

## **Search Waiver and Recruitment Guidelines**

Each year, departments, deans, and Academic Senate committees put an extraordinary amount of work into our recruitment planning and appointment process. Yet following this careful and difficult process of balancing compelling yet competing priorities, there sometimes are needs or opportunities that require departures from the recruitment planning cycle and/or requests for exceptions to University and campus open recruitment policies.

Departments and deans should be conservative in requesting and endorsing Search Waivers. Best practices and federal law presume that faculty appointments will follow competitive, national searches with diverse pools of outstanding candidates. In making requests, departments and deans should explain how the proposed appointment would be consistent with the departmental, divisional, or college priorities and FTE plans, and why it is not possible to consider the candidate as an applicant in an open search after obtaining permission to conduct a recruitment in normal academic planning cycles.

Deans should endorse departmental requests only if they consider them to be among the highest priorities of their division, college, or school, and if they would rank them in the top tier of requests in their next FTE Plan. Each new FTE Plan should include an accounting of any Search Waiver authorizations received since the most recent FTE Plan and recruitment authorizations. Because the number of Academic Senate faculty recruitments is limited, the number of appointments made through Search Waivers will impact the number of recruitments authorized in the cyclical planning process. Deans must identify an FTE from their inventory to be used for the appointment, and comment on any relevant resource considerations (such as the effect on the instructional budget, the availability of future FTE, and the relevance of recent or expected retirements or separations).

These guidelines summarize procedures, protocols, and criteria for Search Waivers and related recruitment requests. Consistency with the criteria outlined in Red Binder VII-1-III-B is a minimum condition for receiving a Search Waiver but does not guarantee that a Waiver will be granted. The following are the most common categories of Search Waiver requests. Chairs should consult with their deans and Academic Personnel throughout the recruitment process.<sup>1</sup>

### **Exceptional Opportunity Hires**

Departments sometimes have an unexpected opportunity outside of an open recruitment to hire an individual with outstanding qualifications whose appointment will significantly benefit the campus. Merely identifying an outstanding faculty member at another institution is not in itself a justification to request a “unique opportunity” Search Waiver. There are outstanding faculty all over the world who would be interested in an offer from UC Santa Barbara.

- The department and the dean must provide a compelling reason to forgo a national search.
- There should be evidence that the candidate would be among the top candidates if a national search were conducted, and would be sought after by peer institutions.
- If a relevant authorized position is available to the department, there is a presumption that it should be utilized.
- If there is not an authorized position that can be utilized for the appointment, the department and the dean must provide a compelling reason why they should bypass the cyclical FTE request and planning process.

The Executive Vice Chancellor will request:

- the Director of Equal Opportunity to provide relevant information in the context of the Campus Affirmative Action Plan and placement goals;
- the Committee on Academic Personnel to provide a preliminary assessment of the candidate's qualifications for the proposed appointment; and
- the Committee on Budget and Planning to comment on planning considerations and Search Waiver criteria relevant to the request.

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<sup>1</sup> These Guidelines summarize and update guidelines provided in the EVC's memo to Deans, CPB, and CAP on Exceptions to Open Recruitment dated September 3, 2015.

After consultation with these reviewing agencies and the Associate Vice Chancellor for Academic Personnel, the Executive Vice Chancellor will make a final decision.

Exceptional Opportunity appointments typically are at the Full Professor level, but under special circumstances, they may be at a lower rank. Justifications may include such factors as an opportunity to advance our commitment to diversity and excellence (for example, through the President's Postdoctoral Fellow Faculty Recruitment Program) or an opportunity to recruit a younger faculty member with an outstanding record on the verge of greater recognition.

### **Partner Hires**

It occasionally is appropriate to waive search requirements when a faculty appointment for a spouse or domestic partner is required in order to recruit or retain a faculty member. Partner hires are not automatic; they should be reserved for high-priority recruitment or retention cases in which the partner has a comparable faculty position or an offer of a comparable faculty position at a peer institution, and a second position for the partner is required to make a competitive offer or a counter-offer in the context of a retention case.

- The record and credentials of the partner should provide evidence that he or she is likely to have been among the top candidates if an open search for a professor at a comparable rank had been conducted in his or her field.
- Although sometimes the benefits to the campus and department will justify an excellent partner hire even if the partner does not match a top FTE priority previously identified by the department, the department and dean should explain how the appointment would fit in the context of the priorities, curricular needs, and/or research strengths identified in departmental, divisional, or college FTE plans.
- The dean responsible for the primary appointment must identify an FTE from his or her inventory to be used for the appointment, unless another arrangement is negotiated.

