



COMMITTEE ON DISCIPLINE

Chair of the Committee on Discipline: **Professor Suzanne Flynn** (sflynn@mit.edu)

Staff to the Committee: **Kevin Kraft** (kkraft@mit.edu)

[Roster of Committee Members](#)

Also consult the [Office of Student Citizenship](#) for additional information.

Task Force on Institute Handling of Student Sexual Misconduct Complaints

During the summer 2014, Chancellor Cynthia Barnhart charged a task force of students, faculty, and staff members to review the Committee on Discipline procedures for handling sexual misconduct complaints. In April 2015, Chancellor Barnhart announced the task force had completed its initial work and issued a summary of their recommendations. All members of the MIT community are invited to review the [summary of recommendations](#) and then join the conversation by [submitting feedback electronically](#) and attending a town hall meeting on May 11 (5 to 6:30 p.m. in 10-250).

This current copy of the rules and regulations of the Committee on Discipline is provided for the convenience of the MIT community.

Rules and Regulations

Revised July 2013

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I. Purpose and Authority of the Committee on Discipline

The Institute's mission encourages students to explore in order to advance knowledge at the highest level. It also expects its students to uphold the highest standards of respect, integrity, and civility. With this context, the Committee on Discipline (COD) was created to resolve complaints of alleged violations of policies and/or community standards by a student or former student in a way that is objective and educational, not legalistic or adversarial. The Rules and Regulations of the Faculty provide for the creation of a Committee on Discipline. The COD acts with power to hear cases and to decide the appropriate Institute response, including, but not limited to, suspension, expulsion, and revocation of degree.

The Institute reserves the right to take any action that it deems as necessary or appropriate to protect the intellectual integrity, safety, and well being of the campus community. To that end, MIT students are expected to abide by the rules, regulations, and policies of the Institute, as well as city, state, and federal laws.

MIT's expectations for students are outlined in the [Mind and Hand Book](#) and in the [Handbook on Academic Integrity](#). In addition, see [Policies and Procedures](#) and the [Housing Policies](#). This may not exhaust the policies under the COD's authority and students are also encouraged to contact the Office of Student Citizenship (OSC) with questions.

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II. Jurisdiction of the COD

A. The COD shall consider any complaint brought to its attention by anyone against an MIT student or former student for conduct that occurred while the individual was a student at MIT.

B. The COD Chair may agree to resolve a complaint through informal methods through the OSC, if appropriate and agreed to by the person filing the complaint. In all cases, the COD Chair will review each complaint on a case by case basis to determine if the complaint is appropriate for an Institute process. If so, the Chair will determine what available Institute process is most appropriate.

C. Off-campus misconduct may be a basis for MIT disciplinary action if the Institute considers that such alleged misconduct may have violated Institute policy and expectations of civility, integrity, and respect. The Institute will determine, on a case-by-case basis, if it is appropriate to address a complaint of this kind.

D. A Complainant, in consultation with the OSC, may attempt a resolution through informal methods of dispute resolution, if approved by the COD Chair.

E. Other case resolution bodies may be empowered by the COD to resolve specific cases. These resolution bodies receive their authority from the Chair and should regularly review their functioning and cases with the COD. Unless otherwise specified, these resolution bodies will operate under the COD rules.

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III. Interim Actions

To protect the intellectual integrity, safety, and wellbeing of the MIT community, the Chancellor reserves the right to take any action that they deem necessary or appropriate. In addition, the Dean for Student Life, or designee, may take appropriate interim action regarding a student in order to respond to concerns for the health, safety, and wellbeing of the community. Interim action is taken without prejudice to any subsequent COD process or finding.

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IV. The COD Process is Private and Internal

A. All COD processes are private and confidential. Only participants in the process will be allowed in a hearing and at the discretion of the COD Chair.

B. The COD's consideration and determination of a complaint is confidential, and should not be discussed outside of the COD process by members, the OSC staff, complainants, respondents, advisors, or witnesses. Confidential information includes, but is not limited to, the existence and substance of the complaint, the names of complainants, respondents, witnesses, what is said in COD processes and by whom, the findings made, and sanctions imposed by the COD.

