

Guiding Principles for MIT's Campus Planning and Operations amid the COVID-19 Pandemic

Legal-Ethical-Equity (LEE) committee

14 May 2020; rev. 30 May 2020

Preamble

The global pandemic of COVID-19 has disrupted operations in the public and private sectors across the United States and many other parts of the world. Amid these unusual and uncertain times, and guided by MIT's mission, many members of the MIT community are working on ways to safely and equitably restore MIT's educational, research, and administrative operations. A critical task will be reducing the risk of COVID-19 infections on campus, by identifying and acting against outbreaks while maintaining the trust and confidence of the MIT community and our broader communities.

Any reliable and reasonably safe way to restore operations on MIT's campus will require the frequent collection of multiple types of data from large numbers of people; at least some of these types of data could potentially be sensitive. Moreover, the opportunity to return to campus will be valuable for members of the MIT community. Such value must be distributed in equitable ways that minimize safety risks and avoid marginalizing members or activities that must continue to operate remotely.

Evaluating proposals for MIT operations during such unusual times requires careful and rigorous oversight from a group that represents many disciplines, experiences, and perspectives. The **Legal, Ethical, Equity (LEE) committee** provides oversight of proposed operations, as well as guidance for colleagues in broader discussions. The LEE committee assesses proposed operations according to three distinct lenses: *safety*, *privacy*, and *equity*. Any new protocols or proposed operations must be evaluated in the context of existing *laws and regulations*, *MIT policies*, and *MIT's ethical standards and values*.

Here we articulate guiding principles for assessment and oversight of campus planning and operations, drawing on MIT's ethical standards and values. In the appendix, we highlight relevant provisions within applicable federal and state laws, regulations and standards, as well as from MIT Policies & Procedures (MIT P&P), MIT's Employment Policy Manual and Student's Rights and Responsibilities handbook.

MIT campus planning efforts during the COVID-19 pandemic are focused on identifying reasonably safe, effective, and equitable operational procedures, rather than on conducting "research" per se. No aspect of campus-planning proposals or operations should be driven by individual researchers' agendas. Moreover, given the definition of "research" in relevant federal statutes (systematic inquiry yielding generalizable knowledge), many proposed features of MIT campus planning and operations fall outside the purview of MIT's Committee on Uses of Humans as Experimental Subjects (COUHES). The LEE committee provides oversight for campus planning and operations, working in close coordination with COUHES for those particular facets that require COUHES review. The LEE committee may also be called upon by MIT's senior leadership to provide input into broader decisions.

Guiding Principles

Safety

After all the relevant guidelines and policies have been taken into account—from federal and state public health officials, including the Centers for Disease Control and Prevention (CDC), the Occupational Health and Safety Administration (OSHA), and the Commonwealth of Massachusetts, as well as from MIT Medical staff—there will remain some unavoidable level of safety risk associated with a large-scale return to MIT campus operations.

Within this context, MIT actions should be guided by these principles:

1) MIT should not impose risks on members of the MIT community, or incentivize members of the MIT community to take risks, that those members would not reasonably be expected to accept in these unprecedented times. This includes implicit pressures—whether intended or unintended—that may be perceived as coming from supervisors or senior colleagues, through their well-intentioned efforts to restart research and/or teaching activities.

2) In assessing proposed campus operations, MIT should be especially attentive to the constraints that decisions may impose on the health and welfare of essential employees who are not able to exercise the ability to work remotely.

3) MIT should consider how proposed measures will affect the wider Cambridge / Boston area community, and should make reasonable efforts to responsibly manage risks imposed on our wider Cambridge / Boston area community.

Privacy

MIT must remain committed to protecting the privacy and security of personal information from members of the MIT community. The mutual trust and freedom of thought and expression essential to a university rest on a confidence that privacy and security of personal information will be respected.

Operating MIT's campus amid the pandemic will necessarily involve the collection and use of a broad set of human-sourced data and information. Even when collected and analyzed with the best intentions, such datasets can lead to inadvertent harm—either from unanticipated breaches of privacy from a given dataset, or from privacy-compromising inferences that can be drawn from the combination of multiple datasets (“data association” in downstream use or reuse of data).

