

# Task Force on Institute Handling of Sexual Misconduct Complaints

Prof. Munther Dahleh

Town Hall Meeting

May 11, 2015



# Today's Meeting

- Comments at today's meeting are being recorded so that they can be transcribed for the task force members.
- Please speak into the microphones so that your comments can be included.
- Please state name and affiliation when you begin your remarks.

# Context prompting Task Force

- MIT's desire to address this issue head-on
- New guidance from the federal government about the handling of Title IX cases
- Addition of the investigator position
- National attention to this issue



# The Charge for the Task Force

## Charge from Chancellor

To review the effectiveness of the current Committee on Discipline process on sexual misconduct, stalking, intimate partner violence, and other related types of cases and propose any needed changes to improve the process. This charge includes establishing guidelines for sanctioning in these cases and also considering whether the current COD model is still the best way to handle these cases. It also includes the streamlining of the decision process on campus that relates to the management of formal complaints and informal reports in sexual misconduct cases.



# The Task Force Members

## Faculty

**Alex Byrne**, *Linguistics & Philosophy*

**Munther Dahleh**, **Chair**, *EECS/ESD*

**Suzanne Flynn**, *Linguistics & Philosophy*

**Robert Redwine**, *Physics*

## Students

**Yasmin Inam**, *Senior, Mechanical Engineering*

**Morgan Moroi**, *Junior, Mechanical Engineering*

**Michelle Tomasik**, *Graduate Student, Physics*

## Staff

**Don Camelio**, *Community Development and Substance Abuse*

**Mark DiVincenzo**, *General Counsel*

**Leah Flynn Gallant**, *Student Activities*

**Kevin Kraft**, *Student Citizenship*

**Kate McCarthy**, *VPR*

**Sarah Rankin**, *Title IX*

**Judy Robinson**, *Division of Student Life*

**Blanche Staton**, *Office of the Dean for Graduate Education*

**Jay Wilcoxson**, *Office of the General Counsel*



# Task Force Process

## Process

- Three hour meetings
- Presentations from experts
- Recommendation development

## Data Reviewed

- COD's past actions
- Research literature regarding campus sexual assault
- Guidance from the U.S. government and other legal implications
- Peer benchmarking
- Other MIT data, including 2014 Community Attitudes on Sexual Assault (CASA) survey



# CASA Survey

## Overall Perception

- Most students do not know anything about COD. (74% not at all familiar).

## Those with experience with COD

Generally believe:

- The COD takes every case very seriously (75%).
- The COD process is relatively straightforward (55%)
- The COD process is fair, impartial, unbiased (49%).



# CASA Survey

Respondents who experienced an unwanted sexual behavior but did not report to COD:

- “...I think many would benefit if there were different procedures for rape cases that would minimize the stress on the victim.”
- “...I have PTSD and am scared of being told my feelings were invalid, so I didn't pursue it.”
- “...COD rarely expels people for sexual assault/rape, so what's the point?...”
- COD is not trained/qualified

General perceptions

- Punishments for sexual assault should be expulsion
- Police should handle complaints, not COD.





# Recommendation 1

**Keep the responsibility for adjudicating student sexual misconduct cases within the Committee on Discipline.**

1a. Review the policies and adjudication procedures for staff and faculty separately.



# Why not handle it as a police matter?

- Many commenters have recommended that MIT not involve itself in the investigation or adjudication of these complaints whatsoever.
- Every person who reports to MIT is also advised they can choose to report to the police. The law also requires MIT to tell people in this situation that they can choose not to report to the police.



# Why not handle it as a police matter?

## Data—CASA Survey

- Of those who experienced sexual misconduct but did not report it:
  - 72% did not think the incident(s) was serious enough to officially report
  - 47% did not want any action to be taken (i.e. arrests, legal action, disciplinary action)

## Practical—The criminal justice system does not address all our needs

- Arrest and prosecution is rare, even for rapes reported to the police.
- Even if prosecution, long delays are common. All the while, the accused would be at MIT with no resolution.
- Most actors in the court system have no training related to sexual assault.

