

Institute Discrimination & Harassment Response Office
Guide to the Investigation of Formal Complaints of
Discrimination and Discriminatory Harassment
(“IDHR Investigation Guide”)

The *IDHR Investigation Guide* sets out the processes that IDHR generally follows when reviewing and investigating Formal Complaints¹ against the following categories of individuals at MIT:

- Students, including students on leave;
- Staff members and Postdoctoral Scholars (collectively “staff” or “staff members”);
- Faculty members, Senior Research Scientists, Senior Research Engineers, Senior Research Associates (collectively “faculty” or “faculty members”);
- Former students, where such Formal Complaints are permitted by the Committee on Discipline (“COD”) Rules.

IDHR will generally follow the Investigation Process laid out in this guide for Formal Complaints made by the following categories of individuals:

- Students, including students on leave;
- Staff members and Postdoctoral Scholars (collectively “Staff members”);
- Faculty members, Senior Research Scientists, Senior Research Engineers, Senior Research Associates (collectively “Faculty members”);
- Former students, where such Formal Complaints are permitted by the Committee on Discipline (“COD”) Rules; and
- Under certain circumstances individuals who are non-community members may submit a Formal Complaint, which may be processed as an Administrative Complaint, discussed below.

Alleging the Following Acts of Prohibited Conduct:

- For Staff members and Faculty Members, [Policies and Procedures 9.0](#):
 - P&P, Section 9.3: Nondiscrimination
 - P&P, Section 9.4: Racist Conduct
 - P&P, Section 9.5: Harassment (based on protected class)
 - Section 9.5.1.1: Sexual Harassment
 - Section 9.5.1.2: Sexual Misconduct
 - Section 9.5.1.3: Gender-Based Harassment
 - Section 9.5.1.4: Title IX Sexual Harassment
 - P&P, Section 9.5.2: Stalking
 - P&P, Section 9.6: Violence Against Community Members (based on protected class)
 - P&P, Section 9.7: Retaliation (based on protected class)

¹ The IDHR reserves the right to modify the process outlined herein based on the circumstances of an individual case and consistent with applicable law. This process does not apply to Formal Complaints about academic decisions (such as grade appeals, thesis issues, or authorship issues), allegations of research or academic misconduct, and any other allegations where other internal complaint handling procedures have been established by MIT.

IDHR Investigation Guide

- For Students, [MIT Mind and Hand Book](#) Section II. Policies Regarding Student Behavior:
 - Nondiscrimination Policy
 - Racist Conduct
 - Discriminatory Harassment
 - Harassment Based on Protected Class
 - Sexual Harassment
 - Gender-Based Harassment
 - Sexual Misconduct
 - Nonconsensual Sexual Penetration
 - Nonconsensual Sexual Contact
 - Sexual Exploitation
 - Intimate Partner Violence
 - Stalking
 - Non-Retaliation
 - Title IX Sexual Harassment

Throughout this *IDHR Investigation Guide*, the above-listed policies are collectively referred to as “Discrimination and Discriminatory Harassment.”

Issued: August 14, 2020.

Revised: July 24, 2024

IDHR Investigation Guide

Table of Contents

- 1. Preamble 4**
- 2. Designation of Complainant and Respondent 4**
- 3. Incident Report and Formal Complaint Differentiation 5**
- 4. Jurisdiction 5**
- 5. Initial Report of Discrimination and Discriminatory Harassment..... 5**
 - 5.1. Anonymous Reports 6**
- 6. Formal Complaint of Discrimination and Discriminatory Harassment 6**
 - 6.1. Initial Assessment 6**
 - 6.2. Formal Complaint Submitted by Complainant..... 7**
 - 6.3. Administrative Complaint by IDHR: Generally 8**
 - 6.4. No Time Limit to File Complaints 9**
 - 6.5. Formal Complaint: Dismissal..... 9**
- 7. Investigation Process..... 11**
 - 7.1. Notice of Investigation and Allegations 11**
 - 7.2. Supportive Measures During the Investigation Process 11**
 - 7.3. Investigation Process: Assignment of Neutral Investigator(s)..... 11**
 - 7.4. Investigation Process: Overview 12**
 - 7.5. Evidentiary Considerations in the Investigation Process..... 12**
 - 7.6. Participation by the Parties 13**
 - 7.7. Participation by Witnesses..... 13**
 - 7.8. Investigative Interview Process 14**
 - 7.9. Expert Consultation 14**
 - 7.10. Evidentiary Materials..... 15**
 - 7.11. Access to Documents Related to the Investigation..... 15**
 - 7.12. Requests for Extensions 15**
 - 7.13. Investigation Into Conduct by a Group..... 16**
 - 7.14. Investigation Process: Investigation Record and Report..... 16**
- 8. Findings and Sanctions 20**
- 9. Formal Complaint: Appeals..... 20**
- 10. Investigation Process: General Provisions..... 21**
 - 10.1. Confidentiality 21**
 - 10.2. Advisors 21**
 - 10.3. Coordination with Law Enforcement 22**
 - 10.4. Resolution Timeline..... 22**
 - 10.5. Preponderance of the Evidence 23**
 - 10.6. Consolidation of Formal Complaints..... 23**
 - 10.7. Departure of the Complainant/Respondent from the Institute or Initiation of External Process 24**
 - 10.8. IDHR and Title IX Coordinator Contact Information 24**
 - 10.9. Nondiscrimination Policy..... 24**



IDHR Investigation Guide

1. Preamble

The Massachusetts Institute of Technology (“MIT” or “the Institute”) is committed to the principle of equal opportunity in education and employment. The Institute does not discriminate against individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, or national or ethnic origin in the administration of its educational policies, admissions policies, employment policies, scholarship and loan programs, or other Institute-administered programs and activities, but may favor US citizens or residents in admissions and financial aid. In addition, MIT has policies prohibiting various forms of sexual misconduct, intimate partner violence, and stalking.

The Institute Discrimination and Harassment Response Office (“IDHR”)² has been tasked with resolving Formal Complaints alleging Discrimination and Discriminatory Harassment in violation of MIT policies. This *IDHR Investigation Guide* is intended to provide MIT community members with greater detail about one of IDHR’s pathways for resolution of Formal Complaints: the Investigation Process for Formal Complaints of Discrimination and Discriminatory Harassment. The *IDHR Investigation Guide* is periodically revised to reflect the Institute’s commitment to gathering ongoing community feedback and in response to MIT’s obligations under applicable law and regulations.

This document should be read as a supplement to, and as consistent with, P&P Section 9.8 Complaint Resolution³ for Formal Complaints against faculty and staff, and the Mind and Hand Book⁴ and the Committee on Discipline (“COD”) Rules,⁵ for Formal Complaints against students.⁶ Although this guide is intended to accurately state MIT policy and the COD Rules, both are subject to change without notice. In the event of any discrepancy, the provisions of the P&P, Mind and Hand Book, the COD Rules, or any applicable law will prevail over the *IDHR Investigation Guide*.

2. Designation of Complainant and Respondent

A person who submits a Formal Complaint of Discrimination and/or Discriminatory Harassment will be designated as the “Complainant” for the purposes of the *IDHR Investigation Guide*. A person against whom such a report or Formal Complaint has been made will be designated as the “Respondent.”

