

Search Waiver Guidelines for Academic Appointees University of California, Berkeley

A diverse academic employee workforce supports our academic mission of excellence in teaching, research, and service, and reflects our commitment to equal opportunity and nondiscrimination. Moreover, as a federal contractor, UC Berkeley is required to provide equal employment opportunity and to identify and address underutilization of protected classes, including women, underrepresented minorities, individuals with disabilities, and protected veterans in academic job groups. By conducting open searches to fill the majority of new or vacant academic positions, the University fulfills federal and state requirements, and simultaneously maintains its standing as a public university dedicated to serving the needs of an increasingly diverse state.

In rare circumstances, and on a case-by-case basis, the requirement of conducting an open search prior to review for appointment may be waived. At a minimum, individuals under consideration for appointment without conducting an open search must meet the high expectations for employment at UC Berkeley. In addition, contributions in all areas of achievement that promote equal opportunity and diversity are included as part of the consideration for approving a search waiver.

The Office for Faculty Equity and Welfare is charged with review of search waiver requests. The guidelines provided below are the basis for a decision to approve or decline a request. When submitting a search waiver request, it is important to provide a concise explanation with evidence that one of the search waiver categories applies for the proposed appointment.

Waivers should be made for the minimum duration of time required; they cannot be extended nor repeated, unless specifically noted below. In limited situations as specified below, waivers of indefinite duration may be approved for a particular appointee while s/he holds a specific position.

Search Waiver Categories

Senate Faculty

Target of Excellence: A search waiver may be considered for cases where there is an unusual opportunity to hire an individual whose distinctive qualifications and extraordinary promise or accomplishments will contribute significantly to the excellence of the academic mission of the University. Three criteria must be met:

- 1) The individual would be on the short list of top candidates if an open search was conducted
- 2) The individual is on the market for a very limited time period
- 3) The individual fits into one of three categories:
 - an internationally recognized leader in a particular field (e.g., a Nobel Laureate or a Pulitzer Prize winner)

- an associate professor who is leading a new field of inquiry
- an exceptional scholar who provides a rare opportunity to diversify the research portfolio of a unit or make other contributions to diversity and equal opportunity in the unit

The request for granting a waiver must show how the three criteria are met, and include why it is not possible to conduct an open search in which the individual would be an applicant. This search waiver is of indefinite duration.

Spousal/ Partner Hire: The University of California recognizes that addressing the needs of dual career couples is an essential part of recruiting and retaining the highest quality faculty. A search waiver may be considered if the successful recruitment or retention of a senate faculty member is ultimately dependent on an academic appointment for his or her spouse/partner. A spouse/partner hire into a campus appointment is not an entitlement. Every spouse/partner hire must meet the qualifications and standard of excellence for the appropriate appointment. A spouse/partner hire is contingent on ultimate employment or retention of the associated individual. This search waiver is of indefinite duration.

President's and Chancellors' Postdoctoral Fellowship Recipients: A search waiver may be considered if the candidate is a current or former recipient of a UC President's or Chancellor's Postdoctoral Fellowship. These UC postdoctoral fellowship programs support outstanding scholars in all fields whose research, teaching, and service will contribute to diversity and equal opportunity at UC. A list of current and former fellows is available at <http://ppfp.ucop.edu/info/fellowship-recipients/index.html>. This search waiver is of indefinite duration.

Non-Senate Faculty and Other Academics

Emergency Hire: There is an *urgent and unanticipated* need to fill a position, there is not enough time to conduct a search, and the candidate has the expertise and is available to begin immediately. Emergency search waivers are made for a limited period of time, not to exceed one year. If the position is to be filled beyond the duration of the waiver, an open search must be conducted.

Urgent Patient Care Need: The appointment would alleviate a critical, unforeseen, and ongoing need in a specific area of patient care. An approved search waiver for urgent patient care need can be of indefinite duration.

Spousal/ Partner Hire: The successful recruitment or retention of a senate faculty member or an individual in a senior leadership position (e.g., senior management group (SMG) member) is ultimately dependent on an academic appointment for his or her spouse/partner. A spouse/partner hire into a campus appointment is not an entitlement. Every spouse/partner hire must meet the qualifications and standard of excellence for the appropriate appointment. A spouse/partner hire is contingent on ultimate employment or retention of the associated individual. A spousal/partner search waiver can be

of indefinite duration.

Continuation of Training: The candidate is a trainee of the campus (e.g., undergraduate or graduate student, postdoctoral scholar, fellow) who remains for a short period of time to complete a research project begun while in student or trainee status, or for a trainee who is hired by the campus to complete a clinical training program. Continuation of training search waivers are made for a limited period of time, not to exceed 18 months. A **pre-training waiver** may also be requested for a candidate who has accepted admission to a graduate program and seeks to receive training prior to fall enrollment. In these cases a candidate can be hired into an appropriate academic title (typically the Junior Specialist title) as early as June 1st of the enrollment academic year.

Page | 3

PI/Co-PI/Leadership Status: The candidate will be paid 50% time or more of his or her total effort from extramural funds awarded to the candidate and for which the candidate is named as PI/Co-PI or holds an equivalent leadership role on the extramural funds. A search waiver based on PI/Co-PI/leadership status may be granted for the duration of funding; however, appointments can be made for a shorter period of time. Waivers remain in effect as long as funding continues; this may encompass multiple awards.

This search waiver category is also appropriate for appointees in the Adjunct Professor series who are not currently drawing salary from their extramural funds but may receive pay at a later date, if assigned university teaching.

Research Team: A candidate is part of the existing research team of a **new faculty member**. A search waiver may be granted, but the waiver is only valid for an individual team member as long as s/he remains with the same research team and in the same series.

