Request for Search Waiver Criteria & Process

Restatement of Commitment

Southern Illinois University Edwardsville is firmly committed to Equal Employment Opportunity (EEO) and to compliance with all Federal, State and local laws that prohibit employment discrimination on the basis of age, race, color, gender, national origin, religion, disability, protected veteran status and other protected classifications. This policy applies to all employment decisions, particularly as it relates to recruiting, hiring, and promotions. As a government contractor, Southern Illinois University Edwardsville is also committed to taking affirmative action to hire and advance minorities and women as well as qualified individuals with disabilities and covered veterans.

Every effort should be made to advertise, post, and evaluate applicants for vacant positions. Additionally, promotional opportunities should generally be filled through a competitive process. Search procedures have been developed in order to ensure an open and competitive process to fill vacant positions. Filling vacancies through the search process assures that the University maintains compliance with Federal and state affirmative action legislation in addition to offering assurance that units are hiring the most qualified candidates. However, in rare instances, a limited number of appointments and some promotions may be made without going through standard search procedures.

Appointments Eligible for a Search Waiver

These positions are eligible for search waiver requests due to (a) the existence of University policy guidelines governing the appointment or search process; (b) urgent departmental/unit teaching needs that cannot be addressed through the normal search process (i.e., increased class enrollment at the beginning of a semester requiring an immediate teaching appointment); or (c) the unique talents and skills required for the position. Any request for a search waiver should include documentation of how the individual for whom the waiver is sought was identified.

Note: The eligibility of a position for a search waiver does not exempt a position from affirmative action requirements and equal employment opportunity regulations, including documenting good faith efforts to achieve diversity and ensuring non-discrimination.

A. Appointments eligible for Search Waivers based on University policy guidelines

1. Senior Faculty Administrative Positions with the following title:
   Department Head/Chair or Program Director
2. Research Associate position under the following condition:
In furtherance of the professional career development of postdoctoral associates and in
support of the campus’ research mission, search waivers may be requested for a Postdoctoral
Research Associate to change their title to Research Associate

B. Appointments Eligible for a Search Waiver based on urgent departmental/unit needs that
cannot be addressed through the normal search process (i.e., increased class enrollment at the
beginning of a semester requiring an immediate teaching appointment).
Note: These positions should generally be filled through an open and competitive process.
When, however, urgent and unforeseen circumstances arise requiring the immediate filling of a
vacancy to further the campus’ mission and objectives, a waiver may be requested. The waiver
should generally be for a limited time (i.e., one semester) to address the immediate need. If
the need is expected to persist, then a competitive search shall be conducted going forward.

C. Appointments Eligible for a Search Waiver based on the unique talents, skills, and experience
required for the position

1. Senior Faculty Administrative Positions with the following titles:
Associate Dean and Assistant Dean
Note: For senior faculty administrative positions, good faith efforts must include notifying all
tenured faculty of the position opening and encouraging those interested to contact the
appropriate individual. If there is an Affirmative Action goal for the position’s job group, a
comprehensive review of their current employment workforce to ensure fairness and equity in
promotion opportunities, particularly with respect to traditionally underrepresented groups,
will be conducted. If the waiver results in the creation of any vacancy, the vacancy created
requires a full search.

2. Promotion
Promotion is any advancement in rank and/or salary. Faculty promotions along both tenurable
and clinical nontenurable tracks are considered non-competitive, insofar as they are not subject
to a competitive external search process but are granted pursuant to the applicable Promotion
and Tenure Guidelines. Therefore these faculty promotions do not require a search.

Promotions of administrative staff are normally competitive, that is, they require a search. An
administrative staff position has been exempted from the State Universities Civil Service
System. When an administrative staff position is redefined at a higher level with similar duties
and responsibilities, and when the incumbent is well qualified for the higher position, the
incumbent (provided he or she was initially hired through an approved search) may be put in
the position without conducting a search. Any vacancy created as a result of the promotion will require a full search. It is assumed that there are no other internal candidates qualified for the position. In situations where there may be more than one person whose duties could be expanded and who possesses comparable skill levels, the hiring unit is required to go through a competitive selection process within the unit or University. If the promotion results in the creation of any vacancy, the vacancy created requires a full search.

