Guide to MIT’s Investigation and Resolution Process
For Student Cases of Gender-Based Discrimination
Sexual Misconduct, Intimate Partner Violence, Stalking, and/or Gender-Based Bullying or Hazing
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Table of Contents

I. Introduction .................................................................................................................. 2

II. Definitions .................................................................................................................... 3

III. Reporting .................................................................................................................... 3

IV. Initial Assessment ....................................................................................................... 4

V. Interim
   Actions/Measures ........................................................................................................ 5

VI. Confidentiality, investigation not be pursued, or no disciplinary action be taken ....... 5
   A. Determination that a request can be honored ....................................................... 6
   B. Determination that a request cannot be honored ............................................... 6

VII. Investigation and Case Resolution ............................................................................ 7
    A. Informal Resolution ............................................................................................... 7
    B. Formal Investigation and Resolution .................................................................. 7

VIII. Allegations Against Former Students and Former Student Organizations ............ 16
I. Introduction

The Massachusetts Institute of Technology is committed to the principle of equal opportunity in education and employment. The Institute does not discriminate against individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, or national or ethnic origin in the administration of its educational policies, admissions policies, employment policies, scholarship and loan programs, and other Institute administered programs and activities, but may favor US citizens or residents in admissions and financial aid. MIT’s full non-discrimination policy can be found at [http://web.mit.edu/referencepubs/nondiscrimination/](http://web.mit.edu/referencepubs/nondiscrimination/). In addition, MIT has policies prohibiting various forms of sexual misconduct, intimate partner violence, and stalking. These policies can be found at [http://titleix.mit.edu/students/policies](http://titleix.mit.edu/students/policies).

This guide is intended to provide an overview of MIT’s process for investigating and resolving complaints of gender-based discrimination made against MIT students (or former MIT students for conduct that occurred while they were still a student) and student organizations, including sexual misconduct, sexual harassment, intimate partner violence, stalking, and gender-based bullying or hazing.

As described below, this process can in some circumstances lead to proceedings before MIT’s Committee on Discipline (COD). Any such proceedings will be conducted in accordance with the COD Rules and Regulations (COD Rules) in effect at the time of the alleged conduct, which can be found at [http://cod.mit.edu/rules](http://cod.mit.edu/rules).

Complaints of gender-based discrimination made against an employee of the Institute, including faculty and staff, will be resolved in accordance with MIT’s Complaint Resolution Policies and Procedures, which can be found at [https://policies.mit.edu/policies-procedures/90-relations-and-responsibilities-within-mit-community/98-complaint-resolution](https://policies.mit.edu/policies-procedures/90-relations-and-responsibilities-within-mit-community/98-complaint-resolution).

If there is a question as to the predominant role of the Respondent, the Institute’s Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the prohibited conduct). Further, where a Respondent is both a student and an employee, the Respondent may be subject to any of the sanctions applicable to students or employees.

Although this guide is intended to accurately state MIT policy and the COD Rules, both are subject to change without notice. In the event of any discrepancy, the provisions of MIT policy or the COD Rules will prevail over this guide.
II. Definitions

Complainant: In this process, the person alleging a violation of Institute policy is referred to as the Complainant.

Respondent: In this process, the person who is alleged to have violated Institute policy is referred to as the Respondent.

III. Reporting

The Institute encourages anyone who experiences or becomes aware of an incident of gender-based discrimination to immediately report the incident to the Institute by notifying the Institute Title IX Coordinator or any Deputy Title IX Coordinator:

- **Sarah Rankin, Title IX Coordinator**
  120 Massachusetts Ave., Cambridge MA 02139
  Building W31-223
  srankin@mit.edu
  (617) 324-7526
- See MIT’s Title IX website [https://titleix.mit.edu/about/staff](https://titleix.mit.edu/about/staff) for a complete list of Deputy Title IX Coordinators and contact information.