The Executive Vice Chancellor will consult with the Director of Equal Opportunity, the Committee on Academic Personnel, and the Committee on Budget and Planning, as with a request for an Exceptional Opportunity Search Waiver. After consultation with these reviewing agencies and the Associate Vice Chancellor for Academic Personnel, the Executive Vice Chancellor will make a final decision.

### **Multiple Offers in an Authorized Recruitment**

Sometimes a department can present a compelling argument to make two offers in an authorized search. Deans should maintain a high bar for endorsing departmental requests to make a second offer. Having more than one excellent finalist on a short list should be expected in every search and is not in itself a reason to make two offers. Departments should never request permission to make a second offer because of a split vote or a difficult choice.

When there is an exceptionally strong short list of finalists, the field is very competitive, the candidate's subfields are complementary rather than duplicative, and both appointments would address additional research and teaching needs that have been previously recognized in the academic planning process, the department and dean may request permission to make two offers and (possibly) two appointments. The request needs to be sufficiently compelling to justify a departure from the normal FTE planning cycle.

In cases in which a department seeks to make more than one offer in a search for which only one FTE has been authorized, there are two possible scenarios:

- If the dean proposes to use an FTE from his or her FTE inventory that has not been authorized for a search, the EVC will consult with the Council on Planning and Budget, which will be asked to comment on planning and budget considerations, as well as the consistency of the proposed appointment with previous FTE plans and priorities.
- If the dean plans to utilize an open-field FTE or an FTE in a related field that already has been authorized for a future search in the course of normal academic planning, the dean may ask the EVC for permission to utilize

this pre-authorized FTE for the purpose of making the additional offer. Since the second offer and appointment would take place in the context of an open recruitment and utilize an FTE already authorized following Academic Senate consultation, the request will not require a Search Waiver.

In rare cases in which departments are searching in highly-competitive fields, and multiple FTE are available from past authorized recruitments or future authorized recruitments, the dean may seek advance permission from the EVC to deploy the available FTE to achieve maximum flexibility in advertising positions and extending multiple offers.

### **President's Postdoctoral Fellow Recruitment Program**

UC Santa Barbara has a strong record of utilizing the President's Postdoctoral Fellow Recruitment Program to enhance diversity and excellence. Fellows who have been appointed in this program have been selected in a highly-competitive national competition and have launched their research projects mentored by University of California faculty. Resources for the FTE utilized for the faculty appointment of a former President's Postdoctoral Fellow are provided to the campus by the UC Office of the President for a period of five years, after which the dean must provide an FTE from his or her inventory. Appointments can be made in two ways:

- If a President's Postdoctoral Fellow is a candidate in an authorized recruitment and is selected and appointed, a supplemental FTE will be available to the dean for a period of five years.
- If a President's Postdoctoral Fellow is a candidate in an authorized recruitment and the department seeks to make two offers, the procedures governing requests to make second offers would apply.
- If a department does not have an authorized recruitment in which to appoint a President's Postdoctoral Fellow, it can request a Search Waiver in the Exceptional Opportunity category.

Additional information about eligibility, policies, and procedures can be found in the annual memo distributed by the EVC to deans describing this program. As with any appointment, deans should consider priorities, curricular needs, and/or research strengths identified in departmental, divisional, or college FTE plans. Deans should seek a balance of such appointments across their departments rather than clustering them disproportionately in one or two departments.

### **Appointments in Searches with Specified Ranks**

Candidates who are at a higher rank than the rank advertised in a search at the time that they apply should not be included on departmental interview, campus visit, or short lists (and should not be approved by the dean) unless they have agreed in advance to accept an appointment at the advertised rank.

An exception may be requested if an appointment at a higher rank is justified by the need to make a competitive recruitment offer because:

- a candidate in an approved search receives tenure and/or a promotion at a peer institution while the search is in progress; or
- another peer institution is simultaneously attempting to recruit the candidate and offers tenure or a higher rank.
- A compelling argument needs to be made that an appointment at an overlapping step (such as Assistant Professor V or Associate Professor IV) will not suffice to make a competitive offer.

When there is evidence of a competing offer at a high rank, the department and dean may request permission to extend an offer at the higher rank. It is not enough to state that the candidate will not accept an appointment to the position for which he or she applied without tenure or a higher rank. This request may be approved by the Executive Vice Chancellor in consultation with the Associate Vice Chancellor for Academic Personnel. The department must obtain appropriate letters from external referees before submitting the appointment case to the Committee on Academic Personnel.