Witness:

- Meet with the investigator
- Respond to each question appropriately
- Maintain confidentiality
- Generally is not informed of the outcome of the investigation.

Investigator:

- Conduct review by meeting with complainant, respondent, and sometimes managers or witnesses
- Review all documentation
- Determine if a MIT policy was violated or misapplied
- Write a report summarizing the review and conclusions about any violations of policy
- Send report to manager within 75 business days from date of notification of identity of investigator

Confidentiality & Retaliation:

All participants in a formal review process are expected to maintain confidentiality to protect the privacy of all involved. Only those people with a need to know should be informed of a complaint.

No one shall be retaliated against for participating in MIT’s Complaint Resolution procedure. Retaliation is a serious offense. A complaint of retaliation may be investigated and may lead to disciplinary action, up to and including termination of employment or otherwise terminating that individual’s relationship with MIT.

FOR MORE INFORMATION CONTACT:

MIT Complaint Resolution Policy and Procedure 9.6

Your Human Resources Officer at http://hrweb.mit.edu/hro-list

November 2012
COMPLAINT RESOLUTION

If a complaint alleges a violation of an MIT employment policy, and an informal approach is not successful or appropriate in the circumstances, a request for a Formal Review may be filed. A Formal Review determines whether an MIT employment policy was violated or misapplied. The request for a Formal Review must specify one or more MIT policies that were allegedly violated or misapplied (that is, applied in an arbitrary or capricious manner).

DEFINITIONS

Complainant: The person who makes a complaint
Respondent: The person a complaint is about, who has to respond to the complaint
Manager: The manager is usually the respondent’s supervisor or that person’s boss
Witness: A person who observed the offending behavior or action
Investigator: The person who investigates the complaint and determines if a policy was violated or misapplied. This may be the manager.

PROCESS FOR A FORMAL REVIEW

Complainant:
- Discuss the situation immediately with your manager (or his/her manager if your complaint is against your immediate manager)
- Use an informal approach, if appropriate
- If the situation cannot be resolved informally, submit a signed written request for a formal review within 30 days of the end of any informal process (or 30 days of the incident if no informal process occurs)
- Written request must be submitted to the Human Resources Officer (or, for Lincoln Lab, the HR professional)
- Written request must specify the employment policy violated (title and section number), briefly state the facts, and provide relevant documentation. A Formal Review Template is available at HR.
- Meet with the investigator to discuss the complaint
- Understand the next steps and when a decision will be made
- Maintain confidentiality

Respondent:
- Meet with the investigator to understand the nature of the complaint
- Respond orally to the allegations
- Provide any relevant documents and suggest other witnesses
- Understand the next steps and when a decision will be made
- Maintain confidentiality

Manager:
- Read the complaint and oversee the review process to be sure it is done in an objective and timely manner
- Ensure that an appropriate investigator reviews the complaint (this may be the manager him/herself)
- Ensure that the complainant and respondent are notified in writing of the complaint and the identity of the investigator (within 5 business days of the date the manager is notified of the request for a formal review)
- Review the investigation report and discuss appropriate action with the HR representative
- Determine appropriate action, if any, and write letters to the complainant and the respondent of the decision within 7 business days of receiving the investigator’s report
- Ensure that the report is sent to the complainant and the respondent. The complainant is informed whether appropriate action was or will be taken, but the nature of the action is not disclosed. The respondent is informed what action, if any, will be taken (e.g. training, suspension, a warning letter, or termination)

Companion:
- Complainant and respondent can be accompanied by a member of the MIT community but not by a subordinate, lawyer or family member. The companion’s role is to provide guidance and support.

Record Keeping: If the report determines that a policy was violated, the report and decision are sent to the Provost or the Executive Vice President.