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QUESTIONS FROM THE COMMUNITY ABOUT IDHR

Reporting

Where can I access the online incident reporting form?

The online incident reporting form is accessible via our website or [linked here](#). The reporting form is for non-emergency incidents only (for on-campus emergencies, contact MIT Police at 617-253-1212 or 100 from a campus phone). You can choose to fill out the online incident reporting form anonymously or non-anonymously.

How can I use the incident reporting form and what will IDHR do with my incident report?

We have outlined the different options for completing the online incident reporting form below:

- You can complete the form anonymously and not provide any contact information, which means the IDHR Office will not be able to reach out to you. The report will be used primarily for data collection purposes. IDHR staff will evaluate the report to determine whether, based on the available information, additional follow up such as reviewing records about a possible pattern of misconduct may be possible and appropriate.
- You can complete the form anonymously using an anonymized email address. This enables IDHR to communicate with you and allows you to indicate whether you would like to receive a copy of your report for your records, while maintaining your anonymity. The IDHR Office will reach out to you and ask if you'd like to talk more about your experience. They will offer information about possible supportive measures, alternative dispute resolution, and the formal complaint process. You do *not* have to meet with the IDHR Office. If you choose to meet with our office, this will *not* automatically trigger the formal complaint process.
- You can complete the form and include your name and contact information. Prior to submitting the form, you can indicate whether you would like to receive a copy of your report which you can save for your records. After you submit the form, the IDHR Office will reach out to you and ask if you'd like to talk more about your experience. They will offer information about possible supportive measures, alternative dispute resolution, and the formal complaint process. You do *not* have

to meet with the IDHR Office. If you choose to meet with our office, this will *not* automatically trigger a formal complaint process.

We recognize that reporting an incident and determining how much information to share with IDHR can be difficult. Many community members also find it helpful to speak with a [confidential resource](#) to review different reporting options and develop a plan that best meets their needs. If you have questions or concerns, we encourage you to contact IDHR. You can provide as much information as you are comfortable sharing with us.

Please note that there are a limited number of circumstances where IDHR may determine that it needs to take action in order to protect the well-being and safety of the campus community. Under these circumstances, IDHR would inform you of our decision and invite you to meet to discuss whether it is possible to maintain anonymity or refrain from sharing identifying information under the circumstances. Please note that you would never be required to participate in any administrative actions.

Can IDHR speak with a Respondent about my concerns/the concerning behavior if I want to remain anonymous?

IDHR does not need to share your name in order to have this type of educational conversation with a Respondent. However, in order to have this conversation with a Respondent, we need to be able to provide the Respondent with specific examples of the concerning behavior and how this behavior negatively impacted others. When IDHR shares these types of specific examples, there is a possibility that the Respondent may be able to discern your identity. For instance, if IDHR shared an example of the Respondent making an inappropriate comment during a large class, there is a lower probability that the Respondent would be able to identify you. However, if the inappropriate behavior occurred during a one-on-one interaction, there is a higher probability of identification. IDHR staff would discuss with you whether we believe it is possible to maintain anonymity or to refrain from sharing identifying information under the circumstances.

What happens to data collected by IDHR?

IDHR uses a secure online system to track each report, document communications with relevant parties, develop and implement a case management plan for each reported incident requiring follow-up, and maintain relevant records (including records of all investigations and alternative dispute resolutions). IDHR also uses this system to help identify and monitor individuals, groups, departments, labs, or centers (DLCs) who have multiple reports of alleged misconduct, are repeated targets of alleged misconduct, and any other patterns or trends.

If IDHR identifies that multiple reports have named a particular individual as an alleged perpetrator, IDHR will review the available information to determine what actions are appropriate even in the absence of an individual complainant, which may include an Administrative Complaint.

Retaliation

How is retaliation defined and what are some examples?

Retaliation is any adverse action, harassment, threats, or other conduct that would discourage a reasonable person from making a report or participating in a complaint resolution process. This non-retaliation policy applies to those who report an incident, file a complaint, or otherwise raise a concern about a policy violation or other wrongdoing; these individuals are sometimes called whistleblowers.

