



**Boston Biomedical  
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Feng K. An  
Supervisory Investigator  
U.S. Equal Employment Opportunity Commission (EEOC)  
Boston Area Office  
John F. Kennedy Federal Building  
Government Center, Room 475  
Boston, Massachusetts 02203

Dear Supervisory Investigator An:

As instructed by the "Acknowledgement of Request for Reconsideration" that I received from your office (dated January 4, 2008), I am submitting additional information and documents to provide further evidence for my mailed request (dated January 3, 2008) that EEOC reconsider its decision to dismiss my charges against the Massachusetts Institute of Technology (Charge No. 523-2007-00945) for racial discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964.

The following are provided:

1. A copy of the June 20, 2007 official notice of the termination of my MIT faculty appointment. This document was also submitted with the original complaint. It is a crucial article of evidence, because it is the first legitimate official final notice of MIT's decision to terminate my employment. It was delivered to me confidentially from my Department Head, Prof. Douglas Lauffenburger. On June 13, 2005, I received a more cursory "personal and confidential" notice of termination from Prof. Lauffenburger (A second copy of this document is also enclosed.). This earlier notice of termination was pursuant the January 3, 2005 verbal notification of tenure denial. It provided the customary 1-year period for finding a new position and relocating an active laboratory (*i.e.*, a June 30, 2006 termination deadline). However, the pursuant June 2006 termination date was suspended pending the completion of ensuing grievance procedures. During the negotiations that followed the grievance proceedings, the MIT Provost, Rafael Reif, illegally (according to MIT Human Resources Policies and Procedures) publicly announced his plan to terminate my employment on June 30, 2007. This act violated my right to a

personal and confidential notification, which did not arrive until Professor Lauffenburger's June 20, 2007 letter. However, Professor Lauffenburger's notice was discriminatory, because it provided me only 10 days to find a new position and relocate my active laboratory, instead of the customary 1 year provided to white faculty members, who have not charged MIT with racism.

2. The cover page of MIT's notification of COBRA obligations sent to me on July 12, 2007. This is 2 weeks after MIT unjustly terminated my employment, instead of the legally required 2 weeks before. This discriminatory action left me scrambling to be sure that I had health insurance coverage for my family on Friday June 29, 2007, the last day that I had access to my MIT office. This failing is *prima facie* evidence of MIT's retaliatory action to terminate my employment and evict me from my laboratory even without the legally required provisions for termination.

3. A listing of 2 new witnesses who can testify to MIT's action to withhold information about transferred federal research grants that were and continue to be important to the success of my laboratory research program.

4. E-mail communications from July 8, 2007 to November 20, 2007 that are evidence that: a) my laboratory was fully functional until June 30, 2007; b) consistent with an ongoing employment negotiation, MIT had not followed its own policies and procedures for proper termination of employment and safe and secure closure of my laboratory by June 30; c) MIT engaged in the willful destruction of federally-funded laboratory materials and disruption of ongoing federally-funded research; and d) MIT continues to engage in retaliation by withholding information needed for the success of my laboratory, even after its relocation to another research institution.

Please, let me know if any clarification of these materials is needed. I look forward to hearing that the EEOC has reconsidered its decision and is again moving forward with this vitally important enforcement.

Sincerely,

A handwritten signature in cursive script that reads "James L. Sherley".

James L. Sherley, M.D., Ph.D.