

Re: Title IX Regulations

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Dear Members of the MIT Community,

Welcome to the fall 2020 semester! While we're living in unusual times, I know we're all here to support each other as we navigate the school year together.

The Institute Discrimination and Harassment Response Office (IDHR) addresses issues of discrimination and discriminatory harassment impacting students, staff, postdocs, and faculty. MIT prohibits sexual harassment and other forms of sexual misconduct. As you may know from [the Institute letter](#), new federal Title IX regulations now require MIT to follow specific processes when the Institute responds to a [report](#) or [Formal Complaint](#) of certain categories of sexual misconduct, referred to as "[Title IX Sexual Harassment](#)." The new Title IX [regulations](#) were issued in May with a required implementation date of August 14, 2020.

While the new regulations mean changes for MIT's policies and procedures, what hasn't changed is our commitment to a process that respects the dignity of all members of our community. Our priorities remain the same: providing fair and equitable processes, repairing harm, and facilitating healing and safety for all members of the community irrespective of race, sex, gender identity/expression, age, ability, religion, socio-economic status, or other facets of identity within our diverse community.

The IDHR staff want you to be aware of these changes and how they impact MIT's policies and procedures to address sexual harassment.

MIT has revised its policies and procedures. You can find those revisions as they relate to students in the [Mind and Hand Book](#), Section II(28) and the [COD Rules](#), particularly in Section XIII-XVI, and, for staff and faculty, in Policies & Procedures, [Section 9.4](#) and [Section 9.8](#). IDHR also updated its [website](#) to help our community navigate everything from accessing supportive resources to filing a Formal Complaint to requesting an educational program. We also took this opportunity to clarify and expand explanations of options including informal/alternative dispute resolution processes.

A group of faculty, staff, and students met regularly over the summer to guide the Institute's development of the new policies and procedures. We are so grateful for their guidance and commitment to these important issues. Although the regulations give institutions little discretion in handling certain aspects of formal complaints, with this group's help, MIT is implementing new procedures that strives to uphold the essential elements of fairness and equity in our current processes.

Examples of the group's important work that are reflected in the revised MIT policies and procedures include:

- **Application of the regulations where required.** The regulatory requirements will only be applied to conduct that meets the Department of Education's limited definition of Title IX Sexual Harassment. MIT will continue to apply our current policies and procedures to all other allegations of discrimination or discriminatory harassment.
- **Professional Hearing Chair.** As required by the regulations, all Title IX Sexual Harassment cases will include a hearing with cross-examination conducted by advisors. An external professional with expertise in managing cross-examination and making evidentiary decisions will chair Title IX Sexual Harassment hearings. MIT is committed and confident in our ability to manage hearings in a manner that is respectful to all involved.
- **Suitable Hearing Advisors.** If either party's advisor is not willing or able to conduct cross-examination at the hearing, MIT will provide an advisor suitable to do so.

- **Responsible Employees.** MIT will not adopt the Department of Education’s more narrow definition of “responsible employee” but will instead retain our current definition to ensure students who disclose having experienced sexual misconduct to faculty or staff (aside from a [confidential resource](#)) will receive accurate and consistent information about reporting options, informal remedies, supportive measures, and available resources.

I want to underscore that MIT remains committed to procedural protections that are important to all members of our community and these are unchanged by the new regulations, including:

- Providing all parties with a strong set of supportive measures designed to effectively bring an end to any hostile environment (i.e. no contact orders, academic/work modifications, campus housing relocation, etc.);
- Providing a robust range of appropriate informal/alternative dispute resolution opportunities;
- Conducting a process that is transparent to the participants and treats all participants with respect and sensitivity;
- Providing clear notice to anyone accused of misconduct;
- Delivering resolutions to complaints as promptly as possible; and
- Assigning consistent sanctions for violations of policy against any member of our community.

We are remote, but still here for you. IDHR has been providing remote services since March. This includes conducting investigations and providing training to community members. We have become proficient at doing our jobs and supporting our community through technology platforms and will continue to do so for as long as necessary.

We are hiring. As the scope of the work of our office has expanded to respond to all forms of discrimination and discriminatory harassment for all members of the MIT community, we are adding staff to meet the needs of the Institute. IDHR is pleased to announce we are adding a position to assist with prevention education and outreach and another position to develop additional alternative dispute resolution options, including a restorative justice program. We look forward to welcoming the new staff within the next few months.

Not every member of the community is going to be comfortable with the changes to the regulations, or to our new policies and procedures for addressing Title IX Sexual Harassment. We understand that and welcome your voices and input as we strive to improve processes and be responsive to the concerns of the members of our community. MIT will monitor and review implementation of the new procedures to adjudicate Title IX Sexual Harassment to track opportunities to improve the process.

To learn more about the revised policies and procedures, please explore IDHR’s updated [website](#). Additional content to clarify processes will be added throughout the semester. If you have questions or would like to provide input, please reach out to idhr@mit.edu or see [here](#) for a list of support resources.

I wish you a healthy and safe 2020-2021 school year!

Sarah Rankin



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Director

Institute Discrimination and Harassment Response Office