

Student Handbook

2021-2022

FIRST EDITION

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Chapter 8: Student Discrimination

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Introduction

NOTE: During the 2021-2022 academic year, the University will be establishing and operating under guidelines and protocols to reduce the spread of COVID-19, which may change over time in light of the evolving nature of the pandemic. These

guidelines and protocols will be communicated to students through other mechanisms and not through the *Student Handbook*. Students are expected to abide by any and all University guidelines and protocols to reduce the spread of COVID-19. In some circumstances, these guidelines and protocols may supersede provisions in the *Student Handbook*.

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

Scope of Policy

This policy sets forth the specific types of conduct that are prohibited, as well as the resources and support services available to Vanderbilt community members who have been affected by conduct prohibited under this policy. Vanderbilt encourages everyone affected by discrimination, harassment, and/or retaliation as defined in this policy, and everyone who suspects or witnesses such conduct, to report it and to seek help and support from available resources. Note that sexual harassment and other forms of sexual misconduct are addressed in [Chapter 7 \(/student_handbook/sexual-misconduct/\)](/student_handbook/sexual-misconduct/), "Sexual Misconduct and Intimate Partner Violence." The University will take prompt and effective action to address allegations of discrimination, harassment, and/or retaliation and to resolve reports in a timely and fair manner.

This policy outlines the procedures that apply to allegations of prohibited conduct involving discrimination, harassment, and/or retaliation involving students, as defined in the [Jurisdiction \(/student_handbook/student-conduct/#jurisdiction\)](/student_handbook/student-conduct/#jurisdiction) section of Chapter 3 of the Student Handbook. It is applicable to all students in the Vanderbilt community, including student organizations, with respect 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 programs or activities, regardless of whether the complainant is an affiliate of the University. This policy applies to all reports of discrimination, harassment, and retaliation made on or after the effective date of this policy. If the alleged discrimination, harassment, or retaliation occurred before the effective date of this policy, applicable definitions of misconduct in University policies in existence at the time of the report will be used to the extent they conflict with definitions of terms in this policy.

The Equal Opportunity and Access Office (EOA) receives, directly or indirectly, all reports of discrimination, harassment, and/or retaliation involving students that are not made to a confidential resource (see below). 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. If a faculty or staff member or a postdoctoral fellow/trainee is a party to the investigation, EOA will investigate the matter in accordance with University policies and procedures. In circumstances of alleged discrimination, harassment, and/or retaliation by a University employee, EOA will respond in accordance with staff or faculty policies and procedures. Matters in which a staff or faculty member reports alleged discrimination, harassment, and/or retaliation by a student fall under this policy and procedure. EOA will coordinate with the Title IX Office regarding allegations of prohibited conduct that fall under both this policy and the Sexual Misconduct Policy and will work with the Title IX Coordinator to determine, on a case by case basis, how the offices will address the allegations.

Questions about the policy and its applicability to any alleged conduct may be directed to Vanderbilt's Director of Equal Opportunity and Access.

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Offenses and Definitions

The following conduct is prohibited:

- ⦿ **Discrimination** refers to the disparate treatment of a person or group because of that person's or group's membership in one or more protected classes, as outlined in the University's nondiscrimination policy, including race, sex, sexual orientation, gender identity, gender expression, religion, color, national or ethnic origin, age, disability, military service, covered veterans status, or genetic information. This policy also prohibits discrimination based on the perception that any person is a member of any of the foregoing protected classes or is associated with a person who has, or is perceived as having, membership in one or more of those protected classes. In determining whether discrimination occurred, EOA examines whether there was an adverse impact on the individual's work or education environment and whether individuals outside of the protected class received more favorable treatment. If there was an adverse impact on the individual's work or education environment, EOA considers whether there is a legitimate, nondiscriminatory reason for the action.
- ⦿ **Harassment** is unwelcome conduct directed against a person based on membership in one or more protected classes, as outlined in the University's nondiscrimination policy, which is sufficiently severe, pervasive, or persistent that it interferes with or limits an individual's education, living conditions, or participation in University programs or activities. Sexual harassment is addressed in [Chapter 7 \(/student_handbook/sexual-misconduct/\)](/student_handbook/sexual-misconduct/), "Sexual Misconduct and Intimate Partner Violence."
- ⦿ **Retaliation** is any adverse action threatened or taken, whether directly or through a third party, against another person because they have complained about, reported, or participated in the investigation or disposition of alleged discrimination, harassment, and/or retaliation. Retaliation in an effort to discourage a person from reporting or participating in a University process is also prohibited. The University will take appropriate action to address reports of retaliation by persons over which it has jurisdiction.