C. Any information regarding a complaint before the COD or a decision by the COD may only be communicated to other officials of MIT in order to permit them to fulfill their professional responsibilities and only after consultation with the Chair, to the extent it is feasible to do so or as required by law.

D. The COD process is not a legalistic or adversarial process. Attorneys for either party cannot participate in any part of the COD process, including, but not limited to, attending a meeting, hearing, serving as a witness, or authoring documents. In exceptional circumstances, the Chair may approve a party to have an attorney present solely to advise the party of any constitutional rights the party may have. The Chair may ask for an attorney for the COD to be present if the Chair decides the COD may benefit from legal advice.

E. Records maintained in the COD process are governed by MIT policies regarding confidentiality and release of student records. Information on these policies is available through the Office of Student Citizenship.

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V. Definitions

A. **Administrative Resolution:** A process for resolving formal and informal complaints in which members of the COD review documents submitted by the complainant and the respondent. In an administrative resolution, sanctions are limited to a letter to file and probation without a transcript notation, along with other possible sanctions to educate the respondent.

B. **Advisor:** An MIT student, faculty member, or other employee (non-family, non-attorney, non-media, non-witness) who may assist either party in preparing their case and in accompanying the party in a hearing. If a party seeks assistance from an individual who is not a member of the MIT community, they should be aware that such a person will not be allowed to be present at the hearing. Both parties have equal rights to having an advisor present. Advisors may not serve as witnesses and are typically not permitted to address the COD, other parties, or witnesses. Exceptions are rarely made and are allowed only by the Chair. Parties are responsible for contacting and for arranging the participation of their advisors.

C. **Associate Chair:** A faculty member of the COD, appointed by the Chair, who is empowered to chair hearings and manage cases as designated by the Chair for a specified period of time, usually one academic year.

D. **Chair of the COD (Chair):** Faculty leader of the COD, appointed by the faculty for a two-year term.

E. **COD Hearing (Hearing):** A process that may be used to resolve formal complaints in which members of the COD review

documents submitted by the complainant and respondent, as well as in person statements from those parties and their identified witnesses. In a hearing, the full range of sanctions is available.

F. Complainant: Those who bring complaints alleging violations of MIT policy by students or former students. Typically, anyone may serve as a complainant, whether or not they are a member of the MIT community.

G. Hearing Panel: The COD members who participate in a hearing. A hearing panel consists of seven COD members, including at least two faculty members (one of whom may be the Chair), two Dean's representatives, and two student members.

H. Respondent: A student alleged to have violated MIT policy or a former student alleged to have violated MIT policy while they were a student.

I. Sanction: The outcomes provided to a respondent found responsible for violating MIT policy. Graduation and registration holds may be placed by the Registrar if sanctions are not completed by designated deadlines.

J. Sanctioning Panel: A panel consisting of one student, one Dean's representative, and the Chair that may be convened to offer sanctions when a respondent accepts responsibility for the allegations and when the Chair determines the incident may warrant the range of sanctions available in a hearing.

K. Student: A person becomes an MIT student at the start of the term for which he or she is admitted or readmitted. Regular student status is retained until graduation, unless the student withdraws or is disqualified. Regular student status is also retained while the student is cross-registered at another institution or is on foreign or domestic study away. Non-Institute students who are registered at MIT fall under the purview of the COD for acts committed during their time of registration.

L. Witness: Those who are not a party in a hearing and who may present information in the course of the COD process. Witnesses are not required to be eyewitnesses to the incident in question, but should have relevant information to present. Witnesses may not serve as advisors. Both parties have equal rights to have witnesses or witness statements presented. Parties are responsible for contacting and for arranging the participation of their witnesses.

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VI. Process for Filing a Complaint with the COD

As an initial step, a complainant should meet with the OSC to discuss the options available to resolve the complaint, the steps to follow for each option, and receive answers to any questions.

There are three options for filing a complaint with the COD:

A. Faculty Letter to File: A Faculty Letter to File is a complaint filed by an instructor alleging a violation of MIT's academic integrity policy that, based on the instructor's current knowledge, does not require further action by the COD.

