

# **Student Policy Review Committee**

## **Clothing Optionality Working Group**

### **Recommendations**

#### **Table of Contents**

|   |          |
|---|----------|
| <b>SPRC Clothing Optionality Working Group Membership</b>                   | <b>2</b> |
| <b>SPRC Clothing Optionality (SPRC-CO) Working Group Charge and Process</b> | <b>3</b> |
| <b>Phase 1: Review and Evaluation</b>                                       | <b>4</b> |
| <b>Phase 2: Recommendation</b>  | <b>7</b> |
| <b>Appendix A: Pros and Cons of Other Options</b>                           | <b>9</b> |

## **SPRC Clothing Optionality Working Group Membership**

### SPRC Members:

Tessa McLain (Chair), Office of Student Conduct & Community Standards  
Judy Robinson, Residential Education  
Nuria Jane, 2019-20 Graduate Head of House Convener  
Steven Hall, 2019-20 Undergraduate Head of House Convener  
Andrew Whittle, Committee on Discipline Chair  
Don Camelio, Dean's Representative, Undergraduate Residential Life  
Jay Wilcoxson, Office of General Counsel  
Mahi Elango, 2019-2020 Undergraduate Association President  
Peter Su, 2018-2020 Graduate Student Council President

### Members added for the purposes of this review:

David Friedrich, Housing & Residential Services  
David Randall, Student Support & Wellbeing  
Sarah Affel, Institute Discrimination and Harassment Response  
Allison Romantz, Office of General Counsel, Labor and Employment Expertise  
James Reed, Office of Student Conduct & Community Standards  
Omar Laris, Undergraduate Association Designee  
Jo Melville, Graduate Student Council Designee  
Adriana Jacobsen, DormCon Designee (East Campus)  
Sarah Edwards, DormCon Designee (New House)  
Annie Miller, East Campus Designee  
Sonia Reilly, Random Hall Designee  
Laura Rosado, Baker Hall Designee

## **SPRC Clothing Optionality (SPRC-CO) Working Group Charge and Process**

Per SPRC Protocol, “The Vice President and Dean for Student Life can initiate an interim policy review at any time within the five-year period based on a need for new policy development, required revisions based on changes to federal, state, or local laws, requests from members of the MIT community, or any other reason deemed appropriate by the Vice President/Dean.”

### **Charge to review clothing optionality practices:**

The SPRC will convene to review clothing optionality (CO) practices instituted by students in the residence halls. The goal for this review is to gain a better understanding of the experiences of students, staff, and contractors; assess the positive and negative impacts of these practices on community members; evaluate whether MIT is fulfilling its legal obligation to

- (i) provide employees with safe and comfortable work environments and
- (ii) provide students with safe and comfortable living communities, and recommend a path forward.

The review will culminate in a recommendation to the Dean for Student Life, Chancellor, and Vice President for Human Resources on the following:

- (1) Are there parameters that can be established and effectively implemented to allow for clothing optionality practices while still respecting the rights and interests of others?
- (2) Should clothing optionality practices continue to be permitted in MIT residence halls?

### **Process:**

The SPRC-CO Group met eight times over the spring 2020 semester, from February to May, with a brief break mid-March through mid-April due to COVID-19 transitions. The meetings were structured into two phases; the first phase focused on conducting a review of the issues and the second phase centered on a robust discussion to determine recommendations.

## Phase 1: Review and Evaluation

To gain a better understanding of the experiences of students, staff, and contractors and to assess the positive and negative impacts of these practices on community members, the SPRC-CO Group met with various constituencies to hear about the effects of clothing optionality. We brought consulting guests to present their perspectives, share their stories, and be available for questions and discussion. We were interested in discussing issues related to student experiences, LGBTQ implications, legal considerations, similar environments (athletic locker rooms), and hearing from staff who work and live in the halls.

The group met with representatives from Random and East Campus House Teams, LGBTQ Services, Housing and Residential Services staff (including house managers and dorm patrol managers), DAPER, and General Counsel. The group also spoke with students involved in the 2018 Clothing Optionality Agreement process. The student representatives on the group solicited feedback and written, anonymous, testimonials from students who value clothing optionality practices.

The SPRC-CO charge asked the group to consider during their review whether MIT is fulfilling its “obligation to (i) provide employees with safe and comfortable work environments and (ii) provide students with safe and comfortable living communities; and recommend a path forward.”

