

Committee on Discipline Rules and Regulations

Revised June 2015



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, or student organization in a way that is objective and educational, not legalistic or adversarial. The Rules and Regulations of the Faculty provide for the creation of a Committee on Discipline. The COD acts with power to hear cases and to decide the appropriate Institute response, including, but not limited to, suspension 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. The Institute reserves the right to take any action that it deems as necessary or appropriate to protect the intellectual integrity, safety, and well being of the campus community. To that end, MIT students and student organizations are expected to abide by the rules, regulations, and policies of the Institute, as well as city, state, and federal laws.

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

II. Jurisdiction of the COD

- A. The COD shall consider any complaint brought to its attention by anyone against an MIT student or former student for conduct that occurred while the individual was a student at MIT.
- B. The COD shall consider 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 Chair may agree to resolve a complaint through informal methods through the OSC, if appropriate and agreed to by the person filing the complaint. In all cases, the COD Chair will review each complaint on a case-by-case basis to determine if the complaint is appropriate for an Institute process. If so, the Chair will determine what available Institute process is most appropriate.
- D. Off-campus misconduct may be a basis for MIT disciplinary action if the Institute considers that such alleged misconduct may have violated Institute policy and expectations of civility, integrity, and respect. The Chair of the COD will determine, on a case-by-case basis, if it is appropriate to address a complaint of this kind.
- E. A Complainant, in consultation with the OSC, may attempt a resolution through informal methods of dispute resolution, if approved by the COD Chair.
- F. 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.
- G. The Institute expects students to engage appropriately with the discipline process and considers sanctions assigned by the COD to be required components of the student's education. The COD and the Office of Student Citizenship have the authority to 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 sanctions, and otherwise effect the COD's purpose.

III. Interim Actions

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

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 in the process will be allowed in a hearing or sanctioning panel and at the discretion of the COD Chair. With respect to complaints against student organizations, the COD Chair will determine appropriate hearing and sanctioning panel 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 or the OSC staff. Confidential information includes, but is not limited to, the existence and substance of the complaint, the names of complainants, respondents, witnesses, what is said in COD processes and by whom, the findings made, and sanctions imposed by the COD. Complainants, respondents, advisors, and witnesses are encouraged to use discretion in their sharing of information about the COD process.

C. Any information regarding a complaint before the COD or a decision by the COD may only be communicated to other officials of MIT in order to permit them to fulfill their professional responsibilities and only after consultation with the Chair, to the extent it is feasible to do so, or as required by law. In certain cases, the COD Chair 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 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, dating violence, domestic violence, or stalking. Attorneys are not permitted to serve as advisors in any other type of case. Advisors may attend meetings, hearings, or sanctioning panels 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. The Chair may ask for an attorney for the COD to be present if the Chair decides the COD may benefit from legal advice.

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

V. Definitions

A. **Administrative Resolution:** A process for resolving formal and informal complaints in which the COD Chair reviews documents submitted by the complainant and the respondent. In an administrative resolution regarding an individual student, the highest status sanction available is probation without a transcript notation, along with other possible sanctions to educate the respondent. In an administrative resolution regarding a student organization, the highest status sanction available is organizational probation, along with other possible sanctions to educate the respondent.

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. Attorneys are permitted to serve as advisors to complainants and respondents in cases involving allegations of sexual misconduct, dating violence, domestic violence, or stalking. 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 in a hearing. Both parties have equal rights to having an advisor present. Advisors may not serve as witnesses and are typically not permitted to address the COD, other parties, or witnesses. Exceptions are rarely made and are allowed only by the Chair. Parties are responsible for contacting and for arranging the participation of their advisors.

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

D. **Chair of the COD (Chair):** Faculty leader of the COD, appointed by the Chair of the Faculty.

E. **COD Hearing (Hearing):** A process that may be used to resolve formal complaints in which members of the COD review documents submitted by the complainant and respondent, as well as in person statements from those parties and their identified witnesses. In a hearing, the full range of sanctions is available.

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

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

H. **Respondent:** A student alleged to have violated MIT policy, a former student alleged to have violated MIT policy while they were a student, a student organization alleged to have violated MIT policy, or a former student organization alleged to have violated MIT policy while holding recognized status.

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

J. **Sanctioning Panel:** A panel consisting of one student member, one Dean's representative, one faculty member, and the Chair that may be convened to determine sanctions when a respondent accepts responsibility for the allegations and when the Chair determines the incident may warrant sanctions greater than those available in an administrative resolution.

