I. Charge to Policies and Reporting Working Group

The Working Group on Policies and Reporting was asked to review the National Academies’ Committee on Women in Science, Engineering, and Medicine’s proposals regarding internal policies and community-reporting practices on sexual harassment. In developing recommendations, the Working Group considered: The Committee’s underlying findings; MIT’s goal of eliminating sexual harassment at the Institute; MIT’s current policies and practices relating to sexual harassment; MIT’s current practices relating to community reporting; the relevant policies and practices of MIT’s peer institutions; lessons learned from recent experiences at MIT; and MIT’s efforts to modify the complaint resolution procedures for cases against faculty and staff.

The Working Group’s charges, and the sections of this Report where each charge is addressed, are:

1. Review MIT’s policies and recommend any enhancements to ensure they describe MIT’s values and behavioral expectations and prohibit all the forms of sexual harassment identified in the Report, including gender harassment. *Response in Sections V-A, V-B*

2. Make recommendations on how the policies can be more clear, more consistent, and more transparent to MIT’s community members. *Response in Sections V-A, VI*

3. Review the policies and recommend any enhancements on appropriate discipline and consequences for severe and/or frequent sexual misconduct. *Response in Sections IV and VI*

4. Review MIT’s policies against retaliation and provide any recommended enhancements. *Response in Section V-C*

5. Review MIT’s policies on sanctions taking close view to sanctions that might actually benefit the responsible party and measures to respond to a complainant’s access to MIT’s programs and activities. *Response in Sections IV and VI*

6. Make recommendations on enhancing MIT’s policies to promote general civility and professionalism, in addition to forbidding sexual harassment. *Response in Section V-D*

7. Review informal reporting avenues for community members alleging sexual harassment and make any recommendations for enhancement. *Response in Section IV*
II. Composition of Policies and Reporting Working Group

The members of the Policies and Reporting Working Group are:

- Doreen Morris, Assistant Provost, Co-Chair of Working Group
- Marianna Pierce, Policy & Compliance Specialist, Human Resources, Co-Chair of Working Group
- Kelley Adams, Assistant Dean and Director, Violence Prevention and Response
- Byron Drury, Postdoctoral Associate, Physics
- Mary Markel Murphy, Senior Associate Dean, Office of the Vice Chancellor
- Kate Miller, Manager of Institutional Compliance, Risk Management & Compliance Services
- Sarah Rankin, Director and Title IX Coordinator, Title IX and Bias Response Office
- Allison Romantz, Counsel, Office of the General Counsel
- Lianne Shields, Director of Labor & Employee Relations, Human Resources
- Heather Williams, Assistant Dean, School of Science
- Rebecca Elizabeth Zubajlo, Graduate Student, Mechanical Engineering

III. Working Group’s Process

The Policy and Reporting Working Group met 13 times as a full group. Professor Sheila Widnall joined the Working Group at its June 11 meeting. The Working Group discussed MIT’s current policies, practices, and experiences in reporting and responding to allegations of sexual harassment. The Working Group created three subgroups to do in-depth reviews of policies on (1) sexual harassment (including gender harassment); (2) retaliation; and (3) civility.

Each subgroup reviewed MIT’s existing policies and websites, and reviewed policies and websites from other institutions of higher education. The subgroups made recommendations of possible improvements to MIT’s policies, practices, and resources. For some issues, the subgroups proposed alternative solutions. The draft recommendations from each subgroup were reviewed by the full Working Group at one or more of its meetings. The final recommendations of the subgroups are attached as Exhibits 1-3.

IV. Revisions to Complaint Policy

A review of MIT’s Complaint policy, currently found in Policies & Procedures Section 9.8, has been ongoing for over a year, having started well before the NASEM report was issued. A significant revision to the complaint policy was approved by Academic Council in May 2019.

Under the revised complaint policy, the Title IX and Bias Response office will expand its scope to investigate formal complaints against faculty and staff that allege sexual harassment and gender discrimination, as well complaints of discrimination or harassment based on other protected classes. The expanded office, renamed the Institute Discrimination and Harassment Response office (IDHR), will be operational by the second semester of the current academic year. The IDHR office may also be involved in informal resolution of these kinds of complaints, as may other offices at the Institute (such as the local department, lab or center, central Human Resources, and the Ombuds office).
The revised complaint policy clarifies the informal complaint resolution process. It also revises the process for discipline or sanctions, which may include sanctions for severe or frequent sexual misconduct. Additional information on informal resolution and the ranges of discipline or sanctions (including sanctions particular to faculty) will be included on the IDHR’s website. A communications campaign will be undertaken for the IDHR. This communications effort should heighten understanding of the resources and processes - current and new - for addressing sexual misconduct and gender harassment.

