Information for Student Respondents – Sexual Misconduct

This handout provides an overview of the investigation procedures and reporting process. You will be given a copy for your records. You can email Sarah Rankin, SRankin@mit.edu, with questions at any point throughout the process.

We are neutral. The Investigator does not take sides. We are committed to providing a fair and unbiased review, and our investigations are focused on the information available. We also help Complainants and Respondents by providing information about support and advocacy services.

Advisor. The Respondent may bring an advisor of their choosing, including an attorney, with them to any meetings, interviews, or hearings. We request that the Respondent please let us know in advance if they will be doing so. Advisors may assist in preparing the case and in accompanying the party in an interview or hearing but are not allowed to prepare material or answer questions on behalf of the Respondent. There are individuals within the Institute who have received training on the policies and procedures of Title IX investigations who may be available to act as your advisor. The Title IX Coordinator can provide you with more information about seeking an advisor.

Understanding the complaint. The first step the Investigator takes in an investigation is to gather information about the complaint. This usually involves interviewing the Complainant and gathering all information the Complainant has, including documentation and names of witnesses, if any. Complainants and Respondents are strongly encouraged to share all information they have regarding the matter.

Confidentiality/Anonymity. Complainants frequently want to know if the Respondent will be told they initiated a complaint. Respondents are provided enough information about the allegations to allow them a fair opportunity to respond, and the level of detail necessary to do that varies depending on the circumstances surrounding the incident.

Interviewing the Respondent. After the Investigator understands the nature and scope of the complaint, the Respondent is asked about the allegations and given a full and fair opportunity to respond. The Respondent is also asked to provide any documentation and identify witnesses relevant to the complaint. The Complainant is not present during the Respondent’s interview and vice versa. If either party declines to participate in the investigation process, the disciplinary process will continue with the information available.

Lack of Participation of Complainant or Respondent. If either party declines to participate in the investigation process, the investigation will continue with the information available. Even without the participation of the Complainant or Respondent, the Institute may still elect to move forward with the disciplinary process depending on the specifics of the case. The Institute will generally not defer disciplinary proceedings until after the conclusion of parallel criminal proceedings.

Gathering other information. The Investigator interviews witnesses and reviews all documentation deemed relevant to the situation. The Investigator may also contact the Complainant and Respondent with additional questions or to request additional information.

Review of Investigation Summary. If the Investigator determines that a written Investigation Report will be produced, the Complainant and Respondent will typically be provided with a written summary of the statement of each person interviewed (Complainant, Respondent and other witnesses) and documentation or other information reviewed by the Investigator. To ensure accuracy, the Complainant and Respondent are given the opportunity to provide clarifying comments on the summary. The Investigator reviews the comments submitted by the parties, if any, and determines whether the report should be modified.

Outcome. After receiving the Complainant’s and Respondent’s comments, if any, the Investigative Report summarizing all relevant information is shared with the Office of Student Conduct and the Committee on Discipline (COD). The COD will review the case in accordance with its rules to determine whether there was a policy violation and, if so, the appropriate sanction. The COD’s review may include meeting with the Complainant and the Respondent and/or holding a hearing. The results of the COD process will be shared with both the Complainant and the Respondent. Staff from the Office of Student Conduct will provide information about the COD process, possible consequences, and other assistance as you interact with MIT’s discipline process. Please feel free to contact the Office of Student Conduct to set up an appointment at 617-258-8423 or citizenship@mit.edu if you have any questions about the resolution process for your case.
Privacy. To the extent provided under applicable law, MIT will make all reasonable efforts to ensure preservation of privacy, restricting the sharing of information to those with a legitimate need to know. Information collected in this process may be subpoenaed in criminal or civil proceedings.

Retaliation. The Institute strongly prohibits retaliation. Complainants, Respondents, and witnesses are protected from any form of retaliation for engaging and/or participating in the investigative process. As the Respondent, you are directed to ensure that your actions, either directly or indirectly, do not constitute retaliation against those who have exercised their rights under MIT policy or who have participated in the investigative process. Anyone responsible for retaliation or threats of retaliation, whether that person is the Respondent, someone affiliated with the Respondent (i.e. a friend or family member), or any other party, will be subject to disciplinary action by the Institute.

Contact Between the Parties During an Investigation. During the investigation and resolution process, we request that the Complainant and Respondent refrain from contact, direct or indirect, with each other in order to protect the integrity of the process and help ensure that the process remains prompt and equitable.

Resources for support. The Institute offers a variety of support services to students.

Confidential Resources: “I want to think through my situation with someone who can keep my information as confidential as possible.”
- Mental Health and Counseling: 617-253-2916/ 617-253-4481 (nights/weekends)
- MIT Medical: 617-253-1311
- Ombuds Office: 617-253-5921
- Chaplains at MIT: http://studentlife.mit.edu/rl/mit-chaplains

Private Resources: “I need to confide in someone and it is okay if that person needs to tell the Title IX Coordinator.”
- Student Support Services (for undergraduates): 617-253-4861
- Office of the Dean for Graduate Education: 617-253-4860

A complete list of on and off campus resources is available at http://titleix.mit.edu or the Title IX Coordinator can provide additional information, as needed.

Reasonable Accommodations. We want all students to be able to fully access the Title IX process and resources. Please contact the Title IX Coordinator if you need an accommodation based on a disability.

More information. If you have any other questions about the investigation or investigation process, please do not hesitate to contact the staff member investigating your case.

________________________________________   ______________________________________
Respondent’s Name (please print)     Signature

_____________________
Date

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