Within this context, MIT actions should be guided by these principles:

1) MIT should not collect any human-sourced data or information from individuals before informing them how their data will be used, including possibilities for data reuse (per MIT P&P 11.2.2).

2) All proposals for data collection and use related to campus planning and operations, including possibilities for data reuse, must be registered with the Legal-Ethical-Equity (LEE) committee for approval prior to commencing data collection or analysis. No human-sourced data may be collected or stored for purposes beyond those originally presented to the LEE committee. A data-access plan must be

presented in conjunction with the project objectives, to confirm that the collection and use of the data is appropriate for short-term operational uses (per MIT P&P 11.2 Introduction, and per guidelines on data minimization and retention of high risk data, infoprotect.mit.edu).

3) Access to human-sourced data, even in de-identified, aggregated, or processed forms, should be restricted to appropriate MIT personnel, who are identified and approved by the LEE committee; access will be restricted to individuals with a legitimate need to know this information. MIT should inform individuals in advance of data collection who will have access to the data collected.

4) All human-sourced data and information collected as part of campus planning and operations must be protected and secured as is appropriate according to the risk associated with access, disclosure, modification, or unavailability of the information (per guidelines on data risks, infoprotect.mit.edu.)

5) Any proposed research utilizing human-sourced data and information that is collected and/or analyzed as part of MIT campus planning and operations must be reviewed by COUHES, to avoid inadvertent misuses of sensitive data (from individual datasets or from data association). The LEE committee can aid COUHES as needed in performing such reviews.

6) Sunset of the MIT COVID-19 Response System (MCRS): MIT commits to deleting all human-sourced data collected as part of MCRS projects or operations after the data are no longer operationally relevant (per guidelines on data minimization and retention of high risk data, infoprotect.mit.edu), unless there is a legitimate, approved reason to continue to keep the data. Sensors and other monitoring systems put in place as part of MCRS to address the unique circumstances of the COVID emergency should also be shut down when the emergency is considered to be contained.

Equity

The opportunity to return to campus will be *valuable* for members of the MIT community. Policies that enable some members or subgroups of the MIT community to benefit from that value while requiring others to remain off-campus should be subjected to careful scrutiny and supported by legitimate, non-discriminatory reasons. In particular, such policies must be shown to serve a legitimate Institute purpose (in addition to serving the interests of those individuals who are invited back to campus); and it should be demonstrated that no reasonable, less-restrictive alternatives could accomplish the same Institute purpose.

Within this context, MIT actions should be governed by these principles:

1) In evaluating proposals for resumption of campus activities, MIT should be attentive to risks that phased or staggered plans for a return to campus pose to the value of “One MIT.” In particular, MIT leadership should be attentive to the need to integrate those aspects of our administrative, curricular, and research activities that will, for public-safety reasons, continue to be operated remotely, so as to minimize any unintended marginalization of these aspects of MIT’s core mission.

2) MIT should endeavor to minimize the degree to which measures impact those who are similarly situated in inequitable ways, or that have disparate impacts on members of different groups. In particular, MIT should recognize that public-health guidelines and the collection and sharing of data as part of public-health surveillance efforts could have disparate impacts on members of our community. MIT should continually seek to understand such inequities and encourage input from the community in order to improve measures and outcomes.

3) MIT should pay particular attention to the impact of its measures on disadvantaged groups.

4) MIT should be especially attentive to ensuring that people who cannot feasibly return to campus right away—because they or someone with whom they live face heightened risk from contracting COVID-19, because of continued disruptions to childcare, or similar reasons—are given meaningful alternative avenues to engage with the mission of the Institute, until such time as their physical presence on campus is feasible.

5) People with disabilities or pre-existing conditions may face special challenges adhering to the new constraints on campus life, including their ability to access certain spaces and services. These potentially disparate impacts should be expressly factored into any assessment of the equity of a particular measure associated with the resumption of campus activities.

The **Legal-Ethical-Equity committee** includes:

Mark DiVincenzo, David Kaiser, and Julie Shah (co-chairs)

Jason Baletsa, Munther Dahleh, John Dozier, Mahi Elango, Danielle Geathers, Malick Ghachem, Caspar Hare, Timothy Jamison, Eden Medina, Armando Solar-Lezama, Madeleine Sutherland, Danny Weitzner, and Heather Williams

Appendix 1: Relevant Provisions from MIT Policies and Procedures (P&P)

In accordance with federal and state laws and regulations, MIT has adopted a series of administrative policies and best practices to promote safety, privacy, and equity, which are relevant to campus planning and operations during the present pandemic.