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

L. **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, residence halls, individual floors or units within residence halls, academic clubs, honor societies, performance groups, athletic teams, club sports, and clubs.

M. **Student Organization 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 of the student organization or members of the governing council to which the student organization belongs (e.g., DormCon for residence halls, Association of Student Activities for a club, etc.). These representatives act as the complainant or respondent on behalf of their organization and any reference to complainant or respondent in these rules will include the student organization representatives in cases involving student organizations.

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

VI. Process for Filing a Complaint with the COD

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

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

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

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

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

Except in cases of faculty letters to file, complainants will be required to certify that his or her complaint/letter to file is his or her own original work and the complainant must cite sources, editors, and collaborators appropriately.

VII. Process for Choosing a Particular Resolution Process

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

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. In very rare circumstances, the Chair may defer the COD resolution until any criminal charges or other external matters have been resolved with the exception of complaints in the nature of Title IX sexual misconduct cases, which may not be deferred. (See also Section XIII-B).

Methods of resolution:

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

B. COD Hearing

- i. Complaints that may lead to probation with a transcript notation, suspension, expulsion, revocation of degree, revocation of student organization recognition, or loss of approval for a student organization residence may only be resolved in a COD hearing or via a COD sanctioning panel. These panels may also assign appropriate educational sanctions.
- ii. All hearings will be chaired by the COD Chair or Associate Chair.

C. COD Sanctioning Panel

- i. If the respondent accepts responsibility for all alleged violations, the COD Chair may convene a sanctioning panel, which may assign any sanctions available.
- ii. A sanctioning panel consists of four members: a student, a Dean's Representative, a faculty member and either the Chair or Associate Chair.
- iii. See Section XIII-D for specific rules and procedures regarding cases involving sexual or other gender-based misconduct.

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

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

A. Informal Complaint

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

- i. Respondent's response typically must be submitted to the OSC within one week of the respondent receiving the complaint information from OSC.
- ii. The respondent will be required to certify that his or her written response is his or her own original work and the respondent must cite sources, editors, and collaborators appropriately.
- iii. Respondent's response may include the names of any witnesses or advisors or those may be submitted at a later date, should the case proceed to a hearing.

B. Faculty Letter to File

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

- i. The respondent may choose not to respond.
- ii. The respondent may choose to submit a written response to be maintained with the Faculty letter to file. The respondent will be required to certify that his or her written response is his or her 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.

C. Formal Complaint

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

- i. The respondent will be given ten business days to prepare a written response to the

Formal Complaint. The respondent may waive the right to this ten day period to request an expedited hearing. The waiver must be submitted in writing to the OSC.

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

iii. The respondent's response should include the name of the respondent's advisor, the names of any witnesses the respondent will call at the hearing, and copies of any documents that the respondent will present at the hearing.

iv. Once the respondent has been presented with a Formal Complaint, unless the Chair provides an exception, the respondent's academic transcript will not be released either to the respondent or to any third party pending the resolution of the Formal Complaint.

v. The respondent will not graduate if subject to a pending COD Formal Complaint in which the Chair, after consultation with the Chancellor, determines the Formal Complaint alleges sufficiently serious allegations.

X. Hearing Procedures

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

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

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

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

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

iii. At the discretion of the Chair, the COD may request a fact-finding report from the Office of the Dean for Student Life to be submitted.

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 admit or deny responsibility.

iii. The complainant may make an opening statement followed by the opportunity of the respondent and the COD to ask questions of the complainant.

iv. The complainant's witnesses may provide statements followed by the opportunity of the 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 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. Witnesses may only be present at the hearing during their presentation of information and response to questions. The Chair may ask that witnesses remain available following their presentation in case that witness needs to be recalled for additional information.

ii. Character witnesses may only provide information in writing.

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

F. Chair's Role (or Associate 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-E of the Rules, the COD's decision is final. The Chair will usually meet with the respondent as soon as reasonably possible after the hearing. A written notice of the decision is usually provided to a respondent no later than ten business days after the hearing. This letter will be copied to MIT officials as appropriate.

H. Record Keeping

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

ii. A documentary record of the proceedings will be kept in the files of the COD. This record should consist of: (1) the complaint and respondent's response, (2) all documents submitted at the hearing, and (3) the decision letter. This record does not summarize or otherwise attempt to preserve the hearing or deliberative discussions.

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

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

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

iii. At the discretion of the Chair, the COD may request a fact-finding report from the Office of the Dean for Student Life to be submitted.