The Working Group discussed disclosure of the results of investigations, and in particular, whether the complainant should be informed of any sanctions taken against the respondent, and, in some cases, whether the results of a formal investigation should be disclosed to individuals other than the complainant and the respondent. In workplace investigations, MIT has generally not disclosed to the complainant any sanctions taken against the respondent, nor has MIT usually disclosed the results of an investigation more broadly. This stance has reflected a concern for the privacy of the parties and MIT’s goal of restoring a productive working environment, particularly where both parties remain at work. The call for more transparency may be in tension with these goals, particularly in the area of sexual harassment. We note that MIT may now be obligated to notify federal agencies about certain violations of MIT’s policies on sexual harassment or discrimination. That legal requirement may also affect future discussions about disclosure.

The Working Group recommends that MIT’s policies on disclosure be reviewed again, as mentioned in Section VII-B, Next Steps – Longer Term Steps.

V. Recommendations of Changes to Policies

MIT’s policies on sexual misconduct and sexual harassment for students are found in the Mind and Hand Book. The sexual harassment, sexual misconduct and gender-based harassment policies for the general community (students, faculty, staff and other members of the community) are located in Section 9 of Policies & Procedures, Relations and Responsibilities Within the MIT Community. Section 9 was extensively revised in December 2016. That revision included significant changes to the policies on sexual harassment, gender-based harassment, personal conduct, and retaliation. In particular, that revision aligned the sexual harassment policy in P&P to that in the Mind and Hand Book, though with some differences.

The Working Group subgroups’ recommendations on changes to policies, practices, and resources on sexual harassment, retaliation, and civility are attached as Exhibits 1, 2, and 3. Summaries of the key recommendations from those subgroup reports are as follows:

A. Revisions Affecting Multiple Policies

*Current state:* Some significant policy statements are currently included in the introduction to Policies & Procedures Section 9.0, Relations and Responsibilities Within the MIT
Community. The introductory language includes such topics as what off-campus conduct is covered for employees, discipline, and academic freedom.

Some policies on sexual misconduct, harassment and related topics found in the Mind and Hand Book and in Policies & Procedures use the same language (verbatim), while the other policies use slightly different language. The P&P polices lack detail on the seriousness of consequences and on terminology often used in sexual harassment cases (e.g., “quid pro quo.”)

The Working Group recommends the following steps:

**Highlighting concepts now in introduction in Section 9.0** The Working Group found that some of the key concepts in the Introduction (Section 9.0) could easily be overlooked. It recommends that the key concepts in this introductory language be included in the policies on sexual harassment (and other conduct policies), either by links or by repeating the text. Moving this introductory language to its own section, and adding headers to the differing concepts in this introductory language, would also make these important concepts easier to find.

**Differences between policies for students and faculty/staff:** The policies in the Mind and Hand Book and Policies & Procedures on sexual misconduct, sexual harassment, and gender-based harassment should either be made the same or, where differences are worth retaining due to their different target audiences, the policies or accompanying websites should make clear which standards are the same and which are not.

**Seriousness of Consequences:** The policies in P&P should stress that sanctions or discipline for violating sexual harassment policies can be serious. The language in the revised complaint policy in Section 9.8 should be reviewed to ensure this is clearly communicated, as should the statements in the Introduction to Section 9.0.

**Glossary:** A glossary should be developed for terms used in sexual harassment and related cases. The glossary would include definitions of terms like “quid pro quo” and “preponderance of the evidence.” This glossary might be included in a policy or might be in an accompanying website.

**Overall:** Some policy statements in Policies & Procedures would be strengthened if put in the active voice, rather than the passive voice.

**B. Key recommendations regarding Sexual Harassment Policies** *(See Exh. 1 for full recommendations on Sexual Harassment policy)*

Current state: Policies & Procedures Section 9.4.1 covers sexual harassment, sexual misconduct, and gender-based harassment. The 2016 revision attempted to make the language in P&P align with the language in the Mind and Hand Book, though with
modifications to apply to non-student communities. There are, however, some parts of those policies that we recommend be changed or clarified.

