

## **NAU Waiver of Recruitment Procedure For Faculty and Academic Professional Positions**

Northern Arizona University values a diverse workforce. In accordance with state and federal law and ABOR policy, NAU is committed to providing equal opportunity in employment through non-discriminatory open recruitment and hiring practices and affirmative action programs. Exceptions to open recruitment may be made pursuant to this Waiver of Recruitment Procedure when in the best interests of the university. The best interests of the university will be determined by the Office of Affirmative Action and Equal Opportunity and the hiring authority, in consultation with the Office of the Provost. In appropriate circumstances, the aforementioned administrators may delegate approval to a member of their staff.

The Office of Affirmative Action and Equal Opportunity will conduct periodic review of the procedure and the impact which waivers of recruitment have on employment demographics and will report the results to the president and the provost.

This process does not abrogate the responsibility of hiring committees/departments to comply with ABOR policy and appropriate personnel policies as defined in the NAU Personnel Policies and Procedures Manual and the Conditions of Faculty Service and the Conditions of Professional Service.

The following guidelines apply to this process:

- Positions are to be filled only by competitive recruitment unless a waiver of recruitment is requested and granted according to this procedure.
- Each waiver of recruitment request must be submitted on the approved form and must state (1) the reason and factual basis for waiving recruitment and (2) the qualifications of the desired candidate. A CV must be submitted with the waiver request for faculty and academic professionals.
- Only candidates meeting minimum qualifications will be approved for hire under a waiver of recruitment.
- In determining the appropriateness of the waiver request, factors considered include, but are not limited to, the hiring department's past practices with respect to competitive hires and waivers of recruitment, affirmative action obligations and the representation of minorities and women in the workforce and opportunities for internal promotions within NAU or the units.
- No verbal or written offers shall be made to the desired candidate until final approvals are granted.
- University policies regarding employment and background checks will be enforced.

Waivers of recruitment may address factors such as unanticipated time constraints, program continuity, the unavailability of a reasonable number of qualified applicants, or the existence of highly specialized qualifications and requirements for a particular position. The following are examples of situations where a waiver of recruitment might be appropriate. Other situations may also exist where it will be in the best interests of the university to waive recruitment.

- a. **Recently conducted search:** A second opening in the same job title with similar duties may be filled by selecting an applicant from a viable, diversified applicant pool available from a full search which was conducted and filled within a 120 day period. The waiver request must specify the demographic profile of the interview pool from the prior search and the qualifications of the desired candidate.
- b. **Health and safety/employee accommodation under the ADA:** Health and safety conditions are at risk. The request should state why full recruitment would endanger the health and/or safety of students, staff, faculty or patients. If an employee is placed in an open and vacant position as a result of an accommodation

request, a waiver is appropriate, but documentation for the reason for the waiver will be kept in a separate accommodation file and not with the employee's personnel file.

- c. **Business necessity:** Full recruitment will have a serious negative impact on the operational effectiveness of a department, or would seriously affect services to students. The request must specify the business necessity requiring the waiver.
- d. **Contractual obligation:** Full recruitment would violate a formal contractual obligation of the University.
- e. **Named in grant:** The candidate is specifically named in a grant. The face page and portion of the grant which names the individual must be included with the waiver request.
- f. **Partner Assistance Program:** Neither this process nor the Partner Assistance Program provides any expectation or guarantee of employment. However, should a department choose to make a position available to a qualified and eligible partner pursuant to the program, a Request for Waiver of Recruitment is necessary to complete the hire.
- g. **Faculty appointments:** Although a competitive process is the preferred hiring process for all positions, non-tenure-track faculty positions, such as one-year, temporary, visiting, research, clinical and practice positions may sometimes be filled by this waiver process, if in the best interests of the university. Non-tenure track faculty hired on a waiver of recruitment may not be reappointed unless special circumstances exist and prior approval has been obtained from the hiring authority and the Office of Affirmative Action and Equal Opportunity. Unique or self-supporting positions, which would not exist but for the unique qualifications or contributions of the individual, may be appropriate for waiver of recruitment. This typically results in the appointment as research faculty. Except in rare Partner Assistance Program situations, full recruitment will routinely be required for tenure-track faculty positions. Occasional exceptions may be made for a unique opportunity to fill an instructional need, correct an underutilization or retain a committed faculty member, such as one who has achieved a terminal degree. Tenure-track positions which are vacant because of an emergency situation, i.e., sickness, death, sudden resignation, will routinely be filled on a temporary basis by a waiver of recruitment, contingent on the unit starting full recruitment within a reasonable time, usually the next semester or academic-year. Appointment of part time, non-benefit eligible non-tenure track faculty is not covered by this policy. Pursuant to Section 1.3.2 of the Conditions of Faculty Service, those appointments are made by the hiring policy adopted by the academic department and approved by the provost.