### **1) Whether MIT is fulfilling its “obligation to provide employees with safe and comfortable work environments.”**

The SPRC-CO agreed that, based on our review, employees who work in residence halls that practice clothing optionality do not have a safe and comfortable work environment due to the current implementation of clothing optionality practices. House managers and dorm patrol representatives from East Campus and Random Hall shared stories of employees who have gone to their supervisors because they felt uncomfortable with these practices. House and Dorm Patrol managers shared accounts of having to move employees around, counsel employees, and cover employee shifts due to fears of interacting with students in states of undress. The housing employee representatives shared that clothing optionality also led to an increased management workload that was not the case in buildings that did not have any spaces with clothing optionality policies. Further, we heard stories of employees who felt unsafe and worried that they could face liability for working in a situation where students were in various states of undress, potentially being accused of behaviors such as voyeurism or harassment. The House Managers and Dorm Patrol representatives who spoke to us said that they did not feel their voices were included in previous protocol development processes. Further, they shared that their colleagues did not feel comfortable speaking up due to the power imbalances between students and staff, and expressed concern about student retaliation.

We also heard from staff that they care deeply about the students, want the students to live in a way that promotes student well-being, and do not want students to “get in

trouble.” Staff worried about their positive relationships with students and shared reticence to speak up. Staff reported that since the 2018 Clothing Optionality Agreement, the overall experience had improved. Many staff who have long histories in the buildings remain unsure about whether the improvements will last based on years of feeling uncomfortable and pointed to some challenges related to managing their work with the protocols that have been in place.

We also heard from students that they care deeply about the staff who service their halls. Students were extremely saddened to hear that staff feel uncomfortable and ignored and expressed a strong desire to work to find a solution that respects, supports, and values staff and their experiences. When students learned about the incidents with staff from fall 2019 that prompted this review, they were horrified and shared that this was not in alignment with their community values and expectations.

## **2) Whether MIT is fulfilling its “obligation to provide students with safe and comfortable living communities.”**

The SPRC-CO agreed that, based on its review, current clothing optionality practices provide students with safe and comfortable living communities for those that opt-in. We heard resounding accounts about the positive impacts of clothing optionality.

Students, faculty, and staff shared the positive impact clothing optionality can have on body image and body positivity. Several accounts cited that CO allowed students to become increasingly comfortable in their own skin as a result of living in community with peers who experience routine exposure to bodies of different shapes and sizes and in various forms of undress. The students shared the positive and affirming impacts of this practice on self-esteem and self-acceptance. One guest noted, “Clothing optional halls take special care to ensure that residents are treating one another with mutual respect. Students hone skills in self-awareness, interpersonal engagement, and critical thinking when they teach one another about the motivations behind the clothing-optional protocol.”

Students, faculty, and staff also shared that clothing optionality prioritizes gender equity. One guest noted that having top optionality in spaces where male toplessness is socially acceptable provides a safe space for LGBTQ+ students to explore and affirm their gender. We heard accounts from several students about the positive impact of top-optionality and how clothing optionality on their floor gives them an “oasis of acceptance.” Nonbinary students shared struggles with gender dysphoria and indicated that clothing optionality gives them a break from the societal standards of the body’s appearance. Multiple student accounts shared the positive experience of CO in helping with gender dysphoria. Trans students shared how they felt validated in a community where the toplessness of all genders is normalized.

Several students, even students who do not live on CO floors, cited the existence of CO made them feel included, welcomed, and respected. We heard from a cis-gender

student who said that they did not want to “have any privileges over my friends and peers on account of my body assigned at birth.” Many students also stressed that CO practices were not about sexualized nudity and instead were about comfortability with one’s body in one’s home.

One concern was brought up that some students may not feel welcome on CO floors. During the discussion, it was noted that there have been a few instances of students deciding to move out of East Campus due to feeling uncomfortable or pressured to comply with CO. The counterargument was presented that gender nonbinary and trans students may not feel welcome and feel the same way in communities that do not practice CO, and feel uncomfortable in living communities that are not accepting of CO as a practice.

Further, students expressed difficulties with the implementation of the current agreement. Students on CO floors felt that there was not nearly enough advance notice from Housing and Residential Services when a staff member was coming ad-hoc to fix an urgent issue. Students also shared that communication about times that all parties had agreed to limit CO was insufficient. We learned that several students had not seen or received formal communication regarding the agreement and relied on word of mouth to educate each other regarding the agreement.