*One standard against sexual harassment:* As mentioned, the Institute should make clear that the sexual harassment policy is the same for students, faculty and staff.

*Clarify sexual misconduct policy:* The current links about sexual misconduct from P&P Section 9.4.1 to the Title IX website have caused confusion, and at a minimum, the application of the sexual misconduct policies for faculty and staff should be clarified. The policy should also make clear that harassment may occur in any MIT program or activity, and that quid pro quo harassment may exist whether or not the person submits to the harassing behavior, and even if there is a time gap in reporting. These points could be included in the policy itself or in a website.

*Expand policy on gender harassment:* MIT’s policy on gender-based harassment (P&P Sec. 9.4.1.3) should be amplified, possibly incorporating the definition in the NASEM report: “Verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of one gender.” In addition, examples of gender harassment, such as gender-based stereotyping (e.g., traditional notions of “masculinity” or “femininity”) might be included in the policy or in a website. We note that the Mind and Hand Book’s reference to gender harassment should be updated to refer to P&P Section 9.4.1.3.

*Revamp reporting tools:* Make reporting tools sensitive to use by complainants in differing circumstances. For example, a victim of a sexual assault should not be asked whether they have taken measures to address the issue, while such a question may be appropriate in another type of complaint.

C. **Key Recommendations regarding Retaliation Policy** *(See Exh. 2 for full recommendations on Retaliation policy)*

*Current state:* Both the Mind and Hand Book and Policies & Procedures contain retaliation policies. The wording in the two policies differs somewhat, and the Mind and Hand Book Section II (22) contains examples of retaliation while P&P section 9.7 does not contain examples.

*Making policy the same for students and faculty/staff:* We recommend that the retaliation policies in the Mind and Hand Book and in P&P be made the same although, if examples are included, they might differ in the two manuals for their particular constituencies. Examples of protective measures for various groups might be included on a website.

*Change name of policy:* Change name of policy from “Retaliation” to “Non-retaliation.”

*Clarify “adverse action”:* The P&P policy should provide examples or clarification of what constitutes a retaliatory “adverse action.”
Refer to third party retaliation: Add to the policy that retaliation through a third party is also prohibited.

D. Key Recommendations regarding Civility Policy
(See Exh. 3 for full recommendations on Civility policy)

Current state: Section 9.1 of Policies & Procedures contains standards of conduct that apply to the entire MIT community including the statement that: “All members of the MIT community are expected to conduct themselves with professionalism, personal integrity, and respect for the rights, differences and dignity of others.”

Strengthen current policy in P&P on personal conduct: The Working Group recommends highlighting and strengthening the existing language in P&P Section 9.1 on personal conduct, but not creating a new policy on “civility.” The concept of “civility” may be viewed as ambiguous while the policy’s current wording on “professionalism, personal integrity, and respect for the rights, differences and dignity of others” appropriately focuses on specific elements of civility. Changes that would strengthen the policy on personal conduct include:

- Changing the title of the current policy “Personal Conduct and Responsibilities towards Students and Employees” to simply “Personal Conduct”
- Adding examples of unacceptable behavior that is uncivil but does not rise to the level of harassment, possibly on a website
- Stressing that incivility can escalate to harassment or discrimination and so needs to be addressed

Posters about Personal Conduct: The Working Group recommends creating posters on MIT’s policy on personal conduct, suitable for display in labs, offices, and elsewhere.

VI. Overall Transparency of Policies on Sexual Harassment and Gender Harassment

MIT’s policies on sexual and gender harassment are easily accessible on the web – in P&P, the Mind and Hand Book, and the Title IX website. We realize that many users access policies through narrow web-based searches. These searches should lead directly to the appropriate subsection, but sometimes the user may not see the preceding or following policy sections that provide context. Repetition of text and cross linking can help give the user a more complete understanding of the policy.

The Title IX website contains the relevant sexual misconduct policies, and other helpful information including reporting options for students and for faculty and staff, training materials, and annual reports. This website is being revised to reflect the greater scope of the IDHR office in addressing sexual harassment and other allegations against faculty and staff. The new website will provide a less formal access point to the policies on sexual harassment and gender discrimination, with links to resources at MIT.
In addition, the Title IX and Bias Response office has made significant outreach about sexual misconduct through posters, flow charts, and handouts as well as on its website. Finally, training efforts from the Title IX office, Human Resources, and the OGC all address the sexual harassment policies, websites and resources, though more training, particularly for directors and leaders, on how to respond to allegations of harassment and discrimination is needed.