For purposes of this policy, the following terms and definitions will be used throughout:

- ⦿ **Report** is any complaint or information provided to EOA alleging an incident of discrimination, harassment, and/or retaliation.
- ⦿ **Complainant** is generally the person who is reported to have been subjected to discrimination, harassment, and/or retaliation; if the complainant is a student organization, a representative from the organization will be designated to represent the organization in the investigation process.
- ⦿ **Respondent** is the person against whom allegations of discrimination, harassment, and/or retaliation have been made; if the respondent is a student organization, a representative from the organization will be designated to represent the organization in the investigation process.

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Reporting an Incident

A student who believes that a member of the Vanderbilt community has engaged in prohibited discrimination, harassment, and/or retaliation may file a report with 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 EOA determines, based upon the nature of the allegations, that a report should be addressed by another department, EOA will direct the person submitting the report to the appropriate department and refer the matter to that department.

Requests for information, inquiries, or reports of possible violations of this policy should be directed to:

Equal Opportunity and Access Office

[\(615\) 343-9336](tel:6153439336)

eoainfo@vanderbilt.edu (<mailto:eoainfo@vanderbilt.edu>)

<mailto:eoainfo@vanderbilt.edu> [Online Reporting Form](https://vanderbilt.guardianconduct.com/incident-reporting/) (<https://vanderbilt.guardianconduct.com/incident-reporting/>)

Everyone is encouraged to report discrimination, harassment, and retaliation even if some or all relevant information is unavailable. When making a report, it is helpful to provide as much of the following information as possible: what happened, where, and

when; names of all parties involved, including witnesses who were present and/or have relevant knowledge; supporting documentation (such as videos, emails, photos, text messages, or messages through social media); any other information; and contact information.

If the offense is criminal in nature, persons may choose to file a report with Vanderbilt University Police Department (VUPD) or Metro Nashville Police Department (MNPD).

Vanderbilt University Police Department

111 28th Avenue South

Nashville, TN 37212

615-322-2745

Emergency – 911 or 615-42(1-1911)

<http://police.vanderbilt.edu/> (<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> (<http://www.police.nashville.gov>)

Vanderbilt encourages its students, faculty, staff, and postdoctoral fellows/trainees to report crimes to law enforcement. Civil or criminal proceedings are separate and distinct from the process described in this policy and may or may not run parallel with this process. 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

The University provides several resources for anonymous reporting for persons who do not wish to be identified. Submitting a report anonymously may limit EOA's ability to investigate and/or take remedial actions, particularly for remedial actions involving a respondent. Anonymous reports may be submitted through the [Online Reporting Form](https://vanderbilt.guardianconduct.com/incident-reporting/) (<https://vanderbilt.guardianconduct.com/incident-reporting/>). Students may also report anonymously to the Community Standards hotline at [615-343-7867](tel:6153437867). In addition, Vanderbilt has established a hotline for anonymous reporting through 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 24 hours a day, 7 days a week, 365 days a year, at [\(844\) 814-5935](tel:8448145935), or via the Make a Report tab on the [EthicsPoint](https://secure.ethicspoint.com/domain/media/en/gui/47676/index.html) site

(<https://secure.ethicspoint.com/domain/media/en/gui/47676/index.html>).

Third-Party Reporting

Vanderbilt encourages third parties to report incidents of discrimination, harassment, and/or retaliation to EOA, VUPD, or MNPD. Third parties may also report incidents through the anonymous reporting resources identified above. The University may not be able to move forward based on a third-party report if the complainant does not wish to cooperate with an investigation. 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.

