

CAMPUS ACADEMIC PERSONNEL MANUAL

103.500 – Search Waivers and Exemptions for Non-Senate Academic Appointees



Responsible Office/Party: UCSC Academic Personnel Office

Last Revised Date: 9/2023

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I. OVERVIEW

The University of California's commitment to diversity, equal opportunity and nondiscrimination recognizes that a diverse academic employee workforce enhances our academic mission of teaching, research, and service. The University also recognizes that a diverse workforce is essential for maintaining our standing as a public university dedicated to serving the needs of an increasingly diverse state.

As an employer and federal contractor, the University of California is required to provide equal employment opportunity and to identify and take affirmative action to address underutilization of protected classes, including women, underrepresented minorities, individuals with disabilities, and protected veterans in our academic job groups. Moreover, an applicant or employee may have a viable discrimination complaint if the University of California's seemingly neutral hiring practices have a disproportionately negative effect on members of a protected group even if the University of California did not intend to discriminate. Conducting full searches for academic appointments supports the University of California in complying with federal and state laws and advancing our commitment to diversity, equal opportunity, and nondiscrimination.

In rare circumstances, and on a case-by-case basis, the requirement of conducting a search prior to review for appointment may be waived. Although compliance with employment law and Office of Federal Contract Compliance Programs (OFCCP) regulations determines the boundaries for appropriate use of search waivers and exemptions, the content of this policy

is also driven by the University of California's dedication to recruit a high-quality academic workforce and to address its affirmative action goals. Contributions in all areas of achievement that promote equal opportunity and diversity should be given due recognition in the academic recruitment process. At a minimum, individuals under consideration must meet the high expectations for employment at the University of California.

Waivers should be made for the minimum duration of time required; they cannot be extended or repeated, unless specifically noted below. In limited situations as specified below, waivers of indefinite duration may be approved for a particular appointee while the appointee holds a specific position.

Generally, academic personnel policy within the Academic Personnel Manual (APM) does not include language about searches or recruitment procedures, focusing instead on academic appointment criteria and significant events in a faculty member's career after appointment. On occasion, and in limited circumstances, typically in reference to a transfer in series (or change in series), policy within the APM contains language describing when the Chancellor may grant an exception to conducting a search; such references occur in APM 270, 275, 278, and 280.

Authority to approve search waivers for non-senate academic appointees is delegated to the Assistant Vice Provost for Academic Personnel.

For UC Santa Cruz Academic Recruitment Procedures see [CAPM 100.500](#).

For Search Waivers for Senate Faculty Positions see [CAPM 101.000](#).

II. DEFINITIONS

Search – A search is the competitive recruitment process used to identify the best qualified candidates for an academic position. A search is visible to all potential applicants, provides equal opportunity to applicants, and meets federal and state job listing requirements. A search is also referred to as an *open recruitment*.

Exception – Both search waivers and search exemptions constitute exceptions to campus policy requiring open searches for all positions.

Search Exemption – A position is exempt from open, competitive recruitment, without any approval process, when it meets defined criteria listed below.

Search Waiver – A search waiver, also referred to as a waiver of open recruitment, is formal approval to hire an individual directly into a specific academic appointment in lieu of a search or open recruitment. Defined criteria must be met to qualify for a search waiver. A waiver must be approved prior to an offer of appointment being made.

Duration – Search waivers are made for a specific duration. The duration may be a specific period of time (e.g., 12 months or one quarter), permanent/indefinite, or the duration can be tied to the attributes of a specific academic appointment or position. The duration is dependent upon the circumstances and the category of search waiver, as described below. An appointment cannot continue beyond the end of the waiver duration; at that time, a search must be conducted. A search exemption is continuous in duration until one or more qualifying conditions are changed.

Hiring units must take care to ensure that waiver approval or exemption status is in effect for the entirety of the proposed academic appointment, and that such duration is in accordance with collective bargaining agreement provisions on appointment duration.

Permanent Waiver– In limited situations as specified below, waivers of indefinite duration may be approved for a particular appointee while the appointee holds a specific position.

III. SEARCH EXEMPTIONS

A. PI/Co-PI/Equivalent Status: This exemption applies when the proposed appointee is named as PI/Co-PI on extramural funds that will support at least half of the position's total salary. An "equivalent status" is meant to be used in situations where a funding agency does not use the PI/Co-PI terminology. Exemptions remain in effect as long as PI/Co-PI/Equivalent status continues; this may encompass multiple awards.

