

Committee on Sexual Misconduct Prevention and Response

Annual Report

May 26, 2016

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Committee Membership

This report was prepared by Prof. David Singer, Chair of the Committee on Sexual Misconduct Prevention and Response.

Members:

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Prof. Sally Haslanger, *Linguistics & Philosophy*
Prof. Leslie A. Kolodziejcki, *Electrical Engineering-Computer Science*
Prof. Robert C. Miller, *Electrical Engineering-Computer Science*
Prof. Julie A. Shah, *Aeronautics and Astronautics*
Prof. Tavneet Suri, *Sloan School of Management*
Prof. Alexandra H. Techet, *Mechanical Engineering*
Mr. David Dellal, Student '17
Ms. Kate Farris, Student '17
Ms. Taylor Rose, Student '16
Ms. Alice Zielinski, Student '16
Ms. Shireen Warnock, Student G
Ms. Barbara Bolich, *DAPER Administration*
Mr. Don Camelio, *Student Outreach and Support*
Ms. DiOnetta Jones Crayton, *Dean for Undergraduate Education*
Ms. Nina J. Davis-Millis, *Libraries*
Dr. Sara Fisher Ellison, *Economics*
Ms. Abigail M. Francis, *Student Activities*
Lt. Col. Peter Godfrin, *Military Science*
Ms. Raquel Irons, *Human Resources*
Ms. Kate McCarthy, *Medical*
Mr. Jason McKnight, *Office of the Dean for Graduate Education*
Ms. Loren Montgomery, *MIT POLICE*
Mr. Jacob Oppenheimer, *Fraternities, Sororities and ILGs*
Dr. David W. Randall, *Undergraduate Advising and Academic Programming*
Ms. Sarah Rankin, *Chancellor's Office*
Mr. Jaren Wilcoxson, *Office of the General Counsel*
Ms. Angela Lee, Staff to Committee, *Medical*

Origin and Charge of the Committee

The Task Force on Gender-Based Violence, an ad-hoc committee charged by the Chancellor in the fall of 2014 to review current policies and education efforts, recommended in its final report¹ that the Institute create a "Prevention and Education Advisory Board" to ensure that "momentum is not lost" with current sexual misconduct programs. Following the issuance of the Task Force report, the Committee on Sexual Misconduct Prevention and Response (hereafter CSMPR or "the Committee") was constituted in the fall of 2015 and had its first meeting in December.

As charged by the President, the CSMPR is an advisory body that provides guidance to the Provost, Chancellor, Vice President of Human Resources, and the Institute Community and Equity Officer. (These four individuals are hereafter referred to as the "Steering Committee.") The mission of the CSMPR is to encourage a campus environment that is safe, respectful, and free from discrimination; and to oversee an Institute-wide approach to prevent and respond to sexual misconduct and other forms of gender-based discrimination.

As indicated on the previous page, this is a large committee by MIT standards. The 28 members of the committee represent a broad cross section of the MIT community, including faculty, staff, and students.

¹ Education and Prevention Task Force: Sexual Misconduct, Intimate Partner Violence, and Stalking ("Gender-Based Violence"), Final Report, February 5, 2015. Available at: <http://orgchart.mit.edu/sites/default/files/reports/20150417-taskforce-gbv-education-prevention.pdf>

Executive Summary

Committee Process

The Committee was constituted in October 2015 and had its first meeting on December 1, 2015, with additional meetings in 2016 on February 2, March 1, April 5, and May 3. An *ad hoc* subcommittee on policies and procedures was created for a meeting on May 17 with Mark DiVincenzo, Marianna Pierce, and Allison Romantz (see below); otherwise members met as a "committee of the whole" to maximize the diversity of viewpoints in our discussions and to ensure that our recommendations reflected a wide cross section of the MIT community. Given the absence of an administrative assistant, Angela Lee from the Violence Prevention & Response office graciously agreed to serve as staff support to the committee.

Our first meeting consisted of overview presentations by Kate McCarthy and Sarah Rankin, our resident sexual misconduct experts. Ms. McCarthy and Ms. Rankin provided additional updates to the committee throughout the year on MIT's outreach and educational activities.

