

Demands Section 3: Reform the Policies for Prevention and Response of Faculty Misconduct

Demand 3A - Reform the policies and procedures for handling allegations of misconduct against faculty and staff

Demand 3B - Publicize data and outcomes for allegations of misconduct against faculty and staff in annual IDHR reports

Demand 3C - Implementation of targeted policies for preventing and punishing retaliation

Demand 3D - Guarantee transitional funding

Why change is needed

The organizational climate of MIT has perpetuated harassing and discriminatory behaviors against marginalized populations

*“More importantly, decades of social science research on sexual violence victims in the context of the criminal justice system have shown that many **victims will not report violence if they anticipate a skeptical, victim-blaming and/or hostile reaction from law enforcement or other authority figures.** This is especially true in the immediate aftermath of the violence because the victim is still experiencing the damaging health effects of trauma, an insight that has led to the adoption of various “trauma-informed” practices as important secondary prevention methods.”*
- [Cantalupo & Kidder, 2019](#)

In recent years it has become unbearably clear that academia is plagued by harassment and discrimination at all levels of employment or participation. When work began on these demands and documents, recent political and social shifts cast unprecedented public attention onto the issue of sexual harassment, with an increased focus on those sectors of society where power imbalances are inherent, as stories of Hollywood inundated the media. Though increased attention has been given to such issues in academia, institutes have remained largely stagnant in addressing them in a meaningful way, even prior to the recent re-release and reduction of Title IX protections. The [2018 NASEM report](#) and the Association of American Universities’ (AAU) [2019 Campus Climate Survey on Sexual Misconduct](#) both revealed egregious conditions and behaviors that academic institutions like MIT have been complicit in and have allowed on their campuses.

The findings of the NASEM report and AAU survey are hardly surprising given what MIT has been finding in its own internal questionnaires for decades. Not only do internal climate surveys reflect the gender discrimination reported by NASEM, but they also indicate a lack of racial diversity at MIT. The decennial U.S. Census in 2010 showed that the [U.S. population](#) at large is roughly 13.5% African American, 15% Hispanic American, 1.5% Native American, and 5% Asian American (including Pacific Islanders). At that time, the demographics of [MIT’s student population](#) were nowhere near reflective of the overall population: the graduate and undergraduate student population was 5% African American, 8% Hispanic or Latino, 0.68% Native American, and 18% Asian. After 10 years of further surveys, initiatives, recommendations, and even the [“Report for the Initiative for Faculty Race and Diversity”](#) (2010), the student [population at MIT](#) is: 4% African American, 9% Hispanic or Latino, 0.16%

Native American, and 19% Asian. The faculty population? 2.7% African American, 4.2% Hispanic or Latino, 0% Native American, and 11.6% Asian.

MIT has therefore been limiting access to education and resources for significant portions of the society it purportedly serves, perpetuating an unwelcoming, toxic, and abusive environment for women and underrepresented minorities (URMs). Since 2010, some of the [most progress in representation](#) that MIT oversaw is a 5% increase in representation of women in the graduate programs, and of 4% in the faculty. Despite—or perhaps because of—largely performative initiatives to increase diversity stretching back decades, MIT has made almost no meaningful motion towards an inclusive and equitable academic environment; MIT has failed entirely to recognize its own structure as the primary cause for disparity.

It is crucial to recognize that while not all of the data in the NASEM report and the AAU survey is broken down by race—and MIT fails to have enough URMs in individual departments to publish such data confidentially—women of color can be subjected to harassment as a manifestation of *both* gender and race [discrimination](#), which, in conjunction, can lead to overall higher rates of harassment and discrimination. Neither gender nor race discrimination exist in a vacuum, and neither are detachable from other types of identity-based discrimination. Ultimately, to move to eliminate the harassment and discrimination of one group is to move to eliminate the harassment and discrimination of all groups and intersectional identities—the same structures that are sustained by the power imbalances of academia are at the root of all disparities.

We see the unfortunate consequences of power imbalance abuse at work in the rates and types of harassment experienced at MIT. The 2019 AAU survey shows us that MIT, for instance, has a particularly high rate of faculty and instructors who engage in harassing behaviours as compared to peer institutions. Amongst those who participated in *harassing* behaviors, 9.6% were found to hold a faculty or instructor position according to aggregate results of the AAU. At MIT, 18.1% of those engaging in harassing behaviors held a faculty or instructor position. Almost half (47%) of surveyed graduate women at MIT reported having experienced some sort of harassment since becoming a student at and/or employed by MIT ([Table 5.1](#)). This is 10% higher than the aggregate results of all 33 universities surveyed, which reported that 36.6% of graduate women experience harassment ([Table 36](#)). Why does MIT tolerate significantly higher rates of harassment than its peer institutions? As one might expect, and as the NASEM report ultimately concludes:

*“We are encouraged by the research that suggests that the **most potent predictor of sexual harassment is organizational climate**—the degree to which those in the organization perceive*

*that sexual harassment is or is not tolerated. This means that **institutions can take concrete steps to reduce sexual harassment by making systemwide changes that demonstrate how seriously they take this issue and that reflect that they are listening to those who courageously speak up to report their sexual harassment experiences.***” - [NASEM Report](#)

It is not inherent to MIT, nor to academia, that there be exploitation of students and employees. Indeed, exploitation is not inherently a component of power imbalances between students and faculty, but can very easily result from them. Where it is not possible to do away with power imbalances, as many argue is the case in academia, the Institute must make it a central goal to engage in the prevention, short-/long-term response, and sanctioning against all forms of discrimination and harassment. The NASEM report and the AAU survey deal with sexual harassment. But for MIT to move forward it is critical that leadership recognize that organizational climate is the most significant predictor of not just sexual harassment, but of all forms of discrimination, and recognize that they have yet to take any concrete steps to reduce the perceived tolerance of it all in their institution. Whether intentional, via neglect, or even despite the best intentions, the fact remains that when it comes to issues of harassment, discrimination, and the complaint resolution process, faith in MIT is low. Expectation that our complaints of harassment and discrimination will be taken seriously, particularly when directed towards faculty, is low. Fear that instead something might occur to worsen our positions, professional or otherwise, in response to reporting, is high.