Both the Complainant and the Respondent may be referred to as “party” or “parties” throughout this Guide.

² Throughout this guide, various Institute officials and offices, such as IDHR, are assigned responsibility for performing specific functions. Named officials or offices are authorized to delegate responsibility to other appropriate Institute officials and non-Institute consultants, except where such delegation contravenes Institute policy. Additionally, named officials or offices, and their designees, may consult with appropriate Institute officials, officers, and subject-matter experts. Individuals assigned responsibilities for investigating and resolving Formal Complaints will receive training on issues relating to the applicable policies and procedures to protect the safety and rights of MIT community members and promote accountability.

³ P&P, Section 9.8, is available online at: <https://policies.mit.edu/policies-procedures/90-relations-and-responsibilities-within-mit-community/98-complaint-resolution>.

⁴ The Mind and Hand Book is available online at: <https://handbook.mit.edu/>.

⁵ The COD Rules are available online at: <https://cod.mit.edu/rules>.

⁶ If there is a question as to the Respondent’s status (for example, a Respondent is both an MIT student and staff member), IDHR will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the alleged prohibited conduct). Further, where the Respondent is both a student and an employee, the Respondent may be subject to any of the sanctions applicable to students and employees.

3. Incident Report and Formal Complaint Differentiation

An Incident Report is different than a Formal Complaint. An Incident Report is a concern reported to IDHR by a reporting party that is not yet a request for a Resolution Pathway. An Incident Report is a way to inform IDHR about a concern related to Discrimination and/or Discriminatory Harassment without requesting any action be taken. It may be submitted by anyone, such as the impacted party, a responsible employee, or a concerned person, and it may be submitted anonymously. An individual may submit an Incident Report and later decide they would like to pursue a Resolution Pathway. After IDHR receives an Incident Report, IDHR typically reaches out to the reporter or other individual(s) identified in an Incident Report as being subjected to Discrimination and/or Discriminatory Harassment and offers to meet in order to provide information and resources to address the reported conduct. An Incident Report is not a Formal Complaint, but it may form the basis of a Formal Complaint, as described below.

A Formal Complaint is a request for a Resolution Pathway via Adaptable Resolution or the Investigation Process. For more information about [Adaptable Resolution](#) please visit idhr.mit.edu. In most cases, the Complainant files the Formal Complaint, but it may also be filed by IDHR as an Administrative Complaint, described below. Following an Initial Assessment (described below), the Complainant will be asked to submit a Formal Complaint, if they have not done so already.

4. Jurisdiction

IDHR will investigate Formal Complaints of Discrimination and Discriminatory Harassment that fall under the jurisdiction of P&P Section 9.8 Complaint Resolution, for Formal Complaints against faculty, staff and other members of the MIT community, and the Mind and Hand Book and the COD Rules for Formal Complaints against students.

5. Initial Report of Discrimination and Discriminatory Harassment

When IDHR receives an Incident Report or a Formal Complaint alleging Discrimination and/or Discriminatory Harassment, IDHR initiates a preliminary review to determine the appropriate next steps and options, including responding to any immediate health or safety concerns raised by the Incident Report or Formal Complaint. In this preliminary review, IDHR will generally:

1. Assess the Complainant's safety and wellbeing and offer support and resources;
2. Inform the Complainant about Institute and community resources, the right to seek appropriate and available supportive measures, and how to request those resources and measures;
3. In cases involving allegations of recent physical or sexual assault, inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
4. In cases involving allegations of possible criminal conduct, inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a court-ordered protective order;
5. Assess the information provided, including whether it contains the names and/or any other information that personally identifies the Complainant, the Respondent, any witness, and/or any other third party with knowledge of the reported incident;
6. Inform the Complainant of Supportive Measures, informal remedies, and Resolution Pathway options; determine the Complainant's expressed preference at this time; and discuss with them any concerns or barriers to participating in any Institute resolution process;
7. Explain the Institute's prohibition against retaliation and inform the Complainant that the Institute will take prompt action in response to any act of retaliation;

IDHR Investigation Guide

8. Ascertain the ages of the Complainant and the Respondent, if known, and, if either of the parties is a minor (under 18 years of age), determine whether to contact the appropriate child protective service agency;
9. Assess the information provided to determine if it triggers any Clery Act obligations and, if so, submit a Clery Report Form to MIT Police; and
10. In conjunction with appropriate Institute officials, assess the matter for possible emergency removal of the Respondent, administrative leave, or other appropriate interim actions.

Upon receiving an Incident Report, where possible, IDHR will offer at least one of three responses:

1. Supportive Measures;⁷
2. Informal remedies; and/or
3. Resolution Pathways: a) When available and appropriate, Adaptable Resolution;⁸ or b) An Investigation Process.

Resolution Pathways are available after passing an Initial Assessment, as described below.

IDHR will consult with the Complainant, where possible, to determine which of the previously listed options they prefer.

- If the Complainant prefers supportive measures or informal remedies, IDHR will work with them to identify their wishes and then, where possible, seek to facilitate implementation. If no Formal Complaint is initiated, the Complainant can elect to initiate one later, if desired; however, the passage of time may make it more difficult for IDHR to resolve the incident report or Formal Complaint.

If the Complainant prefers a Resolution Pathway, they must first go through an Initial Assessment (described in Section 6.1).

5.1. Anonymous Reports

An Incident Report can be submitted anonymously via IDHR's [online reporting form](#). When IDHR receives an anonymous report, the Institute may be limited in its ability to respond.

6. Formal Complaint of Discrimination and Discriminatory Harassment

The Investigation Process described in this Guide begins with a meeting with IDHR's Case Management team. To set up a meeting with the Case Management team, please contact idhr@mit.edu or submit an [Incident Report Form](#). This initial meeting is to discuss available supports, resources, and Resolution Pathways. If IDHR determines that the concerns discussed in the meeting with the Case Management Team may constitute Discrimination or Discriminatory Harassment, the Complainant may choose to engage in the Initial Assessment.

6.1. Initial Assessment

When a Complainant indicates they would like to pursue a Resolution Pathway, IDHR conducts an Initial Assessment of the concerns to determine whether the behavior described may implicate a Discrimination and/or Discriminatory Harassment policy or if it is better suited for another office. As part of the Initial

⁷ See <https://idhr.mit.edu/supportive-measures/supportive-measures-actions> for more information.

⁸ See <https://idhr.mit.edu/alternative-dispute-resolution> for more information.

IDHR Investigation Guide

Assessment, IDHR will generally meet with the Complainant to gather a more complete understanding of the allegations. This is called the Initial Assessment interview.

If IDHR determines that:

- The Formal Complaint does not allege conduct that could be found to be a violation of a Discrimination or Discriminatory Harassment policy, IDHR will dismiss and/or refer the concern. Where appropriate, the matter may be referred to another Institute office, including, for example, MIT Human Resources, the Office of Student Conduct & Community Standards, the Office of the Vice President for Research, or a department, lab or center. Note that supportive measures and informal remedies may still be available to the Complainant even if a concern is dismissed upon Initial Assessment.
- The concerns may implicate a potential violation of a Discrimination or Discriminatory Harassment policy, IDHR will inform the Complainant that the Investigation Process or Adaptable Resolution process is available. If the Complainant chooses Adaptable Resolution, where appropriate and available, the Adaptable Resolution process will be initiated. Should the Complainant choose to pursue the Investigation Process, or IDHR determines a case will be opened as an Administrative Complaint, IDHR will initiate the Investigation Process (described in Section 6.3).

