



J. Daniel Hare
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*Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
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April 4, 2016

**SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL**

Re: Guiding Principles: Search Waivers for Academic Appointees at the University of California

Dear Susan,

As you requested, I distributed for systemwide Senate review the set of proposed Guiding Principles for the use of search waivers in academic hiring at UC released by your office on February 5. Nine Academic Senate divisions and two systemwide committees (UCPB and UCFW) submitted comments. These comments were discussed at the Academic Council meeting on March 30, 2016. The full set of comments is attached.

In general, Senate reviewers expressed support for the Guiding Principles, but also suggested that you include additional information and clarification about some aspects of the document. It is our understanding that the guidelines were developed by the *UC Recruit* Governance Board, which oversees UC's online academic recruitment system. Council also understands that they grew out of the recent Office of Federal Contract Compliance Programs (OFCCP) audits on multiple campuses, which surfaced concerns about the inconsistency of processes and record-keeping across UC campuses, and made clear that the University needs to have more transparent standards in place as guidance in academic searches. Council is supportive of responding with a set of guidelines for the campuses, and suggests that the document be given a new title using the word "guidelines." The document contains no real guiding principles, and the new name will clarify that it is not intended as policy. It was unclear to some reviewers whether to treat the document as policy or as best practices, but as it seems to be intended as a starting point for campus standards, this change would be helpful.

Reviewers agreed that the guidelines will be useful to the extent that they bring more clarity, transparency, and consistency to search processes, help prevent open recruitments from being arbitrarily bypassed or undermined, and support excellence, fairness, and diversity. It may help to avoid the use of the phrase "minimum standards" for search waivers, since campuses still may set further restrictions, but also may allow search waivers in other circumstances, as UCB suggests stating. Indicating clearly where authority resides for making such a determination would also be appropriate.

Several reviewers discussed the role of the Guidelines in advancing diversity at the University. Reviewers expressed general support for the inclusion of the President's and Chancellors' Postdoctoral Fellowship Program as a basis for a search waiver. Reviewers viewed the explicit inclusion of this category as a useful way of emphasizing the important role those programs have in promoting faculty diversity, that could help campuses attract and retain diverse faculty more effectively. Several divisions and UCFW went further by suggesting the inclusion of more explicit language allowing for Targets of Excellence waivers to address lack of diversity and enable unique opportunities to address diversity. One suggestion is to add the phrase "the ability to contribute to diversity" to the definition of a Target of Excellence.

Divisions suggested several other additions. UCM notes that the document should account for the occasional need for a search waiver to accommodate the hiring of short-term, research positions, particularly postdoctoral fellows, who are supported by a new grant. In addition, UCLA recommends that department chairs and deans should be allowed to use search waivers to fill vacant endowed chairs with internal candidates as well as for retaining distinguished faculty. UCR suggests extending the provisions in section B.3 for spousal/partner hires to the retention of non-Senate faculty and to address the retention of Cooperative Extension Specialists. Perhaps the specific enumeration of all of these circumstances would be less desirable than adopting the flexibility language suggested by UCB.

Council also supports proposed enhancements to UC Recruit that will make it possible to produce better systemwide data on the use of waivers, and the offers accepted through waivers, over time. Reviewers suggested several other clarifications to phrasing, and we encourage you to review the comments and address or incorporate those as appropriate.

Thank you for the opportunity to opine. We would welcome the opportunity to review a revised document, if you would find it useful, but the support from Council for both the aims and the approach seems sufficient that we would also encourage wider circulation of a revised version, without a second round of review.

Sincerely,



J. Daniel Hare, Chair
Academic Council

Cc: Policy Manager Lockwood
Academic Council
Executive Director Baxter



March 8, 2016

J. DANIEL HARE, CHAIR
ACADEMIC COUNCIL

Subject: Guidelines for the Use of Waivers in Academic Hiring

Dear Dan,

On March 7, 2016, Berkeley's Divisional Council (DIVCO) discussed the proposed "Guiding Principles: Search Waivers for Academic Appointees at the University of California" informed by memoranda from our Committees on Budget and Interdepartmental Relations (BIR) and on Diversity, Equity, and Campus Climate (DECC). Those memoranda are attached.

On the whole, DIVCO thought the guidelines appropriate. With a possible exception, detailed below, they were seen as consistent with practice at Berkeley. DIVCO nonetheless thought some modest improvements to the guidelines were advisable.

Following a point made in the BIR memorandum, DIVCO recommends that some explicit flexibility be inserted into the guidelines because, as noted, there is some risk that, despite best efforts, the criteria might fail to capture all situations in which a waiver would be appropriate and serve to advance the University's mission. Hence, borrowing from contract law, it might be appropriate to insert a residual ("none-of-the-above") clause: "an exemption or search waiver may be sought in circumstances not otherwise described when the exemption or waiver would be consistent with applicable law and its justification in keeping with the principles set forth in the first three paragraphs of these guidelines."