Yet the optimism of the authors of the NASEM report is not unfounded when they find themselves “encouraged” that research suggests the organizational climate is the most potent predictor of sexual, and by extension other identity-based, harassment. Regardless of what has or has not been done in the past, MIT leadership can easily make the choice to commit to the betterment of the Institute organizational climate, and, in turn, to their community; the students, staff, employees, and faculty.

Transparency is crucial to end the “culture of silence” and prevent harassment and discrimination

“Transparency and accountability are crucial elements of effective sexual harassment policies. Systems in which prohibitions against unacceptable behaviors are clear and which hold members of the community accountable for meeting the behavioral and cultural expectations established by leadership have lower rates of sexual harassment...For the people in an institution to understand that the institution does not tolerate sexual harassment, it must show

that it does investigate and then hold perpetrators accountable in a reasonable timeframe.” - [NASEM Report](#)

In order to both prevent and respond to cases of such misconduct, MIT must first and foremost take seriously the process of re-establishing trust in the leadership via transparency and a reform of procedures for handling misconduct - in particular the misconduct of those with authority within the Institute. Reporting statistics and outcomes on all cases, particularly those with faculty/staff respondents, helps combat the “culture of silence” around these serious topics and supports victims in coming forward by showing they are not alone in their experience and their fight for justice. It shows those coming forward that MIT will not choose its own reputation, or that of its esteemed professors and the profits they bring, over the rights and wellbeing of its community. As it stands, 82.6% of graduate women at MIT who have experienced harassing behavior(s) have never contacted a program or resource about it ([Table 5.2](#)). 79.2% of graduate women at MIT who experienced harassing behavior(s) but did not contact any resources about the incident(s) said they chose to refrain from reporting because they “did not think it was serious enough to contact programs or resources” ([Table 5.2](#)). Publicizing the outcomes for each case exemplifies the range of behavior that warrants punishment and that the severity of punishment is, or should be, proportional to the offense. This can encourage victims to come forward who do not believe their experiences warrant investigation or who are worried of over-punishment of their abuser, or who simply did not trust in the complaint resolution process as it stood. Finally, publicizing all case outcomes sends a message to the community that such behavior is unacceptable and intolerable, and that the university is committed to protecting everyone equally and will not prioritize the privacy and reputation of their faculty and staff. Such a message can additionally lead to the prevention of future misconduct.

In such lines of thought, it is then crucial to consider how MIT’s complaint resolution currently functions, and how it could be improved to better serve the needs of its community. Thorough and fair processes for reporting, investigating, and ruling on misconduct as well as clear, consistent, publicized, and appropriately harsh sanctions for such actions are critical to preventing further misconduct from known offenders and potential future offenders. This is particularly true for faculty and certain staff, who have unique levels of authority over their students or other staff as compared to most supervisory roles in other industries, as such power dynamics can lead to abuse and rampant discrimination.

“Academic institutions need to develop—and readily share—clear, accessible, and consistent policies on sexual harassment and standards of behavior. They should include a range of clearly stated, appropriate, and escalating disciplinary consequences for perpetrators found to have violated sexual harassment policy and/or law. The disciplinary actions taken should correspond to the severity and frequency of the harassment.” - [NASEM Recommendation 4a](#)

As discussed, the NASEM report highlights an “*organizational climate that communicates tolerance of sexual harassment*” as one of the two key characteristics of environments associated with higher rates of sexual harassment. The report helpfully provides three examples of organization climates that communicate tolerance for such misconduct: “*leadership that fails to take complaints seriously, fails to sanction perpetrators, or fails to protect complainants from retaliation,*” all which communicate tolerance for far more than sexual harassment. Increasing transparency and honesty in reports of misconduct to the community and the proposed reforms to the complaint resolution process are steps by which MIT leadership can begin addressing the first two. The third component that communicates MIT’s tolerance for harassment is the lack of a thorough anti-retaliation policy, which is fundamental to any attempt at reducing harassment and instead building an environment in which “whistle-blowing” activities are welcomed.

Retaliation should be met with zero tolerance to encourage victims to report incidents of harassment and discrimination

“...the fear of retaliation significantly contributes to the problem of harassment—we cannot hope to end harassment without starting by addressing the reality of retaliation...ending harassment must start with preventing retaliation.” - [Porter, 2019](#)

At an institutional level, retaliation functions to maintain existing power structures and to silence challengers to the institute itself. Retaliation insidiously prevents reporting of discriminatory or harassing behavior and silences complainants and victims, particularly in institutions that do not have a comprehensive and functional anti-retaliation policy. Any attempt to address discrimination and harassment must begin with consideration of how to eliminate retaliation; without addressing retaliation, reporting of any incidents will remain low, and change in organization climates will remain unachievable. As such, MIT must have clear and fair systems for reporting retaliatory action. Such systems of reporting must allow for both formal and anonymized reporting, and reports investigated as described for cases of harassment. Unlike cases of other types of misconduct, a “zero-tolerance” policy should be adopted if willful retaliatory action is determined to have occurred, and the range of consequences for any person engaging in such behavior should include termination. Retaliatory behavior, unlike other behaviors that may cause harm, is rarely unintentional. Rarely, if ever, is the objective of retaliation anything other than to do harm or silence future complaints. While a complicated and difficult issue to face, it is not one that can be avoided; retaliation has a heavy hand in the creation and maintenance of a “culture of silence,” and stops many voices before they can even

start speaking. To what extent is MIT willing to allow such persons who willfully engage in retaliatory behaviors to maintain positions, typically of power, within the Institute? If MIT is committed to combating harassment and discrimination on its campus, it is necessary that it address the issue of retaliation thoroughly. If MIT is truly committed to building an inclusive, welcoming, and integrous environment, anti-retaliation policies must extend not just to those who submit complaints formally, but have stipulations to aid in those cases where students are retaliated against for informal complaints or otherwise speaking out against a discriminatory environment.