# Request for Waiver of Recruitment

For Faculty and Academic Professionals

Questions? Call Affirmative Action at (928) 523-3312

Check One

Faculty

Academic Professional

Candidate Information	
Name:	EmplID/SSN:
Current NAU Employee: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Attach current CV for candidate.	

Position Information	
Job Title of position to waive:	
College/Department:	Area/Orgn(s):
Requested Salary: \$	Per:
Replacement Position: <input type="checkbox"/> Yes <input type="checkbox"/> No	For:
Grant Funded Position: <input type="checkbox"/> Yes <input type="checkbox"/> No	Distance Learning: <input type="checkbox"/> Yes <input type="checkbox"/> No
Status: <input type="checkbox"/> Full-time <input type="checkbox"/> Part-time <input type="checkbox"/> Fiscal Year	<input type="checkbox"/> Academic Year <input type="checkbox"/> Other
Position is Safety/Security Sensitive: <input type="checkbox"/> Yes <input type="checkbox"/> No (See NAU Policy #1.085)	
Appointment Period: From To	FTE:

Requestor Information			
Requestor:	Date of Request:	Title:	Phone:

Reason for Requesting Waiver of Recruitment
State reason for requesting waiver and qualifications of candidate being considered and how they compare to the required qualifications for the position.

**The following steps must be followed to apply for a waiver of recruitment:**

1. Complete the Request for Waiver of Recruitment form.
2. Generate a draft letter of offer for review by the vice provost for academic personnel and attach the draft to the waiver request. If the position is grant funded the letter should state that the position is subject to availability of funds.
3. Submit the Request for Waiver of Recruitment form, the CV and draft letter of offer to the appropriate department head/director/chair followed by the dean, as appropriate for approval.

4. After approval at the department and college level, send the request and attachments to the vice provost for academic personnel for review and approval. The vice provost will send the forms to affirmative action for review and approval.
5. Upon approval, affirmative action will return the original forms to the hiring department. (If the position is distance learning and/or grant funded, affirmative action will forward the request and attachments to distance learning and/or sponsored projects as appropriate, which will then return the original documents to the hiring department.)
6. The hiring department generates the letter of offer for the candidate's signature.
7. The hiring department prepares the Form D and attaches a copy of the signed letter of offer, the transcripts or request for transcripts, a copy of the request for a background check, and a copy of the approved waiver of recruitment request and sends the forms to the dean who approves the Form D and forwards the packet to affirmative action which will forward the forms to the provost's office. If the position is distance learning and/or grant funded, affirmative action will forward the Form D and attachments to distance learning and/or sponsored projects as appropriate, which will then forward the forms to the provost's office.

<b>Signatures must be obtained in the order designated on this form.</b>			
Dept Chair/Director for approval:			Date:
Dean for approval:			Date:
Vice-Provost for Academic Personnel for approval:			Date:
Affirmative Action for approval:			Date:
As needed:	Distance Learning for approval:		Date:
	Sponsored Projects for approval:		Date:
For questions, call AA/EO at (928) 523-3312			
Position Budgeted Amount: \$		Position Number:	

**\*\*Reminder\*\***

- Candidates hired through waiver of recruitment process are subject to NAU's policy on background investigations. Prior to the hiring of a faculty, academic professional or staff member utilizing the waiver of recruitment process, the originating department must comply with the obligation to conduct the appropriate reference checking and background investigations (which may include fingerprinting for safety/security positions). Refer to the HR website for department obligations in following the requirement and procedures: <http://hr.nau.edu/m/content/view/128/138/>