

Working draft

URGE Session 2 Deliverable: Policy for Dealing with Complaints MIT Department of Earth, Atmospheric and Planetary Sciences

This is what was found by EAPS at MIT on policies for handling complaints, the reporting process, resources, and possible outcomes.

The link(s) to the reporting policy at our organization are here:

- <https://policies.mit.edu/policies-procedures/90-relations-and-responsibilities-within-mit-community> - MIT
- Specific department policies: N/A
- *Are the rates of reporting made publicly available (e.g. # of reports each year)?*

Yes. The MIT Institute Discrimination & Harassment Response Office (IDHR) publishes annual reports which contain statistics on the number and type of reports made each year.

<https://idhr.mit.edu/our-office/annual-reports>

What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism?

- *Who are the designated individuals/positions for reporting incidents?*

All employees are mandatory reporters to the Institute Discrimination & Harassment Response Office (IDHR) about incidents regarding students (gender discrimination, sexual harassment). Managers and supervisors are mandatory reporters (to IDHR) about incidents regarding employees (any discriminatory behavior). Complainant can then choose whether or not to move forward with IDHR

<https://idhr.mit.edu/reporting-options/responsible-employees>

- *Can reports be made online? Anonymously?*

Yes reports can be filed anonymously or non-anonymously by visiting

<https://idhr.mit.edu/fileincidentreport>. Anonymous reports rarely result in action, and are only used as data-gathering.

- *Who do in-person and online reports go to? Who has access to see reports?*

IDHR office staff (<http://idhr.mit.edu/our-office/about>) and potentially the Bias Response team (<http://idhr.mit.edu/our-office/brt> — titles, no names listed).

- *Are police included in the process? When and how? Are individuals accompanied by an advocate or someone from the organization?*

Police can be involved if desired by the complainant after discussing their options with IDHR. IDHR will guide you through the process. MIT Police can issue protective orders.

What are the outcomes or consequences for reported individuals? Follow-up by supervisor, training (bias, etc.), disciplinary action, termination.

- *Who decides the outcomes/consequences? What is the process?*

IDHR emails the impacted individual, who can choose to meet with them to discuss options. They can choose to move forward or not at any time after the incident. If IDHR decides safety is a concern, they may take action regardless.

- *What are possible outcomes?*
 - Formal: formal complaint process / investigation through MIT or reporting to police (MIT will “guide” you through the process). Formal complaints will notify the respondent.
 - Informal: Academic accommodations, housing change, no-contact orders, etc.
 - Protective order: MIT police will guide through the process
 - If the Faculty Panel decides that the Respondent violated a Conduct Policy, the Faculty Panel recommends to the appropriate Dean (or other Academic Council member for some senior research scientists, engineers, and associates) what action should be taken in light of the finding. Examples of discipline include, but are not limited to, a reprimand (oral or written), a suspension, a salary reduction, a demotion, a removal of privileges, or termination of employment or appointment

- *Are reports tracked? Yes/No*

If the Respondent is a faculty member, senior research scientist, senior research engineer, or senior research associate, the investigator investigates and prepares a report with findings of fact and a recommendation as to whether the Respondent violated any Conduct Policy. The report is provided to a Faculty Panel. The Faculty Panel may meet or consult with the investigator or others but generally does not meet with the Complainant or the Respondent. The Faculty Panel decides if the Respondent violated one or more of the Conduct Policies.

If the Respondent is a staff member or postdoctoral scholar, the investigator investigates and prepares a report with findings of fact and a determination as to whether a Conduct Policy was violated. The report is confidentially shared with the Complainant, the Respondent, and the Respondent’s supervisor and/or higher level manager. If the investigator 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.

What resources are available for individuals reporting?

- *Full list:* <https://idhr.mit.edu/supportive-measures/resources/students>
- *Confidential resources (not mandatory reporters):* VPR, MIT Medical, Student Mental Health and Counseling, MIT Chaplains, MIT Ombuds, peer groups (Medlinks, REFS).
- *Private resources (mandatory reporters):* Title IX, Student Support Services (S3), OGE, Committee on Discipline, Office of Student Conduct, OME, ICEO, OMP, LBGTQ@MIT, MIT Police, MIT Human Resources
- *Boston / federal resources:* <https://idhr.mit.edu/supportive-measures/resources/students>
- *Academic support:* S3 and OGE

- *Protection against retaliation or repercussions, accommodations for continuing work/courses, option for pass/fail or outside assessment?*

Retaliation is prohibited against anyone who participates “in good faith” in any MIT complaint resolution process in any capacity. Retaliation is defined to be any conduct that would “discourage a reasonable person from making a report or participating in a complaint review process”.

