Committee on Discipline
Rules

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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, former student, student organization, or residence hall in a way that is objective and educational, and is not intended to be 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 and expulsion of a student from the Institute, revocation of a degree, revocation of recognition of a student group, and loss of approval for a student organization residence. In addition, in appropriate cases as described in Section VII, the COD may also make non-binding recommendations to MIT Senior Leadership in response to complaints against a residence hall, or a floor or unit within a residence hall, about group conduct that has an ongoing and/or significant impact on the residence hall or the broader MIT community.

Notwithstanding these rules, the Institute reserves the right to take any action, including interim and administrative actions as described in Section III, that it deems necessary or appropriate to protect the intellectual integrity, health, safety, wellbeing, or educational or working experience of the campus community. To that end, MIT students and student organizations are expected to abide by the rules, regulations, guidelines, and policies of the Institute, as well as city, state, and federal laws.

MIT's expectations and policies for students and student organizations are outlined in the *Mind and Hand Book* and in the Handbook on Academic Integrity. In addition, students are required to comply with MIT Policies and Procedures, Housing and Dining Policies, and their Housing Agreements. This may not exhaust the policies under the COD's authority, so students and student organizations are encouraged to contact OSCCS with questions.

II. Jurisdiction of the COD

A. The COD has jurisdiction over 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, or against a student on leave, who seeks to return from leave, for conduct that occurred while the individual was on leave.

B. The COD has jurisdiction over any complaint brought to its attention by anyone against a student organization or former student organization for conduct that occurred while the student organization held recognized status at MIT.

C. The COD has jurisdiction over any complaint brought to its attention by anyone against an entire residence hall or individual floors or units in residence halls. In general, residence hall cases are processed in the same manner as student organization cases where the conduct at issue reflects the activity of an identifiable group of residents and the Chair of the COD determines that any potential sanctions, if responsibility is found, should be imposed collectively on the group (in addition to any sanctions that may be separately imposed on individual students). In such cases, the COD may also make non-binding recommendations to MIT Senior Leadership as described in Section VII.

D. The COD Chair or their delegate is permitted to approve the resolution of a complaint through informal or alternative methods of dispute resolution through the OSCCS or IDHR, if appropriate and agreed to by the parties. The COD Chair may also opt to resolve a case informally, including through educational measures or referral for action by appropriate campus officials.

E. In all cases, the COD Chair, OSCCS, or, where appropriate given the nature of the case, IDHR will review each complaint on a case-by-case basis to determine if the complaint is appropriate for an Institute process (unless otherwise delegated to an adjudicating body), including determining whether a formal complaint, if taken as true, alleges discrimination or discriminatory harassment.

F. Off-campus misconduct or conduct that occurs outside of MIT's programs or activities, including without limitation conduct that may occur online, 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 Chair of the COD will determine, on a case-by-case basis, if it is appropriate to address a complaint of this kind. In making such a determination, the Chair may also consider whether such conduct has impacted, or could impact, the work or educational environment of any member of the MIT community. The COD Chair, OSCCS, or, where appropriate, IDHR may determine on a case-by-case basis whether to resolve complaints brought by non-MIT community members.

G. 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.

H. The Institute expects students to engage appropriately with the discipline process and considers compliance with sanctions assigned by the COD to be required components of the student's education. The COD and the OSCCS have the authority to put in place registration, transcript, and graduation holds in order to require students to attend meetings related to the COD process, enforce sanctions, respond to past due or noncompliance with sanctions, and otherwise further the COD's purpose. In addition, the COD Chair, after consultation with the Chancellor, may elect to place a graduation hold on the respondent if subject to a pending COD complaint. The Chair and Chancellor will evaluate the totality of the circumstances when making this determination.

III. Interim, Administrative, and Supportive Measures

At times, it is necessary for the Institute to take immediate action in order to protect the health, safety, wellbeing, or educational or working experience of students, employees, or the broader MIT community; to maintain academic integrity; to uphold Institute values; to end ongoing or prevent further misconduct; to separate individuals involved in a case; or for other similar reasons. To that end, the Institute reserves the right through the Chancellor, the Vice Chancellor, the Dean for Student Life, the Chair of the COD, IDHR, or OSCCS, or any of their designees, to take any interim or permanent administrative action that it deems necessary and appropriate under the particular circumstances. Possible measures include, without limitation, interim suspension of a student from the Institute, interim suspension of a student organization, temporary or permanent removal of a student from MIT housing or relocation to another room or residence hall, restrictions on student organization or residence hall activities, no-contact orders, restricting a student's access to certain campus locations, or changes to academic or work schedules.

In addition, regardless of whether a complaint is brought before the COD, IDHR is authorized to take immediate actions that it determines are necessary and appropriate to respond to concerns of discrimination and discriminatory harassment, including behaviors related to sexual misconduct (including harassment), intimate partner violence, stalking, or other forms of gender-based discrimination, including non-disciplinary, non-punitive supportive measures designed to restore or preserve access to MIT's education program or activity. For additional information about supportive measures in discrimination and discriminatory harassment matters reported to IDHR, review the IDHR website. In response to a complaint of sexual misconduct, including Title IX Sexual Harassment, MIT can act to remove a respondent entirely or partially from their education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of a complainant or any student, employee, or other individual justifies removal. This risk analysis is performed by IDHR in conjunction with appropriate Institute officials. In the event of such emergency removal, the respondent will be given notice and an opportunity to challenge the decision immediately following the removal.

In all cases, interim, administrative, and supportive measures are subject to revision at any time and are taken without prejudice to any other sanctions or remedies being imposed as part of subsequent COD proceedings.

IV. The COD Process is Private and Internal

A. In general, COD processes are private and confidential. With respect to complaints against individual students, only participants (including advisors) in the process will be allowed in a hearing or panel meeting and at the discretion of the COD Chair. With respect to complaints against student organizations, the COD Chair will determine appropriate hearing and panel meeting attendance on a case-by-case basis.

B. The COD's consideration and determination of a complaint is confidential and should not be discussed outside of the COD process by members of the COD. Confidential information includes, but is not limited to, the existence and substance of the complaint; the names of complainants, respondents, and witnesses; what is said in COD processes and by whom; the findings made; and sanctions imposed by the COD. Complainants, respondents, advisors, and witnesses are encouraged to use discretion in their sharing of information about the COD process, but complainants and respondents are not restricted from discussing the allegations, obtaining and presenting relevant evidence, speaking to witnesses, or consulting with family members, confidential resources, or advisors.

C. Any information regarding a complaint before the COD or a decision by the COD may only be communicated by the COD or OSCCS to the parties (including their advisors) or to other officials of MIT in order to permit them to fulfill their professional responsibilities, to the extent it is feasible to do so, or as required by law. In certain cases, the COD Chair or OSCCS can permit the disclosure of a decision by the COD to other third parties as necessary to implement the decision (for example, in the case of a student organization) or when required by law (for example, in cases involving sexual misconduct).

D. The COD process is not intended to be a legalistic or adversarial process. Attorneys for either party cannot participate in any part of the COD process except by serving as advisors (defined in Section V) to complainants and respondents in cases involving allegations of sexual misconduct; sexual harassment; intimate partner violence; or stalking, including Title IX sexual harassment, or as otherwise required by law. Attorneys are not permitted to serve as advisors in any other type of case. Advisors may attend meetings, hearings, or panel meetings with their student and may give support and advice, but advisors are not permitted to serve as a witness, make arguments on behalf of or represent students, question witnesses, or author documents, except that advisors, including attorney advisors, are permitted to conduct direct, oral, real-time cross-examination of parties and witnesses in Title IX Sexual Harassment hearings. 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 privacy and release of student records. Information on these policies is available through the OSCCS.

V. Definitions

A. Administrative Resolution: A process for resolving complaints in which the COD Chair and OSCCS review materials and information submitted by the complainant and the respondent, or obtained through fact-finding/investigations, including IDHR investigative reports. In an administrative resolution regarding an individual student, all sanctions other than probation with transcript notation, suspension, suspension held in abeyance, expulsion, and degree revocation may be assigned. Sanctions that are available in an administrative resolution include without limitation probation without a transcript notation, restrictions on activities (including restrictions on interactions with individuals or offices or restrictions on being in certain campus locations), along with other possible sanctions to educate the respondent or to ensure that other community members have equal access to MIT's programs or activities. In an administrative resolution regarding a student organization, all sanctions other than suspension of recognition, suspension of recognition held in abeyance, revocation of recognition, and loss of residence for student organizations may be assigned. Sanctions that are available in an administrative resolution include without limitation organizational probation, along with other possible sanctions to educate the respondent or to ensure that other community members have equal access to MIT's programs or activities.

B. Advisor: The complainant and the respondent each may have one advisor, who may be any person of their choice except a member of the media or an attorney, with the exception that attorneys are permitted to serve as advisors to complainants and respondents in cases involving allegations of sexual misconduct, sexual harassment, intimate partner violence, or stalking, including Title IX Sexual Harassment, or as otherwise required by law. Attorneys are not permitted to serve as advisors in any other type of case. The advisor may assist either party in preparing their case and in accompanying the party at any meeting or hearing. Both parties have equal rights to have 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.

The following provisions apply only to Title IX Sexual Harassment hearings:

i. Advisors, including attorney advisors, are permitted to conduct direct, oral, real-time cross-examination of parties and witnesses in Title IX Sexual Harassment hearings.
ii. In the event a party participating in a Title IX Sexual Harassment hearing does not have an advisor, MIT will provide, without fee or charge to that party, an advisor of MIT's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party at the Title IX Sexual Harassment hearing.

C. Chair of the COD (Chair): Faculty leader of the COD, appointed by the Chair of the Faculty. The COD Chair may appoint another faculty member of the COD as their designee to chair hearings and panel meetings, or manage certain cases as appropriate. In such cases, the faculty designee shall serve as Chair for purposes of these rules.