The subcommittee on sexual harassment recommends increasing the transparency of reporting about sexual harassment complaints against faculty and staff, similar to the Title IX office’s report on students. We understand that in the future, the IDHR office will produce annual reports on sexual harassment complaints raised against faculty, staff, and other non-student members of the MIT community. We also urge the Institute to consider a survey (whether a separate survey or incorporated into an existing survey) on sexual and gender harassment for faculty and staff, and to report the survey results to the community.

As mentioned above, we also recommend steps like posters to enhance awareness of MIT’s personal conduct policies.

The issue of disclosure of the results of investigations is discussed in Sections IV and VII-B.

VII. Next Steps

Some of the recommended policy changes can be considered and, hopefully, adopted in the short term while one may be a longer-term project:

A. Short Term Steps

Recommended short term steps are:

- The revision to the introduction to Section 9 (and cross references to its content)
- Some changes to the retaliation policy
- Some changes to the policy on personal conduct
- Changes to the sexual harassment policy (including clarifying one policy standard for all, and clearer references to definitions of sexual misconduct)
- Enhanced tools (e.g., complaint form, posters on personal conduct policy)

If some or all of these policy changes are pursued, we recommend that the usual process for revisions to employment policies in Policies & Procedures be followed, with the leadership of Human Resources and the Provost’s Office, and the involvement of the Office of the General Counsel and IDHR. This process would also include input from faculty and from other HR and student services staff. Substantive changes to policies in P&P would, of course, be presented to Academic Council for approval.
B. Longer Term Steps

As noted, the Working Group discussed disclosure to the complainant of sanctions taken against a faculty or staff respondent following a formal investigation, and disclosure of the results of formal investigations to a wider group of interested persons. Disclosure raises competing values of transparency and privacy, as well as possible implications for the working or educational environments of potential complainants, respondents, colleagues, and bystanders. We recommend that a group be formed to consider the issues of disclosure of violations of MIT’s policies on harassment and discrimination based on sex, gender, and other protected classes in the workplace setting.

Submitted October 17, 2019
RESULTS & RECOMMENDATIONS
REVIEW OF MIT AND PEER INSTITUTION SEXUAL HARASSMENT INCLUDING SEXUAL MISCONDUCT AND GENDER HARASSMENT POLICIES

Process
The work of our group consisted of the following activities:

- Identifying and comparing MIT’s own sexual harassment policies in the Mind and Hand Book and MIT Polices & Procedures.
  - https://handbook.mit.edu/harassment
  - https://handbook.mit.edu/sexual-misconduct

- Reviewing MIT’s harassment policies in comparison to peer institutions including Harvard, Princeton, Stanford, University of California, Berkeley, University of Oregon, Yale.

Findings & Recommendations

Current Policies
MIT’s sexual harassment policy is generally the same between students and employees. There are currently some differences in language by audience.

Policies & Procedures:

Section 9.4 Harassment
  9.4.1 Sexual Harassment, Sexual Misconduct, Gender-Based Harassment
    Section 9.4.1.1 Sexual Harassment
    Section 9.4.1.2 Sexual Misconduct
    Section 9.4.1.3 Gender-Based Harassment
    Section 9.4.2 Stalking

Mind and Hand Book:

Section II. Policies Regarding Student Behavior
  Section II (11). Harassment (sourced from P&P 9.4)
  Section II (23). Sexual Misconduct

Title IX Website:

For Students
  Policies and Definitions

For Faculty and Staff
  Policies and Definitions
Recommendations, including proposed responsible offices and timing in brackets

