Memorandum

Date: August 13, 2020

To: Daniel Diermeier, Chancellor

From: Susan R. Wente, Provost and Vice Chancellor for Academic Affairs

RE: Notification of Interim Change: Nondiscrimination, Disciplinary Actions, Faculty Grievances

I am writing to respectfully request an interim change to the faculty manual as specified in the process governing amendments (Part I, Chapter 5 of the Faculty Manual). The interim change relates to Nondiscrimination (Part III, Chapter 2), Disciplinary Actions (Part IV, Chapter 1) and Faculty Grievances (Part IV, Chapter 2). These changes must be implemented immediately in order for the University to comply with the new Title IX regulations that will go into effect on August 14, 2020.

Interim Changes to Faculty Manual. Part I, Chapter 5 of the Faculty Manual allows the Chancellor to make interim changes to the Faculty Manual or designate another officer to do so when necessary due to changes in laws or regulations. In conjunction with the interim changes, there will be an indication on the Faculty Manual website that the matter is under review. By the effective date of August 14, 2020, the Department of Education’s regulations under Title IX of the Education Amendments of 1972 require that changes be made to the Faculty Manual.

Nondiscrimination (Part III, Chapter 2). There are several parts of this section that must be changed.

Nondiscrimination Statement (Part III, Ch. 2, A). VU must update language that identifies where individuals should direct reports and complaints based on Title IX, as well as updating the specific contacts, as follows:

Requests for information, inquiries or complaints should be directed to these offices:

- Complaints of sexual misconduct, including sexual harassment and related retaliation, should be directed to the Title IX Office. Telephone 615-343-9004
- Student Access receives student requests for accommodations, studentaccess@vanderbilt.edu; Telephone 615-343-9727
- The Equal Opportunity and Access Office (EOA Office) receives all other complaints of discrimination, harassment, retaliation, and requests for accommodations. Telephone: 615-343-9336
**Definition of Sexual Harassment (Part III, Ch. 2, D: 1).** This section of the Faculty Manual contains a definition of sexual harassment under both Title VII and Title IX. The paragraph that describes sexual harassment under Title IX must be changed to be consistent with the final regulations, which contain a narrower definition. The new language for Title IX will state as follows:

“Sexual harassment” is defined under Section 106.30 of the USDOE regulations implementing Title IX as conduct on the basis of sex that satisfies one or more of the following:

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

**Complaint Procedure (Part III, Ch. 2, D: 3).** This section also needs to be revised due to the Title IX regulations, to reflect the offices’ related realignment of the responsibilities for complaints. The current paragraph will be replaced with the following language:

*Any member of the University community who experiences sexual misconduct, including sexual harassment or related retaliation, should immediately seek assistance through the Title IX Office, which addresses complaints involving faculty, staff, postdoctoral fellows/trainees, or students. The Equal Opportunity and Access Office (EOA Office) receives all other complaints of discrimination, harassment, and retaliation raised by faculty, staff, postdoctoral fellows/trainees, or students, and, where possible, assists in the resolution of those complaints.*

*To the extent that allegations include sexual harassment as defined under Section 106.30 of the USDOE regulations implementing Title IX, procedural requirements under Title IX will be followed at appropriate points in the process.*

**Disciplinary Actions (Part IV, Chapter 1).** The following language should be added as a second paragraph in footnote 2 as follows:

*To the extent that allegations include sexual harassment as defined under Section 106.30 of the USDOE regulations implementing Title IX, procedural requirements under Title IX will be followed at appropriate points in the process.*

**Faculty Grievances (Part IV, Chapter 2).** Section A and Section B both have language that allows grievances to be brought that raise “complaints of a civil rights nature, including those of race or sex discrimination” (Section A) and “legal obligations with
respect to nondiscriminatory treatment on the basis of race, sex, or other prohibited factors” (Section B).

Section A Grievances. Section A Grievances are designed to allow faculty to raise issues concerning their own reappointment, tenure, or promotion. Accordingly, the Section A Grievances procedure does not have to be changed to comply with the Title IX regulations.

Section B Grievances. For Section B grievances, the same footnote that is being added to footnote 2 in Disciplinary Actions above should be added in this section at the end of the first paragraph.

cc: Catherine McTamaney, Chair, Faculty Senate Ruza Shellaway, Vice Chancellor, General Counsel, and University Secretary