Students should be supported when they report a bad actor, including transitional funding

“I would tell [friends] outside this profession who would be like, ‘Are you kidding me, what?’ But the people who work for this institution were like, ‘Can’t you just suck it up? This is not going to go well for you if you report. You don’t want to make a fuss.’ I knew they were right, but at the same time, I really was like, “This is just too much. I shouldn’t have to be preparing to get raped when I go into work.” (Nontenure-track faculty member in medicine) – [NASEM Report](#)

Critical for enduring change in the organizational structures that guide misconduct resolution is organizational support. The pain associated with misconduct and abuse in academic settings is not limited to the obscured, unclear, and unfair complaint resolution processes but also includes the heavily documented negative effects on education and career outcomes for victims. Students, amongst others, can feel powerless to leave the circumstances they are in. A student in an abusive situation has three options: (1) put up with the situation, and deal with all the negative consequences of ongoing abuse, (2) report the situation and risk retaliation, with no guarantee of positive change, or (3) drop out of the program. This is unacceptable; this is not how we strive for meaningful cultural change, and this is not how we support our community members. We, MIT, can and should be better. The reporting of misconduct, abuse, or otherwise inappropriate behavior is never an easy undertaking. Where the circumstances culminate in the need for a student or post-doc to no longer work under their advisor and to transition into a different position, the process is that much harder. The burden is further exacerbated for those who already suffer under institutionalized discrimination, do not have financial security, or are here on a visa.

In cases where transition into a different lab or group is requested, students should not have to wait for a remediation process—which can often take months if not longer—to know if they can continue their education; their finances and career should not be left in limbo. By guaranteeing transitional funding and academic accommodation to ease a student’s transition, students and

post-docs are empowered to leave dysfunctional situations with a reduced threat of retaliation and to more safely participate in remediation or complaint resolution processes. The notion of providing transitional funding is not foreign to MIT, a few departments offering it officially, a few unofficially. However, there is still no Institute-wide guarantee of transitional funding, and many of the individual departments either cannot or refuse to offer a guarantee to their students that they will cover students' needs. Without this guarantee, or even a basic structure to the process for switching groups and finding support, or knowledge that there is a process, they will often stay in dysfunctional or harmful situations, stuck with only the three traditional options: bear it, leave it, or say something and risk losing their position.

The decision to transition labs is never one that is made lightly. But it is one that students and post-docs should be free to make in any department. As such, if not all departments are financially capable of guaranteeing such funds, it should fall to MIT to create a robust and guaranteed safety net for its students, starting with transitional funding. Often, such initiatives are stalled at the Institute level, perhaps because, we are told, MIT is too decentralized. MIT, as an institute however, did not just naturally unfold into what it is today. MIT has agency over its structure, and if it has formed itself to be decentralized it has the ability to decide to change this structure. A theme of this document, taken liberally from the NASEM report, is that organizational change is not only possible, but the way forward. If MIT desires to profit from the productivity of its decentralized departments and programs while proclaiming their vision of "One MIT," they must at the very least also provide equitable support to the students across its campus. Are we *not* "One MIT", deserving of the same support regardless of area of study?

Guaranteed transitional funding at the Institute level, something that even the MIT NASEM working groups agree should be a priority, will mean that students will not feel trapped in an abusive situation, or even in just a bad, unproductive fit. It will empower students to stand up for themselves and make decisions that are right for them, and right for their community.

MIT has the opportunity to improve the climate by enforcing meaningful accountability at all levels

"Preventing and effectively addressing sexual harassment of women in colleges and universities is a significant challenge, but we are optimistic that academic institutions can meet that challenge—if they demonstrate the will to do so." - [NASEM Report](#)

To echo and expand upon the optimism of the NASEM report, these changes are fully within MIT's reach - MIT *can* meet the challenge of effectively addressing all forms of discrimination and disparity. Much more than this is fully within MIT's reach. If the leadership chooses to

commit to restoring the trust of their community, they must understand that they cannot claim to do so in good faith without widespread community opinion, input, and buy-in. MIT convened the Academic and Organizational Relationships (AOR) working group, amongst others, to address the NASEM report, and this group was charged with reviewing the report and making recommendations to MIT with a specific focus on power imbalances inherent to academic institutes [5]. They identify six overall elements necessary for change at MIT, one being accountability:

*“One aspect of accountability speaks to the consequences experienced by a transgressor of a law, policy, or procedure that governs the expectations placed upon members of that community. It is important to embrace accountability for issues related to harassment through the establishment and dissemination of consistent outcomes and consequences for every community member, and some degree of transparency, while maintaining confidentiality, with regard to the process. We can also hold each other accountable in real time. **Interrupting a problematic behavior or making someone aware that a particular statement is not consistent with the values of a community can reduce the likelihood that the undesirable behaviors will be tacitly accepted. Sometimes characterized as the actions of an “active bystander,”** such interventions enable all individuals in a community to reinforce acceptable behaviors and make a positive contribution to the dynamics of the community.”* – [AOR Working Group Final Report](#)

Leaving aside questions of efficacy of these groups, there are things of value to be gained by reading these reports. Here they propose community accountability, in which we hold each other and ourselves accountable and do not allow the tolerance of harassment and discrimination. And largely we see our peers holding each other accountable, but we ask that the Institute and its leadership take the lead in doing so as well. The Institute has watched silently, over years and decades, the discrimination and harassment of its members and stagnated or decreased numbers of URM students and faculty. Furthermore, the Institute’s policies themselves underlie the disparity. Being an “active bystander” is only effective in an environment that allows such behavior, that does not punish it. Being an “active bystander”, as the AOR working group proposes, is a role that can only be fulfilled by MIT as it stands today.

