



Effective August 9, 2024¹

Student Discrimination Procedures

Scope of Procedures

These procedures outline the response to reports that a student, as defined in [Student Accountability Procedures](#) of the Student Handbook, engaged in discrimination, harassment, or retaliation as defined in the Student Discrimination Policy. These procedures apply to conduct that occurs on campus and conduct that occurs off-campus, including conduct in connection with University programs or activities or that otherwise interferes with or limits the ability of a member of the community to participate in or to receive benefits, services, or opportunities from the University's program or activities, regardless of whether the complainant is an affiliate of the University. The [Equal Opportunity and Access Office](#) (EOA) will address allegations of discrimination, harassment, or retaliation by a non-student in accordance with applicable University policies and procedures.

Reports of discrimination, discriminatory harassment, and retaliation based on sex or gender, including sexual orientation, gender identity, gender expression, pregnancy and related conditions, and parental status are addressed by Vanderbilt University's [Title IX Office](#). EOA will refer reports of sex or gender-based discrimination, harassment, and retaliation to the [Title IX Office](#).

EOA will apply the processes in the edition of this policy in effect on the date EOA receives the report of prohibited conduct as defined in the [Student Discrimination Policy](#) irrespective of the date the reported incident(s) occurred. EOA will apply the definitions, including for prohibited conduct (See the Student Discrimination Policy), in effect on the date of the alleged incident. For reported conduct that spans more than one policy's definitions, EOA will use the definitions section(s) of the relevant edition of the policy in effect at the time of the most recent alleged incident. Questions about the policy and its applicability to any alleged conduct may be directed to EOA.

With the exceptions set forth in this policy, reports of discrimination, harassment, and/or retaliation received by EOA will be addressed by EOA based on the information available. Reports that include multiple bases for alleged prohibited conduct will be addressed by the relevant offices on a case-by-case basis to determine how to proceed based on applicable policies and processes.

Vanderbilt encourages everyone affected by conduct prohibited under this policy, or who suspects or witnesses such conduct, to report the conduct to EOA and to seek help and support from available resources. The University will take prompt and effective action to address allegations of discrimination, harassment, and retaliation and to resolve reports in a timely and fair manner.

Reporting an Incident

Any person may report discrimination, discriminatory harassment, and/or retaliation (See Prohibited Conduct in the Student Discrimination Policy) to EOA. The University encourages community members to report violations of this policy as soon as possible after an incident, but violations may be reported at any time. If after reviewing the allegations EOA determines that a report should be addressed by another office, EOA will direct the person submitting the report to the appropriate office and will refer the matter to that office. To report to EOA, a person may do one or more of the following: (1) use the [Online Reporting Form](#); (2) [contact the office](#) via (email eoav@vanderbilt.edu), mail, or phone; or (3) visit the office in person.

¹ Vanderbilt will review, evaluate, and revise its policies and processes on an ongoing and as-needed basis.



When making a report, it is helpful to provide all known relevant information, including: what happened, where, and when; names of all involved persons, including witnesses who were present or have relevant knowledge; supporting documentation (such as videos, emails, photos, text messages, or messages through social media); any other information; and contact information. Everyone is encouraged to report Prohibited Conduct even if some or all relevant information is unavailable.

If the offense is criminal in nature, persons may also file a report with the Vanderbilt University Police Department (VUPD) or Metropolitan Nashville Police Department (MNPd).

Vanderbilt University Police Department

111 28th Avenue South
Nashville, TN 37212
615-322-2745
Emergency – 911 or 615-421-1911
<http://police.vanderbilt.edu/>

Metro Nashville Police Department Headquarters

200 James Robertson Parkway
Nashville, TN 37201
615-862-7400
Emergency – 911
<http://www.police.nashville.gov>

Civil or criminal proceedings are separate from the University administrative process described in this policy. The University may be required by law to provide information to civil or criminal authorities or in civil or criminal proceedings. The filing of a police report or the pendency of civil or criminal proceedings does not preclude EOA or any other department of Vanderbilt University from proceeding with its investigation and determination. The University's investigation and determination may be delayed until law enforcement officials have finished gathering evidence but generally will not be held until the conclusion of any criminal proceeding.

EOA will provide non-identifying information to VUPD for crime statistics reporting in accordance with the requirements of the Clery Act. The information reported may result in the issuance of a timely warning or security notice to the community, but the warning will not include any information that identifies the person(s) reported to have been subjected to discrimination, harassment, and/or retaliation.