If the Formal Complaint passes an Initial Assessment, the Complainant will be asked to submit a Formal Complaint form, if they have not done so already. Once the Investigation Process commences, both the Initial Assessment interview and the Formal Complaint become part of the Investigation Record, which IDHR shares with the Respondent.

The Initial Assessment is not an investigation and is not conducted to prove or disprove allegations, but rather to assess if the Formal Complaint implicates a potential policy violation within IDHR's purview.

IDHR will inform the Complainant in writing of its Initial Assessment decision. IDHR's Initial Assessment decision is final and cannot be appealed, except as provided for below.

6.2. Formal Complaint Submitted by Complainant

A Complainant may submit a Formal Complaint online at idhr.mit.edu. In addition, any Complainant may submit a Formal Complaint to IDHR by submitting a written document identified as a Formal Complaint requesting that MIT resolve the allegations contained therein. Submissions to IDHR may be made in person, by mail, or by email to idhr@mit.edu.

The Formal Complaint must:

- State the name of the Respondent;
- Describe with reasonable specificity the conduct the Complainant believes violated MIT policy, including, if applicable, the date, time, and location of the conduct (if known);
- Be in the Complainant's own words, although the Complainant may have assistance in preparing the Formal Complaint and may attach relevant documentation; and
- Indicate that the Complainant is the person filing the Formal Complaint.

6.3. Administrative Complaint by IDHR: Generally

An Administrative Complaint is a Formal Complaint, that has passed Initial Assessment, filed by IDHR where:

- (1) An alleged policy violation is raised about an MIT student, staff member, or faculty member by a non-MIT community member;
- (2) The individual who was allegedly subjected to the reported conduct does not want to initiate an investigation process or serve as the Complainant; or
- (3) IDHR receives multiple reports about the same or similar conduct.

Administrative Complaints are opened when, in the judgment of IDHR, the concern warrants investigation and is feasible under the circumstances. In determining whether to open an Administrative Complaint, IDHR may consult with relevant units, such as the Division of Student Life or Human Resources. When an Administrative Complaint is opened, the individual(s) impacted by the alleged conduct do(es) not have the same rights as a Complainant in MIT's Investigation Process; rather they occupy the position of a witness with the corresponding rights and responsibilities. In determining whether to open an Administrative Complaint IDHR may consult with relevant units, such as the Division of Student Life or Human Resources.

6.3.1. Administrative Complaint by IDHR: Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared or does not wish for an investigation to take place, the Complainant may make such a request in writing to IDHR.

In determining whether to file an Administrative Complaint when the Complainant does not wish to proceed with a Formal Complaint, IDHR will weigh a Complainant's request against MIT's commitment to provide a reasonably safe and non-discriminatory environment, as well as its obligations to comply with state and/or federal law. IDHR will consider a range of factors, including, but not limited to:

- Whether there is a compelling risk to the health and/or safety of the Complainant and/or others in the community that may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons and/or violence, or other factors.
- Whether other appropriate steps can be taken, without an Investigation Process, to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and/or others in the community. Those steps may include offering appropriate supportive measures and accommodations to the Complainant, providing targeted training or prevention programs, and/or providing or imposing other non-disciplinary remedies tailored to the circumstances as determined by IDHR.
- The effect that non-participation by the Complainant may have on the availability of evidence and MIT's ability to pursue an Investigation Process fairly and effectively.
- Whether MIT is obligated to act on an allegation of employee misconduct irrespective of a Complainant's wishes.

When IDHR determines that a Complainant's request not to proceed with an Investigation Process cannot be honored, IDHR will initiate an Administrative Complaint. In such cases, IDHR will notify the Complainant that the Institute intends to proceed with an Investigation Process, but that the Complainant is not required to participate in the Investigation or in any other actions undertaken by the Institute. Under such circumstances, the Complainant will have access to supportive measures.

When IDHR determines that a Complainant's request not to proceed with an Investigation Process can be honored, MIT will offer supportive measures, informal remedies, Adaptable Resolution (when available

IDHR Investigation Guide

and appropriate), and other available remedies to the Complainant and relevant community members, but will not otherwise pursue the Investigation Process.

Note that MIT's ability to respond to and remedy the conduct may be limited if the Complainant does not want MIT to proceed with an Investigation Process. The goal is to provide the Complainant with as much control over the process as possible, while balancing MIT's obligation to protect members of the MIT community and comply with applicable legal requirements.

6.4. No Time Limit to File Complaints

The Complainant is encouraged to file an Incident Report and/or Formal Complaint as soon as possible after the alleged Discrimination or Discriminatory Harassment occurred. Although MIT does not impose a specific time limit for submitting a Formal Complaint, the Institute can respond more effectively to a Formal Complaint that is filed while the underlying facts are recent. At its discretion, IDHR may decide not to proceed with a Resolution Pathway due to the passage of time. In addition, the Institute's ability to respond may be limited where the Respondent is no longer a member of the MIT community.⁹

6.5. Formal Complaint: Dismissal

6.5.1. Dismissal of Formal Complaint: Generally

IDHR will dismiss and/or, if appropriate, refer a Formal Complaint where IDHR determines that the alleged behavior would not violate a Discrimination or Discriminatory Harassment policy, or that IDHR does not have jurisdiction under applicable provisions of the COD Rules or P&P, Section 9.8.

IDHR's dismissal decision is final and cannot be appealed, except as described in the following Section.

6.5.2. Dismissal of Formal Complaint: Title IX Sexual Harassment

The following Section applies only to a Formal Complaint, or any allegations therein, of Title IX Sexual Harassment.¹⁰ Note that dismissal of a Formal Complaint of Title IX Sexual Harassment does not prohibit the case from being resolved under other Institute conduct policies.

6.5.2.1. Dismissal (Mandatory and Discretionary): Title IX Sexual Harassment

MIT *must* dismiss a Formal Complaint, or any allegations therein, of Title IX Sexual Harassment if at any time during an Investigation or hearing it is determined that:

- (1) The conduct alleged in the Formal Complaint, if proved, would not constitute Title IX Sexual Harassment;
- (2) The conduct did not occur in an educational program or activity of MIT. An educational program or activity means locations, events, or circumstances over which MIT exercises substantial control over both the Respondent and the context in which the reported sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by MIT;
- (3) The conduct did not occur against a person in the United States; or

⁹ For matters involving former students, please see the COD Rules, Section XVII: "Special Procedures for Handling Allegations Against Former Students and Former Student Organizations." See <https://cod.mit.edu/rules/section17> for more information.

¹⁰ See <https://idhr.mit.edu/title-ix/sexual-harassment> for more information.

IDHR Investigation Guide

- (4) At the time of filing a Formal Complaint of Title IX Sexual Harassment, or any allegations within the Formal Complaint, the Complainant is not participating in or attempting to participate in educational program or activity of MIT.