1. **Universal or Community-Wide Policy Approach** [IDHR, HR, Provost's Office, OGC, P&P Admin, short-term]
   - Make clear that the same policy standards on sexual harassment, sexual misconduct and gender harassment apply to all in the MIT community.
   - Establish one policy on sexual harassment for everyone at MIT, in one place with distinct sections for sub-groups: students, faculty, and staff as necessary.
     1. Option 1: Identical policies in P&P and Mind and Hand Book (MHB) with additional detail in P&P for faculty and staff and in MHB for students.
     2. Option 2: Operative provisions on the policy could be the same but with specific language for each group (i.e. language can vary in the Mind and Hand Book v. Policies & Procedures). For example, the student policy would not refer to discipline that applies to faculty-staff nor would the faculty-staff policy refer to student sanctions. If this approach is taken, need to state clearly that the operative policies are the same, and provide links to where this information can be found for other groups.
   - In P&P expand section 9.4.1.2 on sexual misconduct.
     1. This could mean expanding the content in P&P to include a high-level summary of effective consent and clarifying that the reference in P&P to the Title IX website includes both policies and definitions. Alternatively, if there is one sexual misconduct policy definition for all community members, that policy language could be added to P&P.
   - If the decision is made to have separate policies for faculty and staff, add more detail on faculty and staff policies on Intimate Partner Violence (IPV), Violence Against Women Act (VAWA), and other sexual assault.
     1. Revise the IPV policy (at least the student version of the policy) to include behaviors beyond actual and threatened violence. For example, given that controlling behavior is common in abusive relationships, including that would be useful. Several schools have appropriate language including Brown University.
     2. Modify text so that IPV is described as an umbrella term that refers to both domestic violence and dating violence in order to mirror text on the Title IX site.
   - Clarify how jurisdiction applies to various issues based on the relationship of the complainant and respondent to MIT and the location of the incident. See the current language in P&P Section 9.0 about MIT-sponsored or funded events, etc.
   - Make clear the importance of due process, support, and guidance for all parties in these types of dispute.

2. **Convey Seriousness of Sanctions/Discipline** [HR, Provost’s Office, IDHR, OGC, P&P Admin, short-term]
   - Make it clear to the community that sanctions/discipline can be serious.
     1. This can be in an introductory policy in Section 9 or in each separate policy within Section 9 (e.g., nondiscrimination, racist conduct, harassment, etc.) that communicates this.
     2. Include the range of possible sanctions depending on type of behavior, the respondent’s past record, etc. for all categories of community members, including tenured faculty members.
     3. Explore options for the use of restorative justice (RJ). Restorative Justice is an alternative to disciplinary adjudication with the primary goal of addressing harm. RJ practices create conditions safe enough for a person who has caused harm to be
engaged in identifying ways of being held actively accountable and repairing harm. This may be particularly effective in addressing issues related to gender-based harassment that do not rise to a possible criminal offense.

3. **Revise and Expand Sexual Harassment and Gender-Based Harassment Policies [HR, Provost’s Office, VPR, IDHR, P&P Admin, OGC, short-term]**
   - Make clear the distinctions between the types of harassment are important, particularly because many people do not realize that gender harassment (e.g., behaviors that communicate that women do not belong or do not merit respect [typically referred to as below the waterline in the NASEM report]) is a form of sexual harassment and that when an environment is pervaded by gender harassment, unwanted sexual attention and sexual coercion become more likely to occur—in part because unwanted sexual attention and sexual coercion are almost never experienced by women without simultaneously experiencing gender harassment.
   - Add more detail to the definition of the most common form of sexual harassment, gender harassment.
     - Such as “exhibiting what is perceived as stereotypical characteristics of their gender or failing to conform to stereotypical notions of masculinity or femininity”; or “verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of one gender”, or other language from the NASEM report and/or research on gender-based harassment.
   - Incorporate information about the prevalence and impact of “below the waterline” behavior into leadership training and provide clear guidance about how those cases should be handled.
   - Look for opportunities for leadership to convey messages about the “below the waterline” behavior more intentionally.
   - Expand the definition of sexual harassment (and gender-based harassment) to encompass more than just situations involving living, learning, working – e.g. Brown: “a term or condition of or used as basis for participation in any aspect of a Brown University program or activity.”
   - Add a statement similar to the statement made by Columbia to further clarify our policy: "Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or a person submits and avoids the threatened harm, and can occur even if the person delays in reporting the harm."

4. **Measures to Enhance Clarity of Policy Language [IDHR, HR, Provost’s Office, OGC, P&P Admin, short-term]**
   - In P&P section 9.4.2 Stalking, determine if the definitions included in the Mind & Hand Book II (24) related to the definitions of “course of conduct” and “reasonable person” should also appear in P&P and if not, reference the Title IX website.
   - Add glossary of terms like “preponderance of the evidence”, “quid pro quo”, VAWA, and domestic violence etc., in P&P or in an accompanying website. The Mind and Hand Book has language that could be adopted for this purpose.
   - Replace “reasonable person” with “reasonable person similarly situated”.