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Investigations

Determining if an Investigation Will Proceed

Upon receiving a report of discrimination, harassment, and/or retaliation, EOA will reach out to the complainant and offer to schedule a meeting. EOA will determine whether the alleged conduct, as reported, could constitute a violation of the policy. The University will address all reports of discrimination, harassment and/or retaliation, to the extent practicable under the circumstances, including instances for which there is not an identified complainant. If EOA determines the alleged conduct, as reported, could constitute a violation of this policy, the office will notify the complainant(s) and the Office of Student Accountability, Community Standards, and Academic Integrity (Student Accountability) will notify any respondents, in writing, that EOA will proceed with an investigation. If a party chooses not to cooperate with an investigation, EOA may move forward based on the available information.

If EOA determines the alleged conduct, as reported, could not constitute a violation of the policy, it will notify the complainant(s) of its determination not to open an investigation. Regardless of whether an investigation is opened, the University may take action to mitigate the effects of conduct that is inconsistent with the University's values related to matters of discrimination and harassment and to prevent its recurrence. Such actions may include, depending on all of the relevant facts and circumstances, increased monitoring, supervision, or security at locations or activities where the alleged conduct occurred; providing training and education for students and employees; and revising and publicizing the University's policies on discrimination, harassment, and/or retaliation.

The Director of EOA or designee has the discretion to administratively close an investigation prior to a determination. In making the determination to administratively close an investigation, the Director or designee will consider relevant factors, including, but not limited to, 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 provide a non-discriminatory environment. The Director or designee may also determine to re-open an investigation based on a consideration of relevant factors, including, but not limited to, the time period that has elapsed since the investigation was closed and fairness to both parties.

Notice of Investigation

Following a determination by EOA to open an investigation with a student respondent, EOA will provide a summary of the allegations, either orally or in writing, to the Director of Student Accountability or a designee (collectively, Student Accountability). Student Accountability may request any additional relevant information obtained by EOA. Student Accountability will present to each respondent a written notice of investigation that outlines the potential violations of the policy and the range of possible sanctions. A notice of investigation may be modified at any point during the investigation based on information acquired during the investigation. Student Accountability will send a copy of the notice of investigation to EOA. EOA may contact the respondent for the purposes of obtaining or sharing information prior to the presentation of the notice of investigation. For faculty, staff, and postdoctoral fellow/trainee respondents, EOA will issue the notice of investigation to the respondent(s).

EOA will promptly notify the complainant of the issuance of the notice of investigation to the respondent.

The Investigative Process

After EOA has conducted an informational meeting with a complainant or respondent, that person will have the opportunity to be interviewed by the assigned investigator, typically at a separate time. During the informational meeting, an EOA staff member will explain the role of EOA, the options for reporting an incident, 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 have informational meetings with EOA and 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 has not had formal legal training (except for Vanderbilt University Law School students).

The complainant and respondent will have the opportunity to provide information regarding the allegations and offer names of witnesses or other people with relevant information. EOA will also seek to interview any other individuals who, in the investigators' judgment, may have information pertinent to the investigation. Investigators will collect from the complainant, respondent, witnesses, and third parties information that may be relevant. Student witnesses are strongly encouraged to

cooperate with EOA investigations. As the investigation progresses, investigators may conduct follow-up interviews with any person necessary. If the complainant or the respondent learns of, or remembers, any additional information during the course of the investigation, he/she/they should notify the EOA investigator promptly.

Individuals are encouraged to exercise discretion in sharing information 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 who may support or assist them during the process.

EOA will provide complainants and respondents a summary of their own interview for their review and approval. The parties will have three (3) business days to review and offer corrections to the summary. If comments are not submitted within three (3) business days, the investigators will proceed with the summary as drafted.

Prior to making a final determination, EOA will provide the respondent the opportunity to review the evidence that may be used to determine whether the respondent's conduct violated the policy. 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. Any such comments are limited to no more than ten (10) double-spaced pages with one (1) inch margins and twelve (12) point font and must be submitted either by hand delivery to EOA, 2100 West End Avenue, Suite 780, or by email attachment to EOA investigators by no later than 5pm on the tenth (10th) calendar day following the date the respondent receives the evidence. Requests for extensions must be submitted to EOA prior to the expiration of the ten-day period.

EOA will consider any comments received from the respondent after reviewing the evidence and will conduct any further investigation it considers necessary or appropriate. After the conclusion of any additional investigation, EOA will issue any additional evidence 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.

