



Formal Grievance Protocol

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

(34 C.F.R. § 106.45)

Effective August 14, 2023¹

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

A. Policy Applicability

Processes

The Title IX Office will apply the processes in the Policies in effect on the date the Title IX Office

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. Title IX - 2017 GP

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Vanderbilt

- c. 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.

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 II](#); 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 sign the Formal Complaint to continue to the 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 sign the Formal Complaint, 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 of the SMP](#), 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 for Human Resources or designee, in consultation with the Title IX Coordinator, will have authority to take action consistent with appropriate Human Resources 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 for Equal Access no later than 5:00 p.m.

If the Respondent wishes to challe

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. Advisers may not participate directly in interviews; they may be present solely to advise or support the Party and are prohibited from speaking directly to the Investigator. 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.

Parties may change Advisers during the resolution process but are limited to one Adviser at any time. Advisers are selected by the Parties (unless a Party lacks an Adviser at the time of a Hearing) to assist

conducted if the Investigator finds that the witnesses' statements would be unreasonably duplicative, if

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' statement.

Review of responses to the FIR;
Confirmation of the Advisers for each Party; **the**
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.

If the Respondent is a faculty member, the Decision Maker will be a Hearing Panel. The Hearing Panel will consist of an independent, third-party Hearing Officer, who will chair the Panel, rule on relevancy determinations, and direct the Hearing. Two faculty Hearing Panel members (selected by the Title IX Coordinator from among a pool of faculty members nominated by the Dean of each school), will attend the Hearing and participate in deliberations. The three Hearing Panel members will each have an equal vote.

For all other Respondents, the Decision Maker will be a single, independent, third-party Hearing Officer, who will direct the Hearing process.

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.

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 5:00 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, faculty member, coach, or other supervisor, as necessary and as soon as practicable, if attendance at the Hearing will conflict with other obligations.

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

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-

Removal from (or reassignment to a different role on) a project; and
Written reprimand.

Faculty Respondents

For faculty Respondents, the Respondent's Dean will determine the sanction after consultation with the Hearing Panel, and the sanction will be included in the written determination. Any sanction for a faculty Respondent will be generally consistent with other disciplinary decisions taken for similarly-situated faculty Respondents.

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

- Termination of employment;
- Reduction in salary and/or rank;
- Suspension;
- Probation;
- Mutual No Contact Directives;
- Campus restrictions;
- Revocation of Vanderbilt privileges;
- Required participation in educational programs;
- Removal from (or reassignment to a different role on) a project;
- A requirement to correct or retract publications affected by the findings of the investigation; or
- Written reprimand.

The Hearing Manager will send the appropriate Dean the written determination and will provide a copy of the written determination to the Provost, for Vanderbilt University-employed faculty, or to the Chancellor, for Vanderbilt University Medical Center-employed faculty. Vanderbilt will report the outcome of the investigation to external agencies, as required.

Remedies

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 Tf 95.Fg@ 0 0 612 792 re Wñ BT /TT1 12 Tf 380.65 604.2 Td (

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 or Appeals Panel 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. Neither an Appellate Officer nor an Appeals Panel may alter, or recommend altering, the determination unless, in the Appellate Officer's or Appeals Panel's assessment, the determination is clearly erroneous based on one or more of the permitted grounds.

The Hearing Manager will refer the appeal to an Appeals Panel in the case of a faculty Respondent or an Appellate