Topics Addressed by the Committee

The CSMPR focused on two issues in its inaugural year:

1. MIT Nondiscrimination and Harassment Policies.

MIT's Policies and Procedures (P&P) toward sexual misconduct have not been revised in several years. In 2015, the Office of Human Resources and the Office of the General Counsel spearheaded an effort to revise the policies—in particular, the policy on harassment in the current section 9.5 and the policy on nondiscrimination in 7.1.1. The goals of the revisions are to bring our policies up to current legal standards; to maintain consistency between student policies and P&P; to update the hyperlinks to current educational efforts and support resources; and to present the policies on nondiscrimination, harassment, stalking, and workplace violence in a more logical order.

The drafters of the revised policies—Mark DiVincenzo (OGC), Lorraine Goffe-Rush (Human Resources), Marianna Pierce (Human Resources), and Allison Romantz (OGC)—visited the CSMPR at its February and March meetings to seek feedback and guidance. Committee members expressed a range of views on the proposed changes; the policy drafters, in turn, were valiant in their efforts to assimilate all of the feedback and tweak the revisions accordingly. A CSMPR subcommittee met with the policy drafters a third time in May and made a few more recommendations on tone, emphasis, and links to campus resources. The revised policies should now be considered fully vetted by the CSMPR. As of this writing, the policies are winding their way to Academic Council for final approval.

During our March meeting with the policy drafters, we discussed a possible new policy on

consensual relationships. Committee members generally agreed that faculty-undergraduate relationships should be formally prohibited; views diverged with respect to faculty-staff relationships, faculty-graduate student relationships, and other permutations. We expect to revisit this issue in the coming months.

2. Sexual Misconduct Prevention and Response Training for Faculty and Staff.

MIT does not currently require sexual misconduct prevention and response training except for new faculty and staff hires and certain current staff members. For those who are required to undergo training, MIT uses an internally created PowerPoint presentation that takes roughly 10 minutes to read. The majority of faculty and staff at MIT have not undergone training. The CSMPR believes that this is a challenge that should be addressed immediately.

The CSMPR thoroughly vetted three of the leading online training products on the market. After three months of deliberations, we selected EverFi Haven as the most appropriate product for the MIT community. EverFi Haven is a faculty- and staff-focused online training program that covers all applicable laws and regulations (including Title IX, Campus SAVE, and others), responsible employee obligations, and summary information about sexual violence, stalking, and other forms of gender-based violence and misconduct. The program uses a combination of text and videos and includes interactive quizzes, information boxes, and customizable components. The program takes approximately 30 minutes to complete.

We expect the EverFi Haven program to be administered by the Title IX Office in conjunction with the Office of Human Resources and the Office of the Provost.

More details on the Committee's evaluation and recommendations can be found later in this report.

Summary of Recommendations

1. MIT should have an official consensual relationship policy. The Committee looks forward to working with Human Resources and the Office of the General Counsel in 2016-17 on this issue.
2. MIT should require sexual misconduct prevention and response training for all faculty and staff.
 - a. EverFi Haven for Faculty and Staff is the most appropriate training product for our community.
 - b. Training should begin as soon as possible.
 - c. We recommend that training be repeated every two years with the possibility of shifting to annual training with a shorter "refresher" course, if EverFi is amenable to creating such a product.

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3. The implementation and maintenance of an online training course for all faculty and staff will require a dedicated staff member in the Title IX Office. Moreover, the CSMPR should have staff assistance for taking minutes, orchestrating meetings, and other administrative tasks. We recommend hiring a full-time administrative assistant to handle these responsibilities.

Review of Online Training Products

Why do we need training?

Today, MIT does not require sexual misconduct training for current faculty and staff.

Sexual misconduct—including sexual harassment, stalking, rape and other forms of sexual violence, intimate partner violence, and discrimination based on gender and sexuality—constitutes a severe threat to MIT's mission. Sexual misconduct is an insidious form of hostile behavior that violates Institute policy and state and federal law. Every member of the MIT community, including students, staff, faculty, and visitors, should have the capacity to recognize, react to, and help address instances of sexual misconduct.