EOA may investigate and make findings of fact regarding possible violations of other University policies (i.e., policies outlined in the Student Handbook, HR policies, and Faculty Manual) by the parties to the investigation when those violations are integral to the alleged violations of this policy. The relevant information and findings will then be shared with Student Accountability or the appropriate department or school for further action. If the conduct complained of involves a possible violation of another University policy that EOA determines is not integral to a violation of this policy, EOA will refer the report to the department or school responsible for investigating and/or resolving such reports. If EOA receives information about a possible violation of University policy by a non-party, EOA will refer the report to the department responsible for investigating and/or resolving such reports. If the report does not allege conduct that violates any University policy, the matter will be closed.

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 Director or designee will decide in each case whether to receive evidence from experts or other witnesses. Under no circumstances, however, will polygraph evidence be considered. Evidence concerning the character of a party will not be considered.

Standard of Proof

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.

Determinations

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 issue a final report that sets forth (a) EOA’s determination, along with its rationale for reaching the determination, based on a preponderance of the evidence, whether the respondent engaged in discrimination, harassment, and/or retaliation, as described in the notice of investigation, in violation of this policy, and (b) if appropriate, any relevant

recommendations. The final report will contain a summary of the evidence on which the final determination and any remedial or other recommendations are based and will address, to the extent EOA considers appropriate, any comments received from the respondent concerning the evidence. The comments from the respondent will also be attached to the final report. EOA may redact non-party names and sensitive information from the final report. The respondent may view the redacted information by scheduling an appointment at EOA. Information about a determination and/or recommendation can be shared with appropriate offices (e.g., Director of Student Accountability, Dean of the appropriate School, appropriate supervisor/manager and Human Resources consultant, etc.) for sanctioning, referrals, and appropriate follow up. EOA will also forward a summary of any evidence it received concerning possible violations of other policies to the office or department responsible for enforcement of such policies, as appropriate. EOA will provide its final report to the respondent and a determination notice to the complainant.

Sanctioning

Where the respondent is a student and EOA has determined that the respondent violated this policy, Student Accountability will review EOA's final report and will render an appropriate sanction. If, upon reviewing the materials, Student Accountability requires clarification or additional information from EOA before rendering a sanction, Student Accountability may request such clarification or additional information from EOA. The sanctioning determination will be made based on the information contained in the EOA investigative 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).

Student Accountability will notify respondents, in writing, of the sanction imposed following the issuance of the final report. Detailed information regarding sanctioning may be found in [Chapter 3 \(/student_handbook/student-conduct/\)](/student_handbook/student-conduct/) of the Student Handbook.

Other Remedial Actions

EOA may determine reported conduct does not rise to the level of violating this policy, but is otherwise inconsistent with the University's values. This determination may be made before an investigation is opened or when an investigation will not be opened, or at the conclusion of an investigation. As a result of this determination, the University may take

action to mitigate the effects of the conduct and to prevent its recurrence. Depending on all of the relevant facts and circumstances, such actions may include, but are not limited to: increased monitoring, supervision, or security at locations or activities where the alleged conduct occurred; providing mandated training and education for students and/or employees, including tailored requirements for the identified respondent(s); and revising and publicizing the University's policies on discrimination, harassment, and/or retaliation. This determination cannot be appealed. If retaliatory behavior occurs after the issuance of this determination, either party may bring a complaint under this policy.

Preservation of Investigative Materials

Materials obtained by EOA during the investigation will be maintained by EOA for at least seven (7) years from the date of closure of the matter, except in cases of suspension of expulsion in which the materials may be kept indefinitely.

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Appeals

Respondents may appeal the determination of EOA and/or the sanction rendered by Student Accountability 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 \(/student_handbook/student-conduct/#appeals-and-the-appellate-review-board\)](#) section of the Student Handbook.

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Resources and Support

Any member of the Vanderbilt community who has experienced or been affected by discrimination, harassment, and/or retaliation may seek immediate and ongoing assistance from one or more of the resources outlined below.