A Complainant may choose to make a report to the Institute to pursue resolution under this process and may also choose to make a report to law enforcement; both options may be pursued simultaneously. A Complainant who chooses to pursue possible criminal action can contact law enforcement directly. An advocate from Violence Prevention & Response (VPR) is available to assist in contacting law enforcement (VPR’s 24-hour hotline is 617-253-2300). Law enforcement can be contacted at the following numbers:

- 911 (for emergencies)
- MIT Police (617-253-1212 or 100 from any MIT phone)
- Boston Police Department (617-343-4400)
- Cambridge Police Department (617-349-3381)

The Institute also offers access to confidential resources for individuals who are unsure about whether to make a report or are seeking counseling or other emotional support. See MIT’s Title IX website [https://titleix.mit.edu/students/resources](https://titleix.mit.edu/students/resources) for a complete list of campus and community resources. Except in serious emergencies, confidential resources will not report an incident to the Title IX Coordinator without the consent of the reporting party.
Complainants are entitled to receive information, assistance, and a broad range of support and remedial measures regardless of whether they choose to pursue criminal and/or Institute disciplinary resolution. See section V for a list of interim actions/measures and remedies.

IV. Initial Assessment of Reports Concerning Gender-Based Discrimination

Upon an initial report to the Title IX & Bias Response Office claiming gender-based discrimination, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. In this initial assessment, the Title IX Coordinator will:

A. Assess the Complainant’s safety and well-being and offer the Institute’s immediate support and assistance;
B. In cases involving recent physical or sexual assault, inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
C. In cases involving allegations of criminal conduct, inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a court ordered protective order;
D. Assess the information provided regarding the gender-based discrimination, including whether it provides the names and/or any other information that personally identifies the Complainant, the Respondent, any witness, and/or any other third party with knowledge of the reported incident;
E. Inform the Complainant about Institute and community resources, the right to seek appropriate and available interim actions/measures, and how to request those resources and measures;
F. Inform the Complainant of formal and informal resolution options; determine the Complainant’s expressed preference at this time for pursuing informal resolution, formal resolution, or neither; and discuss with the Complainant any concerns or barriers to participating in any Institute investigation and resolution under this process;
G. Explain the Institute’s prohibition against retaliation and that the Institute will take prompt action in response to any act of retaliation;
H. Ascertain the ages of the Complainant and the Respondent, if known, and, if either of the parties is a minor (under 18), determine whether to contact the appropriate child protective service agency; and
I. Assess the information provided to determine if it triggers any Clery Act obligations and, if so, submit a Clery Report Form to MIT Police.
V. Interim Actions/Measures

The Title IX Coordinator (or designee) may take interim actions/measures intended to address the short-term effects of harassment, discrimination, and/or retaliation. In order to respect the privacy of the parties, the Institute will limit providing notification of interim actions/measures to those who need to know to implement, or are otherwise affected by, the actions. Depending on the circumstances, these interim actions may be available regardless of whether a Complainant files a formal complaint.

Individualized services may be offered as appropriate to either or both the Complainant and Respondent prior to an investigation or while an investigation is pending.

Interim actions/measures will be evaluated on a case-by-case basis and may include, but are not limited to:

- Referral to counseling and health services
- Altering the housing situation of the Respondent or the Complainant, if desired and if such changes are reasonably available
- Altering work arrangements
- Providing campus escorts
- Restricting access to certain areas of campus
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.
- Providing academic support and assistance
- Assisting with Visa or immigration status concerns
- Education to the community
- Leaves of absence
- Increased security and monitoring of certain areas on campus

The Institute Title IX Coordinator will fairly assess the need for a party to receive interim actions/measures and will ensure that any measure is individualized and appropriate based on the information gathered. The Institute Title IX Coordinator will communicate with the Complainant and the Respondent throughout the investigation to ensure that any interim actions/measures are necessary and effective based on the parties’ evolving needs.

