



OFFICE OF THE VICE PROVOST -
ACADEMIC PERSONNEL AND PROGRAMS

OFFICE OF THE PRESIDENT
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Date: February 5, 2016

To: EXECUTIVE VICE CHANCELLORS AND PROVOSTS
ACADEMIC COUNCIL CHAIR HARE

From: Susan Carlson 
Vice Provost for Academic Personnel and Programs

Subject: Guiding Principles: Search Waivers for Academic Appointees at the University of California

On behalf of the UC Recruit Governance Board, I am attaching for your review proposed guidelines for the use of waivers in academic hiring, "Guiding Principles: Search Waivers for Academic Appointees at the University of California," developed by the UC Recruit Governance Board and reviewed by Academic Personnel Directors and Vice Provosts for Academic Personnel/Academic Affairs from all campuses. The document describes new UC system-wide minimum standards for the consideration of the use of search waivers and allows campuses to set further restrictions as needed. The purpose of this memo is to brief you on the reasons we have developed these guidelines and to seek broader input.

Background

Conducting open recruitments for academic positions is the normal method for identifying and hiring academic personnel at the University of California, with the provision of waivers of recruitment given on a case-by-case basis according to established policies and procedures on each campus. As a result of recent and ongoing campus audits from the Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), which oversees the University's standing as a federal contractor, it has been necessary to carefully review and update existing practices to ensure they are compliant with federal regulations and are as consistent as possible across campuses.

UC Recruit, a system-wide applicant tracking system for all academic recruitments, provides a unique opportunity for shared practices and the establishment of common minimum requirements. The continuing development and oversight of the *UC Recruit* system is the purview of the UC Recruit Governance Board, comprised of representatives from campus Academic Personnel and Affirmative Action/Equal Opportunity offices and UCOP. When first implemented on all 10 campuses, *UC Recruit* was not able to process waivers of recruitment, but the Governance Board agreed that such an enhancement to the system is a key component for open recruitment and consistent hiring practices, as well as reporting and document retention. The identification of common principles in this process has informed the business requirements, which *UC Recruit* staff have used to design new system capacity for the waiver process.

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The Governance Board met over many months to consider the conditions under which waivers of recruitment should be considered for academic positions, taking into account existing protocols on the campuses, established best practices, state and federal requirements, University policies, results from federal audits, and consultation with the UC Office of General Counsel and the Vice Provosts for Academic Personnel/Academic Affairs. The resulting "Guiding Principles" document reflects shared values of nondiscrimination, equal employment opportunity, and the hiring of a high quality diverse academic workforce, while being in compliance with state and federal laws.

These "Guiding Principles" are not UC policy; they should be considered *minimum standards*, which are allowed through APM - 500-16-f. The Guidelines allow campuses to set further restrictions on the use of search waivers if desired or if needed due to unique business requirements and to develop appropriate campus-specific examples for the search waiver categories/criteria.

I hope you will distribute to those on your campus who are involved in the academic recruitment process. Please provide me with any feedback on a final document by March 15, 2016.

Please contact Executive Director Nancy Tanaka (nancy.tanaka@ucop.edu) if you have questions.

Attachment: Guiding Principles: Search Waivers for Academic Appointees at the University of California

cc: Provost and Executive Vice President Dorr
Vice President Duckett
Vice Provosts for Academic Personnel/Academic Affairs
UC Recruit Governance Board members
Academic Personnel Directors
AA/EEO Directors
Associate Vice President Nation
Academic Senate Vice Chair Chalfant
Executive Director Baxter
Executive Director Tanaka
Deputy General Counsel Woodall
Senior Counsel Reed
Director Chester
Director Lee
Director Lockwood

Guiding Principles Search Waivers for Academic Appointees¹ at the University of California

The University of California's commitment to diversity, equal opportunity and nondiscrimination recognizes that a diverse academic employee workforce enhances our academic mission of teaching, research, and service. The University also recognizes that a diverse workforce is essential for maintaining our standing as a public university dedicated to serving the needs of an increasingly diverse state.

As an employer and federal contractor, the University of California is required to provide equal employment opportunity and to identify and address underutilization of protected classes, including women, underrepresented minorities, individuals with disabilities, and protected veterans in our academic job groups. Conducting full and open searches for academic employment positions supports the University of California in fulfilling these requirements under federal and state laws.

In rare circumstances, and on a case-by-case basis, the requirement of conducting an open search prior to review for appointment may be waived. The UC Recruit Governance Board is committed to creating a foundation of sound principles governing the use of search waivers system-wide. Although compliance with employment law and the Office of Federal Contract Compliance Programs (OFCCP) regulations determine the boundaries of search waivers, the content is driven by the University's dedication to recruiting a high quality academic workforce as well as addressing its affirmative action goals. At a minimum, individuals under consideration must meet the high expectations for employment at the University of California.