Anonymous Reporting

Anonymous reports may be submitted through the [Online Reporting Form](#). In addition, Vanderbilt has established the Vanderbilt University Compliance Reporting Hotline, an independently operated compliance hotline that may be used to report incidents of possible wrongdoing on campus. The Compliance Reporting Hotline is available at (844) 814-5935, or via the Make a Report tab on the [EthicsPoint site](#). Please note that EOA's ability to investigate or to implement remedial actions may be more limited for anonymous reports.

Third-Party Reporting

Vanderbilt encourages third parties to report Prohibited Conduct to EOA, VUPD, or MNPd, as applicable. Third parties may also report incidents through the anonymous reporting resources identified above. After providing a report, third parties are not entitled to information about the University's investigation, including any outcome, due to privacy concerns and applicable federal and state laws.



Discrimination Process

Determining if an Investigation Will Proceed

When EOA receives a report of discrimination, harassment, or retaliation, EOA will contact the complainant to identify support resources and supportive measures and to offer the opportunity to schedule a meeting to discuss the allegations and the EOA investigative process. If a person chooses not to participate in an investigation, EOA may move forward based on the available information but Vanderbilt's ability to respond may be limited.

EOA will assess whether the alleged conduct, as reported, could constitute a violation of University policy. If EOA determines the alleged conduct, as reported, could not constitute a violation of University policy under its jurisdiction, it will notify the complainant(s) of its determination not to open an investigation. EOA may also refer the conduct to another office or official, including for review to determine whether the alleged conduct could violate another university policy.

The Director of EOA or designee has the discretion to administratively close an investigation before reaching a determination. The Director or designee will consider relevant factors, such as whether the allegations lack sufficient detail, whether the complainant has declined to participate in an investigation, and the effect of closing the investigation on the safety of the University community and the University's commitment to providing a non-discriminatory environment before deciding whether to administratively close an investigation. The Director or designee may also re-open an investigation based on a consideration of relevant factors, including, the time that has elapsed since the investigation was closed, any new or newly-identified information or allegations, and fairness to both parties.

The University will address all reports of prohibited conduct to the extent practicable under the circumstances, including instances for which there is not an identified complainant.

Notice of Allegations

If EOA determines that an investigation is appropriate, student respondents will receive a Notice of Allegations ("NOA") from EOA. The date the NOA is issued marks the official start of an investigation.

The NOA will identify the applicable University policies and state the allegations potentially constituting a policy violation. If at any point during the investigation, EOA decides to investigate allegations that are not included in the original NOA, it will provide a revised NOA to the respondent. EOA may contact the respondent for the purposes of obtaining or sharing information before issuing the NOA.

EOA will promptly notify the complainant of the issuance of the NOA to the respondent.

The Investigative Process

Students are expected to participate in investigations and proceedings occurring within the University's accountability system.

During the investigation, an EOA investigator will meet with the complainant and respondent, separately, to explain the role of EOA, the investigation and appeals procedures under this policy, and the available resources for assistance, including supportive measures that may be appropriate. Both the complainant and, in the event of an investigation, any respondent will have the opportunity to be accompanied by an adviser. Advisers must be Vanderbilt students, faculty members, or staff of the person's own choosing, to whom the person is not related, and who have not had formal legal training. Advisers to Vanderbilt Law School students are the only exception from the final requirement



regarding legal training; those advisers may have legal training but must otherwise meet the requirements for advisers.

During the investigation phase, the investigator will strive to collect all relevant information but cannot compel external sources to provide information they may have. Relevant information may include: the initial report, law enforcement investigation documents; medical records with the appropriate releases; relevant student files or records; electronic communication, such as text messages, emails, and messaging apps; internet or social media posts; screenshots; pictures; audio and video recordings; video surveillance; verbal or written statements; swipe records; and receipts. The investigator also may interview the complainant, the respondent, and any witnesses. The complainant and respondent will have the opportunity to provide information to investigator, including the names of people with relevant information. 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 cumulative, 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 otherwise inadmissible. As the investigation progresses, the investigator may conduct follow-up interviews as necessary. If the complainant or the respondent learns of, or recalls, additional information during the course of the investigation, that person should notify the EOA investigator promptly.

Persons are encouraged to exercise discretion in sharing information related to the investigation to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information with others, including those who may support or assist them during the process.

EOA will record and transcribe interviews conducted as part of an investigation. EOA will provide interviewees with a transcript of their interview for their review and for accuracy. The parties will have three business days to review and offer corrections to the transcript. If corrections are not submitted within three business days, the investigators will proceed with the transcript as drafted.