B. Informal Complaint: An Informal Complaint is a written complaint that contains allegations of less serious misconduct and, based on the complainant's current knowledge, does not require a COD hearing for resolution. An informal complaint may be resolved by an administrative or other alternative dispute resolution process. An informal complaint can be converted to a formal complaint by the Chair and then it can be referred to a COD hearing or sanctioning panel.

C. Formal Complaint: A Formal Complaint is a written complaint raising serious allegations where a COD hearing may be appropriate. The full range of resolution methods and sanctions is available for a formal complaint. The Chair will determine whether a Formal Complaint should be resolved administratively (see Section VII-A) or be referred to a COD Sanctioning Panel or a COD Hearing.

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VII. Process for Choosing a Particular Resolution Process

In all cases the Chair, after reviewing the complaint and any other documentation the Chair deems appropriate, determines whether the complaint is within the jurisdiction of the COD and then the method of resolution for the complaint. The Chair may consult appropriate individuals in making the determination. The determination by the Chair on the method of resolution is final and not appealable.

If there is significant concern with respect to possible self-incrimination because of potential or pending criminal charges, the Chair may defer the COD resolution until any criminal charges or other external matters have been resolved with the exception of complaints in the nature of Title IX sexual misconduct cases. (See also Section XII-B).

Methods of resolution:

A. Administrative Resolution: An administrative resolution of an informal complaint is usually determined by the Chair, the staff to the COD (or other Division of Student Life (DSL) designee), and a student panel member. The most severe sanction available in administrative resolution is probation without a transcript notation. Appropriate educational sanctions may be assigned.

B. COD Hearing

- i. Complaints that may lead to probation with a transcript notation, suspension, expulsion, or revocation of degree may only be resolved in a COD hearing or via a COD sanctioning panel. These panels may also assign appropriate educational sanctions. Other restrictions, including, but not limited to, barring from campus, no-contact orders, and removal from housing are also available only to a COD hearing or sanctioning panel or where otherwise specifically noted.
- ii. All hearings will be chaired by the COD Chair or Associate Chair.

C. COD Sanctioning Panel

- i. If the respondent accepts responsibility for all alleged violations, the COD Chair may convene a Sanctioning Panel, which may assign any sanctions available.
- ii. A sanctioning panel consists of three members: a student, a Dean's Representative to the COD, and either the Chair or Associate Chair.
- iii. If a respondent chooses to accept the Sanctioning Panel's decision the case is resolved and there is no right to appeal.
- iv. If a respondent does not accept the Sanctioning Panel's decision, the case will proceed to a hearing. In such cases, the staff and student members of the sanctioning panel will not serve on the hearing panel.
- v. See also Section XII-D regarding cases involving sexual or other gender-based misconduct.

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VIII. Process for Respondents to Respond to the Three Forms of Complaint

In all matters before the COD, a respondent is provided all the information available to the Chair and the COD and an opportunity to respond. Refusal or failure by the respondent to participate in any part of the COD process shall not prevent the COD from resolving the complaint based upon the information available.

A. Informal Complaint

Following receipt of an informal complaint, OSC will contact the respondent, providing information about the complaint.

- i. Respondent's response typically must be submitted to the OSC within one week of the respondent receiving the complaint information from OSC.
- ii. Respondent's response may include the names of any witnesses or advisors or those may be submitted at a later date, should the case proceed to a hearing.

B. Faculty Letter to File

The Chair will review any faculty complaint in the form of a request for letter to file (see Section VI-A) and may consult with the referring faculty member to determine if there needs to be any further action on the complaint. If the Chair refers the case to a hearing, the letter will proceed as a formal complaint (see Section VI-C). If the Chair accepts the letter as a Faculty letter to file, the respondent will have ten business days to choose one of the following responses to such a letter to file:

- i. The respondent may choose not to respond.
- ii. The respondent may choose to submit a written response to be maintained with the Faculty letter to file.
- iii. The respondent may challenge the Faculty letter to file by requesting a COD hearing.