*“Because **the college as an institution is the most important “bystander” to the harassment, if the college seems unwilling to investigate cases, does so using methods that re-victimize the survivor, and/or gives “slap on the wrist” sanctions, students are likely to question why they should be responsible for intervening as bystanders when the college is not willing to do the same”*** - [Cantalupo & Kidder, 2019](#)

Organizational structures can be changed. The Institute that not only silently stands by as abuse and discrimination are perpetuated through it, but indeed constructed the very policies that allowed them to do so, does not have to remain this way. The same organizational structures that

are the best predictors of sexual harassment are responsible for systemic, institutionalized racism at MIT. Organizational structures made by administrative decisions can be undone by our collective decision, as MIT, to do so. It falls to MIT administration and leadership to answer the call and fundamentally reevaluate and restructure the complaint resolution process to address the glaring lack of a clear, inclusive, and equitable process for remediation. In recent months, as the Black Lives Matter movement gained momentum, many have undoubtedly received emails from department heads asking what they can do. It is not the job of people who have been surviving institutionalized racism to fix it; it is the job of those who have set it up or allowed it to continue. It is not the job of victims of sexual harassment to fix the structures that would allow it; it is the job of those who allowed those structures to form. It is the job of the leadership of the Institute, and of departments to take seriously their own proposed role of “active bystander,” and examine how truly, while individual leaders may be bystanders, the Institute itself is not just a bystander. The organizational structures and the culture of the Institute have resulted in institutionalized racism and sexism; these issues did not arise despite the Institute’s policies, but because of them. Recognition of MIT’s complacency and failures is necessary, but that is not exclusive with the urgent need for leadership to listen to URM voices now, to restructure the Institute now. It is not an impossible task, quite the opposite; as the authors of the NASEM report note, organizational structures are not innate, they can be changed. Organization and policy should arise in service of the community, not vice-versa.

Demand 3A: Reform the policies and procedures for handling allegations of misconduct against faculty and staff

The demand

We demand reform of MIT's Institute Discrimination and Harassment Response (IDHR) office "Policies & Procedures for Allegations Against [Faculty](#) or [Staff](#)" and [MIT Policy 9.8 for "Complaint Resolution"](#) to include the following policies and procedural changes to the processes of investigating, ruling, and sanctioning faculty and staff for allegations and/or findings of misconduct. Note that implementation of these sub-demands does not require and should not lead to the removal of any existing policies or points within a policy, but rather will constitute additions and amendments to the existing policies. All sub-demands should be formally and explicitly incorporated into the policies listed above, not just adopted as best practices on websites or materials from various offices in MIT.

1. Expand and diversify the **Advisory Board** - the larger group of trained individuals from which sub-groups are chosen to act as **Advisory Panels** on each individual case - to include undergraduate students, graduate students, postdoctoral fellows, and managerial and/or professional employees.
 - a. Expand the Advisory Board to 30 members to allow for more equal representation of the other populations at MIT affected by this policy. In addition to the 10 faculty presently serving on the board, 10-15 students (with equal representation of undergraduate and graduate) and 5-10 postdoctoral fellows and other staff must be added. Faculty representation will not be limited to only those who are tenured. Representatives should be elected by their communities via a democratic process.
 - b. Expand the number of panelists selected to review a case from the Advisory Board to five people. Of these five, two must have the same university affiliation (i.e. graduate student, undergraduate student, faculty, etc.) as the complainant, and two the same as the respondent. The fifth member will be from one of the other groups not represented by the complainant and the respondent.
2. Consolidate the procedures for handling misconduct against faculty and staff so that both lead to investigations that are subsequently reviewed by an Advisory Panel chosen from the Advisory Board. This Advisory Panel evaluates the case, makes a ruling, and sends

its recommendation for disciplinary actions to the relevant Decision Maker. In the case of a faculty respondent, the recommendation is sent to the dean of the respondent's school, who then makes a formal recommendation for discipline that is sent to the Provost for the final decision. In the case of a staff respondent, the recommendation is sent to the academic council member of the respondent's unit, who gives their formal recommendation for discipline to the Executive Vice President and Treasurer (EVPT) for the final decision. From here on out, the final Decision Maker (i.e. Provost or EVPT) will be referred to as the "**Decision Maker.**" Note that this sub-demand relies on the implementation of sub-demand 3A.1.a, which, in part, seeks to involve staff in the Advisory Panel for complaint resolution.

3. Amend the appeals process in complaint resolution procedures.
 - a. If an appeal is requested by the complainant or respondent, the Decision Maker and the IDHR director will jointly decide whether to reject or deny that appeal, based on whether there is sufficient evidence supporting grounds for appeal (as defined in MIT Policy 9.8.4.5).
 - b. If an appeal is approved based on submission of new evidence, the case must be reconsidered by the original panel, with explicit opportunity given to the complainant and respondent to officially comment on the new evidence.
4. Report disciplinary outcomes - the report with the Advisory Panel's ruling and the report with the Decision Maker's punishment, if a violation is found - back to the respondent *and* the complainant immediately following their conclusions.
5. IDHR will develop a centralized system where victims or bystanders can report complaints and where IDHR can track the progress of the case and any resulting punitive actions and communicate directly with the complainant and respondent.
 - a. In addition to formal complaints, informal complaints will be recorded in this system to inform future investigations and punitive actions against repeat offenders, act as evidence in case the complainant wishes to upgrade the report to a formal or criminal complaint in the future, as well as to help track the status and well-being of the complainant. An **informal complaint** is defined as any complaint brought to IDHR where the victim does not wish to pursue the formal complaint process, but instead wishes to report the information for data recording purposes and to seek protective and/or support services.

- b. This system will facilitate **anonymous reporting** (i.e. reporting without providing any identifying information, including but not limited to: name, email, and university ID), if this is the complainant's wish, by providing anonymous reporters randomly generated logins. IDHR can then communicate with the complainant through this platform to facilitate the process of filing and pursuing an informal or formal complaint.
 - c. This system will allow the complainant to access any material in the case, formal and informal. It will specify who has access to which materials. Any communications involving the investigator regarding a case must require a release of information by the complainant and respondent.
 - d. Any reports that result from interviews of the complainant, formal and informal, must be uploaded to this system to be reviewed by the complainant before it can be seen by the investigator, Advisory Panel, or any other person(s). The complainant will have the ability to accept, request edits, or flat out reject the document for inclusion in the case.
 - e. This system will allow the complainant to request appeals.
6. No one responsible for granting or denying a complainant's request for investigation or formal complaint procedures will be allowed to deny such measures on the basis of time since the incident.
7. Complaints that resulted in an investigator and/or Advisory Panel deeming there is insufficient evidence for a fair judgement will be recategorized and officially filed as an informal complaint.
8. IDHR must launch an investigation into reports that result from informal and anonymous complaints if there is evidence that the respondent is a serious threat to the University community and/or there are greater than or equal to three informal/anonymous complaints against a person. Anonymized or informal reporters should be notified of this investigation and given the option to come forward if so desired.
9. IDHR must develop a process for investigating collective failures on the part of entire departments, programs, offices, etc. For example, if a department is found to have multiple complaints against members of its community, even if they are by the same actor, the department as a whole should be investigated to understand what aspects of the

department's culture contributed to or allowed these offenses to occur and who may have acted as a bystander and allowed this to occur without penalty.