## In Principle

- MIT has a moral and legal obligation to provide an environment where people can be successful regardless of their gender. Investigating and adjudicating sexual misconduct is one of the ways we do that.
- COD already handles theft, drug dealing, arson, and many other behaviors that are illegal.

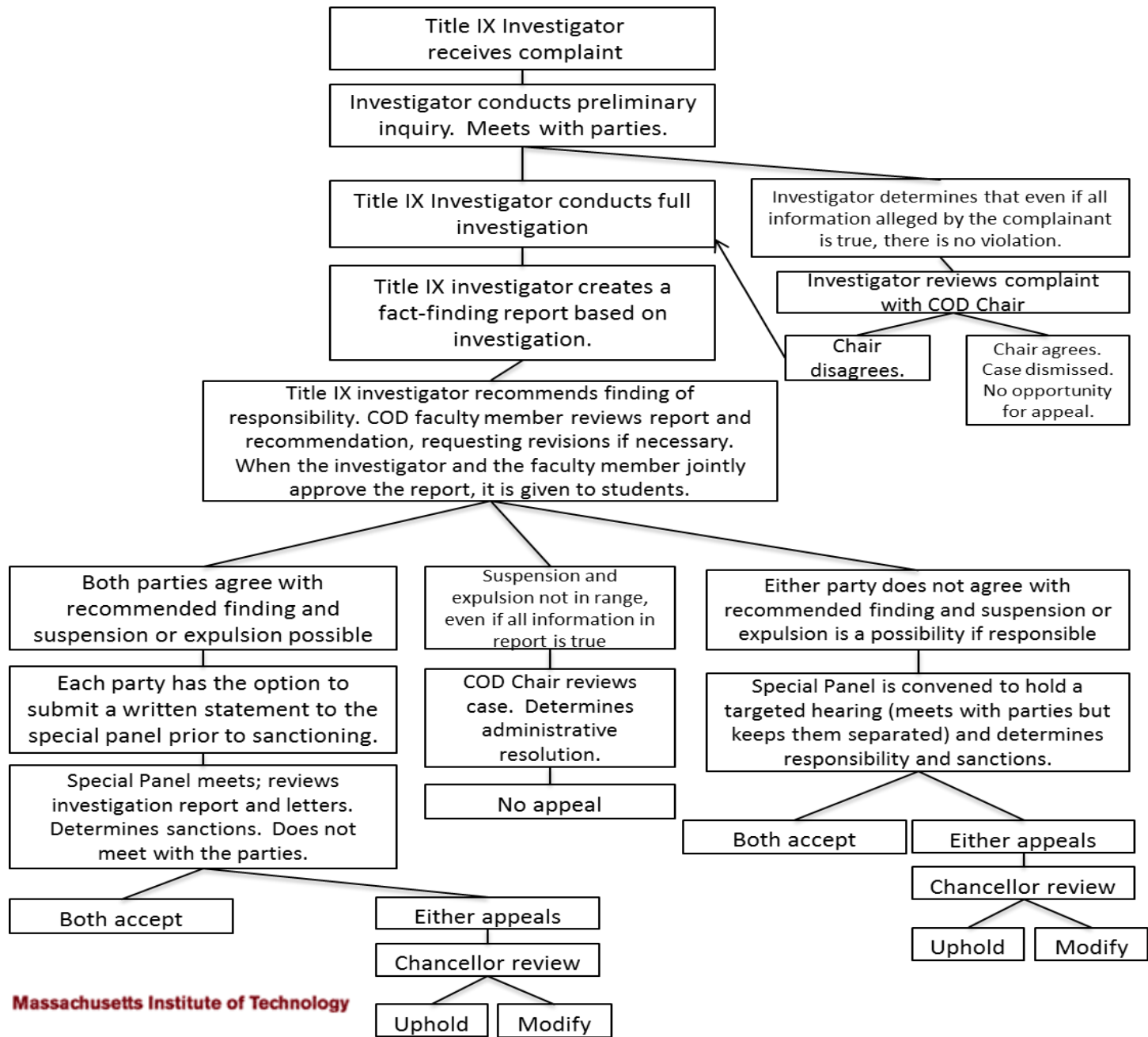
# Recommendation 2

**Create a new, separate, process within the COD structure to handle sexual misconduct complaints.**

- Reliance on trained professional staff.
- Checks and balances in place. Faculty responsibility maintained.
- Burden on students involved greatly reduced
- Allows for faster resolution of cases
- Appeal option is more accessible for both parties
- New design is less adversarial



