

Issued: 05/18/2021

Responsible Official: Sr Coord Equity Program OIE

Responsible Office: Office for Institutional Equity

Purpose

The University of Memphis values a diverse workforce and is committed to providing equal opportunity in employment through non-discriminatory recruiting and hiring practices and affirmative action programs. As an employer and federal contractor, the University of Memphis is required to identify and address underutilization of protected classes, including women, underrepresented minorities, individuals with disabilities and protected veterans in our job groups. Conducting searches for academic and staff positions is consistent with both the University's values as well as federal and state law. However, in certain circumstances, a waiver of search may be requested and approved by the Office for Institutional Equity (OIE).

The following circumstances outline when a search is not required and when a search may be waived. Unless otherwise omitted, searches may be internal or external and should comply with University policies [AA3013 Recruitment, Application and Selection of Faculty](#) and [HR5000 Recruitment for Staff Positions](#).

Any hiring action meeting the criteria below must be submitted to OIE for approval.

Scope

These search waiver procedures apply to all faculty and staff positions unless specifically omitted below.

Policy

Search Encouraged But Not Required:

In the following circumstances, a search in accordance with University policy [AA3013 Recruitment, Application, and Selection of Faculty and](#)

HR5000 Recruitment for Staff Positions, while encouraged, is not required:

- a. Appointments of six (6) months or less and the appointment is non-renewable
- b. An interim or acting appointment, such as to address an unanticipated departure. A search process for the permanent appointment must be undertaken within one (1) year from the date of the interim or acting appointment.
- c. Post-doctoral appointments as a research associate for not more than three years.
- d. The appointment of cabinet members or key individuals working directly for the President.
- e. Positions within the Athletics Department responsible for coaching, i.e., head coaches and assistant coaches.
- f. Appointments that involve a reassignment of duties or modification of an existing position provided that the reassignment or position modification is conducted in accordance with applicable University policy and does not result in the creation of a new position or a vacancy.
- g. Non-renewable visiting faculty appointments of two (2) years or less.

Waiver of Search Criteria:

In limited circumstances, the University's interests are best served in foregoing the standard posting and search procedures. In such cases, a waiver of all or part of the regular search process may be granted. Below are the criteria that can justify a waiver of any part of the search process:

- a. Within the past twelve (12) months, the department conducted a search that yielded a diverse candidate pool and the department wishes to select a candidate from the original pool for the opening in the same job title.
- b. Lack of available, qualified candidates as evidenced by at least two (2) failed searches in the past year.
- c. Emergency circumstances that are truly unique and cannot be resolved effectively through other means. Lack of planning will not be considered an emergency circumstance.
- d. 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.
- e. The position would be filled by an accompanying spouse/domestic partner, whose appointment is necessary to recruit a successful candidate identified in a pre-existing search in the same or a different department, or to retain a current faculty member. Please attach an explanation of the necessity for the exemption and the programmatic needs justifying employment of the accompanying spouse/domestic partner. No appointments

shall be made that violate the University's policy [HR5055 Nepotism and Personal Relationships](#).

- f. The University recognizes that unique circumstances may occur outside the standard requests for a waiver of the search process other than those identified above. If the request for a waiver is based on other reasons, the requesting department should contact OIE prior to submission to discuss.

If there is an Affirmative Action goal for the position's job group or organizational unit, OIE will conduct a comprehensive review of the current recruitment plans to ensure fairness and equity in opportunities for underrepresented groups. If the waiver is granted and results in the creation of any vacancy, the vacancy created requires a search.

Procedure

All requests to waive the University's search requirements, in whole or in part, must accompany a [completed Waiver of Search Form](#) and all information requested on the form. Incomplete submissions will result in delays in processing.

All requests should be submitted through WorkforUM and be approved by the appropriate Vice President prior to OIE review. Failure to obtain all required approvals will result in delays in processing.

OIE will review the action in WorkforUM and approve or disapprove the request within five (5) business days. The reason(s) for denial will be shared with the requesting department. If the department does not demonstrate an appropriate justification for a Waiver of Search, they will be required to recruit for the vacant position utilizing the regular recruitment process.

Links

Waiver of Search Form https://www.memphis.edu/hr/pdf/search_waiver.pdf

AA3013 Recruitment, Application, and Selection of Faculty <https://memphis.policytech.com/dotNet/documents/?docid=523>

HR5000 Recruitment for Staff Positions <https://memphis.policytech.com/dotNet/documents/?docid=410>

HR5055 Nepotism And Personal Relationships <https://memphis.policytech.com/dotNet/documents/?docid=554>

Revision Dates

April 2021

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Research	Student Affairs
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>