

Title/Subject: **SEARCH WAIVERS**

Applies to: faculty staff students student employees visitors contractors

Effective Date of This Revision: April 27, 2020

Contact for More Information: Civil Rights and Institutional Equity, Faculty Personnel Services and Human Resources

Board Policy Administrative Policy Procedure Guideline

BACKGROUND:

Central Michigan University (CMU) values a diverse workforce. In accordance with state and federal law and the Equal Opportunity and Affirmative Action Protocol, CMU is committed to providing equal opportunity in employment through non-discriminatory open recruitment, equitable hiring practices, and affirmative action programs. Exceptions to the standard recruitment practices or policies may be made pursuant to this Search Waiver Policy, where such waiver of the standard recruitment process demonstrates a compelling and extraordinary need.

PURPOSE:

The purpose of this policy is to establish that there may be rare cases in which the university believes it is necessary to waive the standard search and selection process for benefit eligible positions and place an individual into a position without a search. In addition, this policy is to establish the search waiver process and outline a procedure that is designed to create uniformity in the search and selection process utilized by CMU.

DEFINITIONS:

Standard Search and Selection Process: A comprehensive search process conducted in good-faith as established by university policies that supports equal opportunity and affirmative action.

Senior Manager: All Senior Officers and Directors who report directly to a Vice President/Provost or the President.

POLICY:

Positions are to be filled by the standard pre-approval, search and selection process as established and defined by the university's equal opportunity and affirmative action policies and guidelines. Exceptions to CMU's standard hiring process described in these documents are allowed only in rare circumstances. Requirements for waiving a search are very stringent and must demonstrate a compelling and extraordinary reason to waive the search process and place someone into a position.

Collective bargaining staff positions must be advertised and recruited for as outlined in the applicable collective bargaining agreement.

Requests to waive the search process for Professional & Administrative (P&A) and Senior Officer (SO) positions must be submitted in writing to Human Resources (HR), Director/Employment and Compensation. Requests to waive the search

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process for Faculty positions must be submitted in writing to Faculty Personnel Services (FPS), Director/Faculty Employment and Compensation. Each applicable employment office will make a recommendation to the Executive Director/Civil Rights and Institutional Equity who has final authorization for all search waivers. For SO positions, the President must support the search waiver request prior to forwarding a recommendation to the Executive Director/Civil Rights and Institutional Equity.

In determining the appropriateness of a search waiver, factors that may be considered include, but are not limited to, emergencies requiring immediate hire, the unavailability of a reasonable number of qualified applicants as demonstrated by a prior standard search within the last year, the existence of highly specialized qualifications and requirements for a particular position, the advancement of institutional priorities, such as strategic opportunity hires, or other compelling business reason. Other compelling business reasons may include, supporting employees who request a transfer to a different location, moving an employee into a position with less responsibility, or returning an individual to the same position after separating employment with the University.

No verbal or written offer of employment shall be made to the desired individual until final approval is granted by the Executive Director/Civil Rights and Institutional Equity. Candidates hired through a search waiver are subject to CMU's policy on criminal history checks. University policies regarding employment and reference checks must continue to be followed, even in circumstances where search waivers are granted.

STRATEGIC OPPORTUNITY HIRES – FACULTY:

CMU requires a broad and diverse faculty to fulfill its mission. Such diversity includes all aspects of individuals and their backgrounds and achievements contributing to a dynamic and excellent academic and research environment. Examples of these individual aspects of diversity include personal experience, perspectives, disciplines, geographic background, childhood socio-economic context, disability, ethnicity, race, gender, employment or academic experiences, and other characteristics. Some aspects of diversity are well represented on campus while others have been elusive and require focused outreach, capacity-building and barrier removal efforts.

Strategic opportunity hire situations exist when an opportunity presents itself, outside of the standard search and selection process, to recruit and hire a person of such outstanding quality and potential that an appointment will bring CMU distinction in the areas of teaching, scholarship, and direct service to the University and community, including the mentoring and advising of a diverse student body and contributions of expertise to institutional DEI (diversity, inclusion, and equity) efforts. A strategic opportunity hire is initiated by a Dean working with a department or program in direct consultation with Faculty Personnel Services and the Office of Institutional Diversity, Equity, and Inclusion as a collaborative process.

In assessing the potential for a specific candidate, CMU will not consider the personal demographic characteristics of any individual candidate as such considerations are not legal, effective, or appropriate criteria for hiring decisions and do not, in themselves, advance the inclusive excellence CMU is seeking. Furthermore, the goal of addressing chronic under-representation in any field is not served by simply moving existing faculty members from one institution to another. Strategic opportunity hires are specifically meant to build capacity and expertise on campus and within departments for mentoring, recruiting, retaining, and supporting graduate, undergraduate, postdoctoral, and faculty members from under-represented backgrounds, and develop inclusive teaching and research practices that make substantive contributions to CMU's community of scholars while raising the University's profile for success with the communities providing the most current potential growth in enrollment.

Exceptions from full search procedures are permitted only with appropriate justification and when they are in the best interests of CMU as determined by the Office of the Provost and the hiring authority in consultation with Faculty Personnel Services, the Office of Institutional Diversity, Equity, and Inclusion, and the Office of Civil Rights and Institutional Equity.

For search waivers granted for a strategic opportunity hire candidate, the Office of the Provost will make funding available for up to two hires in any given academic year with the understanding that such lines will be funded by the Provost from central resources for a maximum of two years.

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SEARCH WAIVER PROCEDURE:

1. The hiring manager must complete the Search Waiver Request Form available from FPS or HR. The hiring manager must compare the duties and responsibilities of the position with the qualifications of the recommended candidate and provide the justification for the waiver request. In the event the request is for a strategic opportunity hire, the request must include justification consistent with the aims of such hire.
2. The hiring manager will submit the Search Waiver Request Form along with the job description of the vacant position and resume/vitae of the recommended individual to the Senior Manager for approval. If a job description is not available, a description of the duties must be submitted.
3. The Senior Manager will submit the approved Search Waiver Form and supporting documents to HR or FPS.
4. For Senior Officer positions, HR will then forward the request and supporting documents to the president for review. The request will be returned to HR; requests that are supported by the President will continue to be processed as outlined below.
5. Human Resources or FPS will include any additional information that may be relevant to the request and forward the form to the Executive Director/Civil Rights and Institutional Equity, along with the supporting documents, for final review and approval.
6. The Executive Director/Civil Rights and Institutional Equity will review the submitted information and communicate the final decision to HR or FPS.
7. Human Resources or FPS will communicate the final decision to the hiring manager/Senior Manager.

*Central Michigan University reserves the right to make exceptions, modify or eliminate this policy. This document supersedes all previous policies, procedures and directives relative to this subject.
Please refer questions or concerns to the Originating Department.*