D. COD Hearing (Hearing) or Panel Meeting: A process that may be used to resolve formal complaints in which members of the COD review materials and information submitted by the complainant and respondent, statements from those parties and their identified witnesses, or other material or information obtained through fact-finding/investigations, including IDHR investigative reports. In a hearing or panel meeting, the full range of sanctions is available. As described in Section XIII, special procedures will be employed for hearings or panel meetings involving complaints of sexual misconduct, sexual harassment, intimate partner violence, stalking, or Title IX Sexual Harassment.

i. A hearing panel consists of seven COD members, including at least two faculty members (one of whom must be the Chair), two Vice Chancellor's representatives, and two student members. The seventh can be any member of the COD. At the Chair's discretion, a hearing panel may also include a qualified professional (who may be external to MIT) hired by MIT to serve as a Co-Chair of the panel and/or to participate as a decision-maker in all issues before the panel.

ii. A sexual misconduct panel meeting for complaints of sexual misconduct, sexual harassment, intimate partner violence, and stalking that do not meet the definition of Title IX Sexual Harassment consists of three COD members (one of whom must be the Chair and one of whom must be a Vice Chancellor's representative) who serve on the sexual misconduct subcommittee. At the Chair's discretion, a sexual misconduct panel meeting may also include a qualified professional (who may be external to MIT) hired by MIT to serve as a Co-Chair of the panel and/or to participate as a decision-maker in all issues before the panel.

iii. A Title IX Sexual Harassment hearing panel for complaints of Title IX Sexual Harassment consists of three COD members (one of whom must be the Chair and one of whom must be a Vice Chancellor's representative) who serve on the sexual misconduct subcommittee. At the Chair's discretion, a Title IX Sexual Harassment hearing panel may also include a qualified professional (who may be external to MIT) hired by MIT to serve as a Co-Chair of the panel and to participate as a decision-maker in all issues before the panel.

E. COD Sanctioning Panel (Sanctioning Panel): A sanctioning panel may be convened to determine sanctions when a respondent accepts responsibility for all the alleged policy violations and when the Chair determines the incident may warrant sanctions greater than those available in an administrative resolution. In a sanctioning panel, the full range of sanctions is available.

i. A sanctioning panel consists of four members: a student, a Vice Chancellor's Representative, a faculty member who can also be the Chair, and a fourth member of the COD. At the Chair's discretion, a sanctioning panel may also include a qualified professional (who may be external to MIT) hired by MIT to serve as a Co-Chair of the panel and/or to participate as a decision-maker in all issues before the panel.

F. Complainant: An individual member of the MIT community who brings a complaint alleging violation(s) of MIT policy by students, former students, student organizations, or

former student organizations. A complainant includes an individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment. The COD Chair, OSCCS, or, where appropriate, IDHR may determine on a case-by-case basis whether to permit a non-MIT community member to be a complainant.

G. Day (also business day or Institute day): This is a regular day, Monday through Friday, during which MIT offices are open for regular business. It excludes weekends and holidays on which the Institute is closed, but can be a day in which MIT has class or when there is an academic break (for example, over Spring Break or the summer).

H. IDHR: The Institute Discrimination and Harassment Response office.

I. Investigation: The formal process of collecting information and evidence at the request of the Chair of the COD, the OSCCS, the Office of the Chancellor, a representative of the Division of Student Life, the Title IX Coordinator, or other appropriate Institute official. An investigation will usually result in a written fact-finding report that is submitted to the COD for consideration at a hearing, panel meeting, or sanctioning panel, and may also include a recommended finding of responsibility for violations of Institute policy. The investigator(s) may also report the findings to other Institute officials either in writing or orally, and the report may be used to evaluate whether a complaint should be filed with the COD. If appropriate depending on the findings, an investigation can also be used to support an administrative resolution or non-binding recommendations concerning a residence hall to MIT Senior Leadership. Investigations conducted by IDHR in response to complaints of discrimination and discriminatory harassment (including complaints of sexual misconduct, sexual harassment, intimate partner violence, stalking, and Title IX Sexual Harassment) will be conducted in accordance with processes developed by IDHR. See also Section XIII for special procedures for investigating and resolving complaints of sexual misconduct, sexual harassment, intimate partner violence, stalking, and Title IX Sexual Harassment.

J. MIT Senior Leadership: For the purposes of these rules, the President, the Provost, and the Chancellor, or any of their designees.

K. Office of Student Conduct and Community Standards (OSCCS): The Office of Student Conduct and Community Standards, or OSCCS, is the office within the Division of Student Life that is responsible for educating the Institute community about MIT's standards of student behavior, facilitating the discipline process for allegations involving students and student organizations, and serving as a liaison between all parts of the MIT community and the COD. The Senior Associate Dean of the OSCCS is the executive officer for the COD. In all cases before the COD, a member of OSCCS will serve as an *ex-officio*, non-voting member of the COD. The OSCCS will meet with students, faculty, and staff on behalf of the COD. OSCCS staff members may participate in all hearings, panel meetings, sanctioning panels, and administrative resolutions, and the Chair can delegate authority to OSCCS to resolve cases through administrative resolutions. Other OSCCS staff may also be present during hearings, panel meetings, and sanctioning panels to provide facilitation support.

L. Party: A complainant or a respondent.

M. Respondent: A student or student on leave alleged to have violated MIT policy, a former student alleged to have violated MIT policy while they were a student, a student organization alleged to have violated MIT policy, a former student organization alleged to have violated MIT policy while holding recognized status, or, for residence hall cases, the residence hall or floor or unit within the residence hall against whom a complaint is brought. A respondent includes a student, student on leave, or former student who has been reported to have engaged in conduct that could constitute Title IX Sexual Harassment while the individual was a student at MIT.

N. Sanction: The outcomes assigned to a respondent found responsible for violating MIT policy. Graduation and registration holds may be put in place by the Registrar if sanctions are not completed by designated deadlines or if a respondent fails to comply with a sanction. The COD may amend a sanction if a respondent fails to comply with or complete a specific sanction ordered by the COD.

O. Sexual Misconduct Panel Meeting: A live meeting in which specially trained members of the COD resolve complaints of sexual misconduct, sexual harassment, intimate partner violence, and stalking that do not meet the definition of Title IX Sexual Harassment. In a sexual misconduct panel meeting, the full range of sanctions is available. Sexual misconduct panel meetings will take place using videoconferencing or similar technology so that the parties are not required to be in the same room together. In cases in which the respondent accepts responsibility for all policy violations, a sexual misconduct panel meeting will determine sanctions only.

P. Sexual Misconduct Subcommittee (Subcommittee): A group of no less than six COD members who are specially trained in issues of sexual misconduct, sexual harassment, intimate partner violence, stalking, Title IX Sexual Harassment, and the COD procedures for sexual misconduct panel meetings and Title IX Sexual Harassment hearings. Of COD members, only members of the subcommittee will be permitted to participate in sexual misconduct panel meetings and Title IX Sexual Harassment hearings. The subcommittee will not include any students.

Q. Student: A person becomes an MIT student at the start of the term for which they are admitted, readmitted, or return from leave. Regular student status is retained until graduation, unless the student takes a leave, withdraws, or is disqualified. Regular student status is also retained while the student is cross-registered at another institution, is on foreign or domestic study away, or when students are accepted into a graduate program at MIT after completing an undergraduate program at MIT. Non-Institute students who are registered at MIT fall under the purview of the COD for acts committed during their time of registration.

R. Student on leave: A student who is on a leave (e.g., required academic leave, personal leave, medical leave) that has been approved or required by MIT. Misconduct by a student on leave that is brought to MIT's attention may be a basis for MIT disciplinary action, including temporary or permanent denial of a request to return from leave. Decisions concerning whether misconduct by a student on leave should be addressed as a condition to returning to

MIT will be made by the COD in consultation with the Committee on Academic Performance. The COD Rules in effect at the time of the request to return from leave will be used to adjudicate any allegations of misconduct by a student on leave.

S. Student Organization: A group of persons who have complied with the formal requirements for Institute recognition or registration. This includes, but is not limited to, fraternities, sororities, independent living groups, academic clubs, honor societies, performance groups, athletic teams, club sports, and clubs. For purposes of these rules, a student organization does not include a residence hall or floors or units within a residence hall.

T. Student Organization or Residence Hall Representatives: In matters before the COD, a student organization may be represented in a hearing, sanctioning panel, or related meetings by a maximum of three MIT students who are members or representatives of the student organization. For residence hall cases, the residence hall, or floor or unit within the residence hall, may be represented by a maximum of three residents. These representatives act as the complainant or respondent on behalf of their organization or residence and any reference to complainant or respondent in these rules will include the designated representatives in cases involving student organizations or residence halls. Upon request of the respondent, the Chair, in its discretion in a given case, may expand the number of representatives that is permitted to represent a student organization, residence hall, or floor or unit within the residence hall.

U. Title IX Coordinator: The MIT official designated by MIT to ensure compliance with Title IX. MIT's Title IX Coordinator is also the Director of IDHR.

V. Title IX Sexual Harassment: Conduct covered by MIT's Title IX Sexual Harassment policy, located in the *Mind and Hand Book* and MIT Policies and Procedures.

W. Title IX Sexual Harassment Hearing: A live hearing in which specially trained members of the COD resolve complaints of Title IX Sexual Harassment. In a Title IX Sexual Harassment hearing, the full range of sanctions is available. At the request of either party, Title IX Sexual Harassment hearings will take place using videoconferencing or similar technology so that the parties are not required to be in the same room together. If a complaint of Title IX Sexual Harassment also includes allegations of conduct that would violate other policies in addition to the Title IX Sexual Harassment policy, the Title IX Sexual Harassment hearing will be used to resolve the complaint in its entirety.

X. Witness: Those who are not a party 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.

VI. Process for Filing a Complaint with the COD

A. General Complaint: Any member of the MIT community may file a complaint alleging that a student or student organization violated any provision in *The Mind and Hand Book*, *The Academic Integrity Handbook*, or any other MIT policy, rule, guideline, or regulation. The complaint shall be submitted in writing or by meeting with the OSCCS to give a verbal complaint statement. For complaints of discrimination and discriminatory harassment, a complaint should be submitted in writing to IDHR. A complaint should be submitted as soon as possible after the event takes place. The Institute itself may initiate a complaint. The COD Chair, OSCCS, or, where appropriate, IDHR may determine on a case-by-case basis whether to permit a non-MIT community member to submit a complaint.

i. Prior to the submission of a complaint, a complainant may meet with the OSCCS to discuss the options available to resolve the complaint, the steps to follow for each option, and receive answers to any questions.