## Phase 2: Recommendation

We reviewed several suggested options to consider moving forward. We considered rationales, pros, and cons for each option to inform our recommendations. We noted that throughout the exploration of options, it was clear that the students were eager to comply with any agreements, rules, or guidelines and were very concerned with staff well-being. Similarly, staff worried about promoting a positive environment for the students and were conscious of their impact on the student experience.

Although there was a wide variety of opinions on the different options under consideration, the group did eventually reach consensus on a compromised approach to balancing the differing viewpoints. 44.4% of our group wanted to alter clothing optionality to top-optionality, 33.3% of our group wanted to maintain clothing optionality as is, but revisit the agreement, and 22.3% of our group wanted to cease clothing optionality practices. After robust discussion, the group agreed to put forth top-optionality as our recommendation but to also include in an appendix the discussed pros and cons for continuing to allow clothing optionality or ceasing any clothing optionality, including top-optionality.

### Top-optionality

We support top-optionality as a compromised measure moving forward because it still supports gender equity for our students, and with revised parameters, it can promote a safer environment for staff. When we heard testimonials from students, we learned how important it was to protect a safe space for genderqueer students and frequently heard examples of how top-optionality was an important, validating practice. By preserving top-optionality, we protect this aspect for our students. Further, in 2018, East Campus voted by over 80% in favor of practicing top-optionality, which highlights the importance of top-optionality to the community. In limiting clothing optionality practices to just tops, we are addressing some of the concerns brought forward by staff. We heard staff concerns about the risk they face when coming across a fully naked student. Top-optionality also recognizes the differences in perceived experiences of being exposed to genitalia versus breasts.

**Parameters:** While we did not have the time to fully establish parameters for this practice, we established guiding principles for parameters if this option is chosen moving forward. MIT is not obligated to provide housing that allows nudity, and allowing topless practices is a privilege that comes with considerable responsibility. Workers' jobs should not be made more difficult or uncomfortable as a result of such practices.

- **Simple and consistent.** One of the issues with the previous clothing optionality agreement was that hours changed from weekdays to weekends and the complicated nature made it difficult to follow. We recommend that timing is consistent across all days of the week and does not allow top-optionality during normal business hours. For example, top-optionality could be permitted from 7 p.m. to 7 a.m., 7 days a week.
- **Clear communication with students.** We learned that students were unclear about the previous agreement's hours and that notification to students was difficult to implement. To avoid difficult notification systems during business hours, we recommend that top-

optionality is not permitted during business hours. We also recommend that the agreement information is sent to students at the beginning of each semester.

- **Clear communication with staff.** We learned that staff were uncertain about the parameters and did not always know how to report or feel supported in reporting issues. We recommend a clear campaign with staff who work in these buildings that articulates a) multiple options for reporting, including IDHR or their supervisor, b) a message that MIT cares about them and their experience and c) they will not face retaliation for bringing any concerns.
- **Exceptions due to facilities emergencies.** We recommend that in the event of a facilities emergency that requires staff or contractors to enter the residence halls during times when top-optionality is being practiced, HRS staff should make reasonable efforts to notify the community as soon as possible that a facilities emergency has occurred and staff or contractors will be entering the residence. During these times, students should make a good faith effort to cease top-optionality. In the event that notification is not possible, or a resident did not see the notification, residents should prioritize the comfort of the individuals responding to an emergency and avoid interactions with staff or contractors while undressed. However, similar to emergency situations in halls that do not practice top-optionality, staff indicated an understanding that after-hours emergencies are unique situations and they may see students in states of undress.
- **Evening Operations Staff (Nightwatch, Dorm Patrol, Unit 12).** Unfortunately, simple and consistent guidelines do not permit a carve-out for their regular rounds overnight. To address this issue, we recommend that if a topless student encounters an Evening Operations staff member, the topless student should excuse themselves from the encounter and return to their room or put on a top. This would demonstrate the student's willingness to work with staff to provide a comfortable work environment.
- **Annual review.** We recommend that the parameters should be reviewed annually with students, HRS staff, Residential Life staff, and House Teams. The responsibility of scheduling the review should fall on HRS/Residential Life, not students.