General examples of retaliation are given in the MIT non-retaliation policy:

<https://policies.mit.edu/policies-procedures/90-relations-and-responsibilities-within-mit-community/97-non-retaliation>.

From this resource it seems that the main protection that MIT/IDHR offers against retaliation is the ability for an individual to file a report with IDHR about the retaliation. The report is filed via IDHR in the same way that any incident report is. On the online reporting form you can select the reason for the report is that you are being retaliated against. From this point the process appears to be similar to any report of bias, microaggressions, harassment, or overt racism. There is the possibility for a formal investigation or an informal resolution. An important note is that action can be taken against the person retaliating by MIT/IDHR regardless of the outcome of the original complaint or report.

After you make a complaint or report an incident IDHR will reach out to you to discuss “resources, supportive measures, reporting options, voluntary remedies, and resolution pathways”. You will either be able to meet with the IDHR director or a “designee”. However, it is very important to know that you are not required to meet with IDHR. You are allowed to have someone you trust along to support you in this meeting. In this meeting things like accommodations for continuing work/courses, option for pass/fail or outside assessment will be discussed as “supportive measures” that can be implemented immediately.

A list of some potential measures and accommodations is given here:
<https://idhr.mit.edu/supportive-measures/supportive-measures-actions>.

From reading the website, it seems as though the IDHR director or “designee” will be one who assesses, decides, and approves what support is offered by MIT. All support is free.

What resources are available to groups raising issues or proposing changes?

- Institute committees: Sexual Misconduct Prevention and Response, Women’s Advisory Group
- Department committees: DEI-C, can propose ideas with anonymous form
- Department leadership: Town Halls with EAPS at least every semester, office hours with Rob
- Cultural surveys: MIT Quality of Life Survey, every 4 years. Department surveys, irregular

Proposed changes to department policies

- EAPS should have >1 members of the department as support people or liaisons to IDHR for people who would like to report something but would like guidance or advice through the process.
 - Group should contain both faculty and staff, maybe also postdoc / grad student
 - Group should contain at least one person from a minoritized group
 - Should follow up with person reporting, asking if they need help reaching out to things like academic support resources, and stay aware in longer-term, watching out for retaliation, patterns of harassment / abuse by individuals in the departments, and future issues.
 - Should stay as confidential as possible, other than what must be mandatory reported. For example, don’t discuss with colleagues about a student’s sensitive situation.
- Department statement on website about reporting policies, instead of just directing them to IDHR. This will make it feel like EAPS is taking this seriously, rather than just outsourcing the problem to IDHR.
 - Statements should include what immediate academic and research supportive measures are available, how they can be requested, and how these accommodations are carried out. This should cover the specific situation of a harassment issue with an academic advisor or professor.
 - Examples would be, what support exists for someone in the middle of switching advisors (funding in transition, access to lab equipment, etc)
 - Statement can also be made clear on grad / undergrad handbooks
- Better communicate resources

- Regularly bring IDHR to the department so people feel more familiar with the people behind the reporting form (cookie hour? Beginning of colloquium? Ask each advisor to go over in group meetings once a year?)
- Have a central place (Ida Green Lounge?) where pamphlets / information about various resources sit permanently. Flowcharts are helpful,
- Have a poster with faces of IDHR / various resources so they seem more approachable.
- Add something on the EAPS website about counseling.

Questions remaining (to ask IDHR)

- How is confidentiality maintained through IDHR? If you have an issue that requires your advisor or labmates to know that you e.g. can't schedule these people on the same shift, do they tell people directly involved?
- How can we make sure that information on complaints/incident reports come back to EAPS departmental leadership? How is this information kept by IDHR and what is done when someone has multiple complaints against them?
- What do other departments at MIT have in the way support structures outside of IDHR?
- If there is a harassment issue with an academic advisor or professor how are academic adjustments/accommodations made? This could be made clearer by the education office in the grad student handbook, orientation, or generals prep conversations.
- How do we know how effective the retaliation policy is?
- Are there resources for harassment / discrimination prior to going into the field and support structures on their return?
- What about people from different institutions being problematic during field work. MIT's policy still holds for such people, but clarity needed on what this process looks like. Would be great to have a "checklist" of who to contact at each institution that is represented on the field trip
- Students in "in-between" funding situations, e.g. unpaid undergraduate students. They don't have an institution to report to. What resources are available for them?
- How are the faculty panels selected?
 - Do panel members receive support for the time spent in this capacity?
 - Can the faculty panels recommendations be overruled?
 - Could the panel include non-faculty members?
- Are the MIT reporting policies regularly reviewed? What is the process for changing policy?
- Ask about legality of our recommendations (support person / group to help guide through resources)