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# Waiver of Recruitment Request Procedure

Northern Arizona University values a diverse workforce. In accordance with state and federal law and ABOR policy, NAU is committed to providing equal opportunity in employment through non-discriminatory open recruitment and hiring practices and affirmative action programs. Exceptions to open recruitment may be made pursuant to this Waiver of Recruitment Procedure when in the best interests of the university. The best interests of the university will be determined by the Equity and Access Office and the hiring authority, in consultation with the Department of Human Resources for staff positions and the vice provost for academic personnel for faculty and academic professional positions. The *hiring authority* is the president for administrative positions, the appropriate vice-president or dean for non-administrative, classified staff and service professional positions and the provost for faculty and academic professional positions. In appropriate circumstances, the aforementioned administrators may delegate approval to a member of their staff.

The Equity and Access Office will conduct periodic review of the procedure and the impact that waivers of recruitment have on employment demographics.

This process does not abrogate the responsibility of hiring committees/departments to comply with ABOR policy and appropriate personnel policies as defined in the NAU Personnel Policies and Procedures Manual, Faculty Handbook, and Conditions of Professional Service.

Process Guidelines:

* Positions are to be filled only by competitive recruitment unless a waiver of recruitment is requested and granted according to this procedure.
* Each waiver of recruitment request must be submitted on the approved form and must:

(1) State the reason and factual basis for waiving recruitment

(2) State the qualifications of the desired candidate

(3) Include an application, resume or CV of the desired candidate

(4) Include a job description of the position to be filled

(5) Include the President’s position approvals

(6) **For Faculty, Academic Professional and Administrative positions**, include a *draft* offer letter

Note: Only candidates meeting minimum qualifications will be approved for hire under a waiver of recruitment.

* In determining the appropriateness of the waiver request, factors considered include, but are not limited to, the hiring department’s past practices with respect to competitive hires and waivers of recruitment, affirmative action obligations and opportunities for internal promotions within NAU or the units.
* No verbal or written offers shall be made to the desired candidate until final approvals are granted.
* University policies regarding employment and background checks will be enforced.

Waivers of recruitment may address factors such as unanticipated time constraints, program continuity, the unavailability of a reasonable number of qualified applicants, or the existence of highly specialized qualifications and requirements for a particular position. **The following are examples of situations where a waiver of recruitment might be appropriate.** Other situations may also exist where it will be in the best interests of the university to waive recruitment.

1. **Recently conducted search**: A second opening in the same job title with similar duties may be filled by selecting an applicant from a viable, diversified applicant pool available from a full search which was conducted and filled within a 120 day period. The waiver request must specify the demographic profile of the interview pool from the prior search and the qualifications of the desired candidate.
2. **Health and safety/employee accommodation under the ADA**: Health and safety conditions are at risk. The request should state why full recruitment would endanger the health and/or safety of students, staff, faculty or patients. If an employee is placed in an open and vacant position as a result of an accommodation request, a waiver is appropriate, but documentation for the reason for the waiver will be kept in a separate accommodation file and not with the employee’s personnel file.
3. **Business necessity**: Full recruitment will have a serious negative impact on the operational effectiveness of a department, or would seriously affect services to students. The request must specify the business necessity requiring the waiver.
4. **Contractual obligation**: Full recruitment would violate a formal contractual obligation of the University.
5. **Named in grant**: 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 request.
6. **Partner Assistance Program**: Neither this process nor the Partner Assistance Program provides any expectation or guarantee of employment. However, should a department choose to make a position available to a qualified and eligible partner pursuant to the program, a Request for Waiver of Recruitment is necessary to complete the hire.
7. **Faculty appointments**: Although a competitive process is the preferred hiring process for all positions, non-tenure-track faculty positions, such as one-year, temporary, visiting, research, clinical and practice positions may sometimes be filled by this waiver process, if in the best interests of the university. Non-tenure track faculty hired on a waiver of recruitment may not be reappointed unless special circumstances exist and prior approval has been obtained from the hiring authority and the Equity and Access Office. Unique or self–supporting positions, which would not exist but for the unique qualifications or contributions of the individual, may be appropriate for waiver of recruitment. This typically results in the appointment as research faculty. Except in rare Partner Assistance Program situations, full recruitment will routinely be required for tenure-track faculty positions. Occasional exceptions may be made for a unique opportunity to fill an instructional need, correct an underutilization or retain a committed faculty member, such as one who has achieved a terminal degree. Tenure-track positions which are vacant because of an emergency situation, i.e., sickness, death, sudden resignation, will routinely be filled on a temporary basis by a waiver of recruitment, contingent on the unit starting full recruitment within a reasonable time, usually the next semester or academic-year. Appointment of part time, non-benefit eligible non-tenure track faculty is not covered by this policy. Pursuant to Section 1.3.2 of the Conditions of Faculty Service, those appointments are made by the hiring policy adopted by the academic department and approved by the provost.

**To apply for a Waiver of Recruitment, the following steps must be followed:**

1. The completed Request for Waiver of Recruitment form and other required supporting documentation (see process guidelines above) must be submitted for signature to the appropriate chain of command. This includes the hiring department, the *hiring authority,* Human Resources (for staff and postdoctoral positions), the Equity and Access Office, and NAU online, Sponsored Projects, and/or the Center for International Education for distance positions, grant funded positions, or immigration processing, respectively.
2. Prior to hiring utilizing the waiver of recruitment process, the originating department must comply with the obligation to conduct the appropriate reference checking and background investigations (which may include fingerprinting for safety/security positions). Refer to the [Human Resources website](https://in.nau.edu/human-resources/hiring-selection/) for department obligations in following the requirement and procedures.
3. If the position is grant funded, the department should notify the employee in writing that this position is subject to the availability of funding. If classified staff, the incumbent is not eligible for layoff or recall status.
4. After review and approval by all appropriate offices and individuals, attach the signed Waiver of Recruitment form to the ePAR along with the other required hiring materials to complete the hire. For information on the ePAR process, visit the [HR ePAR fact page](https://in.nau.edu/Human-Resources/ePAR/).