Following are system-wide guidelines for circumstances where waivers of open searches may be considered. These guidelines should be viewed as minimal requirements, and campuses may choose to be more restrictive. In addition, campuses may wish to develop campus-specific expectations and examples. Waivers should be made for the minimum amount of time required; they cannot be extended nor repeated, unless specifically noted below.

SEARCH WAIVER CATEGORIES

A. SENATE FACULTY

- 1) **Spousal/ Partner Hire:** The University of California recognizes that addressing the needs of dual career couples is an essential part of recruiting and retaining the highest quality faculty. A search waiver may be considered if the successful recruitment or retention of a senate faculty member is ultimately dependent on an academic appointment for his or her spouse/partner. A spouse/partner hire into a campus appointment is not an entitlement. Every spouse/partner hire must meet the qualifications and standard of excellence for the appropriate appointment. A spouse/partner hire is contingent on ultimate employment or retention of the associated individual. This search waiver is of indefinite duration.

¹This document is not intended to address student and training titles.

- 2) **Target of Excellence:** A search waiver may be considered for cases where there is an unusual opportunity to hire an individual whose distinctive qualifications and extraordinary promise or accomplishments will contribute significantly to the excellence of the academic mission of the University. Campuses are expected to establish their own definition and qualifications for a Target of Excellence hire that are consistent with these principles. In all cases, the individual would be on the short list of top candidates if an open search was conducted, would be highly sought after by peer institutions, and may be on the market for a very limited time period. Considerations for granting a waiver must include why it is not possible to conduct an open search in which the individual would be an applicant. This search waiver is of indefinite duration.
- 3) **President's and Chancellors' Postdoctoral Fellowship Recipients:** A search waiver may be considered if the candidate is a current or former recipient of a UC President's or Chancellor's Postdoctoral Fellowship. These UC postdoctoral fellowship programs support outstanding scholars in all fields whose research, teaching, and service will contribute to diversity and equal opportunity at UC. A list of current and former fellows is available at <http://ppfp.ucop.edu/info/fellowship-recipients/index.html>. This search waiver is of indefinite duration.

B. NON-SENATE FACULTY AND OTHER ACADEMICS

- 1) **Emergency Hire:** There is an urgent and unanticipated need to fill a position, there is not enough time to conduct a search, and the candidate has the expertise and is available to begin immediately. Emergency search waivers are made for a limited period of time, not to exceed one year. If the position is to be filled beyond the duration of the waiver, an open search must be conducted.
- 2) **Urgent Patient Care Need:** The appointment would alleviate a critical, unforeseen, and ongoing need in a specific area of patient care. An approved search waiver for urgent patient care need can be of indefinite duration.
- 3) **Spousal/ Partner Hire:** The successful recruitment or retention of a senate faculty member or a member of the senior management group (SMG) is ultimately dependent on an academic appointment for his or her spouse/partner. A spouse/ partner hire into a campus appointment is not an entitlement. Every spouse/partner hire must meet the qualifications and standard of excellence for the appropriate appointment. A spouse/partner hire is contingent on ultimate employment or retention of the associated individual. A spousal/partner search waiver can be of indefinite duration.
- 4) **Continuation of Training:** The candidate is a trainee of the campus (e.g., undergraduate or graduate student, postdoctoral scholar, fellow) who remains for a short period of time to complete a research project begun while in student or trainee status, or for a trainee who is hired by the campus to complete a clinical training program. Continuation of training search waivers are made for a limited period of time, not to exceed 18 months.
- 5) **PI/Co-PI/Leadership Status:** The candidate will be paid 50% time or more of their total effort from extramural funds awarded to the candidate and for which the candidate is

named as PI/Co-PI or holds an equivalent leadership role on the extramural funds. A search waiver based on PI/Co-PI/leadership status may be granted for the duration of funding; however, appointments can be made for a shorter period of time. Waivers remain in effect as long as funding continues; this may encompass multiple awards.

- 6) **Research Team:** A candidate is part of the existing research team of a **new faculty member**. A search waiver may be granted, but the waiver is only valid for an individual team member as long as they remain with the same research team and in the same series.
- 7) **Multiple Affiliated Employers:** Appointees whose position is dependent on two employers; a primary employer that is **formally** affiliated with UC and the UC campus. If an open search equivalent to a UC-search is conducted by the affiliate, the appointee may be granted a search waiver for the UC position. Campuses should establish a list of qualifying affiliates.

EXEMPTIONS FROM SEARCHES AND SEARCH WAIVERS

Certain categories of positions are exempt from open recruitment. They do not require search waivers; however, all other policies associated with a specific academic title apply to such exempt positions. An exemption is continuous in duration until one or more qualifying conditions are changed.

- 1) **Non-Salaried (0% time) and Without Salary (WOS) Appointments:** This exemption applies to appointees who are unpaid employees of the UC campus where the appointment is held.
 - The appointees in this category may have a UC employee ID number but will not receive salary from the University of California.
 - If an appointee is to receive salary from UC subsequent to the initial non-salaried or without salary appointment, an open search or an approved search waiver is required.