Support for Vanderbilt Students

- ⊙ Vanderbilt University Counseling Center: [615-322-2571](tel:615-322-2571) (CONFIDENTIAL)
- ⊙ Vanderbilt Office of the University Chaplain and Religious Life: [615-322-2457](tel:615-322-2457) (CONFIDENTIAL)
- ⊙ Office of Equity, Diversity, and Inclusion: [615-343-2644](tel:615-343-2644)
- ⊙ Office of Inclusive Excellence: [615-343-3697](tel:615-343-3697)
- ⊙ Office of the Dean of Students: [615-322-6400](tel:615-322-6400)
- ⊙ Office of Housing and Residential Experience: [615-322-2591](tel:615-322-2591)
- ⊙ Office of Student Care Coordination: [615-343-9355](tel:615-343-9355)
- ⊙ Center for Student Wellbeing: [615-322-0480](tel:615-322-0480)
- ⊙ Margaret Cuninggim Women's Center: [615-322-4843](tel:615-322-4843)
- ⊙ Office of LGBTQI Life: [615-322-3330](tel:615-322-3330)
- ⊙ Bishop Joseph Johnson Black Cultural Center: [615-322-2524](tel:615-322-2524)
- ⊙ Student Center for Social Justice and Identity: [615-322-5089](tel:615-322-5089)
- ⊙ Student Access: [615-343-9727](tel:615-343-9727)

Law Enforcement

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

Medical Service Providers (CONFIDENTIAL)

- ⊙ Vanderbilt University Medical Center Emergency Services: [615-322-0160](tel:615-322-0160)
- ⊙ Student Health Center: [615-322-2427](tel:615-322-2427)

NOTE: Confidential resources do not report any information about an incident to EOA without the permission of the person consulting them. Under state or federal law, confidential resources may have other reporting obligations. For example, healthcare providers and certain other individuals are required to notify law enforcement when someone seeks treatment for injuries caused by a violent crime. Similarly, all persons are required to notify law enforcement or the Department of Children's Services (DCS) when

they receive a report of abuse of a minor. Anyone who reports information about an incident to a confidential resource may later decide to make a report to a non-confidential resource, such as EOA or law enforcement.

Supportive Measures

Vanderbilt may facilitate reasonable supportive and protective measures on its own initiative or in response to a request from a complainant or respondent. Supportive measures are not punitive and are intended to provide support and relief to the parties involved in or affected by discrimination, harassment, and/or retaliation. Implementation of supportive measures, however, may affect one or more involved individuals. Such measures will remain in effect as long as necessary, depending on the relevant facts and circumstances.

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[Submit Comments \(mailto:deanofstudents@vanderbilt.edu?subject=Student%20Handbook\)](mailto:deanofstudents@vanderbilt.edu?subject=Student%20Handbook)

[Connect with Vanderbilt \(http://social.vanderbilt.edu\)](http://social.vanderbilt.edu)

Your Vanderbilt

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[Faculty & Staff \(/faculty-staff/\)](/faculty-staff/)

[International Students \(/isss/\)](/isss/)

[Media \(http://newsbeta.vanderbilt.edu/for-media/\)](http://newsbeta.vanderbilt.edu/for-media/)

[Parents & Family \(/families/\)](/families/)

[Prospective Students \(/prospective/\)](/prospective/)

[Researchers \(/academics/research/\)](/academics/research/)

[Sports Fans \(http://www.vucommodores.com\)](http://www.vucommodores.com)

[Visitors & Neighbors \(/community/\)](/community/)

How to Be A Champion (Vanderbilt Institutional Spot)



Popular Now

[Commencement](http://www.vanderbilt.edu/commencement/) (<http://www.vanderbilt.edu/commencement/>)

[Rites of Spring](http://www.vanderbilt.edu/ros/) (<http://www.vanderbilt.edu/ros/>)

[THE PARTY](http://www.vanderbilt.edu/commencement/graduates/the-party/) (<http://www.vanderbilt.edu/commencement/graduates/the-party/>)

[Find a Job](http://www.vanderbilt.edu/work-at-vu/) (<http://www.vanderbilt.edu/work-at-vu/>)

[Contact Us](http://www.vanderbilt.edu/about/contact/) (<http://www.vanderbilt.edu/about/contact/>)

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(Division of Communications) (<https://web.vanderbilt.edu/>)

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