B. Sexual Misconduct, Sexual Harassment, Intimate Partner Violence, or Stalking Complaint (non-Title IX): Any member of the MIT community may initiate a complaint alleging that a student or student organization engaged in sexual misconduct, sexual harassment, intimate partner violence, or stalking that does not meet the definition of Title IX Sexual Harassment by notifying IDHR. The Institute itself may initiate such a complaint. More information about special complaint handling procedures for cases involving sexual misconduct, intimate partner violence, and stalking are described in Section XIII. The COD Chair, OSCCS, or, where appropriate, IDHR may determine on a case-by-case basis whether to permit a non-MIT community member to submit a non-Title IX sexual misconduct complaint.

C. Title IX Sexual Harassment Complaint: A formal complaint alleging Title IX Sexual Harassment and requesting that MIT investigate the allegation(s) of Title IX Sexual Harassment. A Title IX Sexual Harassment complaint may be filed by a complainant or signed by the Title IX Coordinator. At the time of filing a Title IX Sexual Harassment complaint, a complainant must be participating in or attempting to participate in the education program or activity of MIT. A Title IX Sexual Harassment complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, using the contact information for the Title IX Coordinator on the IDHR website. As used in this paragraph, the phrase "filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided by IDHR that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the Title IX Sexual Harassment complaint). Where the Title IX Coordinator signs a Title IX Sexual Harassment complaint, the Title IX Coordinator is not a complainant or otherwise a party.

D. Faculty Letter to File: A faculty letter to file is a complaint filed by an instructor alleging a first and low-level violation of MIT's academic integrity policy that, based on the instructor's current knowledge, does not require further action by the COD. The Instructor submits this letter to the OSCCS.

i. Prior to submitting the faculty letter to file, the instructor is invited to consult with the OSCCS to determine whether the student has had any prior violations of the academic

integrity policy.

ii. The Chair of COD may convert a faculty letter to file to a complaint if the respondent has had prior academic misconduct violations or the alleged misconduct warrants further action from the COD.

VII. Process for Choosing a Particular Resolution Process

In all cases not involving sexual misconduct, sexual harassment, intimate partner violence, stalking, and Title IX Sexual Harassment, which are governed by Section XIII, 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.

In general, the COD will proceed with its process without waiting for the resolution of criminal, civil, or other legal actions arising from the same set of facts that caused a COD complaint. The Chair may exercise discretion on a case-by-case basis to delay or defer the COD resolution for a period of time while any law enforcement activity, criminal charges, or other external matters are proceeding, although the COD need not defer or delay resolution until those matters have been fully resolved.

The Chair of the COD, the OSCCS, the Office of the Chancellor, a representative of the Division of Student Life, Title IX Coordinator, or other appropriate Institute official can request that an investigation be conducted to determine whether a complaint should be filed and/or to assist the COD in resolving complaints. An investigation can be requested at any time before final resolution of a complaint under any of the three methods of resolution below, including before a formal complaint has been filed. Investigations conducted by IDHR in response to complaints of sexual misconduct, sexual harassment, intimate partner violence, and stalking, including Title IX Sexual Harassment, as well as other forms of discrimination or discriminatory harassment, will be conducted in accordance with processes developed by IDHR. See also Section XIII for special procedures for investigating and resolving complaints of sexual misconduct, sexual harassment, intimate partner violence, stalking, and Title IX Sexual Harassment.

From time to time, a complaint against a residence hall, or an individual floor or unit within a residence hall, may involve group conduct that has an ongoing or significant impact on the health, safety, wellbeing, or educational or working experience of residents, employees, or the broader MIT community. Resolution of this type of complaint may require oversight by the Institute that goes beyond the COD's traditional sanctioning model, such as closure or repurposing of a residence hall, or the removal or relocation of a significant number of students. In such cases the COD may make non-binding recommendations to MIT Senior Leadership in addition to or in lieu of making a final determination of responsibility and sanctions. To assist it in making its recommendations, the COD may consult with the Vice Chancellor and/or the Dean for Student Life or other relevant Institute officials to gather additional information about the nature and scope of the complaint, and the COD is permitted to make such recommendations regardless of the method of resolution of the complaint (i.e., administrative resolution, hearing, panel meeting, or sanctioning panel).

Methods of resolution:

A. Administrative Resolution: An administrative resolution of a complaint is determined by the Chair and the OSCCS. The Chair and OSCCS may also consult a student member of the COD. Neither the complainant nor the respondent will meet with the COD. The Chair will

determine whether a violation of policy occurred as alleged in the complaint. If the Chair determines that a violation did occur, the Chair may assign sanctions. All sanctions other than probation with transcript notation, suspension, suspension held in abeyance, expulsion, and degree revocation for individual students, and suspension of recognition, suspension of recognition held in abeyance, revocation of recognition, and loss of residence for student organizations may be assigned in an administrative resolution. There is no appeal to decisions reached in administrative resolution.

i. Administrative resolutions are available for complaints of sexual misconduct, sexual harassment, intimate partner violence, or stalking that do not meet the definition of Title IX Sexual Harassment if both parties agree with IDHR's recommended finding of responsibility following an investigation, or the Chair concludes based on the investigation report that administrative resolution is appropriate.

ii. In such cases where both parties agree with a recommended finding of not responsible, the Chair can dismiss the complaint or enter a finding of not responsible as part of an administrative resolution.

iii. Administrative resolutions are not available for complaints of Title IX Sexual Harassment.

B. COD Hearing or Panel Meeting

i. Complaints that may lead to probation with a transcript notation, suspension, suspension held in abeyance, expulsion, or revocation of degree for individual students, or suspension of recognition, suspension of recognition held in abeyance, revocation of student organization recognition, or loss of approval for a student organization residence for student organizations may only be resolved in a COD hearing, panel meeting, or sanctioning panel. These panels may also assign appropriate educational sanctions or sanctions designed to ensure that other community members have equal access to MIT's programs or activities.

ii. All hearings, panel meetings, or sanctioning panels will be chaired by the COD Chair or a faculty designee who will serve as Chair for the hearing.

iii. See Sections XIII, XIV, and XV for specific rules and procedures regarding hearings and panel meetings involving complaints of sexual misconduct, sexual harassment, intimate partner violence, stalking, and Title IX Sexual Harassment.

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 four members: a student, a Vice Chancellor's Representative, a faculty member who can also be either the Chair, and a fourth member of the COD.

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

In all matters before the COD, a respondent is provided all the relevant 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, but it may result in the Chair restricting the information a respondent can provide at a hearing.

A. General Complaint

Following receipt of a general complaint not involving discrimination or discriminatory harassment, OSCCS will review the allegations. If OSCCS reviews the general complaint and, accepting all factual allegations as true, determines that the allegations do not rise to the level of a policy violation, OSCCS may dismiss the complaint without notifying the respondent. OSCCS may, but is not required to, consult with the Chair before dismissing a complaint at this stage. Otherwise, OSCCS will proceed with the resolution of the complaint. OSCCS will refer complaints of discrimination and discriminatory harassment to IDHR for review.

i. If a complaint is not dismissed, OSCCS will notify the respondent(s) that a complaint has been received and will provide a list of policies alleged to have been violated. In some situations, OSCCS or COD may send an informal warning or educational reminder of policies without meeting with the respondent. Otherwise, the respondent is required to meet with OSCCS. The purpose of this initial meeting is to provide notice of the nature of the complaint and give the respondent an initial opportunity to respond to the allegations verbally, and discuss the COD procedures.

ii. Following the initial meeting, the respondent has an opportunity to submit a written statement to the COD. If the respondent chooses to submit a statement, it must be submitted to OSCCS within three business days of the initial meeting with OSCCS. The respondent may waive the right to this three-day period to request expedited COD action. The waiver must be submitted in writing to OSCCS. If an investigation is conducted, the respondent can submit the written statement within three business days after receiving the investigative report. In certain time-sensitive circumstances, subject to the COD Chair's discretion, the COD/OSCCS may alter the procedures for a written statement, including omission of the statement opportunity or changing the length of time a respondent has to submit a statement.

iii. The respondent will be required to certify that their written response is their own original work and the respondent must cite sources, editors, and collaborators appropriately.

iv. 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.

v. Following the completion of an investigation, if any, and submission of a written response by the respondent or the deadline to submit a response elapsing without a

statement being submitted, the case will be reviewed by the Chair to determine which method will be used to resolve the case as described in Section VIII.

a. If the Chair determines the case should be resolved using administrative resolution, the respondent will be notified of the outcome of the case in writing following the administrative resolution.

b. If the Chair determines the case should be resolved using a hearing or sanctioning panel, the respondent will be notified of the date, time, and place of the hearing or sanctioning panel and an opportunity to submit additional statements, or other documents in advance of the hearing or the sanctioning panel. Hearings will be conducted according to the procedure described in Section IX. Sanctioning panels will be conducted according to the procedure described in Section X.

vi. In all cases that progress to a COD hearing or sanctioning panel, 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 complaint.

B. Sexual Misconduct, Sexual Harassment, Intimate Partner Violence, Stalking, or Title IX Sexual Harassment Complaint

See Section XIII for special procedures for investigating and resolving complaints of sexual misconduct, sexual harassment, intimate partner violence, stalking, and Title IX Sexual Harassment.