Multiple Affiliated Employers: Appointees whose position is dependent on two employers: a primary employer that is **formally** affiliated with UC and the UC campus. If an open search equivalent to a UC-search is conducted by the affiliate, the appointee may be granted a search waiver for the UC position. Campuses should establish a list of qualifying affiliates.

Exemptions from Searches and Search Waivers

Certain categories of positions are exempt from open recruitment. They do not require search waivers; however, all other policies associated with a specific academic title apply to such exempt positions. An exemption is continuous in duration until one or more qualifying conditions are changed.

Page | 4

Non-Salaried (0% time) and Without Salary (WOS) Appointments: This exemption applies to appointees who are unpaid employees. The appointees in this category may have a UC Berkeley employee ID number but will not receive salary from the University. If an appointee is to receive salary from Berkeley subsequent to the initial non-salaried or without salary appointment, an open search or an approved search waiver is required.

Non-salaried (0% time) and without salary (WOS) titles covered by this exemption include:

- Volunteer Clinical Faculty
- WOS non-senate faculty (e.g., HS Clinical, Adjunct) who do not receive pay from an institution affiliated with UC (See 'Multiple Affiliated Employers' above), excluding IX Unit titles.
- WOS non-faculty academics (e.g., Professional Research Series)
- Research Associate (WOS)
- Clinical Associate (WOS)
- Research Fellow (WOS)
- Visiting Titles (WOS)
- Emeritus – including academic appointees who are conferred emeritus status as the result of an academic review (*Do not enter these titles into AP Recruit*)

True Visitor: A visiting appointee, such as a visiting professor, who is a "true visitor," (i.e., is on leave from an academic or research position at another educational institution, research institution, or industry) and is visiting the campus for research activity and/or to teach a course in his/her area of expertise when appointed to a visiting faculty position is exempt from open search requirements.

Recall Appointments for Retired Academics: The University of California may recall to active service, for a part-time term appointment, academic appointees who have retired from the University. This exemption acknowledges that these appointees would have previously undergone a search or been approved on a search waiver for their pre-retirement appointment.

Concurrent WOS Appointment: A concurrent without salary academic appointment may be made for an appointee who is employed by the University in a staff, senior management group (SMG), or non-faculty academic title and who is asked to participate in **occasional** teaching activities that are

directly related to the individual's research or primary job. This exemption acknowledges that the primary paid appointment must have met the requirements for a search or search waiver under the appropriate personnel policy.

Faculty Administrator Titles at Less Than 100% and Interim / Acting Positions: A faculty member who is appointed to assume administrative responsibility in addition to, or in partial replacement of, his or her faculty responsibilities is considered a Faculty Administrator. Faculty Administrators are normally compensated with stipends and/or additional summer compensation, when appropriate. This exemption acknowledges that the underlying faculty appointment required an open search or approved search waiver and that the administrative responsibilities do not constitute a new position.

Page | 5

Lecturer in Summer Session: Faculty holding appointments in the associated department during the previous or following academic year and campus graduate students are exempt from recruitment requirements for assignment to Summer Session instruction. ***Individuals who do not hold a faculty appointment or graduate student status are subject to open search or waiver requirements.***

Internal Hires (Change in Series): Note that this exemption does not preclude an open search for appointment to any academic series when required by University or campus policy. Rather, it acknowledges that an exemption may be applied when the change in series is intended to recognize growth and development in professional skills, knowledge, and responsibility of the appointee. All initial appointments in the senate series require an open search or a search waiver per the criteria above.

| From | To | Exemption Allowed? |
|---|---|--------------------|
| Senate Faculty e.g., Ladder, In Residence, Clinical X <i>(For Lecturers with Security of Employment, see below.)</i> | Non-Senate Faculty e.g., Adjunct, Health Sciences Clinical or Non-Faculty academic e.g., Specialist, Professional Research Series, Project Scientists, Academic Coordinators | Yes |

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| Senate Faculty e.g., Ladder, In Residence, Clinical X <i>(For Lecturers with Security of Employment, see below.)</i> | Senate Faculty e.g., Ladder, In Residence, Clinical X <i>(For Lecturers with Security of Employment, see below.)</i> | No – open search or approved search waiver required |
| Non-Senate Faculty e.g., Adjunct, Health Sciences Clinical | Senate Faculty e.g., Ladder, In Residence, Clinical X <i>(For Lecturers with Security of</i> | No – open search or approved search waiver required |
| Non-Senate Faculty e.g., Adjunct, Health Sciences Clinical | Non-Senate Faculty e.g., Adjunct, Health Sciences Clinical | Yes, excluding IX Unit titles. See “PI/Co-PI/Leadership Status” criterion for a special circumstance |
| Non-Faculty academic e.g., Specialist, Professional Research Series, Project Scientists, Academic Coordinators | Non-Faculty academic e.g., Specialist, Professional Research Series, Project Scientists, Academic Coordinators | Yes – if appointment is within the same unit/lab or equivalent |
| Non-Faculty academic e.g., Specialist, Professional Research Series, Project Scientists, Academic Coordinators | Faculty (any series) <i>(For Lecturers with Security of Employment, see below.)</i> | No – open search or approved search waiver required |
| Lecturer with Security of Employment series | Senate Ladder-rank Faculty | No – open search or approved search waiver required |
| Senate Ladder-rank Faculty | Lecturer with Security of Employment series | Yes – provided that a national search was conducted for the initial senate series |
| Equivalent titles - APM 115 (e.g., Astronomer Series, Agronomist Series) with no underlying Senate Ladder-rank Faculty title | Senate Ladder-rank Faculty | No – open search or approved search waiver required |