3. Reorganization
Other requests to the Office of Equal Opportunity, Access and Title IX Coordination (EOA) to waive search procedures can be based upon administrative reorganization. When a unit undergoes reorganization, the filling of positions will be as outlined below:

If during the reorganization a new position is created which is clearly the outgrowth of an existing position in a similar line of work, a qualified incumbent (provided he or she was initially hired through approved search procedures) may be reclassified to the equivalent or higher level position without fulfilling search requirements. It is assumed that no vacancy will result in movement of the employee to the position and that there are no other incumbents qualified for the reclassified position.

4. Reassignment/Transfer
Reassignment of a qualified staff member (provided he or she was initially hired through approved search procedures) to another position at the same level and comparable rate of pay within the University may be requested.

5. Internal Search
A number of requests to waive search procedures have been transformed into requests for searches limited to the University. These are cases where essential job duties and responsibilities entail knowledge gained from SIUE employment. A Position Notice should be submitted to EOA along with the justification for a competitive internal search. The process should continue as usual minus the need to conduct external recruiting.

6. Other special circumstances justifying a waiver of posting
Waivers are usually allowed under a few concretely defined circumstances:
Examples are:

- An individual named in an externally funded grant award by a member of the SIUE faculty or staff,
- A faculty member changing from a tenurable to a nontenurable position,
- A faculty member changing from a nontenurable to a tenurable position as per applicable School/College guidelines,
- Groups of employees who join the campus work force by institutional decision, e.g., a previous state program becomes a SIUE program, and

**Search Waiver Procedures**

To obtain a waiver, a Request for Waiver of Search Process form must first be approved by the appropriate Vice-Chancellor and then submitted to EOA along with the following supporting documentation:
- CV or Resume
- Reason for Request/Justification
- Job Description

EOA will review waivers on a case-by-case basis and will consider several factors (as appropriate) to review requests:

a) Whether an internal search within the unit may be appropriate to allow other potentially interested and qualified individuals to apply, particularly if there are other employees within the department/unit with similar titles, qualifications, and/or job titles
b) Whether the proposed change is consistent with the principles of affirmative action, equal employment opportunity, and diversity
c) Whether there is an Affirmative Action goal for the position’s job group, whether the unit has undertaken a comprehensive review of their current employment workforce to ensure fairness and equity in promotion opportunities, particularly with respect to traditionally underrepresented groups
d) Whether the change will create the opportunity for a vacancy to be filled through a competitive search

Note: Requests for appointment changes and search waivers must be accompanied by appropriate justification and documentation. The requests should include the resume/vita of the individual; a discussion of the individual’s qualifications for the position; and an explanation of the justification for the non-competitive process. The request should indicate how the individual was identified and should indicate efforts undertaken to identify underrepresented individuals, particularly if the position is part of the campus’ affirmative action plan. If the request is based upon reorganization, the existing organizational chart and proposed organizational chart should be submitted. Neither an informal verbal offer nor a formal written offer can be extended until the search waiver is approved by EOA.
Appointments That Are Exempt From Mandatory Search Requirements

Certain positions are not required to conduct a competitive search in accordance with regular search process. This exemption, however, does not preclude departments from filling vacant positions through an open and competitive search and in accordance with EEO principles. The following are positions that are exempt from the mandatory search process:

- Non-Tenure Track faculty positions (less than a 50% appointment and/or less than a 9-month term contract) However, Affirmative Action Recruitment Forms must be completed and submitted to EOA.
- Visiting Scholars that are limited to a specific term
- Faculty positions with “Emeritus” in the title
- Vacated administrative positions to be filled on a temporary basis with “Acting” or “Interim” in the title
- Interns
- Teaching and Graduate Assistants
- Extra-help
- Student Workers