

# Guidelines for Waivers of Open Recruitment for Academic Appointees<sup>1</sup> 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 University is committed to creating a common set of guidelines 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 of this document is driven by the University's dedication to recruiting a high quality academic workforce as well as addressing its affirmative action goals. Contributions in all areas of achievement that promote equal opportunity and diversity should be given due recognition in the academic recruitment process. At a minimum, individuals under consideration must meet the high expectations for employment at the University of California.

Waivers should be made for the minimum duration of time required; they cannot be extended nor repeated, unless specifically noted below. In limited situations as specified below, waivers of indefinite duration may be approved for a particular appointee while they hold a specific position.

## **GUIDELINES AND CATEGORIES**

Following are guidelines for circumstances where waivers of open searches may be considered. Waivers should be made for the minimum duration of time required; they cannot be extended nor repeated, unless specifically noted below.

### **Senate**

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 ladder rank faculty or individual in a senior leadership position (e.g., Managers and Senior Professionals (MSP) member) is ultimately dependent on an academic appointment for their 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 must list the JPF associated with the recruitment under which the principal partner/spouse is being considered and is of indefinite duration.**
2. **Target of Excellence / Opportunity Hire:** 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. A waiver may be granted to facilitate the hire if the candidate would otherwise be lost if not immediately pursued. A Target of Excellence or Opportunity Hire waiver does not consider race, sex, gender or national origin. Candidates who will promote and advance UC San Diego's commitment to diversity, equity, and a climate of inclusion are encouraged. **Considerations for granting a waiver must include a [Contributions to Diversity Statement](#) as a supporting document.** This search

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<sup>1</sup> This document is not intended to address student and training titles.

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.

## Non-Senate

1. **Emergency Hire:** This type of Search Waiver may be used when 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. If the position is to be filled beyond the duration of the waiver, an open search must be conducted. **Emergency search waivers are made for a limited period of time; not to exceed one year.**
2. **Urgent Patient Care Need:** In the event that a department must alleviate a critical, unforeseen, and ongoing need in a specific area of patient care a search waiver for urgent patient care may be submitted. Waivers in this category have a **limited duration of one year.**
3. **Spousal/ Partner Hire:** This waiver category is appropriate when the successful recruitment or retention of a ladder rank faculty member or an individual in a senior leadership position (e.g., Managers and Senior Professionals (MSP) member) is ultimately dependent on an academic appointment for their 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 type must list the JPF associated with the recruitment under which the principal partner/spouse is being considered and is of indefinite duration.**
4. **PI/Co-PI/Leadership Status:** A waiver may be considered if the candidate will be paid 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. **In the event that funding sources change, a new Waiver must be submitted. To continue employment should the funding run out, the candidate must apply through an open recruitment.**
5. **Research Team:** A search waiver may be granted if the candidate is part of the existing research team of a recruited or retained ladder rank faculty member. 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. **Waivers submitted in this category must list the JPF associated with the recruitment under which the new faculty is being hired.**

## Exemptions from Searches and 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.
  - a. The appointees in this category may have a UC employee ID number but will not receive salary from the University of California.
  - b. If an appointee is to receive salary from UC subsequent to the initial non-salaried or without salary appointment an open search for the position must be conducted.

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, excluding [Non-Senate Instructional 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. **Concurrent WOS Appointment:** A concurrent without salary academic appointment may be made for an appointee who is employed by the University in a staff Managers and Senior Professionals (MSP) title, 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.
  3. **True Visitor:** An individual is considered a "true visitor," when they are on leave from an academic or research position at another educational institution, research institution, or industry and are visiting the campus for research activity and/or to teach a course in their area of expertise.
  4. **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.
  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, their 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. **Internal Hires (Change in Rank or Series):** This exemption is intended to recognize growth and development in professional skills, knowledge, and responsibility of an appointee. Appointment into the originating title must have been through an open recruitment and the appointee must be an active employee prior to the proposed change. All initial appointments in the senate series require an open search or a search waiver per the criteria above.

<b>From</b>	<b>To</b>	<b>Requirement</b>
<b>Senate faculty</b> e.g. Ladder, In Residence, Clinical X	<b>Non-Senate</b> e.g. Adjunct, HS Clinical Specialist, Professional Research Series, Project Scientists, Academic Coordinators	Exempt from open recruitment and no waiver required.
<b>Senate Faculty</b>	<b>Senate Faculty</b>	Exempt from open recruitment and no waiver required provided that a national search was conducted for the initial appointment <sup>2</sup> .
<b>Non-Senate Faculty</b>	<b>Senate Faculty</b>	Open Search required or a qualifying waiver may be submitted.
<b>Non-Senate Faculty</b>	<b>Non-Senate Faculty</b>	Exempt from open recruitment and no waiver required, excluding Unit 18 titles.
<b>Non-Faculty Academic</b> e.g. Specialist, Professional Research Series, Project Scientists, Academic Coordinators	<b>Non-Faculty Academic</b>	Exempt from open recruitment and no waiver required if within the same unit/lab.
<b>Non-Faculty Academic</b>	<b>Faculty (Any Series)</b>	Open Search required or a qualifying waiver may be submitted.
<b>Lecturer with Security of Employment</b>	<b>Senate Ladder-rank Faculty</b>	Open Search required or a qualifying waiver may be submitted.
<b>Senate Ladder-rank Faculty</b>	<b>Lecturer with Security of Employment Series</b>	Exempt from open recruitment and no waiver required provided that a national search was conducted for the initial appointment <sup>3</sup> .
<b>UC Staff Employee</b>	<b>UC Academic Employee (Any Series)</b>	Open Search required or a qualifying waiver may be submitted.
<b>Non-UC Employee</b>	<b>UC Academic Employee (Any Series)</b>	Open Search required or a qualifying waiver may be submitted.

<sup>2</sup> Or a search waiver was approved for a target of excellence, or spousal/partner hire, or PFPF hire.

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