10. IDHR is responsible for holding the Decision Maker (and those involved in executing punishment) accountable for full implementation of the punishment. This should be done via check-ins throughout the timespan of the punishment to the Decision Maker, respondent, and other parties overseeing the punishment to ensure it is executed fully and properly.
11. Language must be added to IDHR and MIT's policies, websites, pamphlets, and general rhetoric that punishment for faculty/staff found guilty of violating policy can be a range of options and that the punishment's severity shall match the severity of the violation.
12. All materials given to the Advisory Panel and the Decision Maker of any subsequent punishment will not use any names to eliminate concerns of privacy and confidentiality associated with the process, particularly with the addition of students and staff to the Advisory Board, and to limit the chance of bias based on any reputation or status the complainant or respondent may have.
13. The policy will include a table of the maximum time each step of the process will take. The total time for the process, from the complainant's report to the delivery of a decision (and punishment, when applicable), must take no longer than 60 days. Subsequent determination and delivery of punishment will then take no more than 30 days. The party responsible for a given step must appeal to the IDHR director to request a time extension, who will use their discretion to approve or deny such requests. The director will be strict in imposing the time periods in the policy and only grant extensions on the basis of (1) holidays (where the extended number of days equal those missed by holidays), (2) the size and complexity of the investigation, or (3) extreme circumstances (e.g. illness or loss of critical player, local crisis, etc.). Special consideration must be given to requests for additional time from the complainant.

MIT's current policies and procedures

MIT's current policies for handling allegations of misconduct against staff and faculty can be found at the following two sites: (1) IDHR's "Policies & Procedures for Allegations Against [Faculty](#) or [Staff](#)" and (2) [MIT Policy 9.8 for "Complaint Resolution."](#)

At present, allegations against faculty lead to an investigation by IDHR, which are then reviewed by an Advisory Panel. The Advisory Panel consists of three impartial, tenured faculty members chosen by the Associate Provost from the larger pool of the Advisory Board. The Advisory Board contains ~10 tenured faculty members from each of MIT's five Schools, each serving 1-3 year terms. According to [IDHR's "Procedures for Allegations Against Faculty"](#), board members *"receive training on discrimination, harassment, sexual misconduct, and other relevant issues, including MIT's Conduct Policies. This training incorporates perspectives from stakeholders at various stages of their education and careers, such as undergraduate students, graduate students, and postdocs. When a Faculty Complaint Review Panel is chosen for a particular case, the members of that panel will receive refresher training prior to engaging in their work."*

The Advisory Panel ultimately decides if misconduct has occurred or not, and recommends disciplinary sanctions to the dean of the respondent's school. The dean then makes a decision on punishment, though if it is in disagreement with the recommendations from the panel it is sent to the Provost for the final determination. Allegations against staff lead to an investigation and an immediate ruling by the investigator as to whether conduct policy was violated. If the investigator decides misconduct occurs, an academic council member of the respondent's unit determines the resulting disciplinary actions. If misconduct is found to have occurred, the complainant is usually not told the discipline issued unless it directly affects the complainant. *"Investigations are usually completed within 75 calendar days from the date the investigation begins,"* though there are no strict time limits on the time any given step of the process may take.

For both cases against faculty and staff, either party may appeal the ruling - but not the discipline - if there is proof (1) of new significant information, (2) that material procedural issues occurred in the investigation/rulings, and/or (3) that material finding was against the weight of the evidence. Appeals go to the Provost in the case of faculty respondents and when the dean gave the final disciplinary ruling (matching those recommended by the Advisory Panel), or the President in any cases where the Provost decided the sanctions originally. For staff, appeals go to the Executive Vice President and Treasurer. In any of these cases, the Decision Maker solely determines if the appeal is granted or not, and this decision is final.

IDHR has the discretion to deny any request for an investigation "due to the passage of time" since the incident. There is no formal policy for recording, tracking, or acting on informal or anonymous reports.

Multiple individuals at MIT with influence in the development, implementation, or amendment of these policies and procedures have openly recognized the need to reform, often alluding to or outright stating planned changes:

[A 2019 MIT News article](#) about the NASEM working group community forum stated: “*At present, individuals who file complaints against faculty and staff are not told what actions resulted from the complaint, which has been frustrating to many of these complainants. It’s important to decide on procedures for “what should be disclosed, not only to the complainant, but in some circumstances” possibly also to a larger group, [Marianna] Pierce, [a Policy and Compliance Specialist in the Human Resources office at MIT], said. Disclosures about the results of complaints, she said, can “help to address a culture of silence” but must find the right balance between transparency and privacy.*”

In 2017, President Reif [said](#): “*I am conscious, however, that especially on questions around faculty and staff misconduct, we are not where we need to be. I have asked the leaders of Human Resources, the Provost’s Office, the Chancellor’s Office, and the Office of the General Counsel — consulting with community members — to study our policies and practices, strengthen them where necessary, increase the community’s awareness of them and develop a process so that findings of sexual misconduct are consistently handled in a way that balances fairness and transparency.*”

While there has been some change to the policy in recent months following the official launch of IDHR, the reforms outlined in the demand above remain absent from the current policies.

What are other universities doing?

Many of the sub-demands made in demand 3A are based on precedence from policy at comparable and/or peer universities. Below we summarize - though this is by no means an exhaustive list - the policies other schools already have in place that are similar to those we ask for in each sub-demand (the numbers below correspond to the sub-demand numbers above).