Federal law already requires sexual harassment training for newly hired MIT employees, including faculty. Many of our peer institutions, including Princeton, Stanford, Caltech, and the University of Chicago², require sexual misconduct training for all current employees. The Commonwealth of Massachusetts has recently considered legislation that would require universities to implement training programs for all faculty, staff, and students. It is critical that MIT stay ahead of these trends and not lag behind its peers.

Title IX as interpreted by the Department of Education requires faculty and other "responsible employees" to take steps after being informed of an instance of sexual misconduct. Faculty and staff may be unaware of these important responsibilities, or unsure about how best to fulfill them.

Process Overview

The Committee, guided by Kate McCarthy (VPR), Sarah Rankin (Title IX), and Liz McCarthy (Title IX), identified three leading online training products used by colleges and universities to educate faculty and staff on sexual misconduct issues: Campus Answers; LawRoom Bridges, and EverFi Haven for Faculty and Staff.

All Committee members received access to trial versions of each program. Members evaluated each program on their own time before committee meetings. Representatives from each company were invited to join us at our monthly meeting (either in person or via webinar) to walk us through the programs and answer our questions. Cost was not considered in our deliberations. The Committee's evaluations are summarized below.

² The University of Chicago will begin mandatory training for all community members on July 1, 2016. See <https://provost.uchicago.edu/announcements/message-about-sexual-misconduct-0>.

Campus Answers

Campus Answers, also known as Workplace Answers, is an Austin, Texas-based company that offers a full suite of compliance-related training programs. Account Executive Ed Nolan visited the CSMPR on April 5, 2016 and provided a demonstration of Campus Answers, a 30-minute training program that covers Title IX, the Violence Against Women Act, the Clery Act, and other relevant legislation. The program contains a wealth of information, including detailed histories of legislation, as well as anecdotes, quizzes, and scenarios.

The Committee found this program to be unacceptable for MIT; indeed many Committee members were prepared to remove Campus Answers from consideration even before Mr. Nolan's presentation. In short, the Committee found the program to be boring, much too heavy on text, focused on irrelevant details, and poorly organized. The Committee's negative evaluation was unanimous.

LawRoom Bridges

LawRoom is a California-based company that offers compliance training for businesses and higher education. Founded in 1994, LawRoom has worked with more than 3,500 companies and nearly 200 colleges and universities. Account Representative Mike Gilb walked us through the "Bridges" program via webinar on April 5, 2016.

Bridges covers all aspects of Title IX and related legislation, and explains concepts such as consent; sexual harassment; reporting requirements and other responsibilities; bystander intervention; and protecting students. The program takes approximately 30 minutes to complete, although some members required more time. Mr. Gilb informed us that LawRoom programs are currently in use at Stanford, Dartmouth, and Columbia, among other schools.

Bridges contains just one video—a well-received scenario of a student who begins to tell a professor about an incident of sexual misconduct. It otherwise relies on text, audio, and gray silhouettes in lieu of actual photos or videos of people.

Like all the programs evaluated by the Committee, Bridges is customizable in certain places. A welcome message can be inserted at the start of the program, and references to MIT resources can be included throughout.

Bridges was the top choice for a subset of the Committee. Certain members appreciated its neutral images, ease of completion, and good detail on legislation. Many also liked its video scenario.

Other members found much to criticize, including a disorganized sequence of material, a heavy-handed scenario at the start of the program (an egregious but real-life example of sexual harassment among medical residents at a teaching hospital), and a low production value with just one video.

After deliberating, the Committee agreed to rank this program second and to designate it as acceptable for the MIT community should our first choice prove unavailable.

EverFi Haven for Faculty and Staff: The Committee's Top Choice

EverFi is a Washington, DC-based company with a higher education office in the Boston area. EverFi is also the vendor for the student-version of Haven, which MIT uses as a mandatory sexual misconduct training and education program for incoming first-year students. Haven is used by students in over 600 institutions in the U.S.; the faculty and staff version is approximately two years old and is just beginning to be adopted around the country.³

Rob Buelow, Vice President, and Lexie Yang, Senior Director from EverFi provided an overview of Haven during the Committee's meeting on March 1, 2016.