MIT *may* dismiss a Formal Complaint, or any allegations therein, of Title IX Sexual Harassment if, at any time during an Investigation or hearing:

- (1) A Complainant notifies IDHR in writing that the Complainant would like to withdraw the Formal Complaint (however, a Complainant who decides to withdraw a Formal Complaint may later request to reinstate it or refile it);
- (2) The Respondent is no longer enrolled in or employed by MIT; or
- (3) Specific circumstances prevent MIT from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, MIT will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

6.5.2.2. Appeal of Dismissal: Title IX Sexual Harassment

The dismissal of a Formal Complaint of Title IX Sexual Harassment is appealable by any party. The party must submit the request for appeal (“Request for Appeal”) in writing to IDHR within five (5) business days of delivery of the written notice of the dismissal. The Request for Appeal will be provided to the non-appealing party and that party may submit a written response within five (5) business days of delivery of the Request for Appeal.

The decision on an appeal of a dismissal will be made by the Chair of the COD (or their designee), if the Respondent is a student or the Formal Complaint is otherwise under the jurisdiction of the COD, and by the Vice President for Human Resources (or their designee) for all other matters.

Appeals of a dismissal are limited to the following grounds:

- (1) Procedural irregularity that affected the outcome of the matter;
- (2) New evidence that was not reasonably available at the time the determination regarding dismissal was made, that could affect the outcome of the matter; and/or
- (3) IDHR had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the determination regarding dismissal.

If none of the grounds in the Request for Appeal meet the grounds above, the request will be denied, and the parties will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds above, then the appeal will be allowed, and the parties will be notified in writing of the reversal of the dismissal decision and the rationale. The Investigation of the Formal Complaint will then proceed consistent with this Guide.

The decision on an appeal of a dismissal is final and not subject to further appeal.

IDHR Investigation Guide

7. Investigation Process

7.1. Notice of Investigation and Allegations

IDHR will provide the parties with written notice of the Investigation and allegations (the “Notice Letter”) upon commencement of the Investigation Process.

The Notice Letter will include:

- (1) Notice of the applicable MIT policies and procedures, including a summary of the process that will be followed, and links to or copies of the applicable policies and procedures and this Guide;
- (2) A meaningful summary of the nature of the allegations, which generally includes the identities of the parties involved in the incident, the conduct allegedly constituting one or more Discrimination and/or Discriminatory Harassment policy violation(s), and the date, time and location of the alleged incident(s), if known; and
- (3) The name(s) of the investigator(s) assigned to investigate the allegations.

If, in the course of an Investigation, additional material allegations are brought forward that were not included in the initial Notice Letter, IDHR may issue a supplemental Notice Letter to provide notice of the Investigation of additional allegations.¹¹

Upon receipt of the Notice Letter, the Respondent will generally be given no more than five (5) business days to submit a written statement in response to the allegations and to schedule an initial interview, if they choose to. Initial response interviews are generally scheduled no more than ten (10) business days from the date of the Notice Letter. Participation in the Investigation Process is voluntary, and the Respondent is not obligated to provide a written statement and/or schedule an initial interview. However, an Investigation will proceed even if the Respondent chooses not to participate.

7.2. Supportive Measures During the Investigation Process

Supportive measures are available before, during, and after the Formal Complaint process. In order to ensure the integrity of the process and provide support during the Investigation, IDHR generally issues a mutual no contact order for the duration of the Investigation to the parties, if one is not already in place. The mutual no contact order is described in the Notice Letter and adapted to meet the individual needs of the parties and the investigation.

IDHR’s Case Management Team is the main point of contact for any other supportive measures and can be reached at idhr@mit.edu.

7.3. Investigation Process: Assignment of Neutral Investigator(s)

IDHR will assign a trained, neutral investigator(s) to conduct the Investigation. The investigator(s) will not have or demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

¹¹ Additional allegations raised during the course of an investigation may be subject to the Initial Assessment analysis.

IDHR Investigation Guide

The parties may, at any time during the process, raise a concern regarding potential bias or conflict of interest, and IDHR will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the potential bias or conflict, if any, will be remedied.

7.4. Investigation Process: Overview

The Investigation Process is designed to be timely, thorough, and impartial, and to provide for fair and reliable gathering of the facts. All individuals involved in the Investigation, including the parties and any witnesses, will be treated with sensitivity and respect.

IDHR reserves the right to adapt or modify the Investigation Process and accompanying steps to meet the specific needs of each individual case.

The Investigation will generally include:

- Written notice to the Respondent;
- Individual interviews of the Complainant, the Respondent, and relevant witnesses; and
- The collection of relevant evidence.

Upon completion of the Investigation, the investigator(s) will prepare a Final Investigation Record and Report. The Investigation Record is generally a compilation of statements by the parties and witnesses as well as other relevant evidence gathered by the investigator(s). The Investigation Report will summarize the relevant information gathered and the investigator(s) may make a finding or recommendation as to responsibility, including as described below and provided for in the COD Rules and P&P, Section 9.8.

The Complainant and the Respondent will have an equal opportunity to participate in the Investigation, including an equal opportunity to be heard, submit evidence, and suggest witnesses who may have relevant information. Specifically, during the Investigation, each party will generally have the opportunity to:

- Provide written statements, participate in interviews, and respond to questions from the investigator(s);
- Submit information and corroborating evidence;
- Identify witnesses who may have relevant information;
- Submit questions that they believe should be directed by the investigator(s) to each other or to any witness; and
- Respond to the information gathered during the Investigation.

The investigator(s) will notify and seek to meet separately with the Complainant, the Respondent, and witnesses, and will gather other relevant and available evidence and information, including electronic or other records of communications between the parties or witnesses, photographs, and medical records (subject to the consent of the applicable party).

7.5. Evidentiary Considerations in the Investigation Process

The purpose of the Investigation Process is for a trained and neutral investigator(s) to assemble, evaluate, and summarize all of the relevant information. The investigator(s) has the discretion to determine the relevance of any witness or any proffered evidence. Relevant evidence is evidence which has a tendency to make a relevant fact at issue more or less likely to be true.

IDHR Investigation Guide

The investigator(s) will objectively evaluate relevant information, including both inculpatory and exculpatory evidence, and will not make determinations based on a person's status as the Complainant, the Respondent, or a witness. Inculpatory evidence is evidence that shows or tends to show a person's potential responsibility for the alleged conduct. Conversely, exculpatory evidence is evidence that shows or tends to show the Respondent is not responsible for the conduct alleged.

In general, the investigator(s) do not consider relevant:

1. Incidents not directly related to the possible violation, unless they evidence a pattern of behavior;
2. Statements of personal opinion about the character of the parties;
3. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; or
4. Information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

7.6. Participation by the Parties

During the Investigation, the parties will have an equal opportunity to participate as described in this Guide. The Complainant, the Respondent, and all witnesses who participate in the Investigation Process are expected to be truthful and act in good faith. Participation in the process (providing information to the investigator(s), responding to questions from the investigator(s), responding to information provided by a party or a witness, etc.) is voluntary and not required, but the Investigation Process will proceed even if a party or witness declines to participate.¹²

The parties are expected to adhere to the [Expectations for Decorum](#).¹³ All expectations of conduct set forth in MIT Policies and Procedures, Section 9 (for all community members) and in the Mind and Hand Book (for students), also apply during the Investigation and the parties may be subject to discipline under the applicable procedures for policy violations relating to their conduct during an Investigation.