As set forth in the COD Rules, among other interim measures, the Institute may occasionally be required to take immediate action in order to protect the health, safety, wellbeing, or educational or working experience of students, employees, or the broader MIT community; to maintain academic integrity; to uphold Institute values; to end ongoing or prevent further misconduct; to separate individuals involved in a case; or for other similar reasons. To that end, the Institute
reserves the right to take any interim or permanent administrative action that it deems necessary and appropriate under the particular circumstances. Possible measures include without limitation interim suspension of a student from the Institute, interim suspension of a student organization, temporary or permanent removal of a student from MIT housing or relocation to another room or residence hall, restrictions on student organization or residence hall activities, no-contact orders, restricting a student's access to certain campus locations, or changes to academic or work schedules.

VI. Requests for confidentiality, that an investigation not be pursued, and/or that no disciplinary action be taken

If a Complainant requests that concerns raised remain confidential, MIT will make all reasonable attempts to comply with this request consistent with and subject to the Institute’s obligation to respond to complaints of this nature. Accordingly, other than a medical or mental health clinician at MIT Medical, Victim Advocate in Violence Prevention & Response, Chaplain, or Ombuds, all of whom serve as “confidential resources,” no representative of MIT can promise complete confidentiality to any person who possesses information relevant to an incident of sexual misconduct, including to a Complainant. The Title IX Coordinator will advise an individual requesting confidentiality that complying with such a request may limit the Institute’s ability to respond to the complaint.

MIT will weigh a Complainant’s request for confidentiality with its commitment to provide a reasonably safe and non-discriminatory environment and will consider a range of factors in determining whether it can maintain confidentiality. These factors include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., whether there have been other sexual violence complaints about the same alleged perpetrator; whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, whether the alleged perpetrator threatened further sexual violence or other violence against the student or others, and whether the sexual violence was committed by multiple perpetrators) or an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the student’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group. Other factors include whether the sexual violence was perpetrated with a weapon; the age of the student subjected to the sexual violence; and whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

A. Determination that a Complainant’s request can be honored

1 The range of factors described here are consistent with those identified by the U.S. Department of Education, Office for Civil Rights, in its “Questions and Answers on Title IX & Sexual Violence” dated April 29, 2014.
When the Title IX Coordinator determines that a Complainant’s request for confidentiality, that an investigation not be pursued, and/or that no disciplinary action be taken can be honored, the Institute may still take other appropriate steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and/or the community. Those steps may include offering appropriate accommodations to the Complainant, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances as determined by the Title IX Coordinator.

B. Determination that a Complainant’s request cannot be honored

When the Title IX Coordinator determines that a Complainant’s request for confidentiality, that an investigation not be pursued, and/or that no disciplinary action be taken cannot be honored, the Title IX Coordinator may initiate a formal investigation and resolution process, although the Institute’s ability to meaningfully investigate and respond to a report may be limited.

The Title IX Coordinator will make reasonable efforts to protect the identity of the Complainant. However, actions that may be required as part of the Institute’s investigation will involve speaking with the Respondent and others who may have relevant information, in which case the Complainant’s identity may have to be disclosed. In such cases, the Title IX Coordinator or designee will notify the Complainant that the Institute intends to proceed with an investigation, but that the Complainant is not required to participate in the investigation or in any other actions undertaken by the Institute.

VII. Investigation and Case Resolution

After the Initial Assessment described in section IV, a Complainant may choose to pursue an informal resolution or a formal investigation and resolution.

