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III-9.7 Consideration of Misconduct in Prior Employment

(President 7/1/23; amended 7/18/25)

Effective July 1, 2023, this is a new policy. Effective **July 18, 2025**, this policy has been revised. For the most current version without redlining, return to [III-9.7](#).

- a. ~~Scope. This policy applies to all candidates for employment as regular faculty, administrators with faculty appointments (associate provosts, associate vice presidents, associate deans, department executive officers, directors), and institutional officers (President, Executive Vice President and Provost, vice presidents, deans, University Librarian) at the University of Iowa.~~

Scope. This policy applies to all faculty (fixed term, tenure track, research track, instructional track, and clinical track) hired within the search or waiver process, and administrators or institutional officers with faculty appointments at the University of Iowa.

- b. Definitions.

- (1) ~~“Regular Faculty”~~ refers to all regular and fixed-term faculty hired ~~in the tenure, clinical, research, or instructional tracks~~ within a formal faculty search or waiver process.
- (2) “Misconduct” means any violation of employer policies, including but not limited to sexual misconduct, sexual harassment, research misconduct, or other policy violation(s).
- (3) “Employer investigations” include, but are not limited to:
- (a) Any investigation by the department/unit responsible for making findings regarding allegations of misconduct in violation of employer policies, including but not limited to sexual harassment, sexual misconduct, and research misconduct;
- (b) Any investigation pursuant to Title IX of the Education Amendments of 1972 (“Title IX”); and
- (c) Any action taken by the department/unit responsible for determining sanctions for misconduct, including but not limited to sexual harassment, sexual misconduct, and research misconduct.
- (4) A “finding” means a documented conclusion that an individual engaged in misconduct resulting from an employer investigation or adjudicative process not subsequently reversed through a formal review process, including but not limited to sexual misconduct, sexual harassment, and research misconduct.

- c. Policy.

- (1) Notice of duty to disclose. The university will include a notice to potential applicants in all faculty position job postings that inquiries will be made of them and prior employers regarding:
- (a) past findings of misconduct; and
- (b) any pending research misconduct investigations.

Applicants also will be notified that, as part of the hiring process, finalist candidates are required to provide written authorization for current and former employers to disclose any such information to the university ~~(if within scope)~~.

- (2) Candidate’s duty to self-disclose and authorize employer disclosure. All offers for ~~regular~~ faculty positions will be contingent on fulfillment of this, as well as other, mandatory university processes. On acceptance of a contingent offer of employment, the finalist candidate shall self-disclose all prior findings of any investigations and if they are the subject of a pending research misconduct investigation.

~~The A finalist candidate for a position with tenure, an administrative position, or who has self-disclosed “yes” to prior or current misconduct as defined below~~ must also sign and submit a written authorization and release granting the university authorization to seek information from current and former employers over the last seven years. This includes any findings of misconduct, pending research misconduct investigations, and authorization for full disclosure of related information and relevant documentation. The consequences for failing to disclose, or respond to any inquiry, or sign or submit any necessary authorization and release are set forth in paragraph c(5) below.

- (3) Findings by other employers. Once the finalist candidate has accepted a contingent offer of employment, the Office of the Provost will begin the process of requesting misconduct disclosures from current and former employers ~~(if within scope)~~.

The Office of the Provost will contact current and former employers for verification if the finalist candidate is seeking an appointment with tenure or an administrative appointment.

- (a) If the finalist candidate reports that there has never been a finding against them, the Office of the Provost ~~shall may~~ contact relevant current and former employers for verification and document their good-faith efforts.
- (b) If the finalist candidate reports a finding against them or a pending Investigation, the Office of the Provost shall contact the relevant current and/or former employer(s) to obtain a copy of any written findings and reports. A finding or a pending investigation may result in removal of the finalist candidate from consideration or withdrawal of a contingent offer of employment.

~~If the contacted employer declines to provide the requested information or documentation, or does not otherwise fully respond,~~ The Office of the Provost will ~~request that the finalist candidate obtain and provide the relevant documentation~~ make and document a good-faith effort to obtain the requested information from current or prior employers. ~~If the finalist candidate is unable to do so despite documented, good-faith efforts, the Office of the Provost may exercise due diligence to determine if there are concerns:~~ The results of such an inquiry may result in removal of the finalist candidate from consideration or withdrawal of a contingent offer of employment.

- (4) Consideration of findings. Prior to a final employment decision based in part or in full on prior findings or a pending research misconduct investigation, the finalist candidate shall be permitted an opportunity to provide an explanation for consideration by the Office of the Provost. The candidate’s information will be evaluated in consultation with the relevant collegiate dean or other appropriate institutional official. The Office of the Provost will determine whether it is in the best interest of the university to withdraw the finalist candidate from consideration or withdraw an offer of employment. Relevant factors to be considered include but are not limited to:

- (a) The nature and severity of the conduct at issue;
- (b) When and under what circumstances the conduct occurred;
- (c) Whether the conduct involved an abuse of power or authority, such as involvement of subordinate employees or students;
- (d) The nature of the position for which the candidate is being considered;
- (e) The candidate’s subsequent conduct and work history; and
- (f) Evidence of rehabilitation.

- (5) Failure to respond ~~or disclose,~~ or dishonesty ~~in response~~. A finalist candidate’s failure to respond to an inquiry, or dishonesty in a response about findings or a pending research misconduct investigation, or the failure to consent to the release of relevant information and documentation, or the failure to provide requested written documentation, shall be grounds for removal of a candidate from further consideration or withdrawal of any contingent offer of employment already extended. Such university action will not be subject to faculty grievance procedures, because the candidate will be deemed to never have received employment status. At any time during employment, the discovery of an individual’s failure to disclose or dishonesty related to this policy may constitute grounds for dismissal.

- (6) Confidentiality and retention. All records obtained through this process will be maintained in accordance with the confidentiality, record retention, and other applicable policies and procedures established by the university and in accordance with applicable state and federal law.

- (7) External inquiries made to the university. All external, authorized requests seeking records or information regarding:

- (a) Violations covered by the university’s policy on Sexual Harassment and Sexual Misconduct ([II-4](#)) shall be directed to the Office of Civil Rights Compliance.
- (b) Misconduct covered by other university policies shall be directed to the Office of the Executive Vice President and Provost for faculty candidates, and to University Human Resources for staff candidates.
- (c) Research misconduct, including pending research investigations, shall be directed to the Vice President for Research.

Each of the foregoing offices, in consultation with the Office of General Counsel, shall evaluate requests for information or documentation consistent with applicable laws and the authorizations provided. The university reserves the right to require submission of its own authorization documents prior to disclosing information to external parties. Depending on the nature of the request, consultation with multiple offices may be necessary to provide an accurate response.