C. Formal Complaint

Following receipt of a Formal Complaint, the OSC contacts the respondent to provide information about the complaint:

- i. The respondent will be given ten business days to prepare a written response to the Formal Complaint. The respondent may waive the right to this ten day period to request an expedited hearing. The waiver must be submitted in writing to the OSC.
- ii. The respondent's response should include the name of the respondent's advisor, the names of any witnesses the respondent will call at the hearing, and copies of any documents that the respondent will present at the hearing.
- iii. Once the respondent has been presented with a Formal Complaint, unless the Chair provides an exception, the respondent's academic transcript will not be released either to the respondent or to any third party pending the resolution of the Formal Complaint.
- iv. The respondent will not graduate if subject to a pending COD Formal Complaint in which the Chair, after consultation with the Chancellor, determines the Formal Complaint alleges sufficiently serious allegations.

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IX. Hearing Procedures

The following hearing procedures are generally followed. The COD reserves the right to adjust these procedures as the Chair deems appropriate.

A. The hearing is scheduled as soon as is reasonably possible after the respondent's written response has been received by the OSC staff or after the deadline for submission has passed.

B. The OSC will notify a complainant and respondent of the hearing date and provide both parties with guidelines for submitting documents for the hearing and a date by which any documents to be presented at the hearing must be submitted.

- i. Information submitted following this date may only be included for consideration at the discretion of the Chair.
- ii. Following receipt of this information, the OSC will provide documents and distribute them to the COD panelists, the complainant, the respondent, and their advisors.
- iii. At the discretion of the Chair, the COD may request a fact-finding report from the Office of the Dean for Student Life, to be submitted. Such reports are described in Section XII-C.

C. The hearing usually proceeds as follows, although the Chair may vary the procedure at their discretion.

- i. The Chair reads introductions and description of the hearing procedures to the parties.
- ii. The Chair reads the alleged violation(s) and asks the respondent either to admit or deny responsibility.
- iii. The complainant may make an opening statement followed by the opportunity of the respondent and the COD to ask questions of the complainant.
- iv. The complainant's witnesses may provide statements followed by the opportunity of the respondent and the COD to ask questions of the complainant's witnesses.
- v. The respondent may make an opening statement followed by the opportunity of the complainant and the COD to ask questions of the respondent.
- vi. The respondent's witnesses may provide statements followed by the opportunity of the complainant and the COD to ask questions of the respondent's witnesses.
- vii. The Chair may call witnesses to aid the COD. The COD may recall witnesses who previously appeared for the purpose of asking further questions.
- viii. The COD may ask questions of both parties and the parties may question each other.
- ix. The complainant may make a brief closing statement, followed by the same opportunity for the respondent.

- x. The Chair makes a closing statement, including when decision is expected to be made.
- xi. The COD meets in executive session to deliberate.

D. Witnesses

- i. Witnesses may only be present at the hearing during their presentation of information and response to questions. The Chair may ask that witnesses remain available following their presentation in case that witness needs to be recalled for additional information.
- ii. Character witnesses may only provide information in writing.
- iii. Unless the Chair decides otherwise in unusual circumstance, expert witnesses are not allowed.

E. Chair's Role

- i. The Chair convenes and facilitates the hearing.
- ii. The Chair may postpone or suspend a hearing.
- iii. The Chair may call a brief recess at any time during the hearing.
- iv. At any time, the Chair of the hearing determines whether certain witnesses should appear and decides whether any particular question statement or information will be allowed during a hearing. Formal rules of evidence that apply to civil or criminal judicial processes are not applicable.
- v. The Chair may call a particular witness.
- vi. The Chair of the hearing shall warn any participant deemed to be disruptive, harassing, or intimidating to any other participant and if appropriate, excuse any individual's presence at a hearing, or take any other action deemed necessary by the Chair to ensure an orderly hearing.

F. COD Deliberations and Decision

- i. Once the Chair concludes the hearing, the COD meets in executive session to reach its decision. The COD decides first, using a preponderance of the evidence standard and based on a majority, if a respondent is responsible for committing one or more violations of MIT policy or standards. If a respondent is found responsible, the COD will then decide what is the appropriate sanction or sanctions to impose. In deliberations on sanctions, the COD may review any prior findings of responsibility of the respondent. The sanctions available are described in Section X.
- ii. Except as provided in Section XI and Section XII-E of the Rules, the COD's decision is final. The Chair will usually meet with the respondent as soon as reasonably possible after the hearing. A written notice of the decision is usually provided to a respondent no later than ten business days after the hearing. This letter will be copied to MIT officials as appropriate.