C. Faculty Letter to File

The Chair and OSCCS will review any faculty letter to file (see Section VI.D.) and may consult with the referring faculty member to determine if there needs to be any further action on the complaint. The Chair and OSCCS may also consult with a faculty member or department head if the academic subject matter is outside the Chair's area of expertise. The Chair may direct the case to be resolved by administrative resolution, hearing, or sanctioning panel. In such cases, the letter to file will be treated as a complaint (see Section VI.D.ii.). If the Chair accepts the letter as a faculty letter to file, the respondent will have three business days to choose one of the following responses to such a letter to file:

i. The respondent may choose not to respond. If the respondent chooses this option, the faculty letter to file will be considered a finding of responsibility for the academic integrity violation specified in the complaint. No sanctions other than the notation of the situation in the faculty letter to file will be assigned.

ii. The respondent may choose to submit a written response to be maintained with the faculty letter to file. In this case, the faculty letter to file will be considered a finding of responsibility for the academic integrity violation specified in the complaint. No sanctions other than the notation of the situation in the faculty letter to file will be

assigned. The response submitted by the respondent will be reviewed in the event of further allegations. The respondent will be required to certify that their written response is their own original work and the respondent must cite sources, editors, and collaborators appropriately.

iii. The respondent may challenge the faculty letter to file by requesting a COD review of the case. If the respondent chooses this option, the faculty letter to file will be considered a general complaint and the appropriate procedures will be followed.

IX. Hearing Procedures

The following hearing procedures are generally followed. The COD reserves the right to adjust these procedures as the Chair deems appropriate. As described in Sections XIV and XV, special procedures will be employed for sexual misconduct panel meetings and Title IX Sexual Harassment hearings.

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

B. In cases of a student organization, the governing council responsible for that student organization shall be notified of the pending case and be invited to submit a letter to the COD about the case.

C. The OSCCS 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. All parties are required to affirm that materials they submit to the COD are their own work. Outside collaborators, including an advisor, must be cited.

ii. Information submitted following this date may only be included for consideration at the discretion of the Chair.

iii. Following receipt of this information, the OSCCS will provide documents and distribute them to the COD panelists, the complainant, the respondent, and their advisors.

D. 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 accept 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, if any, may provide statements followed by the opportunity of the complainant, 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, if any, may provide statements followed by the opportunity of the respondent, 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.

E. Witnesses

i. In general, because they have already been interviewed and their information incorporated into the case materials and/or investigation report, witnesses who participated in an investigation/fact-finding or submitted a witness statement will not be permitted to appear in the hearing or unless the Chair determines the COD would benefit from questioning the witness.
    a) The Chair may permit a witness to appear at a hearing upon a showing of good cause. Such request must be made at least three business days before the hearing.
    b) The Chair may request a witness to appear without a request from either party if the Chair believes the presence of such witness will be useful to the COD members involved in the case.
    c) Any witnesses who are permitted to participate in a hearing 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 a witness needs to be recalled for additional information.

ii. Character witnesses are not permitted.

iii. Unless the Chair decides otherwise in unusual circumstance, expert witnesses are not allowed.

F. Chair's Role (or designated Chair, when applicable)

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 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 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.

G. 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 XI.

ii. Except as provided in Section XII and Section XIII (H) of the Rules, or where the COD makes non-binding recommendations concerning a residence hall to MIT Senior Leadership as described in Section VII, the COD's decision is final. The Chair or OSCCS staff member will usually meet with the respondent as soon as reasonably possible after the hearing. A written notice of the decision is provided to a respondent as soon as reasonably possible. This letter will be copied to MIT officials as appropriate.

iii. If the COD decides to make non-binding recommendations to MIT Senior Leadership concerning a residence hall (either in addition to or in lieu of traditional sanctions), it may consult with various stakeholders prior to making its recommendations. Recommendations to MIT Senior Leadership will be communicated directly to those officials and to the parties. MIT Senior Leadership may meet with the parties and consult with various stakeholders prior to making a final decision. The decision of MIT Senior Leadership to accept, reject, or modify the COD's recommendations will be communicated to the parties and the COD and will be final with no appeals. The COD need not make a formal finding of responsibility for a policy violation if its decision is limited to making non-binding recommendations to MIT Senior Leadership (as opposed to issuing traditional sanctions).

H. Record Keeping

i. No recording of any kind of a hearing is allowed, with the exception of Title IX Sexual Harassment hearings, which will be recorded and/or transcribed by MIT as described in Section XV. No recording devices may otherwise 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, including any investigative report, (3) the decision letter, and (4) any appeal decision. This record does not summarize or otherwise attempt to preserve the hearing or deliberative discussions.

X. Sanctioning Panel Procedures

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

A. The sanctioning panel meeting is scheduled as soon as is reasonably possible after any Investigation is completed and the respondent's written response has been received by the OSCCS staff or after the deadline for submission has passed.

B. In cases of a student organization, the governing council responsible for that student organization shall be notified of the pending case and be invited to submit a letter to the COD about the case.

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

i. All parties are required to affirm that materials they submit to the COD are their own work. Outside collaborators, including an advisor, must be cited.

ii. Information submitted following this date may only be included for consideration at the discretion of the Chair.

iii. Following receipt of this information, the OSCCS will provide documents and distribute them to the COD panelists, the complainant, the respondent, and their advisors.

D. The sanctioning panel usually proceeds as follows, although the Chair may vary the procedure at their discretion. If a witness is called for a sanctioning panel, it will follow similar procedure to witnesses during a hearing.

i. The Chair reads introductions and description of the panel meeting procedures to the parties.

ii. The Chair reads the alleged violation(s) and confirms with the respondent that they are accepting 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 respondent may make an opening statement followed by the opportunity of the complainant and the COD to ask questions of the respondent.

v. The COD may ask questions of both parties and the parties may question each other.

vi. The complainant may make a brief closing statement, followed by the same

opportunity for the respondent.

vii. The Chair makes a closing statement, including when decision is expected to be made.

viii. The COD meets in executive session to deliberate.

E. Chair's Role (or designated Chair, when applicable)

i. The Chair convenes and facilitates the sanctioning panel.

ii. The Chair may postpone or suspend a sanctioning panel.

iii. The Chair may call a brief recess at any time during the sanctioning panel.

iv. At any time, the Chair determines whether any particular question, statement, or information will be allowed during a panel meeting. Formal rules of evidence that apply to civil or criminal judicial processes are not applicable.

v. The Chair 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 sanctioning panel, or take any other action deemed necessary by the Chair to ensure an orderly sanctioning panel.

F. COD Deliberations and Decision

i. Once the Chair concludes the sanctioning panel, the COD meets in executive session to reach its decision. Because the respondent has accepted responsibility for violating Institute policy, a formal finding of responsibility is entered and the only question during deliberation is the appropriate sanction. The COD will decide what is the appropriate sanction or sanctions to impose. The COD will make decisions based on a majority vote. In the event of a tie, the sanction voted for by the Chair will prevail. In deliberations on sanctions, the COD may review any prior findings of responsibility of the respondent. The sanctions available are described in Section XI.

ii. Except as provided in Section XII and Section XIII.H., or where the COD makes non-binding recommendations concerning a residence hall to MIT Senior Leadership as described in Section VII, the sanctioning panel's decision is final. The Chair or OSCCS staff member will usually meet with the respondent and complainant as soon as reasonably possible after the panel meeting. A written notice of the decision is provided to a respondent as soon as reasonably possible. This letter will be copied to MIT officials as appropriate.

iii. If the COD decides to make non-binding recommendations to MIT Senior Leadership concerning a residence hall (either in addition to or in lieu of traditional sanctions), it may consult with various stakeholders prior to making

its recommendations. Recommendations to MIT Senior Leadership will be communicated directly to those officials. MIT Senior Leadership may meet with the parties and consult with various stakeholders prior to making a final decision. The decision of MIT Senior Leadership to accept, reject, or modify the COD's recommendations will be communicated to the parties and the COD and will be final with no appeals.

G. Record Keeping

i. No recording of any kind of a sanctioning panel is allowed. No recording devices may be used during a sanctioning panel 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, including any investigative report, (3) the decision letter, and (4) any appeal decision. This record does not summarize or otherwise attempt to preserve the hearing or deliberative discussions.

XI. Sanctions

Respondents are required to complete and/or comply with COD sanctions. Failure to complete or comply with sanctions may result in an enrollment hold, revision of the sanction, or further disciplinary action, as determined by the Chair. The Chair may consult with other COD members as needed if revising any sanction or taking further disciplinary action.

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

A. Informal Warning

i. The respondent is notified that their behavior may have violated MIT's expectations; no finding of responsibility is noted in the respondent's file.

B. Formal Warning Letter

i. A notation of the finding of responsibility is kept in the respondent's file.
ii. For individual students and organizations, a warning can be with or without additional restrictions or requirements as described below in subsection K, Additional Sanctions.

C. Probation (with or without transcript notation)

i. Probation is a strong warning from the Institute that a respondent's behavior violated Institute guidelines and/or policies and that a change in future behavior is warranted. The probationary period is a specific duration throughout which a respondent must be especially thoughtful in their actions and decision-making. Further violations of policy and/or noncompliance with existing sanctions or probationary terms during the probationary period will in most cases result in additional and/or more serious sanctions.

ii. The running of the assigned probationary period for individual students occurs for the period in which the respondent is formally enrolled and attending classes at MIT or for a designated period for student organizations. If a student is on leave or otherwise leaves the Institute, the probationary period continues upon their return.

iii. For individual students, 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.

iv. For individual students and organizations, probation can be with or without additional restrictions or requirements as described below in subsection K, Additional Sanctions.

v. The Chair may revise existing sanctions or impose additional sanctions if the respondent fails to comply with the sanctions and/or engages in additional conduct that violates MIT policy during the probationary period.

