

## Proposed revision to Faculty Handbook § 7.2.5.1.4 Interim Action

### Rationale:

In certain cases of alleged faculty misconduct there is a need to act quickly to implement interim actions prior to the filing of a formal complaint. These interim actions are implemented in order to allow an investigation to proceed without disruption of evidence or to preserve a safe, orderly, and professional work environment for students, staff, and faculty.

The imposition of interim actions prior to receipt of a formal complaint is not undertaken lightly. A primary consideration is whether the alleged misconduct is serious enough to pose a threat to student, faculty, or staff safety. In these cases, the recommendation that interim action is warranted is reached through consultation with multiple offices (e.g., Equal Opportunity, ISU Police Department, University Human Resources, University Counsel, Provost's Office, academic units).

This proposal adds language to establish parameters for the imposition of interim actions prior to the filing of a formal complaint.

### 7.2.5.1.4 Interim Action

There may be instances in which the senior vice president and provost needs to take interim action pending investigation of the case **or prior to the filing of a formal complaint**. The senior vice president and provost may take interim action **after consulting the faculty senate president** if any of the following conditions exist:

- There is immediate physical danger to persons or property
- There is reasonable indication of serious criminal violation
- There is an immediate health hazard
- There is immediate need to protect equipment or funds, including federal funds or federal financial assistance
- There is immediate need to protect the safety or interests of the person(s) making the allegations, of witnesses, or of the subject(s) of the allegations or his/her collaborators and associates
- There is a need to preserve evidence or to prevent improper influence of witness testimony
- There is a need to protect the working or educational environment of affected co-workers or students
- There is a need to protect against liability of the University or its employees

Interim action taken must be appropriate to the interests protected, and reasonably limited so as not to have an undue damaging effect on the respondent. The interim action should not be considered in and of itself a sanction. Interim action may include:

- Restrictions on contact with persons involved in the complaint
- Limitation on access to certain areas of the campus
- Reassignment of duties
- Partial or total administrative leave with pay
- Directives to preserve or grant access to evidence or records related to the allegations
- Direction on conduct of activities
- Restrictions on university-related travel

In cases of emergency or the need to preserve evidence or records, the senior vice president and provost shall make a good faith effort to implement interim action through discussion with the complainant and, if appropriate, the referring party and the respondent prior to taking any interim action. If an agreement with the respondent is not reached, the senior vice president and provost may nevertheless impose interim actions. The senior vice president and provost will inform the chair and dean of the respondent faculty member of any interim action that is being taken. The senior vice president and provost will assist the chair and the dean in ensuring that the interim action will have as little disruption of the teaching, research, or outreach activities of the department as possible. The chair and/or dean will not limit a faculty member's electronic access to university computer systems or email as part of interim action without the express approval of the senior vice president and provost.

In cases where the senior vice president and provost has taken interim action prior to the filing of a formal complaint, the president of the Faculty Senate will be notified. In these cases, the formal complaint must be filed with the appropriate administrative officer within 10 calendar days of the effective date of the interim action. In the case of a complaint under investigation by the Office of Equal Opportunity (OEO), the formal faculty conduct complaint must be filed within 10 calendar days after the conclusion of the OEO investigation. If the 10<sup>th</sup> calendar day falls on a Saturday or Sunday, the deadline shall extend to the next calendar day that is not a weekend or university holiday.

If no formal complaint is filed within the appropriate period, the senior vice president and provost shall remove the interim action.

If a Faculty Review Board has not been appointed, the faculty member against whom interim action has been taken may request a review by the senior vice president and provost. As indicated below, the Faculty Review Board will review all interim action.

When the faculty member has been charged with abandonment of position ([FH Section 7.2.2.5.2](#)) and has not presented him- or herself as ready to perform duties, the Faculty Review Board may recommend to the senior vice president and provost the suspension of salary for the duration of the process.