This category is also appropriate for 0% appointees in the Adjunct Professor (salaried with variable percentage, 0-100%) series who are not currently drawing salary from their extramural funds but who may receive pay at a later date, including appointees who are in the process of applying for grants.

B. Without Salary (WOS) Appointments: The appointees in this category will have a UC Santa Cruz employee ID number but will not receive salary from UCSC. If an appointee is to receive salary from UCSC after the initial WOS appointment, appointment to a different paid title with an open search, search exemption, or an approved search waiver is required.

Without Salary (WOS) titles covered by this exemption are:

- Adjunct Professor WOS (see [CAPM 512.280](#))

- Educator WOS
- Visiting Titles WOS (see [APM 230](#))
- Emeritus – including academic appointees who are conferred emeritus status as the result of an academic review (see [APM 120](#))
- Contingent Workers—titles include Research Fellow, Research Associate, Visiting Scholar, Visiting Student Res- Grad, and Visiting Student Res-Undergrad.

- C. Recall Appointments for Retired Academics:** This exemption applies when UCSC recalls a retired UC academic appointee (from any campus) to active service, for a part-time, temporary appointment. This exemption acknowledges that these appointees would have previously undergone a search, been approved on a search waiver, or held an appointment exempt from a search for their pre-retirement appointment. (see [APM 205- Recall of Academic Appointees](#))
- D. Visiting Appointments:** This exemption applies to appointees to any of the Visiting titles listed in APM 230. Visiting titles are temporary and usually serve to recognize the title held at another educational institution. These appointees are visiting the campus for research activity and/or to teach a course in the appointee's area of expertise. ([See APM 230 - Visiting Appointments](#)). Any subsequent transfer to a non-Visiting academic appointment requires a new open search, waiver, or exemption.
- E. Faculty Administrators:** This exemption applies when a current UC faculty member is appointed to a concurrent administrative title to assume administrative responsibilities in addition to, or in partial replacement of, faculty responsibilities. An open recruitment is required for filling all full-time (100%) faculty administrator positions. Recruitments may be limited to current UCSC appointees. Open recruitment is recommended, but not required, for acting, interim, part-time, stipend-only, and without-salary faculty administrator appointments. (see [CAPM 304.241- Faculty Administrators](#)).
- F. Lecturer in Summer Session:** This exemption applies to Lecturer in Summer Session positions when the proposed appointee held or will hold a Lecturer appointment in the course-sponsoring department during the immediately previous or immediately following academic year. This exemption acknowledges that these appointees would have previously been hired out of an open search for a substantially similar position in another campus hiring unit.

- G. Outreach Programs:** This exemption applies when current UC Santa Cruz academic employees and graduate students are appointed to concurrent academic positions for summer programming and year-round outreach efforts in the Educational Partnership Center, Undergraduate Education, and Global Engagement.
- H. Students, Postdocs, and Trainees:** This exemption applies to all academic student titles and postdoctoral scholars, as well as to interns and trainees hired in Counseling and Psychological Services (CAPS).
- I. Short Term Positions:** This exemption applies to positions that are less than one quarter long, without the possibility of extension, and with compensation of \$5,000 or less. Positions that are exactly one quarter long or more are not exempt under this category.
- J. Early Career Lecturer in Summer Session:** This exemption applies for UCSC graduate students hired as Lecturers in Summer Session in the summer following their graduation, who no longer have UC student status. These appointees typically have experience as a Graduate Student Instructor and/or Teaching Assistant for the same or similar courses during the academic year. Any subsequent appointment requires an open search or search waiver.

IV. SEARCH WAIVERS

- A. Emergency Hire:** A search waiver will be considered when the hiring unit is made aware of an *urgent* and *unanticipated* need to fill a position that has just surfaced (normally less than two months until employment begins), there is not enough time to conduct a search, and the candidate has the expertise and is available to begin immediately. Emergency Hire waivers are made for a limited period of time, not to exceed 12 months, or the minimum term appointment required by a collective bargaining agreement. If the position is to be filled beyond the duration of the waiver, a search must be conducted.
- B. Spousal/Partner Hire:** A search waiver will be considered when the successful recruitment or retention of a senate member or an individual in a senior management group [SMG] position is ultimately dependent on an academic appointment for the individual's spouse/domestic partner. Every spouse/domestic partner hire must meet

the qualifications and criteria for the proposed appointment. A spouse/domestic partner hire is contingent on the successful recruitment or retention of the associated senate/SMG member at the outset, but thereafter it may be of indefinite duration and is not tied to the ongoing employment of the associated senate/SMG member.