D. 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 OSCCS, 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 OSCCS will notify the Registrar that the respondent is eligible to return.

iv. *Suspension held in abeyance*. The COD panelists who participate in a hearing or panel meeting may determine that a suspension should be imposed but held in abeyance for a defined period of time provided the respondent does not violate additional MIT policies. Suspension held in abeyance is assigned in situations where conduct violations are serious enough to warrant suspension, but other mitigating factors lead the COD to conclude that the suspension should be held in abeyance to allow the respondent a final chance to demonstrate their ability to satisfy MIT's expectations for its students or

student organizations.

a. A sanction of suspension held in abeyance will be for a defined period of time.
b. If the respondent has no further policy violations during the period of the suspension held in abeyance, the suspension will be lifted at the end of that period.
c. If the respondent is found responsible for additional policy violations during the period of abeyance, the suspension will no longer be **held in abeyance** and, after review by the COD Chair, will be imposed for the remainder of the originally defined period.
d. Additional restrictions or requirements may be imposed during a suspension held in abeyance as described in Section K, Additional Sanctions. Failure to comply with any additional sanctions may result in the immediate imposition of the suspension.
e. Nothing in this subsection limits the COD from imposing additional sanctions for new policy violations that occurred during the abeyance period, including without limitation a longer suspension or expulsion.

E. Suspension of student organization recognition

i. The temporary termination of the Institute's recognition of a student organization. While a student organization is suspended, it may not exercise any of the benefits of recognition, including the use of Institute facilities, the use of the Institute's name or logo, the use of the Institute's electronic resources (including web hosting), access to Institute funds or banking, bulletin board and room reservations, etc. While a student organization is suspended, the COD may also sanction the organization to loss of approval for student organization residence (i.e. FSILGs or residence-based organizations). The COD can hold a suspension in abeyance for a student organization as described above.

ii. The COD may mandate communication of the student organization's suspended status to all student members of the organization and to prospective organization members. The Chair also reserves the right to notify others, including the MIT community, of the organization's suspended status if they determine in their sole discretion that such notification is in the Institute's best interest. In all cases, notification of the suspension will be sent to the appropriate Institute officials and advisors to inform governing groups (e.g., Association of Student Activities, Interfraternity Council, Graduate Student Council, national headquarters for organizations which are local chapters, etc.).

iii. The COD may specify conditions that the student organization must meet before being eligible to petition for a return to recognized status and may also specify conditions which must be met upon return to registered or recognized status. These conditions supersede any recognition requirements that any other prospective student organization would be required to complete before achieving registered or recognized status.

iv. At the end of a suspension period, a suspended student organization must petition for permission to return to registered or recognized status through the OSCCS, demonstrating that all requirements of the suspension have been satisfied and that there

have been no additional violations. The Chair will decide whether or not to grant the request and may confer with other COD members regarding this decision. If the petition is approved, the COD may also require the suspended organization to complete the standard or modified recognition/registration process that is in place for student organizations of its type at the time of return. Depending on type of organization, this standard process may include approval from national organizations of which the student organization would be a local chapter; obtaining the permission of the Vice Chancellor or other relevant officials; or other conditions or processes that the COD may impose. A student organization can only return to registered or recognized status after the COD has approved a petition to return and criteria for achieving registered or recognized status are achieved.

F. 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.

G. Revocation of student organization recognition

i. The permanent termination of the Institute's recognition of a student organization. If recognition is permanently revoked, a student organization is not permitted to return to recognized status at any time, in any capacity, including under a different name. After a student organization has recognition revoked, it may not exercise any of the benefits of recognition, including the use of Institute facilities, the use of the Institute's name or logo, the use of the Institute's electronic resources (including web hosting), access to Institute funds or banking, bulletin board and room reservations, etc. Revocation of recognition also necessitates a loss of approval for student organization residence, if applicable.

H. Loss of approval for student organization residence

i. For student organizations that operate Institute-approved housing for their members, loss of approval for student organization residence means the temporary or permanent termination of Institute-approved housing status and will require all active members to move out of the organization's formerly approved housing. The COD shall specify the duration of the temporary prohibition or indicate a permanent loss of approval for organization residence.

ii. Following the loss of approval for residence, the Institute may permit the structure to be operated as Institute-approved housing for students and student organizations if:

a. No members, former members, or alumni members of the sanctioned student organization reside in the facility or have any access whatsoever to the facility (except for members of the house corporation or similar body for execution of standard duties to maintain the facility, collect rent, etc.), beginning on a date

specified by the COD;

b. No external indication (signs, etc.) of the sanctioned student group appears publicly at the property;

c. The property is operated according to the guidelines set by the Senior Associate Dean for Housing and Residential Services; and

d. The arrangement has the approval of the Vice Chancellor and the Chair of the COD.

I. Degree revocation.

i. When the COD finds a graduated student responsible for misconduct occurring prior to the individual graduating from MIT, the COD can temporarily or permanently revoke the individual's degree. Degree revocation is the temporary or permanent revocation of an earned degree and separation of an individual from the MIT community. A former student whose degree is revoked may not be on campus or participate in any aspect of Institute life, including but not limited to enrollment in future academic programs or classes, alumni events or organizations, extra-curricular organizations, research, campus events, on-campus and affiliated living, and employment.

ii. Degree revocation will be noted on the transcript and other appropriate MIT records. For temporary degree revocation, the COD may require the respondent to complete certain conditions before a transcript notation of degree revocation will be removed and the degree reinstated. 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 and degree reinstated based upon completion of those sanctions.

iii. A temporary transcript notation of disciplinary action is available for circumstances in which a former student is found responsible by the COD for conduct that occurred while a registered student in accordance with Section XVI. See Section XVI for Special Procedures for Handling Allegations Against Former Students and Former Student Organizations.

J. Additional Sanctions

i. The COD may impose additional sanctions in conjunction with any of the described sanctions above, including sanctions designed to educate the respondent or ensure that other community members have equal access to MIT's programs or activities. Additional sanctions may include but are not limited to:

- restrictions on interactions with individuals or offices
- restrictions on being in certain campus locations
- restitution for damage caused
- restrictions on or removal from activities (e.g., prevention of participation in athletics or student organizations; ineligibility for participation in designated

programs; ineligibility for service as an officer or in a leadership role in student organizations, on Institute committees or on athletics teams; and/or other appropriate actions)
- loss of privileges or benefits
- suspension of organizational activities (e.g., social events, meetings)
- removal from housing or relocation to another housing location
- restriction on use of student organizational funds, ability to reserve space, the Institute network, or other MIT resources, including use of MIT name/logo
- mandatory training or other educational activities (e.g., essays, research projects)
- other sanctions as the COD deems appropriate

K. Recommendations to MIT Senior Leadership

The COD may make non-binding recommendations to MIT Senior Leadership concerning a residence hall (either in addition to or in lieu of traditional sanctions) as described in Section VII. MIT Senior Leadership may meet with the parties and consult with various stakeholders prior to making a final decision. The decision of MIT Senior Leadership to accept, reject, or modify the COD's recommendations will be communicated to the parties and the COD and will be final with no appeals.

XII. Appeals

A decision after a hearing, panel meeting, or sanctioning panel to suspend (including a suspension held in abeyance) or expel a student, revoke a degree, suspend (including a suspension held in abeyance) or revoke recognition of a student group, or terminate approval of a student organization residence may be appealed by the respondent to the Chancellor. In all other cases, the COD decision is final, unless otherwise specifically noted (see Section XIII for special rules regarding appeals in cases involving sexual misconduct, sexual harassment, intimate partner violence, stalking, and Title IX Sexual Harassment).

All appeals must be submitted in writing to the OSCCS staff by the appealing party (usually the respondent; see Section XIII for situations when the complainant may appeal) within five 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;

a. In cases involving complaints of Title IX Sexual Harassment, this includes new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter.

ii. there was a substantial departure from the COD rules and procedures that significantly affected the fairness of the process;

a. In cases involving complaints of Title IX Sexual Harassment, this includes procedural irregularity that affected the outcome of the matter.

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.

v. In cases involving complaints of Title IX Sexual Harassment, a party may also appeal on the additional ground that the Title IX Coordinator, the investigator(s), or the decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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 or sanctioning panel 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 in the hearing or sanctioning panel and, in sexual misconduct cases, with the Title IX Coordinator and/or the investigator(s).

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 in writing to the same people who received written notice of the COD decision (including simultaneously to both the complainant and the respondent in all cases involving complaints of sexual misconduct, sexual harassment, intimate partner violence, stalking, and Title IX Sexual Harassment), 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 OSCCS staff shall meet with the parties regarding any appeal decision.

F. This appellate decision by the Chancellor is final.

G. If the COD 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.

H. No appeal is available for the decision of (i) the COD to resolve a complaint, either in whole or in part, by making recommendations to MIT Senior Leadership, or (ii) MIT Senior Leadership to accept, reject, or modify a recommendation of the COD under Section XI.L.

XIII. Special Procedures for Handling MIT Sexual Misconduct and Title IX Sexual Harassment Complaints

Due to the special nature of these cases and in compliance with federal law, the COD has certain special procedures unique to the resolution of complaints alleging violation of MIT's sexual misconduct, sexual harassment, intimate partner violence, stalking (together for purposes of Sections XIII-XV, "sexual misconduct"), and Title IX Sexual Harassment policies. These procedures supplement and modify the general COD procedures. In the event that there is any inconsistency between these special procedures and the general procedures of the COD, these special procedures prevail. In applying these procedures, including the panel meeting and hearing procedures set forth in Sections XIV and XV, the COD shall treat complainants and respondents equitably. Both parties shall have an equal opportunity to present witnesses and other inculpatory and exculpatory evidence. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on MIT and not on the parties. Respondents are presumed not responsible for alleged violations of sexual misconduct and Title IX Sexual Harassment policies until a determination is made at the conclusion of these procedures.

Provisions Applicable to All MIT Sexual Misconduct and Title IX Sexual Harassment Complaints

A. All reports of sexual misconduct and Title IX Sexual Harassment brought to the attention of the COD will immediately be referred to IDHR for processing and investigation in accordance with IDHR processes. When IDHR receives an initial report of discrimination and discriminatory harassment, including sexual misconduct and Title IX Sexual Harassment, IDHR initiates a prompt preliminary review to determine the next steps the Institute needs to take.

B. The COD will usually not stay a complaint of sexual misconduct or Title IX Sexual Harassment just because there is a pending external criminal investigation or other outside proceeding. The Chair may exercise discretion on a case-by-case basis to delay or defer the COD resolution for a period of time while any law enforcement activity, criminal charges, or other external matters are proceeding, although the COD need not defer or delay resolution until those matters have been fully resolved.