Topic: Equity/Nondiscrimination

MIT Policy	Source	Applies To	Key Language	Example
Nondiscrimination	Policies & Procedures Section 9.2	Faculty, staff, students	“The Institute prohibits discrimination against individuals on the basis of race, color, sex, sexual orientation, gender identity, pregnancy , religion, disability , age , genetic information, veteran status, or national or ethnic origin in the administration of its educational policies, admissions policies, employment policies, scholarship and loan programs, and other Institute administered programs and activities”	Restricting people from working on campus based on age (e.g. over 60), pregnancy, or disability (pre-existing conditions); offering a different educational experience to international students who cannot get to campus; treatment of people who have COVID-19
Nondiscrimination Policy (in employment section of P&P)	Policies & Procedures Section 7.1.1 Refers back to P&P 9.2	Faculty, staff, student employees	“The Massachusetts Institute of Technology is committed to the principle of equal opportunity in education and employment”; links to P&P 9.2	
Equal Employment Opportunity Policy	Employment Policy Manual, Section 1.1	Staff	“The Massachusetts Institute of Technology is committed to the principle of equal opportunity in education and employment”; links to P&P 9.2	
Nondiscrimination	Mind & Hand Book (Section II, 19)	Students	Same language as P&P 9.2	

MIT Bulletin – Nondiscrimination policy	MIT Bulletin (course catalog) repeats language of P&P 9.2	Students	Same language as P&P 9.2	
---	---	----------	--------------------------	--

Topic: Privacy and Information

MIT Policy	Source	Applies To	Key Language	Example
Protection of Personal Privacy	Policies & Procedures Section 11.1	Faculty, staff, students	“MIT is committed to protecting the personal privacy of members of the MIT community . The mutual trust and freedom of thought and expression essential to a university rest on a confidence that privacy will be respected.”	
Privacy of Personal Information	Policies & Procedures Section 11.2 (introduction)	Faculty, staff, students	“Recognizing that specific items of information about current (as well as former) individual students, faculty, and staff must be maintained for educational, research, and other institutional purposes , it is MIT policy that such information be collected, maintained, and used by the Institute only for appropriate, necessary, and clearly defined purposes , and that such information be controlled and safeguarded in order to ensure the protection of personal privacy to the extent permitted by law.”	Contact tracing, health and medical data collection

Use of Personal Information	Policies & Procedures Section 11.2.2	Faculty, staff, students	“When a member of the MIT community is asked by an office or individual at the Institute to provide information about himself or herself, that person should be informed of the purposes for which it will be used and the consequences, if any, of not supplying it. Such information should not be used or exchanged within the Institute for purposes other than those stated, for legitimate purposes that would be reasonably expected, or where the information exchanged does not identify any individual, such as with aggregated data.”	Contact tracing, health and medical data collection
Use of Personal Information	Policies & Procedures Section 11.2.4	Faculty, students, staff	“Personal information, other than directory information about students and standard personnel information, should not be released to anyone outside MIT without the permission of the individual to whom the information relates, except in connection with court orders or other legal process (see Section 11.2.7 Court Orders and Other Legal Process), in cases where such release would be clearly expected (employment references, award nominations, etc.), or for other legitimate business needs.	

<p>Approved Use of IT Resources</p>	<p>Policies & Procedures Section 13.2.3.1</p>	<p>Faculty, staff, students</p>	<p>“All members of the MIT community are obligated to use MIT’s IT resources in accordance with applicable laws, with Institute policies (including its policy against harassment, and its standards of honesty and personal conduct), and in ways that are responsible, ethical, and professional. Users of MIT’s network must also comply with the MITnet Rules of Use.”</p>	<p>Contact tracing using electronic means (e.g. via mobile technology)</p>
-------------------------------------	--	---------------------------------	---	--

