**Interim Actions Checklist**

*When to Use Interim Actions*

If one or more of the following is true, implement corresponding interim actions.[[1]](#footnote-1)

◻ Complainant requested interim actions.

◻ There is a high risk of interference with the fact-finding process.

◻ The behavior that is described in the complaint is sufficiently severe as to require risk reduction.

◻ Risk of further misconduct is likely without making changes in reporting relationships, physical features of workplace or work assignments, supervisory structure.

◻ The respondent is of sufficient stature that cooperation with investigation might be difficult.

1. *Separate or Limit Contact of Parties*

*Your organization must document how it is limiting or separating parties and give written notice to the parties.*

◻ Separate Parties. If appropriate, reassign the complainant/respondent by hours or location or consider having the complainant or respondent work from home. If the complainant is an employee, be careful about altering the terms of their employment, even if it is the easiest way to separate the parties and does not overtly do any harm. For instance, removing someone from a project where alleged misconduct is occurring may deprive them of professional opportunity or credit for their work and may be considered retaliation.

◻ Place respondent on paid administrative leave.

◻ Develop an intensive supervision plan.  If both parties remain in the workplace and may have incidental contact, supervisors should have a plan for close observation and monitoring of the work area to ensure that there is no further misconduct and to be available to check in with the parties.

◻ No contact order respondent/mutual if both parties will remain at work and agree to refrain from making contact with each other.

1. Preserve Evidence

*Your organization should have a prepared strategy to limit access to documents, to acquire information stored on employer-owned devices, and to request data from employee-owned devices. Your organization must document this process and any evidence collected should be protected from access via secure files, encryption or other means.*

◻ Collection of email communication: parties/others.

◻ Collection of browser history: parties/others.

◻ Claim possession of company owned devices or storage media.

◻ Security review of surveillance footage, card swipe data, and other evidence captured through security devices: parties/others. *Your organization must also document parameters of the review.*

◻ Seal personnel files: parties/others. This is to prevent the removal or addition of materials to a personnel file after a complaint has been made. *Your organization must also document the parameters of the review (e.g., search terms).*

◻ Investigative hold letter/retention of documents sent. This letter requests that all documents regarding an employee or class of employees be retained. The request should be limited to the type of information that forms the basis of the complaint. For example, a retention letter is sent to supervisors to keep all documents pertaining to employee performance if someone has brough a complaint of discrimination in evaluation.

1. Reduce Risk

◻ Take steps to increase security of premises and protection of data.

◻ Disable data access.

◻ Secure police involvement.

◻ Account for orders issued by courts (civil restraining orders or conditions of release during pendency of a criminal case).

◻ Send notice to supervisory personnel to monitor for retaliation.

◻ Institute monitoring (e.g. a general plan to monitor a team in order to correct misinformation).

1. Note: While interim actions are not required, and organizations do not need to do everything listed here, this resource can be a helpful tool to think through the best interim actions to implement. [↑](#footnote-ref-1)