C. At any point during an investigation, the parties can elect to enter into an alternative dispute resolution/informal resolution in accordance with processes developed by IDHR.

D. Procedures for responding to formal complaints of sexual misconduct or Title IX Sexual Harassment:

    i. After MIT receives notice that a student is alleged to have engaged in sexual misconduct or Title IX Sexual Harassment, IDHR will consult with the complainant, where possible, to determine whether the complainant wishes to file a formal complaint and/or to make a determination that under the circumstances the Title IX Coordinator will file a formal complaint.

a) A complainant may submit a formal complaint to IDHR by submitting a signed, written document identified as a formal complaint or by using the IDHR online reporting form.

ii. If a formal complaint is filed, IDHR will conduct an initial assessment of the formal complaint to determine whether the conduct would violate any of MIT's sexual misconduct or Title IX Sexual Harassment policies, assuming for the purposes of this analysis that the factual allegations by the complainant are true.

a) If the investigator(s) and IDHR conclude that the conduct alleged in the complaint, if proved, would constitute a violation of any of MIT's sexual misconduct or Title IX Sexual Harassment policies, the investigator(s) will conduct a full investigation; if not, IDHR will dismiss the complaint.

b) If the investigator(s) and IDHR conclude that the conduct alleged in the complaint, if proved, would not constitute a violation of any MIT policy even if all allegations in the complaint were assumed to be true for the sake of this analysis, IDHR may dismiss the complaint in its entirety.

iii. If the investigation moves forward, the investigator(s) will conduct a full investigation in accordance with processes developed by IDHR.

E. Participation in the investigation and resolution process is optional, but the investigation and resolution process will usually proceed without the participation of a party and failing to participate in the investigation generally forecloses the possibility of participating during later COD proceedings in the same case.

F. Complaints of sexual misconduct or Title IX Sexual Harassment will only be heard by members of the sexual misconduct subcommittee of the COD (the subcommittee).

G. The COD will issue a written determination regarding responsibility to both parties simultaneously.

H. In cases of sexual misconduct or Title IX Sexual Harassment, both parties have a right to appeal the decision of a COD sexual misconduct panel meeting or a Title IX Sexual Harassment hearing regardless of the finding of responsibility or the assigned sanction, except that a finding of responsibility for a policy violation cannot be appealed after a sexual misconduct panel meeting where the respondent accepted responsibility for that policy violation.

Provisions Applicable to Sexual Misconduct Complaints (Non-Title IX Sexual Harassment)

A. The following post-investigation procedures apply to complaints of sexual misconduct that *do not* meet the definition of Title IX Sexual Harassment.

i. At the conclusion of the investigation, the investigator(s) will prepare a written investigation report that includes a summary of the relevant evidence and a

recommended finding of responsibility based on the investigation. The recommendation of the investigator(s) is not binding.

ii. The complainant and the respondent will have an opportunity to review the final investigation report and investigation record, which includes relevant information gathered during the investigation, by accessing it through IDHR's secure online document system, but in general, hard copies of these materials will not be distributed to the parties.

iii. Upon reviewing the investigation report, the complainant and the respondent will each have the opportunity to accept the recommended finding of responsibility or reject it. The parties will be given three business days to accept or reject the recommended finding. If the deadline passes without a response from a party, IDHR will consider an absence of a response as an acceptance of the recommended finding by that party.

iv. IDHR will provide the investigation report and the acceptance or rejection of the recommendation of both the complainant and the respondent to the Chair. The Chair will review the case and determine which COD method to use to resolve the case.

a) If the Chair determines that probation with transcript notation, suspension (including suspension held in abeyance), expulsion, or degree revocation for a student, or suspension of recognition (including suspension held in abeyance) or loss or recognition for a student organization, is not appropriate even if the allegations in the report are true, the Chair will adjudicate the case as an administrative resolution. Administrative resolution may be used regardless of whether or not the parties agree with the recommended finding of the investigator(s). If the recommended finding is not responsible and both parties agree, the Chair can dismiss the complaint or enter a finding of not responsible as part of an administrative resolution. The Chair will use the normal process for administrative resolutions specified in Section VII.A., except that no students shall be involved in resolving the case.

b) If the Chair determines that probation with transcript notation, suspension (including suspension held in abeyance), expulsion, or degree revocation for a student, or suspension (including a suspension held in abeyance) of recognition or loss or recognition for a student organization is possible, the Chair will assign the case to a sexual misconduct panel meeting. The procedure for the sexual misconduct panel meeting is described in Section XIV. In cases in which the respondent accepts responsibility for all policy violations, a sexual misconduct panel meeting will determine sanctions only.

v. If a sexual misconduct complaint is submitted against a residence hall, or an individual floor or unit within a residence hall, the COD may make non-binding recommendations concerning the residence hall to MIT Senior Leadership (either in addition to or in lieu of traditional sanctions) in accordance with

Section VII.

Provisions Applicable to Title IX Sexual Harassment Complaints

A. The following post-investigation procedures apply to complaints of Title IX Sexual Harassment.

i. At the conclusion of the investigation, the investigator(s) will prepare a written investigation report that fairly summarizes relevant evidence. The investigation report will not include a recommended finding of responsibility.

ii. The complainant and the respondent will have an opportunity to review the final investigation report and the investigative record, which includes any information obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. This includes information upon which MIT does not intend to rely in reaching a determination regarding responsibility; and inculpatory or exculpatory information, whether obtained from a party or other source. This information may be accessed online through IDHR's secure online document system. In general, hard copies of these materials will not be distributed to the parties.

a) IDHR will make these materials available to the parties and their advisors, if any, at least ten days prior to the Title IX Sexual Harassment hearing.

iii. Provided that the complaint is not resolved through an alternative dispute resolution/informal resolution, once the final investigation report is shared with the parties, IDHR will refer the matter for a Title IX Sexual Harassment hearing (see Section XV).

a) The parties are permitted to submit a written response to the investigation report in advance of the Title IX Sexual Harassment hearing.

b) The parties are also permitted to submit an impact letter, not to exceed five double-spaced pages, to comment on the impact of the situation on them, any aggravating or mitigating factors they believe should be taken into consideration, and any sanctions they would like to recommend should the respondent be found responsible. This letter will only be shared with the Title IX Sexual Harassment hearing panel if during deliberations they find the respondent responsible for a policy violation.

c) A party's written response will be shared with the other party and their advisors. The impact letter will only be shared with the other party and their advisors after the Title IX Sexual Harassment hearing if the panel finds the respondent responsible for a policy violation.

iv. The Title IX Sexual Harassment hearing will be scheduled as soon as reasonably possible, but no sooner than ten days after the parties receive the final investigation report.

XIV. Sexual Misconduct Panel Meeting Procedures (Non-Title IX Sexual Harassment)

The sexual misconduct panel meeting is the appropriate COD case resolution method to use in cases alleging sexual misconduct (as defined in Section XIII) do not meet the definition of Title IX Sexual Harassment when (i) either the complainant or the respondent do not agree with the recommended finding of responsibility and/or (ii) probation with transcript notation, suspension (including suspension held in abeyance), expulsion, or degree revocation for a student, or suspension (including suspension held in abeyance) of recognition or loss or recognition for a student organization, is possible if the respondent is found responsible. A sexual misconduct panel meeting will determine whether the respondent is responsible for a policy violation and, if necessary, to determine an appropriate sanction. In cases in which the respondent accepts responsibility for all alleged policy violations, and the Chair has determined that probation with transcript notation, suspension (including suspension held in abeyance), expulsion, or degree revocation for a student, or suspension (including suspension held in abeyance) of recognition or loss or recognition for a student organization, is possible if the respondent is found responsible, a sexual misconduct panel will determine sanctions only.

The following procedures are generally followed for a sexual misconduct panel meeting. The COD reserves the right to adjust these procedures as the Chair deems appropriate.

A. The sexual misconduct panel shall be composed of three members of the sexual misconduct subcommittee. The Chair and at least one Vice Chancellor's representative must be on the panel; the third representative can be any member of the subcommittee. At the Chair's discretion, a panel meeting may also include a qualified professional (who may be external to MIT) hired by MIT to serve as a Co-Chair of the panel and/or to participate as a decision-maker in all issues before the panel. For purposes of this Section, references to "the Chair" include the Chair and the Co-Chair, if any.

B. The scope of the sexual misconduct panel meeting is limited to the points in dispute that have relevance to the determination of whether or not a policy violation occurred and/or the appropriate sanction. The sexual misconduct hearing is not a venue where the parties are expected to re-tell their narrative of the events that resulted in the complaint or reiterate points already made in interviews or written statements submitted to the investigator(s). The purpose of the investigation is for a trained and unbiased professional to assemble and present all of the relevant information. The purpose of the sexual misconduct panel meeting is to use the information in the investigation report and the statements of the complainant and respondent to determine whether or not a policy violation occurred and/or what sanction is appropriate. In most cases, witnesses will not be permitted to appear at a sexual misconduct panel meeting.

Accordingly:

i. In general, materials that were not submitted to the investigator(s) during the investigation and included in the investigation report may not be presented to the COD prior to or at the sexual misconduct panel meeting.

a) The Chair may grant an exception to permit relevant materials to be submitted that

were not part of the investigation upon a showing of good cause. Alternatively, the Chair can postpone the sexual misconduct panel meeting to permit time for the investigator(s) to consider the new information and incorporate it into the investigation report.

b) If such new materials are permitted, the OSCCS will provide access to the newly submitted materials to the panelists, the complainant, the respondent, and their respective advisors.

c) All parties are required to affirm that materials they submit to the COD are their own work. Outside collaborators, including an advisor, must be cited.

ii. In general, a complainant, respondent, or relevant witness who had the opportunity to participate during the investigation but elected not to participate will not be permitted to participate in the panel meeting or submit documents prior to the panel meeting.

a. The Chair may permit a complainant, respondent, or relevant witness who did not participate in the investigation to participate in the panel meeting upon a showing of good cause. Exceptions of this nature are expected to be rare. The possibility or pendency of a law enforcement investigation or criminal court proceedings will generally not be considered good cause for an exception. Such request must be made at least three business days before the panel meeting. Alternatively, the Chair can postpone the panel meeting to permit time for the investigator(s) to consider the new information and incorporate it into the investigation report.

iii. **Sanctioning Consideration Letter:** Before the panel meeting, the complainant and respondent will each be invited to submit a letter, not to exceed five double-spaced pages, to the panelists. This letter is an opportunity for each party to comment on the impact of this situation on them, any aggravating or mitigating factors they believe should be taken into consideration, and any sanctions or other outcomes they would like to recommend. This letter will be reviewed by the panelists only if the respondent is found responsible or accepts responsibility for violating one or more Institute policies.

a. Submission of a sanctioning consideration letter is optional for both parties. If a party chooses not to submit a letter within the deadline, the COD will make its sanctioning decision based on the available information before it.
b. The sanctioning consideration letter will only be shared with the other party and their advisors after the panel meeting if the panel finds the respondent responsible or the respondent accepts responsibility for a policy violation.