D. The sanctioning panel 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 confirms with the respondent that she or he is 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 Associate 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 hearing. 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 facts are agreed and 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-E of the Rules, the sanctioning panel's decision is final. The Chair will usually meet with the respondent and complainant as soon as reasonably possible after the hearing. A written notice of the decision is usually provided to a respondent no later than ten business days after the hearing. This letter will be copied to MIT officials as appropriate.

G. Record Keeping

i. No recording of any kind of a sanctioning panel is allowed. No electronic 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, and (3) the decision letter. This record does not summarize or otherwise attempt to preserve the hearing or deliberative discussions.

XI. Sanctions

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

A. Letter to File

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

B. Probation (with or without transcript notation)

- i. A specific period during which a respondent is encouraged to be especially thoughtful in their decision-making, as a further violation of policy will likely result in more serious sanctioning.
- ii. The running of the probationary period occurs for the period in which the respondent is formally enrolled and attending classes at MIT or for a designated period for student organizations.
- 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.

C. Suspension

- i. Removal of a student from the Institute for a defined period of time. A student on suspension may not be on campus or participate in any aspect of Institute life, including but not limited to classes, extra-curricular organizations, research, campus events, on-campus and affiliated living, and employment.
- ii. Suspension is noted on a respondent's transcript and internal grade report, but not on the end-of-term grade summaries.
- iii. In issuing a suspension, the decision will include the following conditions:
 - a. The COD may require the respondent to complete certain conditions before a transcript notation of suspension will be removed. In choosing this option, the COD must set the earliest date by which a suspended student may petition the COD Chair for the notation to be removed based upon completion of those

sanctions.

b. The COD may determine that, after a designated time period of less than 10 years, a suspension notation may be automatically removed.

c. The COD may determine that a notation of suspension on a transcript is permanent.

d. At the end of a suspension period, a suspended student must apply for readmission through the OSC, demonstrating all requirements of the suspension have been satisfied. The Chair will decide whether or not to grant the readmission request and may confer with other COD members regarding this decision. If this petition is approved, the OSC will notify the Registrar that the respondent is eligible to return.

D. Expulsion

i. The permanent separation of a student from MIT. If expelled, an individual is not permitted to re-enroll as a student at any time, in any capacity.

ii. Expulsion is noted, permanently, on a respondent's transcript and internal grade report, but not on end-of-term grade summaries.

E. 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.

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. In all cases, notification of the suspension will be sent to the appropriate 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 will be in addition to the 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 OSC, 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 suspended organization must also complete the standard recognition or 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; securing approval from the Association of Student Activities, the Interfraternity Council, the Panhellenic Council, or other relevant governing body; securing a faculty or staff advisor; obtaining the permission of the Dean of Student Life or other relevant officials; or other process that is in place at the time of the petition. A student organization can only return to registered or recognized status after the COD has approved a petition to return and all the normal criteria for achieving registered or recognized status are achieved.

F. 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. 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.

G. 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 Residential Life and Dining; and

d. The arrangement has the approval of the Dean for Student Life and the Chair of the COD.

H. Additional Sanctions

i. Additional sanctions may be imposed such as restitution, community service, removal from activities, removal from housing, and other educational sanctions as the COD deems appropriate.

ii. When the COD finds a graduate responsible for misconduct occurring prior to the individual graduating from MIT, the COD can permanently revoke the individual's degree.

iii. A temporary transcript notation of disciplinary action is available for circumstances in which a former student is found responsible by the COD.

XII. Appeals

A decision by a COD hearing panel or sanctioning panel to suspend or expel a student, revoke a degree, revoke recognition of a student group, or terminate a student organization residence may be appealed to the Chancellor. In all other cases, the COD decision is final, unless otherwise specifically noted (see this section and XIII-E).

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

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

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

B. The Chancellor makes a decision based upon the written appeal(s) providing the ground(s) on which the party is relying for appeal, and as much of the record of the COD hearing 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 of the hearing or sanctioning panel.

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

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

F. This appellate decision by the Chancellor is final.

G. If the COD 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.

XIII. Special Procedures for Handling Sexual Misconduct Complaints

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

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

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

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

D. A sanctioning panel can be used to resolve cases of sexual harassment or other gender-based misconduct if the respondent has accepted responsibility for the alleged misconduct and the complainant agrees to a sanctioning panel.

E. In cases of sexual harassment or other gender-based misconduct, both parties have a right to appeal the decision of a COD hearing panel or a COD sanctioning panel.

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

XIV. Membership

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

XV. Policy Questions and Revisions

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

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

C. Except 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 and regulations.