Non-salaried (0% time) and without salary (WOS) titles covered by this exemption include:

- Volunteer Clinical Faculty
 - WOS non-senate faculty (e.g., HS Clinical, Adjunct) who do not receive pay from an institution affiliated with UC (see #7 above), excluding IX Unit titles.
 - WOS non-faculty academics (e.g., Professional Research Series)
 - Research Associate (WOS)
 - Clinical Associate (WOS)
 - Research Fellow (WOS)
 - Visiting Scholar/Visiting Titles (WOS)
 - Emeritus – including academic appointees who are conferred emeritus status as the result of an academic review
- 2) **True Visitor:** A visiting appointee who is a "true visitor," (i.e., is on leave from an academic or research position at another educational institution, research institution, or industry) and is visiting the campus for research activity or to teach a course in his/her area of expertise when appointed to a visiting faculty position is exempt from open search requirements.

- 3) **Recall Appointments for Retired Academics:** The University of California may recall to active service, for a part-time term appointment, academic appointees who have retired from the University. This exemption acknowledges that these appointees would have previously undergone a search or been approved on a search waiver for their pre-retirement appointment.

- 4) **Concurrent WOS Appointment:** A concurrent without salary academic appointment may be made for an appointee who is employed by the University in a staff, senior management group (SMG), or non-faculty academic title and who is asked to participate in **occasional** teaching activities that are directly related to the individual's research or primary job. This exemption acknowledges that the primary paid appointment must have met the requirements for a search or search waiver under the appropriate personnel policy.

- 5) **Faculty Administrator Titles at Less Than 100% and Interim / Acting Positions:** A faculty member who is appointed to assume administrative responsibility in addition to, or in partial replacement of, his or her faculty responsibilities is considered a Faculty Administrator. Faculty Administrators are normally compensated with stipends and/or additional summer compensation, when appropriate. This exemption acknowledges that the underlying faculty appointment required an open search or approved search waiver and that the administrative responsibilities do not constitute a new position.

- 6) **Lecturer in Summer Session:** Faculty holding appointments in the associated department during the previous or following academic year and campus graduate students are exempt from recruitment requirements for assignment to Summer Session instruction. **Individuals who do not hold a faculty appointment or graduate student status are subject to open search or waiver requirements.**

- 7) **Internal Hires (Change in Series):** Note that this exemption does not preclude an open search for appointment to any academic series when required by University or campus policy. Rather, it acknowledges that an exemption may be applied when the change in series is intended to recognize growth and development in professional skills, knowledge, and responsibility of the appointee. All initial appointments in the senate series require an open search or a search waiver per the criteria above.

From	To	Exemption Allowed?
Senate Faculty e.g., Ladder, In Residence, Clinical X <i>(For Lecturers with Security of Employment, see below.)</i>	Non-Senate Faculty e.g., Adjunct, Health Sciences Clinical or Non-Faculty academic e.g., Specialist, Professional Research Series, Project Scientists, Academic Coordinators	Yes

From	To	Exemption Allowed?
Senate Faculty e.g., Ladder, In Residence, Clinical X <i>(For Lecturers with Security of Employment, see below.)</i>	Senate Faculty e.g., Ladder, In Residence, Clinical X <i>(For Lecturers with Security of Employment, see below.)</i>	Yes – provided that a national search was conducted for the initial senate series appointment ²
Non-Senate Faculty e.g., Adjunct, Health Sciences Clinical	Senate Faculty e.g., Ladder, In Residence, Clinical X <i>(For Lecturers with Security of Employment, see below.)</i>	No – open search or approved search waiver required
Non-Senate Faculty e.g., Adjunct, Health Sciences Clinical	Non-Senate Faculty e.g., Adjunct, Health Sciences Clinical	Yes, excluding IX Unit titles
Non-Faculty academic e.g., Specialist, Professional Research Series, Project Scientists, Academic Coordinators	Non-Faculty academic e.g., Specialist, Professional Research Series, Project Scientists, Academic Coordinators	Yes – if appointment is within the same unit/lab or equivalent
Non-Faculty academic e.g., Specialist, Professional Research Series, Project Scientists, Academic Coordinators	Faculty (any series) <i>(For Lecturers with Security of Employment, see below.)</i>	No – open search or approved search waiver required
Lecturer with Security of Employment series	Senate Ladder-rank Faculty	No – open search or approved search waiver required
Senate Ladder-rank Faculty	Lecturer with Security of Employment series	Yes – provided that a national search was conducted for the initial senate series appointment ³
Equivalent titles - APM 115 (e.g., Astronomer Series, Agronomist Series) with no underlying Senate Ladder-rank Faculty title	Senate Ladder-rank Faculty	No – open search or approved search waiver required

² Or a search waiver was approved for a target of excellence or spousal/partner hire or PFPF hire

³ Or a search waiver was approved for a target of excellence or spousal/partner hire or PFPF hire