G. Record Keeping

- i. No recording of any kind of a hearing is allowed. No electronic devices may be used during a hearing by anyone present.
- ii. A documentary record of the proceedings will be kept in the files of the COD. This record should consist of: (1) the complaint and respondent's response, (2) all documents submitted at the hearing, and (3) the decision letter. This record does not summarize or otherwise attempt to preserve the hearing or deliberative discussions.

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X. Sanctions

The COD has the authority to impose any sanction it deems appropriate, including but not limited to the following:

A. Letter to File

- i. A notation of the finding of responsibility is kept in the respondent's file.

B. Probation (with or without transcript notation)

- i. A specific period during which a respondent is encouraged to be especially thoughtful in their decision-making, as a further violation of policy will likely result in more serious sanctioning.
- ii. The running of the probationary period occurs for the period in which the respondent is formally enrolled and attending classes at MIT.
- iii. Probation can be with or without transcript notation. If the sanction of probation includes a transcript notation, the following dates should be included in the sanction:

- a) The earliest date on which a respondent may petition the COD Chair to remove the disciplinary notation from the official transcript and internal grade report. This time limit cannot be later than the end of the probationary period.
- b) The date on which the disciplinary notation of probation will be removed automatically. This date cannot be more than ten years from the date of the sanction.

C. Suspension

- i. Removal of a student from the Institute for a defined period of time. A student on suspension may not be on campus or participate in any aspect of Institute life, including but not limited to classes, extra-curricular organizations, research, campus events, on-campus and affiliated living, and employment.
- ii. Suspension is noted on a respondent's transcript and internal grade report, but not on the end-of-term grade summaries.
- iii. In issuing a suspension, the decision will include the following conditions:
 - a) The COD may require the respondent to complete certain conditions before a transcript notation of suspension will be removed. In choosing this option, the COD must set the earliest date by which a suspended student may petition the COD Chair for the notation to be removed based upon completion of those sanctions.
 - b) The COD may determine that, after a designated time period of less than 10 years, a suspension notation may be automatically removed.
 - c) The COD may determine that a notation of suspension on a transcript is permanent.
 - d) At the end of a suspension period, a suspended student must apply for readmission through the OSC, demonstrating all requirements of the suspension have been satisfied. The Chair will decide whether or not to grant the readmission request and may confer with other COD members regarding this decision. If this petition is approved, the OSC will notify the Registrar that the respondent is eligible to return.

D. Expulsion

- i. The permanent separation of a student from MIT. If expelled, an individual is not permitted to re-enroll as a student at any time, in any capacity.
- ii. Expulsion is noted, permanently, on a respondent's transcript and internal grade report, but not on end-of-term grade summaries.

E. Additional Sanctions

- i. Additional sanctions may be imposed such as restitution, community service, removal from activities, removal from housing, and other educational sanctions as the COD deems appropriate.
- ii. When the COD finds a graduate responsible for misconduct occurring prior to the individual graduating from MIT, the COD can permanently revoke the individual's degree.
- iii. A temporary transcript notation of disciplinary action is available for circumstances in which a former student is found responsible by the COD.

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XI. Appeals

A decision by a COD Hearing Panel to suspend or expel a respondent may be appealed to the Chancellor. In all other cases, the COD Hearing decision is final, unless specifically noted (see this section and XII-E).

All appeals must be submitted in writing to the OSC staff by the appealing party (usually the respondent, see Section XII-E for situations when the complainant may appeal) within ten business days of the date the appealing party received the letter advising them of the decision of the COD.

A. Appeals may only be made on one or more of the following grounds:

- i. there exists substantive and relevant information that was not available at the time of the decision;
- ii. there was a substantial departure from the COD rules and procedures that significantly affected the fairness of the process;
- iii. a material finding that formed a basis for the COD's decision was substantially against the weight of the evidence that was before the COD when it made the decision; or
- iv. the sanction is at significant variance with the range of sanctions appropriate in the situation.