1. [Brown](#) and [Yale](#) include students on their Advisory Boards. Yale specifies that potential representatives are nominated to the dean by the relevant student government organizations. Brown specifies that cases involving a student complainant must have one student present on the Advisory Panel reviewing the case (with four faculty).
2. [Yale](#) includes staff (“postdoctoral associates or fellows and managerial or professional employees...”) on their University-Wide Committee on Sexual Misconduct. Advisory Panels are chosen to rule on complaints of sexual misconduct on a case-by-case basis, though the process applies to all university affiliates (i.e. faculty, staff, students, and trainees). At [Stanford](#), cases in which the respondent is faculty are treated the same as those in which the respondent is staff. At Brown, the policies for responding to

allegations of sexual misconduct against [faculty](#) and [staff](#) are separate but analogous (i.e. different but analogous people are used for Advisory Panels and as Decision Makers for punishment). A panel of faculty or Human Resources Professionals conducts a formal hearing in the case of an accused faculty or staff member, respectively. The Provost and the Senior Director of Labor and Employee Relations decide the disciplinary sanctions in cases of accused faculty and staff, respectively. Both cases give both parties the right to appeal.

3. At [Brown](#) and [Yale](#), if the relevant Decision Maker approves the request for an appeal by verifying the criteria for appeal are met, the case is sent back to the Advisory Panel for review and a re-ruling. At Brown, a new Advisory Panel is assigned if the appeal is granted based on the grounds of a substantial procedural error.
4. In the [University of California](#) system, “the Title IX Officer will notify both parties of the process’s outcome.” The Office of Civil Rights (OCR) is responsible for upholding the Code of Federal Regulations (CFR), Title 34. In its regulation of 34 CFR, [the OCR lists six points of consideration](#) when determining if a school’s grievance procedures are “prompt and equitable” and thus uphold 34 CFR [668.46\(k\)\(2\)\(i\)](#), and this includes “[notifying] the parties of the outcome of the complaint...”
5. EthicsPoint is a confidential reporting tool used by many institutions, including but not limited to [Northwestern](#), [Tufts](#), [Middlebury](#), and [Syracuse](#).
6. [Columbia University’s policy](#) states “The University does not limit the time for submitting a complaint of prohibited conduct...” The [California Institute of Technology](#) includes in its policy that “.reports (hereinafter “complaints”) may be made at any time...” [Boston University’s policy](#) states “the University does not limit the time frame for reporting.” We note, though, that we are asking for stronger language in MIT’s policy with a clear statement that the passage of time is *not* a valid reason for investigation dismissal.
8. [Brown’s policy](#) states: “In the situation when there is a serious threat to the University community, but the potential complainant cannot or does not wish to proceed with the formal process, the Title IX Program Officer may assume the role of a complainant.”
13. [Yale](#) provides a timetable for the time each step generally should take. Most schools will cite some time span (i.e. 60-90 days) as the upper bound of how long the full process *usually* takes, including MIT (75 days). However, none use binding language to guarantee a certain time frame for each step - allowing, of course, for approved

exceptions formally reviewed by an overseeing figure or committee - which is what we demand in 3A.11.

Demand 3B: Codify the required content of the IDHR Annual Report in MIT Policy and expand reporting to include data and outcomes for complaints of misconduct against faculty/staff

The demand

1. Expand IDHR [annual reports](#) to include data and information related to the outcomes from investigations, informal complaint mediations, and formal complaint proceedings for all cases, including those where faculty and staff are the respondent(s).
 - a. In reporting aggregate statistics:
 - i. Except in cases where doing so would risk identifying complainants or respondents, statistics must at least be broken down by gender, racial/cultural identity (domestic URM vs domestic non-URM vs international), and by **affiliation** (including, but not limited to: undergraduate student, graduate student, postdoctoral fellow, staff, faculty, other MIT affiliate, and other) for both the complainant and the respondent, as well as by offense type (including, but not limited to: intimate partner violence, stalking, sexual harassment, non-consensual penetration, non-consensual contact, sexual exploitation, gender discrimination, other identity-based harassment, other identity-based discrimination, other identity-based assault, and retaliation).
 - ii. Case trajectory flow charts must also be included, broken down by offense type, office handling the case, and case outcome.
 - b. Detailed reports of each investigation must be included:
 - i. These reports must be broken down by type of offense and outcome (informal resolution, formal complaint process, other). The report must include a brief description of the complaint (which does not include any identifying information), the affiliation of the complainant and the respondent, and the outcome and any disciplinary actions taken.

- ii. Those investigations that led to formal complaint procedures must report the final panel vote count.
 - iii. For formal complaint cases that did not result in a finding of misconduct, high-level reasoning for this finding must be reported (without the use of identifying details).
 - iv. Formal complaints for which investigation was denied must also be included, with some reasoning provided as to why they did not meet the criteria for investigation (without the use of identifying details).
 - v. For cases in which appeals were requested, information on who requested the appeal and whether it was accepted or rejected, as well as the grounds for that decision, must be included (without the use of identifying details).
2. Require the inclusion of the information listed in Demand 3.B.1 in IDHR’s annual reports by codifying it as policy in [MIT Policy 9.8 for “Complaint Resolution.”](#)

MIT’s current policies and procedures

IDHR does already put out an annual report, though what is included differs from what is demanded here and is neither codified nor mandated by any policy or other authority, respectively. In particular, the [2018-2019 report](#) has no statistics on case outcomes for incidents where the respondent is faculty or staff, nor are there detailed case reports of any kind. In late 2019, [Chancellor Cynthia Barnhart said](#) that “*the administration is committed to being more transparent in releasing aggregate statistics about the outcomes of faculty and staff cases,*” and IDHR’s [website](#) states: “*Faculty and Staff data will appear in the 2019-2020 academic year Annual Report as the scope of the IDHR Office has broadened.*” We acknowledge and commend this commitment, but are demanding the promise be followed through and the guidelines for annual reporting be clearly codified and enforced via MIT official policy.

What are other universities doing?

Many of MIT’s peer institutions and other top-tier universities abide by the standards listed in Demand 3.B.1 in their annual reports, but we point to [Stanford](#) and [Yale](#) for particularly exemplary reports that should be used as models for execution of this demand.

Demand 3C: Implementation of targeted policies for preventing and punishing retaliation

The demand

Expand upon [MIT Policy 9.7](#) and IDHR retaliation policies to delineate clearer policies for reporting retaliation, protect complainants from its negative consequences, and punish advisors who retaliate against students.

