To: Deans, Directors, and Department Chairs  
From: Eliza Pavalko, Vice Provost for Faculty and Academic Affairs  
Re: Required Misconduct Review Process for all Faculty Hires with Tenure  
Date: September 6, 2022

Effective immediately, all new faculty hired with tenure will undergo a review of any pending investigations or previous findings of sexual or professional misconduct at their current or prior places of employment.

Rationale: IU is dedicated to supporting an environment in which all community members, faculty, staff, and students, can fully participate in the campus community. As a community we are committed to the highest standards of ethical conduct and integrity in all of the work we do. IU will uphold the AAU Principles on Preventing Sexual Harassment in Academia and create policies and practices that uphold the IU’s Principles of Ethical Conduct. This plan is dedicated to ensuring that we uphold the AAU Principle that in making hiring decisions, IU will request or require applicants to provide written consent to release personnel information from their prior employer(s) of substantiated findings of misconduct or ongoing investigation of misconduct.

As a pilot, during 2022-2023, this process will apply to all IUB faculty hires that will be appointed with tenure. We will work with UFC to create a policy to eventually apply to all faculty hires.

Scope: The process would be used for any faculty hires that would be appointed with tenure. The disclosure and authorization process would ask about any pending investigations of misconduct (sexual, research, or other) or prior findings of misconduct at their current or prior institutions.

Process: The finalist for a tenured position would be asked to fill out a signed authorization/release and disclosure form of any pending investigation or finding of misconduct at the time when they receive an informal, conditional offer from the department/school. For tenured positions, the faculty member is typically extended an informal conditional offer and then terms are negotiated with the department chair or dean. If the applicant informally accepts the conditional informal offer, then the department/school proceeds with an expedited tenure review. That is the point when the finalist/conditional offeree would be asked to sign an authorization/release and disclosure form (this form will soon be available on the VPFAA website along with other hiring information).

The department or unit will be responsible for giving the candidate the form and instructions for completion. The completed form will be sent by the candidate only to VPFAA to preserve candidate privacy for any disclosures. VPFAA will review the candidate disclosure and contact the current and prior employers for information on any pending investigations or past findings. If there are disclosures or findings of concern these would be discussed between VPFAA, General Counsel, Dean, and Chair, and other relevant offices as needed (i.e. Vice President for Research or OIE). The disclosure and review would be done at the same time that the department/school is conducting the expedited tenure review, and this information would ideally be completed before the Dean extends a recommendation to offer a position, along with their tenure recommendation, to VPFAA. Long-term practice has been for the Dean’s letter to include a statement that the offer is conditional upon a background check. This required language will be revised to also include the condition of a misconduct review, consistent with the authorization/release. Typically, the expedited tenure review takes several weeks because additional external letters need to be solicited, and the department and school faculty subcommittees and administrators review the case and make a recommendation for tenure. This would typically mean that the misconduct disclosure and review could be completed for tenured offers before the dean’s letter is finalized.
Details on process:

1. All ads for qualifying positions (faculty positions with tenure) would include notice in the vacancy notice that finalists for the position seeking tenure will be asked to disclose pending investigations or previous findings of misconduct. The required text of that notice is shown below. If a faculty member is being considered for a tenure offer but not through a search (such as a dual career position which does not require a search) then the candidate would be notified by the department early in that process that they will be asked to sign the disclosure/authorization form. We also recommend that all candidates selected for a short-list for further review be reminded that they will be asked to sign this disclosure if they are a finalist for the position.

2. When a department has a finalist for the position and they come to a conditional informal agreement on terms of the position, the department would ask them to fill out the disclosure/authorization form at that time with instructions to return the form to VPFAA. That form will be available soon.

3. Once the form is received, VPFAA will review the information and contact their current and previous institutions and ask for information on pending investigation and misconduct.

4. Once the review is completed, if there are reports of concern, VPFAA will review with the relevant administrators for that position, and they will make a joint decision on whether to finalize the offer or not.

Required text to be included verbatim in all search ads for faculty positions that might include tenure (e.g. associate or full professors, open rank, etc.).

“Before a conditional offer of employment with tenure is finalized, candidates will be asked to disclose any pending investigations or previous findings of sexual or professional misconduct. They will also be required to authorize an inquiry by Indiana University Bloomington with all current and former employers along these lines. The relevance of information disclosed or ascertained in the context of this process to a candidate’s eligibility for hire will be evaluated by Indiana University Bloomington on a case-by-case basis. Applicants should be aware, however, that Indiana University Bloomington takes the matters of sexual and professional misconduct very seriously.”

Special Situations:

If your unit already has an active, approved advertisement for a qualifying faculty position in PeopleAdmin:

The unit should immediately update the PeopleAdmin position posting to include this language. External ads should be updated wherever feasible. In addition, because some candidates may have already applied and may not see this language, in these situations all candidates selected for a short-list for the position should be informed that they will be asked to sign a disclosure/release and authorization using the language above if they are a finalist for the position.

If your unit is considering hiring someone with tenure using a search waiver:

The unit should inform a candidate being considered for a tenured position using a search waiver as soon as possible that they will need to sign a disclosure/release and authorization using the language above.

If your unit has search or waiver for a tenured faculty member in the final stages of review at the date of this memo:

Contact VPFAA to discuss options given your current stage of review.