or
- 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 Vanderbilt housing.

For Faculty and Staff:

- Termination of employment;
- Reduction in salary and/or rank;
- Suspension;
- Probation;
- Mutual No Contact Directives;
- Campus restrictions;
- Revocation of Vanderbilt privileges;
- Educational programs;
- Removal from (or reassignment to a different role on) a project; or
- Written reprimand.

Remedies agreed to by the Parties can include, but are not limited to, the following:

- Mutual No-Contact Directives, including any additions or modifications
- Required therapy consultation through the University Counseling Center ("UCC") or Lyra, as appropriate, for assessment and recommendation for ongoing treatment, if applicable
- Required counseling or therapy through a non-Vanderbilt affiliated therapist or counselor
- Education or Volunteer Opportunities
    - Prevention and Impact education: one-on-one sessions with the Project Safe director
    - Attend a Project Safe sponsored program, training, module, workshop, or activity such as an Effective Consent module, bystander intervention training, Stalking awareness and prevention
    - Working with a non-profit
    - Alcohol and Drug Education with the Center for Student Wellbeing
    - Educational Courses or Assignments
- Mutual social media guidelines
- Financial restitution if property was damaged
- Resignation or Suspension without Pay (option for staff and faculty)

Supportive Measures options agreed to by the Parties include:

- Providing alternative course completion options;
- Changing class schedules, including the ability to transfer course sections or withdraw from a course;
- Changing work schedules, job assignments, or job locations for Vanderbilt employment;
- Changing on campus residence hall assignments;
- restricting floor access in a residence hall;
- Leaves of absence; and
- Non-students or alumni options, such as prohibiting access to campus, prohibiting attendance at alumni or other Vanderbilt events, or prohibiting returning to campus for future programs for a specific period.

The facilitator, in their sole discretion, will determine in good faith whether the Parties complied with the terms of the Informal Resolution Agreement. Failure to comply with the terms of an Informal Resolution Agreement will result in one of the following:

1. Agreement is null and void and matter reverts to the original process; or
2. Disciplinary probation for student Respondents issued through the Office of Student Accountability, Community Standards, & Academic Integrity ("Student Accountability"). The sanction will not be appealable under Student Accountability policies, as the SMP controls.

Finalizing the Informal Resolution Agreement

Once the proposed terms are finalized, the facilitator will draft the Informal Resolution Agreement for the Parties to review, edit (as necessary), and sign before leaving IRP Conference. In addition to the Parties, the facilitator and the Title IX Coordinator must also approve and sign the Informal Resolution Agreement before it becomes final.

XVII. Limited Immunity for Alcohol and Other Drug Violations

Vanderbilt recognizes that persons with information about Sexual Misconduct may be hesitant to provide that information because of their own potential violations of other Vanderbilt Policies. While Vanderbilt does not condone any violations of its policies, the Title IX Office generally will extend limited immunity for possession or use of alcohol or drugs, and any resulting intoxication, to students and to other persons to facilitate reporting and investigation of Sexual Misconduct incidents. Vanderbilt may provide persons with non-disciplinary resources or refer persons for drug and alcohol assessment, counseling, or education.

The limited immunity provided in this section does not apply to situations where a person intentionally and non-consensually provides or causes the consumption of alcohol or other drugs for the purpose of engaging in conduct prohibited under the Policies.

XVIII. Pregnancy and Parenting Modifications

Vanderbilt does not discriminate in its education program or activity against any Vanderbilt Community member based on the member's current, potential, or past pregnancy or related conditions. Vanderbilt treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy Vanderbilt administers, operates, offers, or participates in with respect to students admitted to the Vanderbilt's education program or activity. Vanderbilt treats pregnancy or related conditions as any other temporary medical conditions for all job-related purposes.

A. Requesting Pregnancy and Parenting Modifications

Vanderbilt Community members seeking pregnancy and parenting modifications may submit a request using the Title IX Office's online form, by emailing the Title IX Office (titleix@vanderbilt.edu), or by calling the Title IX Office (615-343-9004). Upon receiving a request for modifications, the Title IX Office will provide the following information to the requestor:

- Vanderbilt's non-discrimination statement;
- Vanderbilt's obligations related to pregnancy and related conditions; and
- Information on Vanderbilt's pregnancy and parenting modifications.