The Investigation Process is private and confidential. The parties are expected to comply with expectations of privacy and confidentiality, described in Section 10.1. During the pendency of an Investigation and at all times after completion of the Investigation, the parties are expected to maintain confidentiality, as described below, and adhere to the Institute's Non-Retaliation Policy.

7.7. Participation by Witnesses

IDHR will, generally, reach out to witnesses deemed to have information relevant to an Investigation. This includes witnesses proffered by the parties, witnesses suggested by other witnesses, or individuals identified by the investigator(s) as potentially having information relevant to the Investigation. In determining whether to reach out to a particular witness, the investigator(s) will also evaluate whether the witness is likely to have unique information or evidence that has not already been obtained during an investigation. Witness participation is voluntary. However, once a witness has provided testimony or documentary materials to the investigator(s), the witness generally may not withdraw their statement or the materials

¹² Generally, information that has not been submitted during the Investigation may not be presented to the Committee on Discipline or a faculty hearing panel.

¹³ The Expectations for Decorum can be found here: <https://idhr.mit.edu/formal-complaint-processes/expectations-decorum>.

IDHR Investigation Guide

provided. Witness transcripts or statements, as well as documentary evidence, is shared with the parties as part of the Investigation Record.

Generally, witnesses participating in the Investigation Process are not anonymous to the Complainant and Respondent in order to allow a full and fair opportunity for the parties to engage in the Investigation Process.

Witnesses will not be provided any materials related to the Investigation, including their interview summaries or transcripts, and are not informed of the outcome of the Investigation. Witnesses or others involved in the Investigation Process are generally not permitted to bring another person to any meeting or interview, absent an approved disability accommodation.

Witnesses are expected to adhere to [Expectations for Decorum](#).

The Institute's Non-Retaliation policy protects all Investigation participants, including witnesses.

The Investigation Process is private and confidential. Witnesses are expected to comply with expectations of privacy and confidentiality, described in Section 10.1. The parties are expected to maintain witnesses' privacy and confidentiality at all times during and after an Investigation Process.

7.8. Investigative Interview Process

The investigator(s) will gather information from the Complainant, the Respondent, and other individuals who have relevant information.

The parties will have the opportunity to request in writing witnesses they would like the investigator(s) to interview and questions and topics they would like the investigator(s) to ask witnesses and the other party. The investigator(s) has the discretion to determine the relevance of any proffered witnesses, and, accordingly, the investigator(s) will determine which witnesses to interview. The investigator(s) will also determine whether any suggested topics or questions are relevant and should be asked.

All investigative interviews will be preserved for the Investigation Record. At the beginning of the interview, the investigator(s) will inform the interviewee that the interview will be audio recorded and transcribed. If the interviewee consents,¹⁴ the investigator(s) will audio record the investigative interview and have an outside service create a transcript from the audio file. Only the parties will be provided a copy of their interview transcript; witnesses, generally, will not be provided with a copy of their transcript.

The audio recording of interviews will not be distributed.

No unauthorized audio or video recording of any kind is permitted during Investigation meetings.

In the event an audio recording of an interview fails or is inaudible in whole or in part, the investigator(s) will either reconstruct the interview with input from the interviewee or re-conduct the interview, as the investigator(s) deems necessary. Any failure of an audio recording will not constitute grounds for appeal.

7.9. Expert Consultation

If the investigator(s) determines that expertise on a topic is needed in order to achieve a fuller understanding of the issues under Investigation, upon the investigator(s)'s own initiative or at the request of a party, the

¹⁴ If an interviewee does not consent to audio recording, a written summary of the interview will be created.

IDHR Investigation Guide

investigator(s) may gather medical, forensic, technological, or other expert testimony and materials (such as writings and recordings) that the investigator(s) deems relevant and reliable.

The investigator(s) has the discretion to determine the relevance and reliability of any expert testimony and materials, and, accordingly, the investigator(s) will determine what, if any, expert testimony and materials to seek to obtain or whether to consider expert testimony proffered by either of the parties.

7.10. Evidentiary Materials

The investigator(s) will gather relevant available evidentiary materials, including physical evidence, documents, communications between the parties, and electronic records and media as appropriate.

The parties will have the opportunity to submit evidentiary materials to the investigator(s) and request in writing the evidentiary materials they would like the investigator(s) to seek to obtain.

The investigator(s) has the discretion to determine the relevance of any requested evidentiary materials, and, accordingly the investigator(s) will determine what evidentiary materials to seek to obtain.

7.11. Access to Documents Related to the Investigation

Investigation materials will generally be made available to the parties (and their advisor, if applicable) via a secure, encrypted, password-protected folder via an external vendor. Access to Investigation materials and the respective login and password, will be granted by the investigator(s) and cannot be shared with anyone other than a designated advisor. Evidentiary materials are available to parties for viewing only, and electronic or other copies will generally not be provided, in order to ensure the privacy of the process. IDHR does not print or provide print access to investigation materials, absent an approved disability accommodation.

The parties and their advisor are prohibited from copying, retaining, or distributing investigation materials, including, but not limited to, transcripts, evidentiary documents, and/or reports. Failure to adhere to these expectations may result in loss of access to investigation materials via a secure, encrypted, password-protected folder via an external vendor. Under such circumstances where a party or advisor loses such access, the impacted party or advisor will be permitted to view materials in person.

Secure access to investigation materials, reports, and/or appeal documents will be removed no more than ten (10) business days after the case has been fully adjudicated, which includes the exhaustion of any appeal.

7.12. Requests for Extensions

The investigator(s) will make a case-specific evaluation of a request for additional time for any aspect of the Investigation Process, including, but not limited to, responding to the Notice Letter, production of Investigation materials, scheduling of interviews, and responding to the Draft Investigation Record and/or Draft Report. The investigator(s) may, at their discretion, limit or deny a request for extension. In evaluating a request for extension, relevant factors may include:

- Ensuring the integrity, timeliness, and completeness of the Investigation;
- The availability of witnesses;
- The availability of the parties, including advisors;
- Accounting for Institute breaks or vacations;

IDHR Investigation Guide

- Accounting for the time needed to review the Investigation Record or Report, including considering the complexities of a case and volume of documents; and
- Other legitimate concerns, such as parties' health and wellbeing, academic or workplace obligations, or family obligations.

In order to ensure the timely resolution of an Investigation, the parties are expected to adhere to deadlines provided throughout the Investigation Process. In general, IDHR does not permit extensions exceeding five (5) business days. Requests for extensions beyond five (5) business days must be made in writing and will be reviewed by the Manager of Investigations or their designee. The individual requesting the extension must specify how many days they are requesting an extension for (in business days) and the reason for the request. Requests for extensions should demonstrate good cause for the amount of days requested and the reason for the request. Whether an extension request is granted, and for how long, is at the discretion of the Manager of Investigations or their designee. The denial of a request for an extension cannot be appealed.