5. **Measures to Increase Awareness of Understanding of Policy [IDHR, HR, ongoing, short-term and long-term]**
   - Develop a marketing campaign as a tool to promote awareness of policies focused on promoting MIT values and what it means to be part of the MIT community, with special emphasis on educating the community about gender-based harassment (actions that fall below the waterline of the iceberg image in the NASEM report).
• Add information about “responsible employee” to P&P.
• Create resources for local groups, such as educational and training materials.
• Redesign bathroom stickers to incorporate reporting and policy information.

6. **Measures to Make Reporting Tools Sensitive to Use by Victims/Survivors and mitigate the inherent power differential associated with faculty members [IDHR, HR, short-term and long-term]**
   • Revise the online form for formal complaints against employees.
   • Remove section in the form that asks submitter to list other actions taken for claims of sexual misconduct and other issues related to power.
     We suggest using a form that uses skip logic or otherwise adjusts based on information submitted. For example, it shows certain questions for complaints by an employee against an employee but different ones for student complaints against an employee; or for certain types of policy violations but not others. Alternatively, this question could be removed from the form and the information can be collected during an in-person follow up meeting. Alternatively, responding to this question could be optional.
   • Increase awareness of anonymous reporting mechanisms and informal reporting options.
   • Increase understanding of trauma informed and sensitive complaint handling for staff who handle these types of complaints.
   • Increase awareness of MIT community members of commitment to protecting complainants from retaliation.
   • Use the annual Change Maker nominations and event to recognize the courage required to come forward with complaints.
   • Increase awareness, and expand if possible, methods to mitigate the power differential for students and postdocs who participate in the complaint process.
   • The working group discussed the use of Callisto or a similar product technology to detect repeat perpetrators of professional sexual coercion and sexual assault. We do not recommend going forward with this product at this time related to concerns about the completeness of memories related to trauma as well as access to the data.

7. **Measures to Increase Transparency of Formal Reporting Procedures, Outcomes, and Surveys [IDHR, long-term]**
   • Publish an annual report on sexual harassment cases for all cases related to students, staff, and faculty rather than just those that are student-related.
     Note: this reporting is part of the responsibility for the expanded Institute Discrimination and Harassment Response office. Yale releases an annual report that could be used as a model for implementing this recommendation.
   • Implement an Association of American Universities climate survey (or similar tool) for faculty and staff, or incorporate gender harassment questions into the Academic Climate Survey (and other ways of surveying non-academic departments like DSL, etc.) and make the results widely available.

8. **Other [Outside of our scope, short-term]**
   • While not in our purview, we recommend effective training for leadership (managers, supervisors, deans, directors...), ideally utilizing in-person sessions, on the topic of gender harassment (expectations, policies, resources, reporting options, bystander, etc.)
• Extend gender harassment training as outlined above into new employee orientation, new grad student orientation, and enhance this info during first-year orientation, new faculty orientation, faculty tenure orientation, etc.

Submitted by: Kelley Adams, Sarah Rankin, Lianne Shields, Heather Williams

October 17, 2019
RESULTS & RECOMMENDATIONS

REVIEW OF MIT AND PEER INSTITUTION RETALIATION POLICIES

Process

The work of our group consisted of the following activity:

- Identifying and comparing MIT’s own retaliation policies which may be found in the Mind Hand Book and MIT Polices & Procedures.
  - [https://handbook.mit.edu/retaliation](https://handbook.mit.edu/retaliation)

- Reviewing MIT’s retaliation policies in comparison to peer institutions including Caltech, U/California System, Cambridge, University of Chicago, Columbia, Cornell, Harvard, Yale, Princeton and Stanford.

Findings & Recommendations

MIT has two retaliation policies which are different. One in the Mind & Hand Book and one in MIT P&P.

- The Institute may consider having only one retaliation policy. Essentially, replace the current version in the Mind & Hand Book with the MIT P&P version. At the very least, the Mind & Hand Book should be updated to refer to MIT P&P 9.7.

- P&P 9.7 should be updated with bullet points to clarify what “adverse action” means.

By comparing MIT’s retaliation policies to the above referenced peers, we recommend the following:

- Change the name of the policy from retaliation to non-retaliation.

- Enhance the MIT policy to prohibit using a third party to retaliate against a complainant on the respondent’s behalf—Columbia, Stanford and MIT Mind & Hand Book

- Write the MIT policy in an active, forceful voice, as opposed to the passive voice currently used (“No one shall be retaliated against...”). For example, Harvard’s policy expressly “forbids” retaliation.