B. Reasonable Modifications

Vanderbilt will make reasonable modifications to its policies, practices, or procedures as necessary to assure equal access to Vanderbilt's education program or activity. Any reasonable modification will be based on the requestor's individual needs. The Title IX Coordinator will consult with the requestor when determining what constitutes a reasonable modification. The Title IX Coordinator may also consult the requestor's supervisor or dean, as appropriate, and other appropriate campus partners. A modification that would fundamentally alter the nature of a Vanderbilt program or activity is not considered a reasonable modification.

The requestor will have the discretion to accept or decline any reasonable modifications offered by the Title IX Coordinator. Once the requestor accepts an offered modification, the Title IX Office will work with the requestor and any necessary Vanderbilt Community members to implement the modification.

The requestor may ask for additional reasonable modifications, as needed. Requestors should send any concerns about a modification to the Title IX Coordinator (titleix@vanderbilt.edu).

Documentation

The Title IX Coordinator will not require supporting documentation, including medical documentation, except in the following circumstances:

Students

Vanderbilt will not request supporting documentation from a student except when necessary and reasonable to determine the reasonable modifications to offer.

Vanderbilt does not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in a Vanderbilt class, program, or extracurricular activity unless:

- The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- Such certification is required of all students participating in the class, program, or extracurricular activity; *and*
- The information obtained is not used as a basis for discrimination prohibited under Vanderbilt policy.

Employees

Vanderbilt will not request documentation from an employee or job applicant except when reasonable:

- To confirm the employee's pregnancy or related condition;
- To confirm the condition is related to, affected by, or arising from pregnancy or related conditions; *or*
- To describe the adjustment or change needed due to the limitation.

C. Lactation Spaces

Vanderbilt provides spaces and reasonable break times for Vanderbilt Community members to express breast milk or breastfeed, as needed. Contact the Title IX Office (titleix@vanderbilt.edu) or the Reasonable Accommodation Manager (accommodations@vanderbilt.edu) for assistance locating a lactation space.

Appendix A: Contact Information and Formatting Requirements

All responses, except for transcript corrections, are limited to 10 double-spaced pages with 1-inch margins and 12-point font. This page limit is inclusive of any attachments submitted with a response. Corrections to transcripts must be submitted in accordance with any emailed instructions from the Title IX Office, including the line number, the original statement, and the corrected statement.

All responses and corrections must be submitted by no later than 12:00 p.m. Central Time on the day the response is due.

Response and Appeal Formatting Requirements and Deadlines		
Response	**Deadline**	**Formatting Requirements**
Corrections to Transcripts	5 days[10]	Follow emailed instructions from the Title IX Office, including the line number, original statement, and the corrected statement.
Response to the PIR	10 days	10 double-spaced pages with 1-inch margins and 12-point font, inclusive of any attachments
Response to the FIR	5 days	10 double-spaced pages with 1-inch margins and 12-point font, inclusive of any attachments
Appeals	10 days	10 double-spaced pages with 1-inch margins and 12-point font, inclusive of any attachments
Response to Appeals	10 days	10 double-spaced pages with 1-inch margins and 12-point font, inclusive of any attachments

[10] For purposes of the SMP, "days" means calendar days unless otherwise noted.

Response and Appeal Recipient Contact Information	
Recipient	**Email**
Investigator	TitleIX@Vanderbilt.edu
Title IX Coordinator	TitleIX@Vanderbilt.edu
Hearing Manager	TitleIXHearings@vanderbilt.edu
Associate Vice Chancellor, Equity & Engagement	Equity@Vanderbilt.edu

Appendix B: Related Information and Policies

A. Vanderbilt Policies

- Vanderbilt Formal Grievance Protocol
- Vanderbilt Non-Discrimination Policy
- Faculty Manual
- Protection of Minors (POM) Policy
- Policy on Consensual and Familial Interpersonal Relationships
- Vanderbilt People Experience Policies
- Student Handbook

B. Other Information

- USDOE Office for Civil Rights Complaint Form
- Vanderbilt EthicsPoint Form
- 2022 Vanderbilt Police Annual Security & Fire Safety Report
- Vanderbilt Police Crime Victim Services