### ***Other Considerations:***

Our group learned of two community events involving nudity in East Campus and our group recommends that with advance planning and following the guidelines of all events subject to Institute approval, these events can still be permitted. East Campus residents periodically host Naked Brunch and nude portraiture events, which promote community building and are consensual opt-in events. These nude events could be planned and approved by the House Teams on a periodic basis in advance enough to allow any workers a chance to readjust schedules.

We also considered the issue of enforcement and accountability. Enforcement of this agreement would largely fall on the communities themselves, the House Teams, and the staff who work in the buildings. When a student is topless outside of the parameter hours, this should be addressed by the House Teams. Repeated issues may be referred to the Committee on Discipline, consistent with other residential policy issues. The Chair of the Committee on

Discipline, one of the members of this group, shared concerns about being asked to police bodies and this would respect the COD's desire to only address repeated issues.

In establishing top-optional, full nudity is no longer an acceptable practice, and instances of nude students would be addressed in the same manner that instances of nudity are addressed across the rest of campus. Any instance where a student is fully nude would be considered a policy violation of our *Mind and Hand Book* Section II (16) Institute Expectations of Student Behavior and Integrity Policy and/or *Mind and Hand Book* Section II (23) (7) Sexual Exploitation Policy. This is consistent with how the COD has addressed issues in the past. For example, reports of streaking have been charged with violating the Institute Expectations of Student Behavior and Integrity policy; and reports of lewd nudity and indecent exposure have been charged with violating the Sexual Exploitation policy.

### **Appendix A: Pros and Cons of Other Options**

While our committee was able to recommend top-optional as a compromise, the group was split between continuing full clothing optional and ceasing clothing optional. In order to represent all voices in the group, we have included brief rationales for and against the two options.

**Option: Continue CO (top & full) with parameters.** This would continue top and full clothing optional practices, but with a revisit to the established parameters from Fall 2018.

**Pros.** Proponents for continuing full clothing optional felt strongly that full clothing optional practices give students space to learn body-positivity, particularly for LGBTQ+ students. These committee members expressed that if the parameters were rolled out well, for example: clearly laying out when staff is on the hall, issuing timely warnings when outside contractors are on hall during off-peak times, forming better pathways for resolution if staff do encounter students without clothes; this could be no different than only allowing top-optional in terms of effects on staff. Further, advocates argue for creating clear protections for staff and clear repercussions for students who violate clothing optional, not just collective punishment. For East Campus, it was hoped that the future addition of an Allied Universal worker could reduce implementation challenges (i.e. student desk workers no longer responsible for advisory emails). Further, proponents for CO brought up that even if clothing optional ceases, given the nature of residential living, there still may be incidents where staff members are exposed to nudity - for example, if a staff member accidentally opens a shower curtain.

**Cons.** Advocates against continuing full clothing optional articulated that this option would be the greatest stressor for staff (and some students). These committee members expressed the significant challenges with implementing the agreement, including managing staffing changes and unexpected issues with sending notifications. While students expressed that notifications of contract work could be provided earlier (a week ahead of time) to help mitigate incidents, we learned that contractors have variable hours and it is difficult to give that much notice for contractors entering the halls. The staff consultants who visited the committee

expressed that managers in communities with clothing optionality have extra work that is directly related to managing staff concerns with clothing optionality. This is not an equitable experience across all buildings and the committee was concerned about equitable compensation, training, etc. to manage these issues.

**Option: Cease promoting/allowing clothing optionality practices.** This would not create a dress code that requires students to dress a certain way but instead would cease allowance of nudity in the same way that other residence halls do. Instances of nudity would be addressed consistently across campus.

**Pros.** Advocates for ceasing clothing optionality practices felt that this would be the strongest way to ensure staff issues are heard and staff members are able to work in a work environment free of nudity. This option is the least risky option for staff. While this option takes away from the benefits of practicing clothing optionality that students addressed, some members noted that students could still practice clothing optionality in private spaces like their suites or individual rooms.

**Cons.** Those against stopping clothing optionality altogether raised concerns that this was a gendered option in implementation. They felt that this option no longer allowed trans students a safe space and this standard relies on “American beachwear” as the acceptable social norms of clothing. “American beachwear” is gendered in that female-bodied people are expected to have their breasts and nipples covered. Further, this option removes the benefits of clothing optionality, which is to have a social environment where bodies are destigmatized and accepted. Some felt that this may not fully address staff concerns, as some staff members are uncomfortable with students who are clothed in items that provide limited covering (i.e. bralettes, crop tops, etc.).