

9.5 Harassment

This policy was last updated December 20, 2021. See the [update history](#) page for more information.

In order to create a respectful, welcoming and productive community, the Institute is committed to providing a living, working and learning environment that is free from harassment.

Harassment is defined as unwelcome conduct of a verbal, nonverbal or physical nature that is sufficiently severe or pervasive to create a work or academic environment that a reasonable person would consider intimidating, hostile or abusive and that adversely affects an individual's educational, work, or living environment.

In determining whether unwelcome conduct is harassing, the Institute will examine the totality of the circumstances surrounding the conduct, including its frequency, nature and severity, the relationship between the parties and the context in which the conduct occurred. Below is a partial list of examples of conduct that would likely be considered harassing, followed by a partial list of examples that would likely *not* constitute harassment:

- **Examples of possibly harassing conduct:** Public and personal tirades; deliberate and repeated humiliation; deliberate interference with the life or work of another person; the use of certain racial epithets; deliberate desecration of religious articles or places; repeated insults about loss of personal and professional competence based on age.
- **Examples of conduct that is likely not harassment:** Administrative actions like performance reviews (including negative performance reviews) and making work assignments; other work-related decisions like moving work areas or changing work colleagues; and isolated incidents (unless, as noted above, they are very severe, such as the use of certain racial epithets).

Information on different ways to raise concerns about harassment can be found on the [Complaint Process and Resolution website](#).

Conduct that does not rise to the level of harassment may still violate [Section 9.2](#). Even conduct that does not violate an MIT policy may be inappropriate and any inappropriate conduct should be addressed by the supervisor or department head.

While MIT's harassment policy is not limited to harassment based on the protected categories listed in [Section 9.3](#), the Institute is particularly committed to eliminating harassment based on those categories. Harassment that is based on an individual's race, color, sex, sexual orientation, gender identity, pregnancy, religion, disability, age, genetic information, veteran status, or national or ethnic origin is not only a

violation of MIT policy but may also violate federal and state law, including Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and Mass. General Laws Chapter 151B. For information on how to file complaints of violation of law with governmental agencies see [Section 9.8.5.9 Legal Information](#).

9.5.1 Sexual Harassment, Sexual Misconduct, Gender-Based Harassment, Title IX Sexual Harassment

The Institute's policy against harassment specifically includes a prohibition against sexual harassment, sexual misconduct, and gender-based harassment if the conduct meets the standards of harassment set forth above and has a connection to MIT as described in [Section 9.1](#). Additional guidance is set forth on the [Institute Discrimination & Harassment Response Office website](#).

In addition, special procedures apply to formal complaints of sexual harassment covered under Title IX Sexual Harassment as defined in Section 9.5.1.4.

9.5.1.1 Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature, when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; or
- Submission to or rejection of such conduct by an individual is used as the basis for significant employment decisions (such as advancement, performance evaluation, or work schedule) or academic decisions (such as grading or letters of recommendation) affecting that individual; or
- The conduct is sufficiently severe or pervasive that a reasonable person would consider it intimidating, hostile or abusive and it adversely affects an individual's educational, work, or living environment.

A partial list of examples of conduct that might be deemed to constitute sexual harassment if sufficiently severe or pervasive include:

- **Examples of verbal sexual harassment** may include unwelcome conduct such as sexual flirtation, advances or propositions or requests for sexual activity or dates; asking about someone else's sexual activities, fantasies, preferences, or history; discussing one's own sexual activities, fantasies, preferences, or history; verbal abuse of a sexual nature; suggestive comments; sexually explicit jokes; turning discussions at work or in the academic environment to sexual topics; and making offensive sounds such as "wolf whistles.
- **Examples of nonverbal sexual harassment** may include unwelcome conduct such as displaying sexual objects, pictures or other images; invading a person's personal body space, such as standing closer than appropriate or necessary or hovering; displaying or wearing objects or items of clothing which express sexually offensive content; making sexual gestures with hands or body movements; looking at a person in a sexually suggestive or intimidating manner; or delivering unwanted letters, gifts, or other items of a sexual nature.

9.5.1.2 Sexual Misconduct

Sexual misconduct is a broad term that includes sexual assault (rape, sexual fondling, incest or statutory rape) as well sexual exploitation and sexual harassment. Further definitions can be found on the [Institute Discrimination & Harassment Response Office website](#).