**Proposed Process for Sexual Misconduct Complaints**  
**COD Sexual Misconduct Task Force**  
**Massachusetts Institute of Technology**



# Notable Improvements

- Professional investigator makes a recommendation.
- Panel size is reduced from 7 to 3.
- COD training is expanded.
- Unless facts in dispute, COD members do not meet with the involved students.
- No hearing necessary if dissatisfied with the sanctioning panel result; straight to appeal.
- Complainant and respondent are not in the same room by default and do not directly question each other by default.
- Lawyers are allowed to be present in a non-speaking role.



# Recommendation 3

**Update the COD rules to allow for an advisor of choice in sexual misconduct cases.**

- 3a: Advisor remains non-participatory.
- 3b: Students must affirm the documents submitted are their own work and all outside collaborators are cited.
- 3c: The Institute should not fund or provide outside counsel.
- 3d: Recruit a small pool of trained advisors who are knowledgeable about the COD sexual misconduct process to serve as a resource to both complainants and students accused of sexual misconduct.



# Recommendation 4

**The COD chair should select a small subset of COD members to receive extensive additional training on sexual misconduct. Only people so trained will handle and resolve complaints involving sexual misconduct.**

- 4a. Appointees to the COD should be screened by the COD chair.
- 4b. The COD Chair shall select 6 members to receive training in sexual misconduct. Only members who receive this training will be eligible to participate in the resolution of cases involving allegations of sexual misconduct.
- 4c. Training for COD members should be increased
- 4e. Participation on the COD sexual misconduct subcommittee should be recognized as a substantial commitment, and subcommittee members should receive a reduced teaching load, a tangible reduction in other work commitments, or other appropriate arrangement that would ensure adequate time for the task.



# Recommendation 5

**Student members of the COD shall not participate in the resolution of sexual misconduct cases.**

- Student TF members believe having peers on the COD might make students more hesitant to make a complaint.

# Recommendation 6

**Establish a sanctioning matrix for sexual misconduct cases to be used by the COD as a confidential guideline to inform the members' thinking.**

- Not binding and allows for flexibility.

6a: The sanctioning matrix should be reviewed annually by the COD subcommittee on sexual misconduct and revised as appropriate.

# Recommendations 7

**Consider releasing annual public COD reports with aggregated sexual misconduct case data, if it is possible to do so while maintaining anonymity of individual complaints.**



# Recommendation 8

**Create a process to deal with requests for accommodations in situations that do not result in a case being brought before the COD.**

For example, a complainant does not wish to proceed with formal action via the COD but does want some action to be taken that could adversely impact another student, such as requiring the student to move out of a residence hall or switch to a different class.



# Recommendation 9

## **Increase Institute staffing, funding, and support for the COD.**

- Review and, if necessary, increase the staffing level in the Office of Student Citizenship.
- Increase the COD's budget to provide training related to sexual misconduct and undertake other improvements related to addressing sexual misconduct.
- Provide the COD priority access to meeting spaces and equipment on campus for hearings and trainings.
- Use a database for the management of discipline records, statistical reporting, and timely follow-up in order to optimize records management in sexual misconduct cases.

# Recommendation 10

**Review the effect of the recommended changes one or two years after implementation.**

- Create a similar task force to assess the effectiveness of these recommendations.

# Next Steps

- Opportunity for students, faculty, and staff to comment via email until **May 18**
- Presenting to faculty meeting on May 20
- Task Force reviews community feedback
- Task Force makes final recommendations



# Discussion