While parties are expected to maintain the same advisor throughout the process, as discussed in Section 10.2, a brief extension request may be granted if a party obtains a new advisor. Such extension requests will generally not exceed five (5) business days. The amount of time permitted for an extension due to change in an advisor is at the discretion of the investigator(s).

7.13. Investigation Into Conduct by a Group

Investigations with a group Respondent or Complainant will generally follow the Investigation Process outlined in this Guide. Investigations involving a group Respondent are Investigations into the conduct of the group. An Investigation into conduct by a group Respondent does not preclude an Investigation into the conduct of individual group actors, which may be investigated separately.

In general, no more than two (2) members of the group's executive leadership are permitted to serve as representatives during meetings with the investigator(s). These two (2) individuals represent the group's interests, perspectives, and position of the group Respondent or Complainant during the Investigation Process, including during investigation interviews.

Email communications to the group Complainant or Respondent during the Investigation Process are limited to members of the group's executive leadership (and any advisor). Communications during the Investigation Process will only be sent to individual executive leadership members and will not be sent to an executive board listserv or similar electronic mailing list.

Group Complainants and Respondents are permitted an advisor during meetings with IDHR and during the Investigation Process.

7.14. Investigation Process: Investigation Record and Report

7.14.1. Student Respondents

7.14.1.1. Discrimination and Discriminatory Harassment Matters (Excluding Title IX Sexual Harassment): Review of Draft Investigation Record and Draft Summary of Relevant Information

In advance of the completion of the Investigation, the investigator(s) will inform the parties that the Investigation is coming to a close and that all witness requests and relevant information the party intended to submit should have been provided to the investigator(s). In general, information not submitted to the investigator(s) during the Investigation may not be presented to the COD or any COD hearing.

IDHR Investigation Guide

Upon completion of the Investigation, the investigator(s) will prepare and provide to the parties a Draft Investigation Record and Draft Summary of the Relevant Information. Both parties have an opportunity to review and comment upon the Draft Investigation Record and Draft Summary of the Relevant Information before the investigator(s) issues the Final Investigation Record and Report.

The parties will have a reasonable time, typically not to exceed five (5) business days, to review the Draft Investigation Record and Draft Summary of Relevant Information and make a written submission, which may include comments about content. The parties' written comments will become part of the Final Investigation Record and may, in the discretion of the investigator(s), become part of the Report.

Unless there are significant additional investigative steps, the parties will not have another opportunity to comment on the Draft Investigation Record or Draft Summary of Relevant Information before the investigator(s) prepares the Final Investigation Record and Report.

7.14.1.2. Discrimination and Discriminatory Harassment Matters (Excluding Title IX Sexual Harassment Cases): Final Investigation Record and Report

The investigator(s) will issue a Final Investigation Record and Report within a reasonable time, after receipt and consideration of the parties' review of the Draft Investigation Record and Draft Summary of Relevant Information.

The Final Investigation Record and Report is provided to the parties and the Office of Student Conduct and Community Standards ("OSCCS"), which facilitates the COD process, for further proceedings under the COD Rules.

The Investigation Report will include the summary of the relevant information and may include a recommendation as to whether there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility for a violation of MIT policy. The investigator(s)'s recommendation is not binding on the COD. The parties will typically have three (3) business days to review the Final Investigation Record and Report and notify the OSCCS whether they accept or reject the recommendation, if provided.

For the purpose of ensuring meaningful participation in the process, the investigator(s) will include in the Final Investigation Record and Report relevant information gathered during the investigation. The Institute reserves the right—at the investigator(s)'s discretion and to the extent allowed by law—to, where appropriate, redact, remove, summarize, and/or anonymize information gathered during the investigation to further legitimate workplace or education interests, including, for example, preserving the privacy of educational or employment records, mental health or medical treatment and/or diagnosis, irrelevant information about sexual history, or sensitive personal identifying information, and promoting an accessible educational or work environment.

7.14.2. Faculty Respondents

7.14.2.1. Discrimination and Discriminatory Harassment Matters (Excluding Title IX Sexual Harassment Cases): Review of Draft Investigation Record and Draft Report

The Investigation Record and Report will be prepared consistent with P&P, Section 9.8.

IDHR Investigation Guide

In advance of the completion of the investigation, the investigator(s) will inform the parties that the investigation is coming to a close and that all witness requests and relevant information the parties intended to submit should have been provided to the investigator(s).

Upon completion of the investigation, the investigator(s) will prepare and provide to the parties a Draft Investigation Record and Draft Report. Both parties have an opportunity to review and comment upon the Draft Investigation Record and Draft Report before the investigator(s) issues the Final Investigation Record and Report.

The parties will have a reasonable time, typically not to exceed five (5) business days, to review the Draft Investigation Record and Draft Report and make a written submission, which may include comments about content. The parties' written comments will become part of the Final Investigation Record and may, in the discretion of the investigator(s), become part of the Final Report.

Unless there are significant additional investigative steps, the parties will not have another opportunity to comment on the Draft Investigation Record or Draft Report before the investigator(s) prepares the Final Investigation Record and Report.

7.14.2.2. Discrimination and Discriminatory Harassment Matters (Excluding Title IX Sexual Harassment Cases): Final Investigation Record and Report

The Final Investigation Record and Report is provided to the parties, the Faculty Panel, and the Respondent's supervisor and/or designated higher level manager. If the Respondent's supervisor is a witness, the report will be shared with the supervisor's higher level manager. If the Faculty Panel determines that the Respondent violated a Conduct Policy, the report is also sent to the Respondent's department/unit head and to the appropriate Dean or other Academic Council member to whom the Respondent's unit reports.

The Final Investigation Report will include the summary of the relevant information and may include a recommendation as to whether there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility for a violation of MIT policy. The investigator(s)'s recommendation is not binding on the Faculty Panel.

For the purpose of ensuring meaningful participation in the process, the investigator(s) will include in the Final Investigation Record and Report relevant information gathered during the investigation. The Institute reserves the right—at the investigator(s)' discretion and to the extent allowed by law—to, where appropriate, redact, remove, summarize, and/or anonymize information gathered during the Investigation to further legitimate workplace or education interests, including, for example, preserving the privacy of educational or employment records, mental health or medical treatment and/or diagnosis, irrelevant information about sexual history, or sensitive personal identifying information, and promoting an accessible educational or work environment.

7.14.3. Staff Member Respondents

7.14.3.1. Discrimination and Discriminatory Harassment Matters (Excluding Title IX Sexual Harassment Cases): Review of Draft Investigation Record and Draft Report

The Investigation Record and Report will be prepared consistent with P&P, Sections 9.8.

IDHR Investigation Guide

In advance of the completion of the Investigation, the investigator(s) will inform the parties that the Investigation is coming to a close and that all witness requests and relevant information the parties intended to submit should have been provided to the investigator(s).

Upon completion of the Investigation, the investigator(s) will prepare and provide to the parties a Draft Investigation Record and Draft Report. Both parties have an opportunity to review and comment on the draft documents before the investigator(s) issues the Final Investigation Record and Report.

The parties will have a reasonable time, typically not to exceed five (5) business days, to review the Draft Investigation Record and Draft Report and make a written submission, which may include comments about content. The parties' written comments will become part of the Final Investigation Record and may, in the discretion of the investigator(s), become part of the final Report.