1. Retaliation must have a clear, comprehensive definition that is consistent across all university sources such as “MIT Policies & Procedures” and the “Mind & Hand Book.” A definition must include but not necessarily be limited to the following: any adverse action taken against a person in response to that person’s 1) participation in making a good faith report of a policy violation and/or discriminatory action, or 2) reporting misconduct, or 3) participation in the associated investigative/adjudication processes for either type of report, or 4) reporting of activities believed to be dishonest, illegal, unethical, unsafe, hazardous, improper, or that otherwise fall under “whistleblower” activities, or 5) advocating on behalf of university employees and students. Adverse actions taken by the respondent of a misconduct investigation or any third party will be considered retaliation.
 - a. Adverse actions include, but are not limited to: harassment, threats, intimidation, coercion, bribery, adverse employment/academic/educational actions, and adversely affecting future career prospects.
2. Consequences for retaliation must be clearly laid out, reflect “zero tolerance” and include actions leading up to and including termination of employment.
3. Set up a clear, fair system for reporting retaliation through IDHR similar to that for reporting misconduct.
 - a. Many aspects of reporting retaliation must be similar to that for reporting other misconduct incidents.
 - i. Accusations of retaliation will be investigated by either IDHR or the same Advisory Board as described in Demand 3A.1.

- ii. As with reporting misconduct, there will be formal, informal, and anonymous channels for reporting retaliation.
 - 1. Informal and anonymous complaints will trigger a formal investigation in the conditions outlined in 3A.8
 - iii. The required timeline for investigating retaliation reports and reporting disciplinary actions back to the complainant must be consistent with those in 3A.4 and 3A.13.
 - iv. The complainant and respondent must have recourse for appeal in accordance with the policies delineated in 3A.3.
- b. Retaliatory actions in academic settings can stretch over many years. In an attempt to capture these circumstances, no time limit between retaliation incident and reporting can be implemented.
 - c. If an individual's misconduct report triggers a formal investigation and/or complaint resolution process, any retaliatory action (as defined above) that occurs within a recent time frame of that formal investigation process will be considered de facto retaliatory, and it falls on the respondent or the Institute to provide proof to the adjudication panel that the action is not retaliatory.
 - d. Formally recognize refusal to write a fair and adequate recommendation letter as a form of retaliation.
4. To acknowledge the possibility of retaliation against the complainant and offer support accordingly, student support staff, such as VPR, OGE, or S³ personnel, must:
- a. Immediately following a formal or informal misconduct complaint being made, periodically check in with the complainant to monitor possible retaliatory actions and aid in the retaliation investigation process should retaliation occur. This monitoring must occur regardless of the outcome of an investigation.
 - b. For formal complaints, notify both the complainant and respondent of the retaliation definition, protections, and consequences.
 - c. For informal complaints, should IDHR or any office contact the respondent, the complainant must be informed.

5. Offer complainant protections from negative career consequences.
 - a. All recommendation letters, or any other document that would be written and/or signed by the respondent for the complainant, must be read over and approved by either a neutral third party like IDHR or a third party selected by the complainant. The complainant will be guaranteed a recommendation letter by their department head or other department member of their choice if not receiving a recommendation letter from their advisor.
 - b. The complainant must be guaranteed lab transitional funding through the processes outlined in demand 3D.

MIT's current policies and procedures

Both “MIT Policies & Procedures” and the “Mind & Hand Book” outline general retaliation policies. These policies differ slightly; the Mind & Hand Book policy delineates examples of retaliatory behaviors, while the MIT Policy does not. On February 4, 2020, Cynthia Barnhart noted in a [letter](#) to the community, “We are also in the process of strengthening whistleblower channels and non-retaliation and confidentiality protections.”

[MIT Policies on Retaliation \(9.7\)](#)

“No one shall be retaliated against for, in good faith, raising a complaint of a violation of an MIT policy, participating in the Institute’s complaint resolution process (whether as a complainant, a witness, an investigator, or in any other capacity), or opposing a violation of an MIT policy. Retaliation is any adverse action, harassment, threats or other conduct that would discourage a reasonable person from making a complaint or otherwise participating in a complaint resolution process. Retaliation may occur even where there is no finding of a policy violation, and a complaint of retaliation will be addressed independently through MIT’s complaint resolution process.”

[Mind & Hand Book 2019-2020 on retaliation](#)

“MIT prohibits any member of the community from retaliating against any person for raising good faith concerns about conduct that violates MIT policy. MIT’s prohibition against retaliation includes retaliation against a person for reporting an incident, filing a complaint, cooperating in an inquiry or investigation, or participating in any other capacity in any of the Institute’s

complaint resolution procedures, including the Committee on Discipline process or the complaint resolution process outlined in [Institute Policies and Procedures Section 9.8](#).

Retaliation is any adverse action taken against a person in response to that person's participation in any of the activities specified above. Retaliation can take many forms. Examples of possible retaliation include, but are not limited to:

1. Adverse employment action (e.g., termination, demotion, reduction in pay, adverse change in schedule, adverse change in work location, etc.)
2. Adverse action related to participation in any educational program offered by the Institute (e.g., adverse change to grades, class schedule, research opportunities, etc.)
3. Stalking, harassment, bullying, intimidation, threats, or engaging in physical violence
4. Adverse social actions such as exclusion or removal from a living group, student organization, or committee, or publishing personally identifiable information about an individual, including on websites or social media sites
5. Encouraging or asking others to engage in retaliatory behavior on one's behalf

A complaint alleging retaliation by a student may lead to action by the Committee on Discipline, up to and including suspension or expulsion from the Institute. A complaint alleging retaliation by faculty or staff should be directed to the faculty or staff member's supervisor or human resources. The Office of Student Conduct or the Ombuds Office are available as a resource for students with concerns about retaliation.”

What are other universities doing?

There is little precedent for thorough retaliation policies at universities, despite the fact that insufficient protection from retaliation “communicates tolerance of sexual harassment”, as the NASEM report states, and therefore leads to high rates of sexual harassment. Here, MIT has an opportunity to be a leader among universities and enforce zero tolerance retaliation policies and meaningfully protect and provide justice for complainants. The negative consequences of power imbalances in academia have been ignored for too long, and this is MIT's chance to set the new standard.