A. Informal Resolution

An informal resolution is an alternate mechanism that is available to a Complainant who is interested in exploring the possibility of resolving their concerns informally or without filing a formal complaint. The Title IX & Bias Response Office will provide information about possible options for resolution, and will help facilitate any necessary follow up. Various informal resolution mechanisms are available, including: interim actions/measures, targeted or broad-based educational training, tracking for broader trends (for example, information used to flag potential areas of campus, environments, or times of year that may need attention or prevention programming).
B. Formal Investigation and Resolution

If the Title IX Coordinator believes that the information alleged by the Complainant is sufficiently serious, and after hearing the options the Complainant wishes to pursue a formal resolution, or if the Institute, based on the nature of the alleged policy violation and risk to the community, decides to pursue a formal resolution, the Title IX Coordinator will direct at least one trained Investigator to conduct a preliminary assessment of the complaint (described in subsection (b) below). If the Investigator believes that the allegation warrants further review, the Investigator(s) will conduct a full, thorough, prompt, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, sexual misconduct, intimate partner violence, and stalking. Procedures have been developed to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of Complainants and the campus community while promoting accountability. Generally, investigations will proceed as follows, but every case is different and investigations may be tailored to the specifics of each case.

a) Notice of Investigation. Within the first 1-3 days of the investigation, the Title IX Coordinator or designee will notify the Complainant and the Respondent, in writing (either by mail, email, or in person), of the commencement of the investigation. Students who may need an accommodation based on a disability to participate in the investigation are encouraged to notify the Title IX Coordinator as soon as possible. The Notice of Investigation will: (1) identify the Complainant and the Respondent (if known); (2) specify the date (or range of dates if applicable), time (if known), location, and a description of the alleged conduct allegedly constituting the potential violation; (3) identify specific potential policy violations; (4) identify the Investigator(s); (5) explain the prohibition against retaliation; (6) instruct the parties to preserve any potentially relevant evidence in any format; (7) provide links to or a copy of the COD rules, the Mind and Hand Book, any relevant policies, and this guide; (8) inform the parties of available Interim Actions/Measures included in Section V; and (9) offer the Respondent the opportunity to meet with the Investigator.

b) Preliminary Assessment. Ordinarily within the first 3-5 days of the investigation, the Investigator will conduct a preliminary assessment of the complaint. If the Investigator believes that the information alleged by the Complainant would constitute a violation of MIT policy if it is true, the Investigator conducts a full investigation. If the Investigator believes that the information alleged by the Complainant would not constitute a violation of policy, even if all allegations in the complaint are assumed to be true for the sake of this analysis, the Investigator presents a written summary of the case to the Chair of the COD and recommends dismissal. If the Chair agrees with the Investigator’s assessment, the Chair dismisses the case and there is no further investigation. If the Chair disagrees
with the Investigator’s assessment or feels that more information is needed, the Chair directs the Investigator to conduct a full investigation. The Investigator’s written summary may also identify other possible policy violations for consideration by the Chair of the COD.

c) Participation by the Parties. The investigation is a neutral fact-gathering process. The Complainant, the Respondent, and all witnesses are expected to participate in good faith in the Institute’s investigation, and they may be required by the Institute to attend meetings related to the process. Participation in the process (providing information to the Investigator(s), responding to questions from the Investigator(s), responding to information provided by a party or a witness, etc.) is not required, but the investigation will proceed even if a party or witness declines to participate.

During the investigation, the parties will have an equal opportunity to participate as described in subsection (f) below. If a party initially declines but then later in the investigation decides to participate, the Investigator(s) and the COD may consider that timing when determining the credibility of the information/evidence offered and the weight to give that information/evidence.

As stated in the COD Rules, in general, a complainant, witness, or respondent who had the opportunity to participate during the investigation but elected not to participate will not be permitted to participate verbally in the hearing or submit documents prior to the hearing. The COD Chair may permit a complainant, witness, or respondent who did not participate in the investigation to participate in the hearing upon a showing of good cause. Exceptions of this nature are expected to be rare. The possibility or pendency of a law enforcement investigation or criminal court proceedings will generally not be considered good cause for an exception. Such request must be made at least three business days before the COD hearing.