Domestic violence and dating violence by an MIT faculty, staff or other community member also violate this policy. Domestic violence and dating violence are defined on the [Institute Discrimination & Harassment Response Office website](#).

9.5.1.3 Gender-Based Harassment

Gender-based harassment is unwelcome verbal or nonverbal conduct based on gender, sex, sex-stereotyping, sexual orientation, gender identity, or pregnancy that meets the definitions above of harassment. Gender-based harassment may also involve conduct of a sexual nature.

9.5.1.4 Title IX Sexual Harassment

Although MIT broadly prohibits sexual harassment and other forms of sexual misconduct, federal Title IX regulations require MIT to follow specific processes when the Institute has actual knowledge of a report of certain categories of sexual misconduct, referred to as "Title IX Sexual Harassment."

Title IX Sexual Harassment means: Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of MIT conditioning the provision of an aid, benefit, or service of MIT on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to MIT's education program or activity; or
3. "Sexual assault," "dating violence," "domestic violence," or "stalking," as defined by federal law and set out on the Institute Discrimination and Harassment Response (IDHR) website.

MIT must follow the specific processes cited below when it receives a formal complaint of Title IX Sexual Harassment and where all of the following apply:

1. At the time of filing a formal complaint, the Complainant was/is participating in or attempting to participate in the education program or activity at MIT;
2. The alleged conduct occurred in an education program or activity controlled by MIT; and
3. The alleged conduct occurred against a person in the United States.

Information about MIT's processes for responding to reports of Title IX Sexual Harassment is available [here](#). Formal Complaints of Title IX Sexual Harassment are investigated in accordance with the [IDHR Investigation Guide](#) and hearings are held in accordance with the process available [here](#) for complaints against a faculty member, staff member, or postdoctoral scholar (fellow or associate) and in the Title IX Sexual Harassment Hearing Procedures in the [Committee on Discipline Rules](#) for complaints against students.

Formal Complaints of sexual harassment and sexual misconduct that do not meet the definition of Title IX Sexual Harassment are addressed under the complaint resolution process described in [Section 9.8](#) for complaints against a faculty member, staff member, or postdoctoral scholar (fellow or associate) and in the Sexual Misconduct Hearing Procedures (Non-Title IX Sexual Harassment) in the [Committee on Discipline Rules](#) for complaints against students.

MIT prohibits retaliation as set forth in [Section 9.7](#) and the [Mind and Handbook](#). In the context of Title IX Sexual Harassment, this means that: No person may intimidate, threaten, coerce, or discriminate against any individual:

- for the purpose of interfering with any right or privilege secured by Title IX, or
- because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX Sexual Harassment investigation, proceeding, or hearing.

In addition, retaliation also includes intimidation, threats, coercion, or discrimination, including charges against an individual for policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Title IX Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX.

Click [here](#) for additional definitions relevant to this Title IX Sexual Harassment policy.

9.5.1.5 Notification of Allegations of Sexual Misconduct and Sexual Harassment of Students

Any MIT employee (including faculty and staff) who is informed of an allegation of sexual harassment or sexual misconduct involving an MIT student must promptly [notify the Institute Discrimination and Harassment Response Office](#) (IDHR) of the allegation. Graduate resident advisors, teaching assistants, and other students with advising or teaching responsibilities have this obligation to disclose when they are informed of an allegation due to their respective role, by notifying IDHR. Note that, as defined above, sexual harassment and sexual misconduct are broad terms and include dating and domestic violence as well as stalking.

Staff who are designated as [Confidential Resources](#) do not have this obligation to disclose.

See [Section 7.3.1](#) about responsibilities of supervisors to report certain allegations made against employees.

9.5.2 Stalking

Stalking, whether or not sexual in nature, is prohibited by MIT. Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

Stalking can take many forms. Examples include, but are not limited to, two or more instances of the following conduct (that also meet the definition of stalking above): following a person; appearing at a person's home, class, or work; continuing to contact a person after receiving requests not to; leaving written messages, objects, or unwanted gifts; vandalizing a person's property; photographing a person; and other threatening, intimidating or intrusive conduct.

Stalking may also involve the use of electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices (often referred to as cyber-stalking). Such conduct may include, but is not limited to, non-consensual communication, telephone calls, voice messages, emails, texts, letters, notes, gifts, or any other communications that are repeated and undesired.



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