<p>Privacy of Electronic Communications, Electronic Files, and Other Files</p>	<p>Policies & Procedures Section 13.2.4</p>	<p>Faculty, staff, students</p>	<p>“For legitimate business reasons, representatives of the Institute may need to access electronic or other records (including paper files) without the consent of the individuals having custody of them; examples of these business reasons include access required by law, where the individual is unavailable due to illness, in the course of an investigation, or in cases of alleged misconduct. Departments, labs, or centers may determine additional reasons for access, for example, due to sponsor requirements (as at Lincoln Laboratory). Any member of the MIT community who accesses information from records maintained by another individual without the individual's consent must seek prior approval from the applicable Senior Officer or his or her designee for such access and related disclosure; the Senior Officer or designee may consult the Office of the General Counsel.”</p>	<p>Contact tracing using electronic means (e.g. via mobile technology)</p>
<p>MITnet Rules of Use</p>	<p>IS&T policy on use of MIT’s network</p>			

Information Risk Classifications & Security Tasks	MIT InfoProtect			
---	---------------------------------	--	--	--

Topic: Changing Work Conditions

MIT Policy	Source	Applies To	Key Language	Potential COVID-19 Issues
Job Flexibility	Employment Policy Manual Section 3.1	Staff	<p>“Job Flexibility refers to any work schedule or location that differs from the DLC’s standard work schedule or work location. Job Flexibility may include flex time, compressed workweek, job sharing, and off-site work; it may apply to one, a few, or all members of a group.</p> <p>Supervisors should ensure that any Job Flexibility arrangement allows the DLC to.....Avoid undue burdens on other individuals in the DLC (including supervisors), overtime costs, problems of safety, security, or supervision”</p>	Changing work hours or working conditions to de-densify campus

<p>Job Flexibility; Alternative Schedules</p>	<p>Employment Policy Manual Section 3.1.1</p>	<p>Staff</p>	<p>“Supervisors are generally responsible for establishing the working hours for the employees who report to them, consistent with the practices of their DLC. In addition to approving a schedule change at the request of an employee, supervisors may need to change an employee’s schedule due to operational needs (that is, not at the employee’s request). As noted above, in cases of unilateral change by the supervisor, the supervisor is expected to give reasonable notice of such a change to the employee, to the extent feasible.”</p>	<p>Changing work hours or working conditions to de-densify campus</p>
<p>Job Flexibility; Off-Site Work</p>	<p>Employment Policy Manual Section 3.1.2</p>	<p>Staff</p>	<p>“In off-site work arrangements, some, or occasionally all, of the work is done away from the usual office or other MIT facility. The off-site location may be the employee’s home or other suitable location that is sufficiently free from distraction that the employee can work effectively.”</p>	<p>Changing work hours or working conditions to de-densify campus</p>
<p>Collective Bargaining</p>	<p>Employment Policy Manual Section 8.2</p>	<p>Unionized employees</p>	<p>“The Institute has thereby accepted the principle of collective determination of wages, hours, and conditions of employment, to be exercised in accordance with the principles set forth in the bilateral, contractual</p>	<p>Changing work hours or working conditions to de-densify campus</p>

			agreements to which the Institute is a party.”	
--	--	--	---	--

Topic: Health & Safety

MIT Policy	Source	Applies To	Key Language	Example
Environmental Health and Safety	Policies & Procedures Section 9.12	Faculty, staff, students	“Through its EHS policy, MIT is committed to being at the forefront of large academic research institutions as follows. . .in minimizing, as feasible, the adverse environmental, health and safety impacts of our facilities, activities and operations to protect human health and the environment”	Exposure to COVID-19
Purpose and Authority of the Committee on Discipline	COD Rules, Section I	Students	“ 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 are expected to abide by the rules, regulations, and policies of the Institute, as well as city, state, and federal laws.”	Abiding by social distancing policies to prevent spread of COVID-19

Topic: Ethics

[COUHES Policies and Procedures](#) - All human subject research at MIT is governed by the ethical principles as set forth in the [Belmont Report](#) and as required by the Committee on the Use of Humans As Experimental Subjects (COUHES).

Appendix 2: Federal and State Guidelines for Workplace Safety

Source	Guidance
Center for Disease Control	Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID 19)
Occupational and Health Safety Administration	Guidance on Preparing Workplaces for Covid 19
Commonwealth of Massachusetts	Mandatory Workplace Safety Guidelines