In general, documents that have not been submitted during the investigation and included in the investigation report may not be presented to the COD prior to or at the COD hearing. The COD Chair may permit documents to be submitted that were not part of the investigation upon a showing of good cause. The COD may, however, consider the fact that the documents were not provided during the investigation when determining the credibility of the information/evidence offered and the weight to give that evidence. All parties are required to affirm that materials they submit are their own work. Outside collaborators, including an advisor, must be cited. If such documents are permitted, the Office of Student Conduct (OSC) will provide access to submitted documents to the COD panelists, the Complainant, and the Respondent.
d) Participation of Advisors in the Investigation and Resolution Process. The Complainant and Respondent are entitled to an advisor of their choice to guide and accompany them throughout the investigation and resolution process. The advisor may be a friend, mentor, family member, attorney, or any other support person a party chooses to advise them and can be changed by the party at any time. People who may be called as witnesses in the investigation may not serve as advisors. The Institute maintains a pool of trained (non-attorney) advisors who are available to the parties. The parties may choose advisors from outside the pool, or outside the MIT community, but those advisors may not have the same level of insight and training on the process as do those trained by the Institute. Outside advisors are not eligible to be trained by the Institute. The Title IX & Bias Response Office can provide information about outside organizations that may be available to assist in finding an advisor.

A party is entitled to be accompanied by their advisor in all meetings and interviews at which the party is present, including intake, interviews, hearings, and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith. The Institute cannot guarantee equal rights to an advisor, meaning that if one party selects an advisor who is an attorney, but the other party does not choose an attorney, the Institute is not obligated to provide one.

All advisors are subject to the same rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview, or hearing, and should request or wait for a break in the proceeding if they wish to interact directly with Institute officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. The Investigator has the discretion to ask an advisor who disrupts the process to leave the meeting, hearing, etc. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. During the investigation, all parties are required to affirm that materials they submit are their own work. Outside collaborators, including an advisor, must be cited.

Although advisors will be permitted access to documentation related to the process, the Institute expects that advisors will maintain the privacy of any records and will not share them with third parties, disclose them publicly, or use them for purposes not directly related to the process. Advisors will be expected to come to the OSC or the Title IX & Bias Response Office to review documents; copies are generally not provided. The Institute reserves the right to restrict the participation of any advisor who does not respect the sensitive nature of the process or who fails to abide by the expectations described above.
The Institute expects advisors to adjust their schedules to allow them to attend Institute meetings when scheduled. The parties are responsible for notifying their advisors of any meetings with the Title IX & Bias Response Office. Although the Institute will attempt to be reasonably flexible, it will not always be able to change scheduled meetings to accommodate an advisor’s inability to attend. The Institute will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video, and/or virtual meeting technologies as may be convenient and available.

e) Timeframe for Completion of Investigation. Typically, the period from commencement of an investigation through resolution (finding and sanction, if any) will take 60 days. The investigation phase resulting in the fact-finding report is completed as expeditiously as possible under the circumstances, normally within 40 days of appointment of the Investigator(s). While the Title IX & Bias Response Office strives to meet these timeframes, they may be extended if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request for a criminal investigation, to accommodate the availability of witnesses, to account for Institute breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The Investigator will notify the parties of any extension of these timeframes and the reason for the extension.

f) Overview of Investigation. During the investigation, the parties will have an equal opportunity to participate, including the opportunity (1) to be heard by providing written statements, providing oral statements, and responding to questions from the Investigator(s); (2) to submit information and corroborating evidence; (3) to identify witnesses who may have relevant information about the reported conduct; (4) to submit questions that they believe should be directed by the Investigator to each other or to any witness; and (5) to respond to the facts and statements gathered during the investigation. The Investigator will notify and seek to meet separately with the Complainant, the Respondent, and third-party witnesses, and will gather other relevant and available evidence and information, including, without limitation, electronic or other records of communications between the parties or witnesses, photographs, and medical records (subject to the consent of the applicable party).

