DATE: August 29, 2022

TO: Dr. James T. Minor, SIUE Chancellor

FROM: Phylecia Reed Cole, Senior System Counsel

SUBJECT: Revised SIUE Search Waiver Policy

Per your request, attached is the revised SIUE Search Waiver Policy, for your final review and approval. The final policy revisions were made in late June 2022, and it is my understanding that his draft was previously shared with the Chancellor’s Council and others earlier this summer.

The revised policy stresses the University’s commitment to an open, inclusive and competitive process to fill vacant positions, and limits the circumstances for which a search waiver may be allowed or appropriate.

It is also my understanding that following approval of this revised policy, the policy will be housed within the Office of Human Resources HR Policies.

Please let me know if you have any concerns regarding the proposed revisions, or if any further information is needed.

Thank You.

SIUE Chancellor Approved ___________________________ Date Aug 29, 2022

Interoffice Communication

Office of the General Counsel
Rendleman Hall, Room 3311, Edwardsville, Illinois 62026-1019, 618/650-2514, Fax: 618/650-2270
SIUE Search Waiver Policy

Restatement of Commitment

Southern Illinois University Edwardsville (SIUE) is firmly committed to equal opportunity, affirmative action, and the diversity and inclusivity of its workforce. This commitment is reflected in the University’s mission, vision and values. As an equal opportunity employer, SIUE does not discriminate against persons or groups of persons based on race, color, national origin, ancestry, religion, sex, sexual orientation or gender identity, age, disability, marital status, military or veteran status. This commitment applies to all employment decisions, including recruiting, hiring, and promotions.

The search procedures established by the University have been developed to ensure an open, inclusive and competitive process to fill vacant positions. Thus, every effort should be made to advertise, and conduct search processes for vacant University positions. Additionally, promotional opportunities should typically be filled through a competitive process. Filling vacancies through fair and competitive search processes ensures that the University maintains compliance with Federal and State affirmative action requirements, in addition to offering assurance that units are hiring the candidate best suited to advance the University’s mission. However, in some limited circumstances, an appointment or promotion may be made without conducting standard search procedures.

Search Waiver Procedures

Any deviation from established search processes requires approval by the appropriate Vice Chancellor or the Chancellor (for positions not reporting up to a vice chancellor), as well as the Director of Human Resources, and the Office of Equal Opportunity, Access & Title IX Coordination (EOA). When possible, candidates hired or promoted through the search waiver process should still be selected from a group (i.e. more than one person) of qualified individuals. The group may include persons internal and external to the University. If an existing group of qualified applicants does not already exist, a hiring unit may develop an appropriate group through consultation with appropriate internal and external stakeholders, word of mouth, email correspondence, or other means appropriate to identify potential candidates. This process may be expedited to accommodate time-sensitive hires.

To make a request for a search waiver, the hiring unit should submit a request for the position and the waiver, via the University’s electronic position management/hiring platform. The request must include appropriate justification and documentation to support the request. At a minimum, all requests must include:

a. For A/P positions, a copy of the position description (PDQ) approved by the Office of Human Resources for the position to be filled;
b. For faculty positions, a summary of the required duties of the position;
c. The resume or curriculum vitae of the individual that the unit seeks to hire or promote;
d. A statement of the individual’s qualifications for the position, based upon the position description
or institutional need;
e. An explanation of why a search to fill the position is not feasible; and
f. An explanation of how the unit identified the individual it is seeking to hire, including any efforts
made to identify individuals from underrepresented groups qualified for the position, and a list of
the other individuals considered for the position.

A hiring unit may not extend a formal or informal offer (written or verbal) until a search waiver request is
approved by the appropriate Vice Chancellor or the Chancellor, the HR Director and the EOA Office.

Examples of circumstances for which a search waiver request may be appropriate include:

1. In situations where the needs, health, safety or welfare of students require an immediate hire.
   Examples of such needs include but are not limited to: immediate departmental/unit teaching
   needs or immediate coaching needs in Athletics, that cannot be addressed through the normal
   search process, due to sudden resignation, sickness, death, etc.;
2. In situations where a department wishes to secure a time-limited/visiting faculty member with
   substantial professional distinction;
3. In situations where a grant, contract, or other agreement specifies the employee to be hired for
   the position;
4. In situations where a person may be appointed temporarily, to fill a position while a search is
   being conducted (i.e. an interim or acting appointment);
5. When promoting qualified, internal staff members, where the department/unit has considered all
   qualified internal candidates for a promotional opportunity; or
6. To facilitate an approved spousal/partner hire, where the primary spouse/partner has been hired
   through an established search process.

Except for promotional purposes, situations where a grant, contract or other agreement specifies the
employee to be hired, or approved spousal/partner hires, appointments established by the use of a
search waiver shall have a term of a maximum of one year. A search waiver appointment for a longer
period of time may be approved under exceptional circumstances. Under certain circumstances, a
department or unit may identify a candidate whose special qualifications will enhance the unit in such a
way that a search waiver for a multi-year or continuing appointment may be granted. In such cases, the
hiring unit must submit a request to hire the individual on a multi-year or continuing appointment and
provide sufficient written rationale for granting such a waiver, including but not limited to, why a search
is unlikely to result in identifying a better or more qualified candidate for the position. The appropriate
Vice Chancellor or Chancellor (for positions not reporting up to a vice chancellor), the HR Director and
the EOA Office must approve such a request, prior to any offer of employment to the candidate.

Effective ____________, Approved by Chancellor