MEMORANDUM

DATE: December 10, 2007

TO: Academic Affairs Vice Presidents, Deans and Directors

FROM: Kofi Glover, Associate Provost, Academic Affairs

SUBJECT: Revised Procedure for Processing Waiver of Advertising Requests for Faculty

The purpose of this memorandum is to update the set of procedures designed to facilitate the processing of Waiver Requests for faculty positions and thus improve services to the colleges and campuses. The Waiver Request Form requires submission of a designated page from the current Equity Accountability Plan Update (For current updates on expectations go to Diversity & Equal Opportunity website: http://www.usf.edu/eoa). Please be sure that this supplementary information is attached.

In addition, this memorandum contains a level of detail that is appropriate to those persons charged at the college/campus level for oversight of Faculty Searches, Waiver Requests and Letters of Offer. Please forward this memorandum to these individuals.

Utilization of The Waiver Request Process

The following portion of the document, Guidelines for Recruitment and Selection of Faculty Members (1999) currently in force, clarifies when a Waiver of Advertising is required.

The Guidelines Sections III. B. 1. & 2 provide a detailed listing of situations which require no advertising of vacancies (and thus no request for waivers).
Section III. PROCESS

B. Advertising the Position
All vacant positions must be advertised unless exempted as specified in this Section.

1. The following circumstances do not represent bona fide position vacancies and no advertising is required:
   a. Academic rank promotions
   b. Internal rotation, e.g., a faculty member is elected/designated to serve as chairperson/associate chairperson consistent with the provisions for rotation/selection
   c. Reassignment of a faculty member to a different position
   d. Reclassification of a filled faculty position
   e. A change of funding to/from a contract, grant, auxiliary funded position with no change in duties, responsibilities, or classification if the incumbent was hired according to these Guidelines

2. The following vacant positions are exempt from advertising requirements:
   a. Positions funded from contracts or grants if (i) the principal investigator and other proposed incumbents are specifically identified by name in the contract/grant, or (ii) an incumbent is placed in a grant or contract funded position and similar essential duties are to be performed
   b. Positions to be filled by persons who have been laid off and who have recall rights under the rules or bargaining agreement
   c. Positions of less than 0.5 FTE
   d. Other Personnel Services (OPS) positions
   e. Positions to be filled by employees who completed in good standing a university educational leave program
   f. Positions to be filled in settlement of litigation, grievance or arbitration
NOTE: When submitting a letter of offer to the Provost for signature under the provisions of the above-referenced sections of the Guidelines, please include a brief memorandum of explanation noting the specific item in Section III. B. (below) that serves as the basis for the issuance of an offer of employment without search or waiver.

The Guidelines, Section III. B. 3. (below), provides a detailed listing of situations which require no advertising of vacancies (and thus no request for waivers) if the hiring unit does not have underutilization of women and minorities in the job group in which the vacancy occurs.

NOTE: Under-utilization is determined by the most recent Equity Accountability Plan Update – data is presented by CIP code and position classification. For current updates on goals and/or problem areas go to Diversity & Equal Opportunity website: http://www.usf.edu/eoa

Section III. B.

3. The following positions are exempt from advertising, if the hiring unit does not have under-utilization of women and minorities in the job group in which the vacancies occur.

   a. Positions to be filled as visiting appointments for up to one year. *(This means those situations where there is no expectation of reappointment beyond the one year, e.g., replacement of a regular faculty member who is on leave for a year. If a position is filled on this basis and it is determined that a second year appointment is needed, then a Waiver must be requested regardless of underutilization conditions.)*

   b. Positions funded from newly established or newly expanded contract/grant, if proposed incumbents are not specifically identified by name in the contract/grant. *(This means if someone is already an employee of the University, he or she may be so placed if there is no under-utilization within the pertinent CIP code and classification.)*

   c. Positions to be filled from applicant pools generated by advertisements of other positions reflecting the same qualifications for the positions to be filled, if the selection occurs within the last four months following the close of the search which generated the pool. *(This means that an individual may be appointed to a vacant position if he or she was an applicant in a search that posted the exact qualifications currently being*
sought (e.g., degrees, experience, accomplishments) and it was certified in that search that the individual met those qualifications. The closing date of the search would be established by the date of filing of the hiring report.)

**NOTE:** When submitting a Letter of Offer to the Provost for signature under the provisions of the above-referenced sections of the Guidelines, please include a brief memorandum of explanation noting the specific item in Section III. B. (above) that serves as the basis for the issuance of an offer of employment without search or waiver.

All situations, other than those stipulated in the Guidelines Sections III, B. 1., 2., and 3., require a position to be advertised or a waiver requested.

Waiver requests take three forms: 1) seeking to hire faculty on temporary appointments; 2) seeking to hire faculty on visiting appointments (does not need DEO approval unless it is more than one year); and, 3) seeking to hire faculty on a regular continuing basis. The authority for waiving a search for a faculty position is found in the Guidelines, Section III. B. 6., which states:

"The President or designee (the Office of Diversity and Equal Opportunity Affairs) may waive the announcement of a position when a waiver (Exhibit #5) is in the best interest of the university".

**The Request for a Waiver of Advertisement MUST be primarily for the purpose of meeting the Equity Accountability expectations of the University.**

The only exceptions are budgetary and/or time constraints and the potential contributions of the candidates' skills/abilities/knowledge/experience to the achievement of the University's mission.

If waiver of advertising is sought for a Visiting Appointment, the Waiver Request must note whether there is anticipation of reappointment (see Section 2, Item 11, Waiver Request Form). If a waiver is granted for a Visiting Appointment, any subsequent reappointment must be preceded by a Waiver Request. **Visiting appointments for more than three years will not be approved except in the most extenuating circumstances.** No waiver will be granted beyond the fourth year. Visiting appointments resulting from searches may be continued for up to four years **only.** The position must be advertised prior to the end of the fourth year appointment.

**NOTE:** The Letter of Offer for each year of employment submitted to the Provost for signature must be accompanied by a copy of the face sheet of the Hiring Report.
If a Waiver of Advertising is sought for a Regular, Continuing Appointment, very persuasive arguments must be made as to why such an appointment without a search would be in the best interests of the University. Such requests will be held to a very high standard of review with respect to the Guidelines, Section III. B. 6. Waiver Request Form.

**Processing**

All waiver requests will be submitted directly to the Office of the Provost:

Kofi Glover  
Associate Provost  
ADM 226 Attn: Gene Murdock

**NOTE:** Since Waiver Requests must be approved and letters of offer issued prior to the start date of appointments, please see that Waiver Requests are submitted at least ten (10) working days prior to the anticipated start date of the individual's appointment.

Letters of Offer with a copy of approval documentation (i.e., a copy of the face sheet of the Hiring Report or a copy of the approved waiver, or a brief memorandum citing a specific item of exception from advertising addressed by the Guidelines) will continue to be submitted to:

Dwayne Smith  
Vice Provost  
ADM 226  
ATTN: Judy Arnett

**Attachment**

xc: Provost's Staff  
Vice President Jennifer Capehart-Meningall  
Olga Joanow, Faculty Administrator