- Include language to explicitly frame retaliation as a policy violation subject to disciplinary action including termination—Caltech, Columbia and University of Chicago.

- State that protective measures may be taken if there is reason to believe retaliation may be taken—Columbia.
Other Suggestions from the Review

- Regarding promotion and tenures cases, MIT needs to educate case reviewers to avoid drawing negative conclusions when they assume that a specific referee should write a recommendation letter, but such a letter is not in the case.

- In whatever format is used for filing a complaint (online intake form, e.g.), the complainant should be advised that they cannot be retaliated against for filing a complaint.

Submitted by: Byron Drury, Kate Miller, Doreen Morris, Mary M. Murphy

October 15, 2019
RESULTS & RECOMMENDATIONS
REVIEW OF MIT AND PEER INSTITUTION POLICIES ON CIVILITY

Process

The civility subgroup reviewed MIT’s current policy on personal conduct, found at Policies & Procedures Section 9.1, Personal Conduct and Responsibilities Toward Students and Employees; the introductory language to Section 9; and MIT’s Harassment policy (Sec. 9.4)

- [https://policies.mit.edu/policies-procedures/90-relations-and-responsibilities-within-mit-community](https://policies.mit.edu/policies-procedures/90-relations-and-responsibilities-within-mit-community)

The key language in Section 9.1 on Personal Conduct was revised in 2016 and reads as follows:

All members of the MIT community are expected to conduct themselves with professionalism, personal integrity, and respect for the rights, differences and dignity of others. These standards of personal conduct apply to all communications, whether oral, written, or in gestures.

We also reviewed peer institution policies on civility or personal conduct, specifically from Brown, Columbia, Harvard, Johns Hopkins, Princeton, Ryerson, Stanford, University of Michigan, and Yale.

Findings & Recommendations

Make the introductory language in Section 9.0 more prominent by renumbering it as Sec. 9.1, giving it an appropriate heading, and including it in the table of contents.

- Some important concepts are found in the Introductory language in 9.0 – on what off-campus conduct is covered, on discipline and sanctions, and on academic freedom. These concepts are lost in this introduction and should be referred to throughout the other personal conduct policies of Section 9 (possibly using links). For example, the Nondiscrimination policy (Sec. 9.2), the Racist Behavior policy (sec. 9.3) and the Sexual Harassment policy (Sec. 9.4.1) would refer to these concepts.
- Potentially put headers into the new section 9.1 to break up the 5 paragraphs.
- Highlight the current policy language on the difference between incivility and academic freedom, and that the personal conduct policy is not intended to infringe on MIT community members’ rights to academic freedom.

In the policy on Personal Conduct (currently Sec. 9.1):

- Shorten the title for civility policy (current 9.1) to “Personal Conduct”, deleting the words “and Responsibilities Towards Students and Employees.”
- Highlight that disciplinary action may be taken for violation of personal conduct policy.
We think the current language on personal conduct conveys a strong message. We do not recommend adding the word “civility” as that word is ambiguous, and the specifics of professionalism, integrity and respect adequately convey the key aspects of civility in the work and educational settings.

- Section 9.1 could, however, be strengthened by adding examples, possibly in a website, of uncivil conduct and conduct that is likely civil.
- Consider adding statement in Sec. 9.1 that “Conduct that does not rise to the level of harassment because it is not sufficiently severe or pervasive may still violate section 9.1.” This statement is made in MIT’s harassment policy, Sec. 9.4.
- Consider adding a reference to the role of faculty in setting the tone and demonstrating leadership by modeling informed, rational discourse. (An example can be found in the University of Michigan’s policy on professional standards for the faculty.)
- Consider adding a statement that incivility can escalate and lead to more severe behaviors such as harassment or discrimination.
- Possibly revise Section 9.1 to affirm that incivility should not be confused with critical feedback from supervisors on work performance or work-related behavior.

**Other Suggestions**

We recommend a communications plan to educate the MIT community about MIT’s expectations for civil academic and work environments at the Institute, whether or not the personal conduct policy is updated. A part of this communications plan might include posters stating MIT’s personal conduct policy, suitable for hanging in offices and labs.

Submitted by: Allison Romantz, Marianna Pierce, Rebecca Zubajlo

*October 15, 2019*