Unless there are significant additional investigative steps, the parties will not have another opportunity to comment on the Draft Investigation Record or Draft Report before the investigator(s) prepare the Final Investigation Record and Report.

7.12.3.2. Discrimination and Discriminatory Harassment Matters (Excluding Title IX Sexual Harassment Cases): Final Investigation Record and Report

The Final Investigation Record and Report is provided to the parties and the Respondent's supervisor and/or higher-level manager. If the Respondent's supervisor is a witness, the report will be shared with the supervisor's higher-level manager. If the investigator(s) determines that the Respondent violated a Conduct Policy, the report is also sent to the Respondent's department/unit head and to the appropriate Dean or other Academic Council member of the unit in which the Respondent works.

The Final Investigation Report will include the summary of the relevant information and a finding as to whether there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility for a violation of MIT policy.

For the purpose of ensuring meaningful participation in the process, the investigator(s) will include in the Final Investigation Record and Report relevant information gathered during the Investigation. The Institute reserves the right—at the investigator(s)' discretion and to the extent allowed by law—to, where appropriate, redact, remove, summarize, and/or anonymize information gathered during the Investigation to further legitimate workplace or education interests, including, for example, preserving the privacy of educational or employment records, mental health or medical treatment and/or diagnosis, irrelevant information about sexual history, or sensitive personal identifying information, and promoting an accessible educational or work environment.

7.14.4. All Title IX Sexual Harassment Matters

The below process applies to all cases involving Title IX Sexual Harassment – whether the case involves a student, staff, or faculty Respondent – and adheres to federal Title IX regulations.

7.14.4.1. Title IX Matters: Review of Draft Investigation Record and Draft Summary of Relevant Information

In advance of the completion of the Investigation, the investigator(s) will inform the parties that the Investigation is coming to a close and that all witness requests and relevant information the party intends to submit should have been provided to the investigator(s). In general, information not submitted to the investigator(s) during the Investigation may not be presented to the COD or any other hearing panel.

IDHR Investigation Guide

Upon completion of the investigation, the investigator(s) will prepare and provide to the parties a Draft Investigation Record and Draft Report. Both parties have an opportunity to review and comment upon the Draft Investigation Record and Draft Report before the investigator(s) issues the Final Investigation Record and Report.

The parties will have a reasonable time, no less than ten (10) business days, to review the Draft Investigation Record and Draft Report and make a written submission, which may include comments about content. The parties' written comments will become part of the Final Investigation Record and may, in the discretion of the investigator(s), become part of the final Report.

Unless there are significant additional investigative steps, the parties will not have another opportunity to comment on the Draft Investigation Record and Draft Reports before the investigator(s) prepares the Final Investigation Record and Report.

7.14.4.2. Title IX Matters: Final Investigation Record and Report

The investigator(s) will issue a Final Investigation Record and Final Report within a reasonable time, no less than ten (10) business days after receipt and consideration of the parties' review of and any comments to the Draft Investigation Record and Draft Summary of Relevant Information.

The Investigation Report will include the summary of the relevant information gathered during the Investigation. The investigator(s), at their discretion, may identify contested and uncontested facts, highlight inconsistencies, and address relevancy of evidence.

The investigator(s) will not offer a recommended finding on responsibility.¹⁵

The Investigation Record will include any information that is directly related to the allegations raised in the Formal Complaint, including information upon which MIT does not intend to rely in reaching a determination regarding responsibility, as well as both inculpatory or exculpatory evidence – whether obtained from a party or other source.

The parties will have a reasonable time, and in any event not less than ten (10) business days, to review and provide a written response to the Final Investigation Record and Report prior to a hearing.

8. Findings and Sanctions

All findings of responsibility will be made and discipline will be determined after a hearing consistent with the applicable hearing procedures set forth in the COD Rules for matters involving student Respondents and P&P, Section 9.8, for matters involving staff and faculty Respondents, and the [Special Hearing Procedures for Title IX Sexual Harassment Complaints Against Students, Faculty, and Staff](#).¹⁶

9. Formal Complaint: Appeals

The processes and grounds for appeal are set forth in the [COD Rules](#) for matters involving student Respondents, and [P&P, Section 9.8, for matters involving staff and faculty Respondents](#).

¹⁵ The applicable procedures are available online at: <http://idhr.mit.edu/formal-complaint-processes/hearing-process>.

¹⁶ The applicable procedures are available online at: <http://idhr.mit.edu/formal-complaint-processes/hearing-process>.

10. Investigation Process: General Provisions

10.1. Confidentiality

The Institute expects the parties and participants in an Investigation Process to maintain the confidentiality of an ongoing Investigation, in order to protect the privacy of the participants and ensure the integrity of the process. The parties are generally free to share their own experiences, including their perspectives on the issues or events under investigation. However, the parties are prohibited from distributing, in any form or by any medium, any documents or information obtained only in the course of their participation in an Investigation—including but not limited to, the Formal Complaint, interview transcripts and summaries, the Investigative Record and Report (draft or final), information about witnesses or the other party—other than for the purpose of consulting with their advisor, and incidental to seeking support and advice from family, clergy, health professionals, and others playing a similar role, or as otherwise permitted by law. Disciplinary action or other measures may be taken against any member of the MIT community who discloses or publishes a confidential investigation document in violation of these procedures or who is responsible for the improper disclosure or publication of such documents by others.

In certain circumstances, disclosing information about an investigation may be construed as retaliation or harassment in violation of MIT policy. Parties and participants in an Investigation, including witnesses and advisors should keep in mind that any action that would discourage a reasonable person from participating in the Investigation Process may be construed as retaliation.

Once a case has been fully adjudicated and is complete, the parties are not prohibited from sharing the determination as to whether a Conduct Policy was violated; however, the Institute nonetheless strongly encourages all parties to be thoughtful about whether they share information and to be mindful of the prohibitions against retaliation and harassment.

10.2. Advisors

At all stages under this Guide, both the Complainant and the Respondent have the right to select and consult with an advisor of their own choosing, subject to the guidelines set forth in this Guide, and, as applicable, the COD rules and P&P 9.8.

Witnesses or others involved in the disciplinary process are not permitted to bring another person to any meeting or hearing, absent an approved disability accommodation.

IDHR strongly discourages using an advisor who will also be a witness in the Investigation. While not prohibited, using an advisor who is also a witness may compromise the credibility of the advisor's witness testimony.

Parties are expected to maintain the same advisor throughout the process but are not required to bring their advisor to all meetings. Retaining a consistent advisor enables the process to move forward in an efficient fashion. In the event that a party wants to change their advisor, they must provide written notice to the investigator(s) and good cause must be shown for the change.

In matters involving staff and faculty Respondents, P&P, Section 9.8 governs who may serve as an advisor. For matters involving staff and faculty Respondents, advisors must be a member of the MIT community and may not be family members, subordinates, or attorneys. In matters involving student Respondents, COD Rules govern who may serve as an advisor. For matters involving student Respondents, advisors may be any person of their choice, except a member of the media or an attorney. In any matter alleging sexual

IDHR Investigation Guide

assault, intimate partner violence, stalking, or Title IX Sexual Harassment, the parties may select an advisor of their choice, including an attorney.