1. [Northwestern](#) provides a thorough list of actions that are considered retaliation. “Examples of materially adverse actions that could constitute retaliation include, but are not limited to:
 - a. reducing one’s salary
 - b. giving a negative performance evaluation
 - c. decisions relating to one’s work assignments, vacation, or promotion or advancement opportunities (whether employment-related or academic)
 - d. terminating employment
 - e. reducing a student’s grade
 - f. removing one from a student organization, academic program, or lab
 - g. stripping one of co-authorship on a publication
 - h. interfering with one’s job search
 - i. engaging in harassing conduct that is sufficiently severe, pervasive, and/or persistent to create a hostile environment; for this purpose, the existence of a hostile environment is to be judged both objectively (meaning a reasonable person would find the environment hostile) and subjectively (meaning the affected individual felt the environment was hostile);
 - j. threats to engage in any of the actions listed above.

In addition, no community member may be retaliated against for refusing to carry out a directive ordering the member to engage in wrongful or unlawful activity.” The retaliation policy at the [University of California](#) prohibits retaliation against individuals participating in any manner in the complaint, investigation, or resolution of a harassment or discrimination incident.

2. Many universities, including but not limited to [Northwestern](#), [Boston University](#), [Harvard](#), [University of Pennsylvania](#), [Caltech](#), and [Brown](#) note if an individual is found to have engaged in retaliatory activities, the consequences are up to and including termination of employment. Northwestern also states, “Retaliatory actions taken in

violation of law could also subject the individual found to have engaged in retaliation to legal liability.”

3. The [University of Michigan](#) encourages those experiencing retaliation to make complaints using the same procedure as for discrimination and harassment complaints, and they state that retaliation will not be tolerated at the university.

Demand 3D: Guarantee transitional funding

The demand

1. Guarantee transitional funding to all graduate students who choose to use it. This may be paid by the department, but must be backed at the Institute level to ensure that the funding is available. These funds must be accessible through a streamlined process without input from the former advisor. Funds must cover a minimum of a full term to allow for reasonable time to find a new research advisor.
2. Provide for academic accommodations to those transitioning between advisors, including flexibility around degree requirements and milestones, to minimize the amount of time their degree is ultimately set back.
3. In cases where a student has reason to believe their previous advisor is not supportive of their lab transition, the department or school leadership must provide avenues for the student to find alternative letter writers.

Background and motivation

“The often blatant inequity of the situation also compounds the mythology of the adviser-advisee relationship. Let's face it: No matter how friendly and egalitarian advisers might try to be, they wield enormous power over their students. An adviser controls your sole means of support and can fire you. He or she controls your access to the facilities you need to do your work. And let's not forget the power of the pen: Your adviser holds the key to your degree, the object of your years of toil.” (Excerpt from a [Science article](#) by Peter Fiske in 1998).

The power imbalance that exists within the advisor-advisee relationship makes it extremely difficult for students to advocate for themselves when faced with an abusive situation. Students finding themselves in this situation have few options, essentially limited to dealing with the abuse and resulting detrimental health effects, reporting the abuse and risking retaliation, or leaving the program. Transitioning to a new research advisor can serve as an escape route for students in dysfunctional situations, but in doing so students risk losing the support provided by their previous advisor. **“Transitional funding”** is support provided to students to cover their costs of continuing as a student while switching between advisors, including tuition, stipend, and healthcare. Guaranteeing transitional funding is a responsibility of the Institute to support its students.

Currently, some departments at MIT offer transitional funding, including the Department of Aeronautics and Astronautics. Other departments will cover transitional funding in the form of a Teaching Assistant Fellowship or other Fellowships when available, or can cover this funding when it is *absolutely* needed. Such other Fellowships are not always available, and even if they are, often include an additional workload that may not leave students adequate time for their advisor search. At the Institute level, the Office of Graduate Education will also *sometimes* volunteer to support students when departmental support is not available. However, there is no Institute-wide transitional funding guarantee and it is often the case that individual departments cannot or will not provide the necessary funds.

The decision to transition labs is a right that graduate students should feel comfortable exercising when needed. Transitional funding lowers the barrier for students to advocate for themselves and remove themselves from dysfunctional situations, whether that be an abusive advisor, ill-fitting lab culture or mentorship style, or a number of other reasons. Because of the risk to a student's career in switching labs, in terms of research setbacks and potential "burned bridges," this is a decision that students think heavily on before making. Lab transitions are often the last resort for students who are not in a healthy work environment and so the guarantee of transitional funding will inherently not be taken advantage of. The situations that warrant transitional funding may vary, but all have one thing in common - students are compelled to switch labs, often for reasons that are greatly impacting their overall health, and have the right to make that decision for themselves. Some of these situations include, but are not limited to:

1. Cases where an advisor departs from MIT for any reason. The end of a faculty member's time at MIT should not mean the complete destabilization of their students. Transitional funding and departmental support for finding a new group are both critical aspects to a fair transition.
2. Cases where an advisor abuses their power in a relationship with a student. Examples of this include, but are not limited to, harrasment or discrimination of any kind, pressure to work unreasonable hours, not giving students rightful credit for their work in the form of paper authorships, not offering equitable opportunities to all lab members, or verbal abuse.
3. Cases where the lab culture or the advisor's mentorship style is not the right fit for the student. Ill-fitting lab culture and mentorship style often lead to many adverse mental health effects. Additionally, the student will not be as productive as they have the potential to be, so it is to both the benefit of the student and the Institute for them to transition labs and be fully supported in doing so.

The working groups that were created in response to the NASEM report agree that guaranteed transitional funding should be a priority for MIT. The group's [final report](#) recommends that faculty be provided with the means to guarantee students “*transitional funding when changing research advisors,*” and calls for MIT to take “*action to minimize the impact of this change on the professional trajectory of the graduate student.*” Not only is this a priority, but it is also the responsibility of the Institute to support its students. The guarantee of transitional funding will empower students to more freely exercise autonomy over decisions that will deeply impact their health and careers.