Before making a final determination, EOA will provide the respondent the opportunity to review evidence that may be used to determine whether the respondent engaged in prohibited conduct. EOA may redact non-party names and sensitive information from the evidence. The respondent may view the redacted information by scheduling an appointment with EOA. The respondent may submit written comments on the evidence.

Comments may not exceed 10 double-spaced pages, and pages must be formatted with one (1) inch margins and twelve (12) point font. Comments must be submitted either by hand delivery to EOA, 2100 West End Avenue, Suite 700, or by email attachment to the EOA investigator by no later than 5:00 p.m. on the tenth calendar day following the date the respondent receives the evidence. Requests for extensions must be submitted to the EOA investigator before to the expiration of the 10-day review period.

EOA will review comments to the evidence received from the respondent and will conduct any further investigation it considers necessary or appropriate. After the conclusion of any additional investigation, EOA will issue any additional evidence gathered to the respondent for review. The respondent will have an opportunity to submit a written response limited to the information added following the additional investigation and subject to the formatting and time periods identified for the initial review.

EOA may investigate and make findings of fact regarding possible violations of other University policies (e.g., policies outlined in the Student Handbook) by the parties to the investigation when



those violations are integral to the alleged violations of this policy.

Recordings

Interviews conducted as part of an investigation under this policy may be recorded by the University. Recordings not authorized by the University are prohibited.

Evidence Not Considered

The EOA Director or designee will decide in each case whether to receive evidence from experts or other witnesses. Polygraph evidence will not be considered. Evidence concerning the character of a party will not be considered.

Preservation of Investigative Materials

EOA will maintain materials obtained during the investigation in accordance with applicable record retention policies.

Determinations

Vanderbilt uses the preponderance of the evidence standard of proof to determine responsibility for violations of this policy. Proof meets the preponderance standard if EOA determines it is “more likely than not” that a respondent violated the policy.

Following the conclusion of the investigation and the respondent’s opportunity to respond to the information gathered, EOA will review all information and responses and will draft a final report that sets forth the determination as to whether the respondent engaged in prohibited conduct as set forth in the Student Discrimination Policy and the rationale for the determination. The final report will contain a summary of the evidence on which the final determination and any recommendations are based. The respondent’s response to the information gathered will be included with the final report. EOA may redact non-party names and sensitive information from the final report.

If EOA determines that there is no violation of the Student Discrimination Policy, EOA will provide the respondent with the final report noting the determination and inform the student they are not responsible. EOA will also send a determination notice to the complainant.

If EOA determines there is a Student Discrimination Policy violation, EOA will provide Student Accountability, Community Standards and Academic Integrity (Student Accountability) with a copy of the final report. Student Accountability will review the report and assess the nature of the violation in conjunction with the student’s disciplinary history to determine a sanction (as explained in Sanctioning below).

EOA may share information about a determination or recommendation with other appropriate offices or officials (e.g., Director of Student Accountability, Dean of the appropriate School) for follow-up. EOA will also forward a summary of any evidence it receives concerning possible violations of other policies to the office or department responsible for the enforcement of such policies, as appropriate.

Sanctioning

EOA will conduct an analysis of the evidence and make a determination of a violation of the Student Discrimination Policy. Where necessary, EOA may consult with Student Accountability regarding non-Student Discrimination violations. Where EOA determines there is a policy violation, Student Accountability will render a decision regarding sanctioning and, if appropriate, action plan



requirements. Student Accountability will determine the sanction based on the information contained in the EOA final report, with particular regard for the nature of the incident, the respondent's reported cooperation and candor, and the respondent's disciplinary history (if any).

Director Student Accountability (or designee) will issue an outcome letter on behalf of Student Accountability and EOA informing the student of the responsibility finding and sanction. This outcome letter will also include the final report. The respondent may view the redacted information in the final report by scheduling an appointment at EOA. EOA will send a determination notice to the complainant.

Appeals

Respondents may appeal the determination and sanction within ten (10) calendar days of the date they are formally notified of the sanction. Detailed information may be found in the [Appeals and the Appellate Review Board](#) section of the Student Handbook.

Supportive Measures

Supportive measures are non-disciplinary and non-punitive services 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 parties and Vanderbilt's educational or work environment, as well as to deter discrimination, harassment, and retaliation. Vanderbilt may facilitate reasonable supportive measures on its own initiative or in response to a request from a complainant or respondent. 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). Such measures will remain in effect as long as necessary, based on the relevant facts and circumstances.