C. The sexual misconduct panel meeting is scheduled as soon as is reasonably possible after the investigation report and the responses of the complainant and respondent accepting or rejecting the recommended finding are received.

D. In cases where a student organization is the respondent, the governing council responsible for that student organization shall be notified of the pending case during the investigation and be invited to submit a letter about the case during the investigation.

E. The OSCCS will notify the complainant and respondent of the sexual misconduct panel meeting date, time, location, and participants in writing.

F. Sexual misconduct panel meetings will be conducted using videoconference or other distance method or technology so that the parties are not in the same room simultaneously at any time during the meeting but can otherwise see and hear the other participants and fully participate.

G. The sexual misconduct panel meeting usually proceeds as follows, although the Chair may vary the procedure at their discretion.

i. The Chair reads introductions and a description of the procedures to the parties.

ii. The Chair reads the alleged policy violation(s) and asks the respondent either to accept or deny responsibility.

iii. The complainant may make an opening statement followed by the opportunity of the respondent to submit questions to the COD Chair to be asked of the complainant. The Chair will only ask questions of the complainant submitted by the respondent that the Chair determines are relevant. Then the panelists will have the opportunity to ask questions of the complainant.

iv. Any approved complainant's witnesses may provide statements followed by the opportunity of the complainant and the respondent to submit questions to be asked of the witness by the COD Chair. Then the panelists will have the opportunity to ask questions of the witnesses.

v. The respondent may make an opening statement followed by the opportunity of the complainant to submit questions to the COD Chair to be asked of the respondent. The Chair will only ask questions of the respondent submitted by the complainant that the Chair determines are relevant. Then the panelists will have the opportunity to ask questions of the respondent.

vi. Any approved respondent's witnesses may provide statements followed by the opportunity of the complainant and the respondent to submit questions to be asked of the witness by the COD Chair. Then the COD panelists will have the opportunity to ask questions of the witnesses.

vii. The panelists may ask questions of both parties and the parties may submit any final questions to be asked of the other party. The Chair will relay any relevant questions.

viii. The complainant may make a brief closing statement, followed by the same opportunity for the respondent.

ix. The Chair makes a closing statement, including when a decision is expected to be made.

x. The panelists then meet in executive session to make a determination as to whether the respondent is responsible for a policy violation, and if so, to make a determination on appropriate sanctions.

H. Witnesses

In general, because they have already been interviewed and their information incorporated into the investigation report, witnesses who participated in the investigation will not be permitted to appear or otherwise participate in the panel meeting.

i. The Chair may permit a witness to appear at the panel meeting upon a showing of good cause. Such request must be made at least three business days before the panel meeting.

ii. The Chair may request a witness to appear without a request from either party if the Chair believes the presence of such witness will be useful to the panelists involved in the case.

iii. Any witnesses who are permitted to participate may only be present at the panel meeting during their presentation of information and response to questions. The Chair may ask that witnesses remain available following their presentation in case a witness needs to be recalled for additional information.

iv. Character witnesses are not permitted.

v. Unless the Chair decides otherwise in unusual circumstances, or the investigator(s) collected evidence from an expert witness during the investigation, expert witnesses are not allowed.

I. Chair's Role (or designee, when applicable)

i. The Chair convenes and facilitates the panel meeting.

ii. The Chair may postpone or suspend a panel meeting.

iii. The Chair may call a brief recess at any time during the panel meeting.

iv. At any time, the Chair determines whether certain witnesses should appear and decides whether any particular question, statement, or information will be allowed during a panel meeting. 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 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 panel meeting, or take any other action deemed necessary by the Chair to ensure an

orderly panel meeting.

J. COD Sexual Misconduct Panel Meeting Deliberations and Decision

i. Once the Chair concludes the panel meeting, the panelists meet in executive session to reach a decision. The panel 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 and any sanctioning consideration letters submitted by the parties. The sanctions available are described in Section XI. In cases in which the respondent accepts responsibility for all policy violations, the panel will determine sanctions only.

a. In reaching a decision, the panel shall conduct an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

ii. If a respondent is found not responsible, the panel meeting is over. The Chair or the OSCCS will offer to meet with the respondent and complainant, and the Chair will send written letters simultaneously notifying both parties of the decision as soon as is reasonably possible after the panel meeting. This letter will be copied to MIT officials as appropriate.

iii. If a respondent is found responsible, the Chair or the OSCCS will offer to meet with the respondent and the complainant, and the Chair will send written letters simultaneously notifying both parties of the decision on responsibility and of the assigned sanctions as soon as is reasonably possible after the panel meeting. This letter will be copied to MIT officials as appropriate.

K. Either the complainant or the respondent may appeal the decision reached at a sexual misconduct panel meeting, regardless of the finding of responsibility or the severity of the sanction, except that a finding of responsibility for a policy violation cannot be appealed after a sexual misconduct panel meeting where the respondent accepted responsibility for that policy violation. The appeal procedure is described in Section XII.

L. Record Keeping

i. No recording of any kind of a panel meeting is allowed. No recording devices may be used during a panel meeting by anyone present.

ii. A documentary record of the proceedings will be kept in the files of the COD for at least seven years after the conclusion of the proceeding. At a minimum, this record should consist of: (1) the investigation report, (2) all documents submitted at the panel meeting, (3) the decision letter, and (4) the results of any appeal. This record does not summarize or otherwise attempt to preserve the hearing or deliberative discussions.

XV. Title IX Sexual Harassment Hearing Procedures

The Title IX Sexual Harassment hearing is the appropriate COD case resolution method to use in cases alleging Title IX Sexual Harassment.

The following hearing procedures are generally followed for a Title IX Sexual Harassment hearing. The COD reserves the right to adjust these procedures as the Chair deems appropriate and as permitted by law. If a complaint of Title IX Sexual Harassment also includes allegations of conduct that would violate other policies in addition to the Title IX Sexual Harassment policy, these procedures will apply to the resolution of the complaint in its entirety.

A. The Title IX Sexual Harassment hearing panel shall be comprised of three members of the sexual misconduct subcommittee. The Chair and at least one Vice Chancellor's representative must be on the panel; the third representative can be any member of the sexual misconduct subcommittee. At the Chair's discretion, the Title IX Sexual Harassment hearing panel may also include a qualified professional (who may be external to MIT) hired by MIT to serve as a Co-Chair and to participate as a decision-maker in all issues before the hearing panel. For purposes of this Section, references to "the Chair" include the Chair and the Co-Chair, if any.

B. All parties are required to affirm that materials they submit to the COD are their own work. Outside collaborators, including an advisor, must be cited.

C. In general, documents that were not submitted to the investigator(s) during the investigation and included in the investigation report may not be presented to the COD prior to or at the Title IX Sexual Harassment hearing.

    i. The Chair may grant an exception to permit relevant documents to be submitted that were not part of the investigation upon a showing of good cause. Alternatively, the Chair can postpone the Title IX Sexual Harassment hearing to permit time for the investigator(s) to consider the new information and incorporate it into the investigation report.

    ii. If such new documents are permitted, the OSCCS will provide access to the newly submitted documents to the COD panelists, the complainant, the respondent, and their respective advisors.

D. In general, a complainant, respondent, or relevant witness who had the opportunity to participate during the investigation but elected not to participate will not be permitted to participate verbally in the hearing or submit documents other than a written response to the investigation report prior to the hearing.

    i. The Chair may permit a complainant, respondent, or relevant witness who did not participate in the investigation to participate in the hearing upon a showing of good cause. Exceptions of this nature are expected to be rare. The possibility or pendency of a law enforcement investigation or criminal court proceedings will generally not be considered good cause for an exception. Such request must be made at least

three business days before the Title IX Sexual Harassment hearing. Alternatively, the Chair can postpone the Title IX Sexual Harassment hearing to permit time for the investigator(s) to consider the new information and incorporate it into the investigation report.

E. The Title IX Sexual Harassment hearing will be scheduled as soon as reasonably possible, but no sooner than ten days after the parties receive the final investigation report.

F. The OSCCS will notify the complainant and respondent of the Title IX Sexual Harassment hearing date, time, location, and participants in writing with sufficient time for the parties to prepare to participate.

G. At the request of either party, Title IX Sexual Harassment hearings will be conducted using videoconference or other distance method or technology so that the parties are not in the same room simultaneously at any time during the hearing but can otherwise see and hear the other hearing participants and fully participate in the hearing.