While the exact order and number of meetings will vary depending on the unique facts and circumstances in each case, the investigation will typically involve an initial meeting with the Complainant; a notice letter sent to the Respondent; a first interview with the Complainant to discuss the specifics of the allegation or review a written statement; a first interview with the Respondent to discuss the specifics of the allegation or review a written statement; a second interview with each party to review what the other has
revealed in their first interview and/or to share their written statement; interviews of witnesses identified by either party or the Investigator; collection of any relevant information; a third interview with each party to review information shared by the other during their second interview, witness statements, and information collected; an opportunity for each party to review the Draft Investigation Report; and an opportunity for each party to review the Final Investigation Report and recommended finding.

g) Relevance. The purpose of the investigation is for a trained and unbiased Investigator to assemble and present all of the relevant information. The Investigator has the discretion to determine the relevance of any witness or any proffered evidence and to include or exclude certain types of evidence in preparing the Draft and Final Investigation Reports.

i. In general, the Investigator will not consider information that is irrelevant, immaterial, or more prejudicial than informative.

ii. In general, the Investigator will not consider statements of personal opinion about another’s character.

iii. The Investigator may consider prior or subsequent conduct of a party in determining pattern, knowledge, intent, or motive. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar conduct.

iv. The sexual history of a Complainant or Respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either party is generally not relevant to the determination of a policy violation and will be considered only in limited circumstances. The Investigator will determine the relevance of this information.

h) Expert Consultation. The Investigator or designee may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

i) Coordination with Law Enforcement. The Investigator or designee may contact any law enforcement agency that is conducting its own investigation to inform them that an Institute investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the Institute in its investigation. At the request of law enforcement, the Investigator may delay the Institute investigation temporarily while an external law enforcement agency is gathering evidence. The Investigator will generally
resume the Institute investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

j) Draft Investigation Report. At the conclusion of the investigation, the Investigator will prepare a Draft Investigation Report summarizing the information gathered. The Draft Investigation Report will not include any recommended findings. The Complainant and Respondent will have an opportunity to review the Draft Investigation Report, meet with the Investigator, submit additional comments and information to the Investigator, and identify any additional witnesses or evidence for the Investigator to pursue. The Investigator will designate a reasonable time for this review and response by the parties, typically not to exceed 5 days.

k) Final Investigation Report. Unless there are significant additional investigative steps either requested by the parties and agreed to by the Investigator(s) or identified by the Investigator(s), within 5 days after receipt and consideration of any additional comments, questions, and/or information submitted by the parties, the Investigator will prepare a Final Investigation Report, which will include a summary of the relevant evidence and recommendation as to whether there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility for a violation of MIT policy. The Investigator’s recommendation is not binding on the COD. In reaching this recommended finding, the Investigator will consult with the Title IX Coordinator. When finalized, the Complainant and Respondent will typically have 3 days to review the Final Investigation Report and either accept the findings, accept the findings in part and reject them in part, or reject them all. The report is then provided to the COD for further proceedings under the COD Rules as described below.

l) Reviewing Reports and Related Documents. The Complainant and Respondent will have an opportunity to view the report and related documents by coming to the Title IX & Bias Response Office or the OSC, but in general, copies of the report will not be distributed. Parties may request electronic access to copies of the Final Investigation Report and related documents. Under certain circumstances, the Title IX & Bias Response Office may grant electronic access through a secure file sharing system.

m) Recommended Finding(s)
   The Investigator will then present the Final Investigation Report, and the acceptance or rejection of the recommendation of both the Complainant and the Respondent to the COD Chair. The Chair will review the case and determine which COD method to use to resolve the case.
   
   i. If the Chair determines that suspension, expulsion, or degree revocation for a student or suspension of recognition or loss or recognition for a student
organization is not appropriate even if the allegations in the report are true, the Chair will adjudicate the case as an administrative resolution. Administrative resolution may be used regardless of whether or not the parties agree with the recommendation of the Investigator. The Chair will use the normal process for administrative resolutions specified in the COD Rules Section VII (A), except that no students shall be involved in adjudicating the case.

