Title IX Regulations
GSC
September 2, 2020

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Director
Institute Discrimination & Harassment Response Office
Agenda

- IDHR overview
- Overview of new regulations
- MIT’s Title IX Decisions
- Next Steps
OUR PURPOSE

Entire MIT community which includes students, postdocs, faculty, and staff.

Incidents of Discrimination, Discriminatory Harassment, and Bias

Centralized Office for support, remedies, & investigations

Please Note: Though IDHR is a centralized resource, we work closely with Human Resources, DLCs, and Campus Partners to support building a more supportive and more welcoming MIT.
WHAT DO WE DO?

Prevention Education

Supportive Measures

Resolution (Alternative/Formal)

Patterns & Trends
New Regulations
### Prohibited Conduct
- Narrower Definition
- Sexual Harassment
  - Quid Pro Quo
  - Hostile Environment (severe and pervasive objective offensive)
- Sexual Assault
- Domestic/Dating Violence
- Stalking

### Scope of Institutional Responsibility
- “Actual Knowledge” of “sexual harassment”
- That occurred in “education program or activity”
- In the United States

### Investigations and Decision-Makers
- Investigation
  - Prohibits use of single investigator model
  - Parties must have access to all related evidence, whether or not relied on for decision
- Decision-Makers
  - Free from bias or conflict (required appeal grounds)
  - Training material must be publicly posted

### Hearings
- Live hearing with cross-examination (both parties and all witnesses) by parties’ advisors.
- Cannot consider information from anyone who did not submit to cross at hearing.
- MIT must provide an advisor to conduct cross-examination, if party does not have their own advisor suitable to conduct cross.
- Chair must make immediate rulings on evidentiary matters and questions asked in cross.
Conduct outside of jurisdiction

• School *can* address misconduct through its own system that:
  • does not meet the Title IX definition of sexual harassment, or
  • occurred outside the school’s education program or activity, or
  • occurred against a person outside the United States
Responsible Employees

• Narrowed definition of responsibility to respond to reports to officials with “authority to institute corrective measures,” schools had to decide whether to:
  • Adopt narrower definition of responsible employee, OR
  • Continue to define “responsible employees” broadly
MIT’s Title IX Decisions
<table>
<thead>
<tr>
<th>Name</th>
<th>Position/Office</th>
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<tbody>
<tr>
<td>Andrew Whittle</td>
<td>Chair; Faculty and current COD Chair</td>
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<tr>
<td>Munther Dahleh</td>
<td>Chair; Faculty and former COD Chair</td>
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<tr>
<td>Sarah Affel</td>
<td>Institute Discrimination and Harassment Response Office</td>
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<td>Suraiya Baluch</td>
<td>Office of Graduate Education</td>
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<td>Molly Bird</td>
<td>Grad Student Rep, TIXSAC and GWAMIT</td>
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<tr>
<td>Don Camelio</td>
<td>Residential Life Programs</td>
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<tr>
<td>Meg Chuhran</td>
<td>Violence Prevention &amp; Response</td>
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<tr>
<td>Darcy Gordon</td>
<td>Postdoctoral Teaching Fellow</td>
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<td>Kelvin Green</td>
<td>Undergraduate Association Rep</td>
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<tr>
<td>Bianca Lepe</td>
<td>Grad Student Rep, TIXSAC</td>
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<td>Sarah Lincoln</td>
<td>Undergraduate, Pleasure Educator</td>
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<tr>
<td>Tessa McLain</td>
<td>Office of Student Conduct</td>
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<tr>
<td>Anthony Moriello</td>
<td>Office of General Counsel</td>
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<tr>
<td>Marianna Pierce</td>
<td>Human Resources</td>
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<td>Sarah Rankin</td>
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<td>Katharina Ribbeck</td>
<td>Faculty and member CSMPR</td>
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<td>Allison Romantz</td>
<td>Office of General Counsel</td>
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<tr>
<td>Jay Scheib</td>
<td>Faculty; COD Sexual Misconduct Sub-Committee member</td>
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<td>Jaren Wilcoxson</td>
<td>Office of General Counsel</td>
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Decisions on Application

1. Maintain a policy that captures conduct beyond Title IX.

2. Only apply required Title IX procedures to cases that meet Title IX definition and jurisdiction. Continue to apply MIT’s procedures to all other cases.

3. Maintain MIT’s broad definition of Responsible Employee.
Decisions on Process

- MIT provide an external attorney to serve as the advisor to conduct cross-examination at the hearing to the Complainant and Respondent as needed.
  - *Discussed expanding providing attorneys beyond the hearing in the future.*
- MIT hire an external professional to serve as a voting Chair to make decisions on cross-examination and evidentiary matters.
  - *Discussed outsourcing the entire hearing in the future.*
- IDHR offer to record all interviews (required to record or transcribe the hearing).
Next Steps

- Redesign IDHR website
- Train hearing panels
- Secure pool of external advisors and chairs
- Develop communication tools for complainants and respondents
- Develop communication plan for community
- Offer information sessions on new process for key groups
- Develop ongoing assessment plan