- C. Continuation of Training:** A search waiver will be considered when the candidate is a recent graduate or trainee of the campus (e.g., undergraduate or graduate student, postdoctoral scholar, fellow, or trainee) who remains for a short period of time to complete a research project begun while in student or trainee status. Continuation of training search waivers are made for a limited period of time, not to exceed 18 months, or the minimum term required by a collective bargaining agreement. The “clock” starts immediately following the end of student or trainee status, even if the request for the waiver is not made until a later date.
- D. Concurrent Academic Appointment:** A search waiver will be considered for a concurrent academic appointment for an appointee who is already employed by the University in a staff, academic, or senior management group (SMG) title, who is asked to participate in occasional teaching or research activities that are directly related to the individual’s existing primary job, but which necessitate a concurrent academic appointment in a different title due to policy or a collective bargaining agreement. This waiver acknowledges that the primary appointment must have met the requirements for a search or search waiver under the appropriate personnel policy. The waiver duration is limited to the term of the current job. Note Exemption Category H above for concurrent employment in educational outreach programs.
- E. Incoming Research Team:** A search waiver will be considered when an appointee is part of the existing research team of a new senate faculty member that is transferring to UCSC from another institution. Waivers will only be approved for appointment in the corresponding title that they previously held, in the same research team.
- F. Multiple Affiliated Employers:** A search waiver will be considered when an appointee’s position resides concurrently with UC Santa Cruz and with an employer that is formally affiliated with UC Santa Cruz (e.g., HHMI, NOAA, NMFS, and USGS). Concurrent employment may be necessary when research funding is jointly managed by affiliated institutions. If a competitive, open search has been conducted by the affiliate, the appointee may be granted a search waiver for the corresponding position with UC Santa Cruz.

- G. Change in Research Series:** A search waiver will be considered when a change in series is proposed to recognize growth and development in professional skills, knowledge, and responsibilities of a current UC Santa Cruz appointee. The new appointment must be within the same hiring unit and bargaining unit. The Change in Series waiver is not intended as a mechanism to fill new positions without open recruitment. All initial appointments or transfers into the senate series (ladder rank and teaching professor) require a search or a search waiver per [CAPM 101.000](#).
- H. Requested by Funding Agency:** In rare cases, a funding agency will provide contract or grant funding to the university with the explicit provision that a uniquely qualified individual will be appointed to work on the project. In these cases, the position would not exist for any other individual, and so an open recruitment is not possible. APO will consult with the Office of Sponsored Projects on these waivers.
- I. Other:** There may be other unforeseen reasons why an open recruitment is not possible for a given position. These will be reviewed case by case and will require very strong justification. In general, a candidate's outstanding qualifications are not a valid basis for waiving the search requirement; rather, an open, competitive recruitment is the mechanism by which a candidate's qualifications should be assessed.

V. SUBMISSION AND REVIEW OF THE WAIVER REQUEST

1. The hiring unit submits a waiver request to the Dean or principal academic officer. The request must include the following:
 - A current *curriculum vitae* of the proposed appointee
 - The proposed title, effective date, length, and percent time of the appointment
 - The duties of the position
 - The requested waiver category
 - Supporting facts that demonstrate compliance with the requested waiver category's description in this policy
2. The dean reviews the waiver request. If the waiver request does not comply with this policy, the dean will deny the request. If the dean supports the waiver, they will forward the request to the Academic Personnel Office.
3. Final review of the request is completed by the Assistant Vice Provost for Academic Personnel. The request will be approved or denied. The requesting unit and division will be

notified of the decision and will have access to all documentation used to come to the final decision.

4. Approved waivers will be assigned a waiver number.
5. Appointment dossiers must include reference to a search number, a waiver number, or an exemption category. Appointment offers may not be made without recruitment compliance having been established.
6. The Academic Personnel Office is the office of record for non-senate academic search waivers.

VI. REVISION HISTORY

Revision Date	Reason
{issuance date}	Extracted from CAPM 100.500 as separate policy. Reorganized waiver and exemption categories and other substantive changes. Added Exemption J, Waiver D, and Waiver G categories.