ii. If the Chair determines (i) that suspension, expulsion, or degree revocation for a student or suspension of recognition or loss of recognition for a student organization is possible, (ii) the Investigator’s recommended finding is responsible, and (iii) both the Complainant and Respondent accept the finding of responsibility, the Chair will assign the case to a sexual misconduct sanctioning panel. The procedure for the sexual misconduct sanctioning panel is described in the COD Rules Section XV.

iii. If the COD Chair determines that (i) suspension, expulsion, or degree revocation for a student or suspension of recognition or loss of recognition for a student organization is possible and (ii) either the Complainant or the Respondent do not agree with the Investigator’s recommended finding of responsibility, the Chair will convene a COD sexual misconduct hearing. The procedure for the sexual misconduct hearing is described in the COD Rules Section XIV.

n) Hearing. If the COD Chair decides to convene a COD sexual misconduct hearing, the hearing should be held as expeditiously as is reasonably possible after notice of the hearing is provided to the parties. The COD will work with both parties on logistical accommodations to allow them to be outside the physical presence of each other during any hearings, including the use of Skype, telephone, or other suitable technologies.

o) Notification of Outcome. The parties will receive simultaneous written notification of the outcome (generally within 5 days after the case has been resolved) to the extent permitted or mandated by law.

After a decision finding the respondent responsible, the complainant and respondent will each be invited to submit a letter, not to exceed five double-spaced pages, to the hearing panel. This letter is an opportunity for each party to comment on the impact of this situation on them, any aggravating or mitigating factors they believe should be taken into consideration, and any sanctions they would like to recommend. Both parties will be given three business days to submit this letter after receipt of the initial decision letter from the Chair. No additional material may be submitted at this time. The Chair will send a written notice of the sanctioning decision to both parties as soon as is reasonably possible after the post-hearing sanctioning panel. This letter will be copied to MIT
officials as appropriate.

p) Sanctioning Panel. The Chair will also offer the complainant and respondent the opportunity to participate in a limited post-hearing sanctioning panel, before the same sexual misconduct hearing panel that reached the decision on responsibility, limited to the question of the appropriate sanction. The post-hearing sanctioning panel cannot be used to revisit or reargue issues that were addressed during the initial hearing. The COD will schedule the post-hearing sanctioning panel as soon as is reasonably possible after receipt of any written statements from the parties.

q) Notification of Sanction. The Chair or the OSC will offer to meet with the respondent and complainant, and the Chair will send a written notice of the sanctioning decision to both parties as soon as is reasonably possible after the post-hearing sanctioning panel. This letter will be copied to MIT officials as appropriate.

r) Appeal. The parties’ rights to appeal a COD finding or sanction are governed by the COD Rules. All appeals must be submitted in writing to the OSC staff by the appealing party within five business days of the date the appealing party received the letter advising them of the decision of the COD. Appeals may only be made on one or more of the following grounds:

   i. there exists substantive and relevant information that was not available at the time of the decision;

   ii. there was a substantial departure from the COD rules and procedures that significantly affected the fairness of the process;

   iii. a material finding that formed a basis for the COD’s decision was substantially against the weight of the evidence that was before the COD when it made the decision; or

   iv. the sanction is at significant variance with the range of sanctions appropriate in the situation.

The Chancellor makes a decision based upon the written appeal(s) providing the ground(s) on which the party is relying for appeal, and as much of the record of the COD hearing or sanctioning panel of the case as the Chancellor determines it is appropriate to consider.
The Chancellor will consult with the Chair of the COD on all appeals. The Chancellor may also confer with other participants of the hearing or sanctioning panel.

Before modifying or overruling a decision of the COD, the Chancellor will meet with available members of the COD who decided the case and will make a final decision after consulting with them.

The final decision will be communicated to the same people who received notice of the COD decision, and to any other officials of MIT who need to be aware of it in order to permit them to fulfill their professional responsibilities. When it is reasonable, a member of the OSC staff shall meet with the parties regarding any appeal decision.