Examples of possible retaliation include, but are not limited to:

- Adverse employment action (e.g., termination, demotion, reduction in pay, adverse change in schedule or work location, or exclusion from work-related opportunities, conferences, or other activities)
- Adverse action related to an Institute educational program (e.g., unwarranted negative reference, adverse change to grades, class schedule, or research opportunities or funding)
- Stalking, harassment, intimidation, threats, or engaging in physical violence
- Adverse social actions such as exclusion or removal from a group or committee, or publishing personally identifiable information about an individual, including on websites or social media sites
- Encouraging or asking a third party to engage in retaliatory conduct

Note that interim measures taken by MIT to address a complaint, such as separating the parties, are generally not considered retaliation.

Retaliation may occur even where there is no finding of a policy or other violation.

Anyone who feels they are being subjected to retaliatory behavior are strongly encouraged to immediately contact IDHR for concerns related to [discrimination or discriminatory harassment based on a protected class](#) or your [Human Resource Officer](#) for other concerns, including mistreatment and bullying. Wherever the concern is raised, HR/IDHR will work cooperatively with one another to ensure that concerns are routed through the appropriate process, in consultation with the reporting party.

If there is a safety concern, please contact the MIT Police, 617-253-1212.

Where can I report retaliation?

You can report retaliation to [IDHR](#). IDHR staff will assess the report and route it to the appropriate office for follow-up. These offices include Human Resources, the Office of Student Conduct and Community Standards, or the IDHR Investigation team, depending on the nature of the protected activity.

If I'm concerned about retaliation, what can IDHR do to help?

We understand that fear of retaliation is a barrier to reporting for many members of our community. In addition to prohibiting retaliation, there are a number of things IDHR may be able to do to prevent reporting parties from experiencing retaliation in the first place. As possible, these measures are offered to the reporting party to ameliorate concerns about retaliation.

If HR/IDHR has a conversation with a Respondent we specifically notify the Respondent that 1) MIT prohibits retaliation, 2) what could constitute acts of retaliation, and 3) possible consequences of engaging in retaliation. We also provide the Respondent with notice of MIT's Non-Retaliation Policy.

After speaking with the involved individuals, IDHR may also implement supportive measures such as contact limitations (e.g. no contact orders) or altering housing assignments and work arrangements.

For more information about supportive measures, please visit the IDHR website.

If I'm concerned about retaliation from a faculty member, what else can IDHR do to help?

After learning about a reporting party's concerns of retaliation, IDHR can assist with identifying and implementing proactive solutions including:

- Monitoring future letters of recommendation
- Offering an alternative person to write letters of recommendation and/or serve as a reference
- Coordinating with the DLC to explore the possibility of assigning an additional thesis advisor to co-chair the reporting party's academic work
- Exploring funding options to transition the community member to a different lab or PI

I'm not sure if what I'm experiencing is retaliation for reporting to IDHR. Who can I talk to?

There are a variety of situations that might cause community members to question what is prohibited under the Non-Retaliation Policy. Examples might include someone speaking negatively about them in public, being treated differently after raising a concern, or no longer being invited to participate in an activity or event. These examples are often situational and depend on a number of factors, including the type of conduct, who is engaging in the conduct, and when the conduct occurred. Please consider consulting with staff from IDHR or a [confidential resource](#) if you would like to talk through a situation.

I am interested in filing a formal complaint with IDHR but am concerned about potential retaliation. What should I do?

Contact IDHR staff idhr@mit.edu to discuss your concerns. They can review possible proactive measures that may [prevent retaliation](#).

Does the Institute's Non-Retaliation policy apply to witnesses?

Yes. Witnesses are protected from being retaliated against for their participation in a complaint resolution process and are prohibited from engaging in retaliation against others.

What is the possible range of sanctions for a Respondent found to have violated the Institute's Non-Retaliation policy?

The range of sanctions for faculty, staff or students found responsible for violating an Institute policy, including the [Non-Retaliation Policy](#), are: placing a letter in the Respondent's disciplinary file, probation, suspension, and expulsion/termination. Sanctions may also include educational and/or restorative components meant to address the wrongdoing and serve the larger community. The IDHR website also has a list of potential outcomes and sanctions [for faculty](#) and for [staff members](#).

Is it a violation of the Institute's Non-Retaliation policy for a party to speak publicly about an allegation or the IDHR complaint resolution process?