Advisors may accompany the party throughout the Investigation Process, but may not speak on the party's behalf or otherwise interfere with meetings or proceedings. Advisors may not submit documents, either directly or indirectly, on a party's behalf at any stage of the process, nor speak for the party during an interview with an investigator. Evidence, information, and requests should be shared and/or communicated by the party directly and not via their advisor. Throughout the Investigation Process, advisors may provide guidance to the party in preparing written submissions, however all communications and written submissions must be authored and submitted by the party themselves. Advisors cannot submit documents or communications on behalf of the parties.

Parties are expected to inform IDHR of the identity of their advisor. Parties may share information and documents with their advisors and may request that the investigator(s) include their advisors on all correspondence.

By accepting the role of advisor, all advisors agree to comply with all applicable MIT policies and procedures, including rules regarding privacy, confidentiality, and the Institute's [Expectations for Decorum](#), and the processes set out in this Guide.

The Institute will not interfere, except as set forth in this Guide or other MIT policy, with the parties' rights to have an advisor of their choice and fully expects advisors to adhere to MIT policies and procedures. In cases where either IDHR or a hearing chair determines that an advisor's conduct is unduly disruptive or otherwise undermines or interferes with the process, the advisor will be prohibited from continuing to serve as advisor in that case. The affected party will be permitted to obtain a substitute advisor.

If IDHR or a hearing chair determines that an advisor has a conflict of interest, the advisor will be prohibited from continuing in their role. The affected party will be permitted to obtain a substitute advisor.

For matters subject to a hearing, the role of the advisor at the hearing is further outlined in the applicable hearing procedures.¹⁷

10.3. Coordination with Law Enforcement

IDHR may contact any law enforcement agency that is conducting its own investigation to inform them that an Institute Investigation is also in progress; to ascertain the status of the criminal investigation; and/or to determine the extent to which any evidence collected by law enforcement may be available to the Institute in its Investigation. At the request of law enforcement, IDHR may delay the Institute investigation temporarily while an external law enforcement agency is gathering evidence. If this occurs, IDHR will generally resume the Institute Investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

10.4. Resolution Timeline

The Institute will make a good faith effort to complete the resolution process within a reasonably prompt timeframe.

Below are estimated timeframes for the major stages of the resolution process:

¹⁷ The applicable procedures are available online at: <http://idhr.mit.edu/formal-complaint-processes/hearing-process>.

IDHR Investigation Guide

- **Initial Assessment:** An Initial Assessment, which starts when the Initial Assessment Interview is conducted, takes approximately 15 calendar days.
- **Investigation:** Generally, an Investigation Process takes approximately 130-175 calendar days. An Investigation Process commences when the Notice Letter is issued and concludes when the Final Report is issued. An Investigation Process allows for reasonable extensions of this timeframe, as described in this Guide.
- **Determination of Policy Violation:** For cases involving a student Respondent, the COD issues a determination in approximately 30-45 calendar days from receipt of the report. For a case involving a faculty Respondent, a Faculty Panel issues a determination in approximately 45-60 calendar days from receipt of the Final Investigation Report. For cases involving a staff Respondent, a determination is made when the Final Report is issued by the investigator(s).
- **Sanctioning (if applicable):** For cases involving a student Respondent, a sanction decision is issued at the time the COD issues a determination as to whether a policy has been violated. For cases involving a staff Respondent, a sanction decision takes approximately 30-45 calendar days. For cases involving a faculty Respondent, a sanction decision is issued at the time the faculty panel issues a determination as to whether a policy has been violated.
- **Appeal:** Generally, for all cases, the decision on an appeal is made within 30 calendar days from the date the appeal was submitted.

The Investigation Process is completed as expeditiously as possible under the circumstances. While IDHR strives to complete the Investigation Process expeditiously, the process may be delayed if:

- Additional time is necessary to ensure the integrity and completeness of the Investigation;
- To comply with a request for a criminal investigation;
- To accommodate the availability of witnesses;
- To accommodate reasonable extension requests by the parties;
- To account for Institute breaks or vacations;
- To account for complexities of a case, including the number of witnesses and volume of information provided by the parties; or
- For other legitimate reasons.

The investigator(s) will provide the parties with regular updates on the progress of the Investigation and anticipated timeframes.

10.5. Preponderance of the Evidence

Formal Complaints are resolved applying the preponderance of the evidence standard (“more likely than not”). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the Institute, not on one party or the other.

The Respondent will be presumed “not responsible” unless and until there is a determination of responsibility.

10.6. Consolidation of Formal Complaints

Generally, at the discretion of IDHR, multiple Formal Complaints, including cross-complaints, or multiple allegations by a single Complainant may be consolidated into one Investigation. Such Investigations, at IDHR’s discretion, may be joined together where they are factually related and/or arise out of the same facts or circumstances, including in situations involving more than one Respondent. In the event of a cross-

IDHR Investigation Guide

complaint, a person may be both a Complainant and a Respondent in a consolidated Investigation. A cross-complaint is where two parties submit complaints against each other. Where appropriate, the investigator(s) may author one Final Report for a cross-complaint. For allegations of other conduct policy violations consolidated with an allegation of a Discrimination and/or Discriminatory Harassment policy violation for Investigation, the investigator(s) will generally follow the Investigation Process set out in this Guide, with appropriate modifications.

10.7. Departure of the Complainant/Respondent from the Institute or Initiation of External Process

If either the Complainant or the Respondent leaves MIT after a Formal Complaint is filed, MIT will generally continue the Investigation to the extent possible. If an individual brings a lawsuit or files a Formal Complaint with an external agency before MIT's Formal Complaint resolution process is completed, MIT also generally continues an ongoing Investigation. However, the Investigation Process may be modified by MIT to reflect the fact that one or more parties is no longer at the Institute.

Notwithstanding the above, MIT may decide to terminate an Investigation if one or both of the parties have left MIT, or if a lawsuit or agency complaint has been filed.

10.8. IDHR and Title IX Coordinator Contact Information

The Director of IDHR and Institute Title IX Coordinator is Sarah Rankin. IDHR can be reached by email at idhr@mit.edu and by phone at 617-253-2472. IDHR is located at:

Massachusetts Institute of Technology
120 Massachusetts Avenue, W31-310, Cambridge, MA 02139

10.9. Nondiscrimination Policy

The Institute's Nondiscrimination Policy, which applies to faculty, staff, students, and all other members of the MIT community is included in P&P, Section 9.0, the Mind and Hand Book, Section II, the MIT Bulletin (course catalog), and in other publications.

The Vice President for Human Resources is designated as the Institute's Equal Opportunity Officer. Inquiries concerning the Institute's policies, compliance with applicable laws, statutes, and regulations, and complaints may be directed to Ramona Allen, Vice President for Human Resources, Building NE49-5000, 617-324-5675. In addition, inquiries about Title IX (which prohibits discrimination on the basis of sex) may be directed to the Institute's Title IX Coordinator, Sarah Rankin, Room W31-310, 617-324-7526, idhr@mit.edu. Inquiries about the laws and about compliance may also be directed to the United States Department of Education, Office for Civil Rights, Region I, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921, 617-289-0111, OCR.Boston@ed.gov.