H. The Title IX Sexual Harassment hearing usually proceeds as follows, although the Chair may vary the procedure at their discretion and as permitted by law.

   i. The Chair reads introductions and a description of the hearing procedures to the parties.

   ii. The Chair reads the alleged policy violation(s), states that there is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing, and asks the respondent either to accept or deny responsibility.

   iii. The complainant may make an opening statement followed by the opportunity of the COD Chair and members of the Title IX Sexual Harassment hearing panel to ask questions of the complainant. The respondent's advisor will then have the opportunity to conduct cross-examination of the complainant.

   iv. The respondent may make an opening statement followed by the opportunity of the COD Chair and members of the Title IX Sexual Harassment hearing panel to ask questions of the respondent. The complainant's advisor will then have the opportunity to conduct cross-examination of the respondent.

   v. Witnesses who provided statements or other evidence during the investigation may provide statements followed by the opportunity of the COD Chair and members of the Title IX Sexual Harassment hearing panel to ask questions of the witnesses. The complainant's advisor and the respondent's advisor will then have the opportunity to conduct cross-examination of the witnesses.

   vi. During cross-examination, the Chair must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. The cross-examination must be conducted

directly, orally, and in real time by the party's advisor and never by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

a. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

b. The Chair and the hearing panel may not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

vii. The complainant may make a brief closing statement, followed by the same opportunity for the respondent.

viii. The Chair makes a closing statement, including when a decision is expected to be made.

ix. The COD Title IX Sexual Harassment hearing panel then meets in executive session to make a determination as to whether the respondent is responsible for a policy violation and the appropriate sanction.

I. Witnesses

i. The Title IX Sexual Harassment hearing panel is prohibited from relying on any statement of a witness in reaching a determination regarding responsibility if the witness does not submit to cross-examination at the Title IX Sexual Harassment hearing. As a result, witnesses who provided statements or other evidence during the investigation are expected to appear at the Title IX Sexual Harassment hearing.

ii. Character witnesses are not permitted.

iii. Unless the Chair decides otherwise in unusual circumstance, or the investigator(s) collected evidence from an expert witness during the investigation, expert witnesses are not allowed.

J. Chair's Role (or designee, when applicable)

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. The Chair 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. Before a complainant, respondent, or witness answers a cross-examination or other question, the Chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

v. The Chair may call a particular witness.

vi. The Chair 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.

K. COD Title IX Sexual Harassment Hearing Panel Deliberations and Decision

i. Once the Chair concludes the hearing, the COD Title IX Sexual Harassment hearing panel meets in executive session to reach a decision whether the respondent is responsible for a policy violation, using a preponderance of the evidence standard and based on a majority. If a respondent is found responsible, the hearing panel will then decide what is the appropriate sanction or sanctions to impose.

a. In reaching a decision, the hearing panel shall conduct an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

b. If a party or witness does not submit to cross-examination at the live hearing, the hearing panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The hearing panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

c. In reaching its determination, the hearing panel may not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

d. In deliberations on sanctions, the COD Title IX Sexual Harassment hearing panel may review the parties' impact letters, if any, and any prior findings of responsibility of the respondent. The sanctions available are described in Section XI.

ii. The Chair will issue a written determination regarding responsibility, including any sanctions. The written determination must include the following:

a. Identification of the allegations potentially constituting Title IX Sexual Harassment;

b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

c. Findings of fact supporting the determination;

d. Conclusions regarding the application of MIT's policies, including the Title IX Sexual Harassment policy, to the facts;

e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions MIT imposes on the respondent, and whether remedies designed to restore or preserve equal access to MIT's education program or activity will be provided by MIT to the complainant; and

f. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination can also include findings, sanctions, or rationale for any violations of policies other than the Title IX Sexual Harassment policy. In reaching a determination on violations of policies other than the Title IX Sexual Harassment policy, the hearing panel is not prohibited from relying on statements of a party or witness who did not submit to cross-examination.

iii. The Chair must provide the written determination to the parties simultaneously. This written determination will be copied to MIT officials as appropriate and permitted by law. The determination regarding responsibility (including any sanction) becomes final either on the date that MIT provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

iv. The Chair or the OSCCS will offer to meet with the respondent and complainant.

L. Appeals

i. Either the complainant or the respondent may appeal the decision reached at a Title IX Sexual Harassment hearing, regardless of the finding of responsibility or the severity of the sanction. The appeal procedure is described in Section XII.

M. Record Keeping

i. The COD will create an audio or audiovisual recording, or transcript, of any Title IX Sexual Harassment hearing and make it available to the parties for inspection and review. No recording devices may otherwise 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 investigation report, (2) all evidence submitted at the hearing, (3) the written determination; and (4) the recording or transcript of the hearing. This record will be maintained for at least seven years.

XVI. Special Procedures for Handling Allegations Against Former Students and Former Student Organizations

A. The Chair of the COD will conduct an initial review of each complaint to determine whether, based on the allegations presented on the face of the complaint, it is appropriate to move forward with an internal investigation or a COD resolution of the case.

In order to be eligible for internal investigation or COD resolution, a complaint against a former student or student organization must:

i. Allege conduct that occurred while the respondent was a student or a registered or recognized student organization and that was against MIT policy at the time of the alleged conduct.

ii. Allege conduct that would have resulted in a consideration of expulsion if the complaint had been submitted while the respondent was a student, or would result in a consideration of degree revocation. If the complaint is about a student organization, the alleged conduct would have resulted in the consideration of permanent loss of recognition for a student organization.

iii. Not allege misconduct of which the COD had sufficient knowledge in time for the COD to have a reasonable opportunity to adjudicate prior to the student's graduation. The Chair of COD can waive this limitation upon their determination that good cause exists to do so.

iv. Have occurred within the following time frame:
   a. For allegations of academic misconduct, there shall be no time limit.
   b. For allegations of all other misconduct, the COD will generally not consider complaints that allege misconduct that occurred more than two years prior to the date the complaint is made. The Chair may waive this limitation upon a petition from the complainant documenting that good cause exists to do so.

v. Have a compelling and current nexus to MIT. This can include, without limitation, any ongoing status of the respondent at MIT; MIT's need to maintain a safe campus; the ongoing status of the complainant, witnesses, or other people involved in the case at the Institute; MIT's need to maintain integrity in academic programs; the need to correct ongoing misconduct; the ability of the Institute to investigate or collect evidence related to the matter; and other similar criteria. In determining this point, the Chair shall consider the case holistically and the totality of the circumstances, and shall have wide discretion.

B. As a result of this initial review, the Chair can choose to:

i. Request an internal investigation and, at the conclusion of the investigation, conduct an adjudication of the case per normal COD Rules.

ii. Determine that the case will not move forward.

C. The Chair's decision on whether to permit a complaint against a former student or student organization to be investigated or resolved by COD is final and not subject to appeal.

D. If the preceding conditions are met and the COD finds a graduate responsible for misconduct occurring prior to the individual graduating from MIT, the COD can revoke the individual's degree. It is expected that the sanction of degree revocation will be reserved for the most serious policy violations.

E. Whether or not the COD process leads to a sanction of degree revocation, the COD has the authority to implement sanctions short of degree revocation if the preceding conditions are met and it finds a graduate responsible for misconduct that occurred while the graduate was a student. Such sanctions include without limitation: temporarily or permanently banning a graduate from being on campus, participating in Institute- sponsored programs, or returning to MIT in the future for further study or employment; transcript notation of disciplinary action; restitution; and any other sanctions that the COD determines are appropriate.

F. All other components of the COD Rules that are not specifically modified by this section, including the appeal options, remain in effect and will be applied to a case of degree revocation.

XVII. Membership

A. Composition and Appointment

Per the Faculty Rules and Regulations, the COD consists of a minimum of six elected members of the Faculty, three undergraduate and three graduate students, the Vice Chancellor for Student Life, and the Vice Chancellor for Undergraduate and Graduate Education, ex officio, or representatives as designated by either Vice Chancellor. Faculty members serve terms of three years, consistent with the Rules and Regulations of the Faculty. Vice Chancellor's representatives serve terms for three years, eligible for renewal. 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.

The COD is unique among Institute committees in that it requires skills and knowledge that are not inherent to a person due to their membership in the MIT community. Accordingly, COD members should be chosen based on their qualification to serve and their willingness to commit to the extensive amount of time required.

The COD Chair and Executive Officer should advise the Committee on Nominations (CoN) on the qualifications needed for COD members and collaborate with CoN in an advisory capacity.

The COD Chair and Executive Officer should further advise the Undergraduate Association, Graduate Student Council, the Vice Chancellor for Student Life, and the Vice Chancellor for Undergraduate and Graduate Education of the qualifications needed for COD members and shall interview all nominees to serve as Vice Chancellor's representatives and all student nominees prior to their appointment to COD. The COD Chair is not required to accept any nominee for membership to COD who is not sufficiently qualified in the judgment of the Chair.

B. Ethics and Confidentiality

The COD members are required to maintain confidentiality of information presented in COD cases and to agree to other ethics rules specified by 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.

C. Training

Before having access to case information or participating in the resolution of a complaint, a member must complete the current COD briefing, as developed by the OSCCS and the Chair.

D. Sexual Misconduct Subcommittee

Each year, the Chair shall select a minimum of six members from the COD to receive special training and adjudicate cases involving sexual misconduct, sexual harassment, intimate partner

violence, stalking, and Title IX Sexual Harassment. The subcommittee will consist of three faculty members (including the Chair) and three Vice Chancellor's representatives. Students will not serve on the subcommittee.

Participation on the subcommittee should be recognized as a substantial commitment, and subcommittee members should receive a tangible reduction in other work commitments or other appropriate arrangement that would ensure adequate time for the task.

All subcommittee members must attend and complete additional modules of training regarding sexual misconduct, sexual harassment, intimate partner violence, stalking, and Title IX Sexual Harassment over the course of the academic year. This training is in addition to the standard COD training for all COD members and includes topics for compliance with federal Title IX regulations as coordinated by the Title IX Coordinator.

E. Additional Subcommittees

The Chair of COD may appoint additional subcommittees as necessary to study or take action on issues relevant to COD. The Chair may include COD members and experts external to COD on these subcommittees.

XVIII. Policy Questions and Revisions

A. Consistent with Faculty Rules and Regulations, section 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, other Institute offices, or relevant Institute committees.

C. Except when an amendment would violate the Rules and Regulations of the Faculty, the COD, after consultation with the Faculty Policy Committee, may from time to time amend these rules. When changes are required as a part of compliance with law or federal regulations, or when minor, non-substantive changes are made (i.e., changes to titles/names/offices) the COD may make changes to the rules and inform FPC.