While individuals involved in investigations are encouraged to exercise discretion in sharing information, they are not barred from sharing information related to cases in which they are involved. Such conduct would not generally be considered Retaliation. Such conduct could constitute Retaliation if the conduct included any adverse educational or employment action, prohibited harassment or threats, or other conduct

that would discourage a reasonable person from making a report or participating in a complaint review process.

Is it a violation of the Institute's Non-Retaliation policy for the Respondent to file a counterclaim against the Complainant?

Filing a claim or counterclaim in good faith would not be considered Retaliation, as all members of the MIT community have the right to ask the Institute to review allegations that another party violated Institute policy.

False accusations, false testimony, or dishonesty in the course of the complaint process will be referred to MIT Human Resources for employees, see MIT P&P, Section 9.8.5.2, and to the OSCCS for student, see the Mind & Hand Book, [Institute's Expectations of Student Behavior](#).

No Contact Orders

What is a mutual no contact order?

A mutual no contact order (MNCO) is a letter issued by the IDHR Director or designee that implements contact limitations between two community members for a period of time so each community member can focus on their education and/work.

Specifically, an MNCO prohibits both individuals from having any direct or indirect contact with each other, including on or off campus, in person or through another party, by telephone, letter, email, or other electronic media, or by any other means. Both individuals are prohibited from engaging in indirect communication via social media or any other means. Both individuals are also directed to refrain from any form of harassment, retaliation, or intimidating behavior directed at each other.

Does a mutual no contact order prohibit the other person from talking about me to others and/or on social media?

While mutual no contact orders (MNCOs) prohibit individuals from engaging in direct or indirect communication with one another, and from engaging in harassing, retaliatory, or intimidating behavior directed at one another, these orders do not bar individuals from talking about the other person and/or situations involving the other person.

How can I request a mutual no contact order?

If you have experienced discrimination, discriminatory harassment, sexual misconduct (including sexual assault and sexual harassment), intimate partner violence, stalking, and other unwanted contact, you can contact IDHR to request a mutual no contact order (MNCO). To request a MNCO, you can complete an [incident report form](#) or email IDHR idhr@mit.edu. The IDHR director, or designee, will invite you to meet to review supportive measures, including an MNCO, resources, and reporting options. During the meeting, IDHR staff may ask questions to better understand your concerns, including your perspective on what measures may be appropriate to protect your safety; protect the safety of the other individual and the MIT community; and deter discriminatory harassment, discrimination, and retaliation.

Can I request a No Contact Order against an alum or a non-community member?

IDHR can only issue a mutual no contact order (MNCO) between two community members. However, if you are experiencing unwanted contact from an alum or non-community member, please contact IDHR for assistance as there are certain circumstances where IDHR can issue a no contact request letter. IDHR can also work with Residential Education and appropriate campus partners to have alums or non-affiliates banned from certain residence halls or MIT activities.

Community members may contact the MIT Police to request that a particular individual be banned from campus. Community members may also seek assistance from the [MIT Police](#) and/or [Violence Prevention and Response](#) in order to learn about obtaining a court-issued Harassment Prevention Order or Abuse Prevention Order. A violation of a court-issued order can result in criminal charges and it is enforceable anywhere in the United States. Once issued, MIT will also work with you to make accommodations to ensure that the order is followed.

What if I believe that the other person has violated the mutual no contact order?

If you believe that the other person has violated the mutual no contact order (MNCO), you should promptly contact IDHR. IDHR will review the information and, if appropriate, may enact additional measures or refer the matter to the Committee on Discipline (COD) or Central Human Resources. If the COD or Central HR determines that the other person violated the MNCO, appropriate discipline will be issued.

How long will mutual no contact orders be kept in place? What if I want to extend a mutual no contact order?

Mutual no contact orders (MNCOs) will typically be kept in place for twelve months or till one of the parties has graduated or is no longer affiliated at MIT. The MNCO may be modified and/or extended by IDHR staff as appropriate. If you wish to request an extension of a MNCO, please inform IDHR staff at least two weeks in advance of the date on which the MNCO is set to expire. IDHR staff will review your request and may speak separately with you and the other person as part of the review process.

Formal Complaints

What if I need a case-related extension during the Formal Complaint process?