This appellate decision by the Chancellor is final.

If the COD decision imposes a sanction of suspension or expulsion to take effect before the time for the Respondent to file an appeal has expired, or while an appeal is under consideration, the Respondent may request in writing from the Chair a postponement of the effective date of the sanction. The Chair may approve the request, with or without conditions relating to the Respondent’s remaining at MIT, while the appeal is pending. If the Chair denies the Respondent’s request for a postponement of the effective date, the Respondent may request the postponement from the Chancellor, who may approve the postponement, with or without such conditions, after discussing with the Chair the Respondent’s request and the reasons the Chair denied the request.

VIII. Procedures for Handling Allegations Against Former Students and Former Student Organizations

The Committee on Discipline (COD) has the authority to resolve complaints against former students and former student organizations. Due to the rarity of such cases, the retroactive and permanent nature of the sanction, and the special circumstances surrounding each such case, the COD has established the following special procedures, found in Section XVI of the COD Rules, to respond to such complaints.

A. The Chair of the COD will conduct an initial review of each complaint to determine whether, based on the allegations presented on the face of the complaint, it is appropriate to move forward with an internal investigation or a COD resolution of the case.

   a. In order to be eligible for internal investigation or COD resolution, a complaint
against a former student or student organization must:

i. Alleged conduct that occurred while the Respondent was a student or a registered or recognized student organization and that was against MIT policy at the time of the alleged conduct.

ii. Alleged conduct that would have resulted in a consideration of expulsion if the complaint had been submitted while the Respondent was a student, or that would have resulted in the consideration of permanent loss of recognition for a student organization.

iii. Not allege misconduct of which the COD had sufficient knowledge in time for the COD to have a reasonable opportunity to adjudicate prior to the student’s graduation. The Chair of COD can waive this limitation upon his or her determination that good cause exists to do so.

iv. Have occurred within the following time frame:

   1. For allegations of academic misconduct, there shall be no time limit.

   2. For allegations of all other misconduct, the COD will generally not consider complaints that allege misconduct that occurred more than two years prior to the date the complaint is made. The Chair may waive this limitation upon a petition from the Complainant documenting that good cause exists to do so.

v. Have a compelling and current nexus to MIT (this can include, without limitation, any ongoing status of the Respondent at MIT; MIT’s need to maintain a safe campus; the ongoing status of the Complainant, witnesses, or other people involved in the case at the Institute; MIT’s need to maintain integrity in academic programs; the need to correct ongoing misconduct; and other similar criteria) or in the judgment of the COD Chair raise an issue of significant importance to the Institute. In determining this point, the Chair shall consider the case holistically and shall have wide discretion.

b. As a result of this initial review, the Chair can choose to:

i. Request an internal investigation and, at the conclusion of the
investigation, conduct an adjudication of the case per normal COD Rules.

ii. Determine that the case will not move forward.

c. The Chair’s decision on whether to permit a complaint against a former student or student organization to be investigated or resolved by COD is final and not subject to appeal.

B. If the preceding conditions are met and the COD finds a graduate responsible for misconduct occurring prior to the individual graduating from MIT, the COD can revoke the individual’s degree. It is expected that the sanction of degree revocation will be reserved for the most serious policy violations.

C. Whether or not the COD process leads to a sanction of degree revocation, the COD has the authority to implement sanctions short of degree revocation if the preceding conditions are met and it finds a graduate responsible for misconduct that occurred while the graduate was a student. Such sanctions include without limitation: temporarily or permanently banning a graduate from being on campus, participating in Institute-sponsored programs, or returning to MIT in the future for further study or employment; transcript notation of disciplinary action; restitution; and any other sanctions that the COD determines are appropriate.

D. All other components of the COD Rules that are not specifically modified by this section, including the appeal options, remain in effect and will be applied to a case of degree revocation.