Haven's introduction is completely customizable, including a welcome video (e.g., from the President, Provost, or Chancellor), a list of campus resources and contact information, and any other desired materials. The program continues with videos on supporting survivors, encouraging bystander intervention, and recognizing the potential for violence on campus or in the workplace, and then provides details on Title IX and other legislation. Four additional videos follow: "A Student Disclosure" about how to respond when a student or employee initiates a discussion about sexual misconduct; "Always Around" on policies and responses to stalking; "A Concerned Co-worker" about intimate partner violence that affects the workplace; and "Unwanted Attention" about addressing inappropriate behavior from a supervisor. Questions are posed before and after each video; incorrect answers trigger a gentle steering toward the most appropriate response.

Committee members generally reacted favorably toward Haven. Some members found the videos to be lively and thoughtful, and found the quizzes to be pitched at a higher level than LawRoom. Others appreciated the program's logical flow, straightforward videos, and simple interface. Haven also received good reviews for diversity. Most members said they completed the program in approximately 30 minutes or less.

Haven had its critics. Some members found the videos to be slow and tedious to sit through, and preferred the more detailed information presented by LawRoom. Others found Haven repetitive and disliked its heavy-handed language in disclosing Title IX reporting responsibilities.

After a lengthy deliberation, the Committee agreed to rank Haven its first choice. A positive feature of Haven, which did not enter our discussion until the very end, is that EverFi is already the vendor for our undergraduate training programs, and choosing EverFi would therefore ensure that everyone at MIT—faculty, staff, and students—is "speaking the same language" about sexual misconduct. Our current strong relationship with EverFi also paves the way for greater customization and flexibility with Haven. Feedback from faculty and staff over time can prompt revisions and improvements in the program.

³ See <https://everfi.com/higher-education/haven/>

Who Should Receive Training, and How Often?

The Committee was unanimous in its recommendation that training should be mandatory for everyone, including tenured and tenure-track faculty, lecturers, visiting faculty, post-doctoral scholars, and all staff. Temporary employees should also receive training. It is important to note that online training should not be considered as a replacement for in-person training in cases where such training is already mandatory. Students who take on teaching or staff positions should also receive training, but exemptions should be possible if the students already receive training via current programs.

The Committee recommends that everyone receive training every other year, which is in line with common practice at other universities (e.g., biennial training is required by law in all California universities, including private schools). Annual training would be an attractive option if EverFi created a short (~15 minutes) "refresher" version of Haven.

Compliance, Logistics, and Assessment

The Office of Human Resources and the Office of the Provost are well positioned to oversee compliance through online tracking systems, reminder emails, integration with existing employee databases, etc. Department heads and administrative officers should take the lead in ensuring that everyone receives training.

The Committee suggests that an administrative assistant in the Title IX Office can serve as a point person for implementation.

The Committee expects to monitor implementation and compliance, and to interface with EverFi as necessary. A subcommittee will be formed to handle program customization and to gather feedback from end users. The Committee will evaluate the program after its first year and make modifications as necessary.

Next Steps

Mandatory training is a large undertaking for the MIT community. To make this program successful, the Committee will rely on the leadership of the Steering Committee (the Provost, Chancellor, VP of Human Resources, and the Institute Community and Equity Officer) and the cooperation of department heads, the Office of the General Counsel, administrative officers, and other campus leaders.

Mandatory training might require the blessing of the Faculty Policy Committee. The chair of the CSMPR awaits guidance on this issue from the Steering Committee.

Committee Work Plan for 2016-17

The Committee intends to address a number of items during the upcoming academic year:

1. Evaluation of student training, including program content, frequency, and consistency with faculty and staff training
2. Interface with the Committee on Discipline; discuss MIT's approach to consent
3. Provide input for upcoming CASA survey; initiate a parallel survey for faculty and staff
4. Continue discussions with the Office of Human Resources and the Office of the General Counsel regarding a consensual relationships policy
5. Monitor implementation of faculty and staff training program; subcommittee will guide program customization
6. Invite MIT Police to speak to the Committee about sexual assault response