B. The Chancellor makes a decision based upon the written appeal(s) providing the ground(s) on which the party is relying for appeal, and as much of the record of the COD Hearing of the case as the Chancellor determines it is appropriate to consider.

C. The Chancellor will consult with the Chair on all appeals. The Chancellor may also confer with other participants of the hearing.

D. Before modifying or overruling a decision of the COD, the Chancellor will meet with available members of the COD who decided the case, and will make a final decision after consulting with them.

E. The final decision will be communicated to the same people who received notice of the COD decision, and to any other officials of MIT who need to be aware of it in order to permit them to fulfill their professional responsibilities. When it is reasonable, a member of the OSC staff shall meet with the parties regarding any appeal decision.

F. This appellate decision by the Chancellor is final.

G. If the COD hearing decision imposes a sanction of suspension or expulsion to take effect before the time for the respondent to file an appeal has expired, or while an appeal is under consideration, the respondent may request in writing from the Chair a postponement of the effective date of the sanction. The Chair may approve the request, with or without conditions relating to the respondent's remaining at MIT, while the appeal is pending. If the Chair denies the respondent's request for a postponement of the effective date, the respondent may request the postponement from the Chancellor, who may approve the postponement, with or without such conditions, after discussing with the Chair the respondent's request and the reasons the Chair denied the request.

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XII. Special Procedures for Handling Sexual Misconduct Complaints

In compliance with federal law, the COD has certain procedures unique to the resolution of complaints alleging violation of MIT's sexual harassment policy or alleges other gender-based misconduct. These procedures supplement the general COD procedures in handling complaints of student misconduct.

A. Informal resolution methods are not available for a complaint of sexual harassment or other gender-based misconduct.

B. The COD will not stay a complaint of sexual harassment or other gender-based misconduct if there is an external criminal investigation or other outside proceeding until the conclusion of the outside proceeding.

C. The Chair may ask for a fact finding report from the Office of the Dean for Student Life to assist in the COD process. The report will be made available to the parties on a confidential basis. At the Chair's discretion, the person who wrote the fact finding report may be asked to appear at a hearing.

D. A Sanctioning Panel can be used to resolve cases of sexual harassment or other gender-based misconduct if the respondent has accepted responsibility for the alleged misconduct and the complainant agrees to a Sanctioning Panel and both parties accept the decision of the sanctioning panel and waive any right of appeal. If either party does not accept the decision of the Sanctioning Panel, the case will proceed to a hearing.

E. Both parties have a right to appeal a decision of the COD for cases of sexual harassment or other gender-based misconduct.

F. Notice of outcomes relating to allegations of sexual harassment or other gender-based misconduct will be provided to the complainant.

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XIII. Membership

Per the Faculty Rules and Regulations, the COD consists of six elected members of the Faculty, three undergraduate and two graduate students, the Dean for Undergraduate Education, the Dean for Student Life, and the Dean for Graduate Students, ex officio, or representatives as designated by the Deans. Faculty members serve terms of three years, consistent with the Rules and Regulations of the Faculty. Deans' Representatives and students serve a term of five years. Students may continue their service until degree completion. Past members who have completed their terms may, for a period of three years thereafter, be called to complete a panel for a particular hearing, only one such member to serve in a given hearing. Before serving on a hearing panel or other resolution method, a member must complete the current COD briefing, as developed by the OSC and the Chair. No member of the COD who had any involvement in the events relating to a particular case will participate as a COD member in the COD resolution of that case.

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XIV. Policy Questions and Revisions

A. Consistent with rule 1.73, the COD resolves cases within the framework of Institute policies. Revisions to such policies are properly the concern not of the COD, but of the office or committee that is responsible for considering changes in the policy.

B. In connection with its consideration of a particular case, the COD may seek an interpretation or clarification of an Institute policy relevant to that case through the Faculty Policy Committee.

C. Except to the extent inconsistent with the Rules and Regulations of the Faculty, the COD, after consultation with the Faculty Policy Committee, may from time to time amend these rules and regulations.

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Comments and questions to Professor Suzanne Flynn (sflynn@mit.edu)