During the course of an investigation, the Investigators will set deadlines to help move the process forward in a timely manner. The Investigators recognize that it is important to balance everyone's interests in a prompt investigation and the need for sufficient time to meaningfully participate. Requests for extensions during the investigation process should be made directly to the Investigators.

The Investigators will always conduct a case-specific evaluation of a request for additional time. In evaluating a request, relevant factors may include, but are not limited to, the following:

- ensuring the integrity and completeness of the investigation
- accommodating the academic, work, and personal obligations of the parties and witnesses
- accounting for Institute breaks or vacations
- accounting for the time needed to review an investigation record or report, including considering the complexities of a case and volume of documents
- accommodating other legitimate concerns, such as the parties' health and wellbeing, academic or workplace obligations, or family obligations.

What is an Administrative Complaint?

An [Administrative Complaint](#) is a complaint filed by IDHR, rather than the impacted party. IDHR may initiate an Administrative Complaint when: (1) a concern is raised about an MIT staff member or faculty member by a non-MIT community member who cannot submit a complaint under P&P, Section 9.8, or (2) the individual who was

allegedly subjected to the reported conduct does not want to file a Formal Complaint, but, in the judgment of the IDHR Office, the concern warrants investigation.

In matters where a faculty member or staff member is accused (i.e., is the Respondent), a non-MIT community member cannot file a Formal Complaint on their own. Instead, a non-MIT community member can request that the IDHR Office initiate an Administrative Complaint or request Alternative Dispute Resolution. Examples of instances where the IDHR Office could initiate **(see below for more details)** an Administrative Complaint where the impacted person was a non-MIT community member include, but are not limited to:

- An allegation that a faculty member engaged in sexual harassment at a conference and the impacted person was a student at another school;
- An allegation that a staff member engaged in racist conduct directed at a campus visitor; or
- An allegation that a current MIT employee engaged in prohibited discrimination against another MIT community member in the past while both were MIT community members, but the impacted person has since left MIT.

The IDHR Office can also initiate an Administrative Complaint when the impacted person does not want to file a Formal Complaint and, in the judgment of the IDHR Office, the concern cannot be meaningfully addressed without a Formal Complaint process. The IDHR Office does not make these decisions lightly and is very aware that each individual circumstance is unique and that each impacted person deserves to be respected and empowered. The IDHR Office considers many factors, **in consultation with the impacted person(s) whenever possible**, before initiating the Administrative Complaint process over the impacted person's objection or without their permission. In determining whether to file an Administrative Complaint, the IDHR Office will weigh a Complainant's (Impacted Person's) request not to proceed with a Formal Complaint with MIT's commitment to provide a safe and nondiscriminatory environment and will consider a range of factors, including:

- Whether there is a compelling risk to the health and/or safety of the Complainant **(in consultation with the impacted person(s))** and/or 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 a Formal Complaint process, to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and/or 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 the IDHR Office.

- The effect that non-participation by the Complainant may have on the availability of evidence and MIT's ability to pursue a Formal Complaint process fairly and effectively.
- Whether MIT believes it is necessary to act on an allegation of employee misconduct, including, in particular, when there is a report of an abuse of power, access, or authority.

If IDHR initiates the Administrative Complaint process, we will notify the reporting party of our decision. When IDHR initiates an Administrative Complaint, IDHR does not become the Complainant. The Complainant is the individual who was allegedly subjected to the reported conduct that could constitute Discrimination and Discriminatory Harassment. The Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant irrespective of their level of participation.

Other

How does IDHR staff approach our work?

The IDHR team's process is guided by IDHR's commitment to equity, fairness, and adherence to Institute policies and procedures. IDHR strives to consult with the impacted party to identify resolution processes that best fit their needs. The goal is to provide the impacted person with as much control over the process as possible, while balancing MIT's obligation to protect the community.

IDHR is staffed by dedicated professionals, with specialized experience and training. IDHR frequently consults with trusted community partners such as Human Resources, the Office of Student Conduct and Community Standards, Violence Prevention and Response, Residential Life, Student Mental Health and Counseling, the Deputy Title IX Coordinators and the Office of General Counsel. Collaboration is one of our core values in this work.

IDHR is a proponent of building trust through transparency and is committed to communicating key information, including any decisions, in a timely and courteous manner. We welcome feedback and are always working to refine and improve our work.