DIVCO also agreed with the BIR point that the criterion of "being on the market for a very limited time" would be a difficult one to verify (or conversely for one to argue someone might be available indefinitely). DIVCO therefore agrees with BIR that some rewrite is in order. (The BIR memorandum suggests one such rewrite.)

There was some discussion of DECC's recommendation to add, as a required qualification for a Target of Excellence hire, "the ability to contribute to diversity." Discussion at DIVCO clarified that DECC was focused on Berkeley's definition, as opposed to what might go into system-wide guidelines. Discussion at DIVCO led to a

further clarification that DECC intended an “ability to contribute to diversity” to be a positive factor in how Berkeley defined excellence, but not a necessary condition; that is, its application would be in a manner consistent with APM 210-1-d.

As noted in the BIR memorandum, there is some question as to whether current practice with regards to appointments in the Adjunct series at Berkeley, and possibly elsewhere in the system, is consistent with the proposed guidelines. If current practice indeed systematic deviates from the proposed guidelines with respect to that series, then either we should insure that it is a conscious decision to effect a change in practice or the guidelines should be amended to more closely reflect practice.

Sincerely,



Benjamin Hermalin
Chair, Berkeley Division of the Academic Senate
Schneider Distinguished Professor of Finance & Professor of Economics

Encl. (2)

Cc: Jay Wallace, Chair, Committee on Budget and Interdepartmental Relations
Donna Jones, Chair, Committee on Diversity, Equity, and Campus Climate
Aimee Larsen, Manager, Committee on Budget and Interdepartmental Relations
Diane Sprouse, Senate Analyst, Committee on Diversity, Equity, and Campus Climate

February 23, 2016

CHAIR BENJAMIN E. HERMALIN
BERKELEY DIVISION OF THE ACADEMIC SENATE

RE: Search Waivers for Academic Appointees: Guiding Principles

You have asked us to comment on the document “Guiding Principles: Search Waivers for Academic Appointees at the University of California,” drafted by the UC Recruit Governance Board. We support the overall goal of establishing “sound principles governing the use of search waivers system-wide,” provided those principles are sufficiently flexible to allow for the individual circumstances of each campus and unit. As usual we restrict our comments to matters within our purview.

The proposed principles are intended as minimum standards that will apply to all campuses; each campus may further restrict the use of search waivers but may not relax the proposed restrictions. The document consists largely of two lists:

1. A list of 10 categories of Senate and non-Senate academic-hiring situations under which a search waiver may be requested.
2. A list of seven categories of hiring situations that are generally exempt from the requirement for a search and therefore require no search-waiver request; the category of “internal hires” is broken down into nine further categories.

While the thoroughness of the case analysis is impressive, it is beyond our expertise to determine whether it is completely exhaustive of all situations that may arise in future. Since the presumption is that any situation not falling into one of the 25 categories would be subject to a search requirement and ineligible for a waiver, it would seem prudent to include the explicit stipulation that exemptions or waivers may be sought in situations not falling into one of the 25 categories, where the justification is nonetheless consistent with applicable laws and with the underlying principles set out in the first three paragraphs of the document.

We are not involved with the evaluation of search-waiver applications, but we do evaluate requests for “offcycle” authorizations to hire specific individuals as Senate faculty members under the three categories described as “spousal/partner hire,” “target of excellence,” and “President’s and Chancellors’ Postdoctoral Fellowship Recipients.” For the “target of excellence” category, the stated criteria are that “*the individual would be on the short list of top candidates if an open search was conducted, would be highly sought after by peer institutions, and may be on the market for a very limited time period* [emphasis added to the original].” We

agree that the first two criteria are reasonable and consistent with current practice at Berkeley. The third criterion, as stated, is of a different nature; indeed, it would be very hard to show in any particular case that the candidate *will be on the market indefinitely*. Its intent also appears to be subsumed by the subsequent condition: “*Considerations for granting a waiver must include why it is not possible to conduct an open search in which the individual would be an applicant* [emphasis added to the original].” We suggest either dropping the third criterion, or adding it as an illustration of why it might not be possible to hire the candidate in an open search, as follows: “*Furthermore, there must be good reasons why it is not possible to conduct an open search in which the individual would be an applicant—for example, if there are reasons to believe the candidate will be on the market for a very limited time period.*”

With regard to the specific categories listed—many of which fall outside our purview—we note that a general search exemption is proposed for 0% and without-salary appointments in the Adjunct Professor series. The implication is that Adjunct appointments for more than 0% are not exempt from the requirement to conduct a search or obtain a waiver. This appears to be a significant restriction compared to current practice at Berkeley, where there is no search requirement in place for Adjunct appointments. Moreover, a brief survey of advertised open positions in major venues suggests that searches for Adjunct positions at University of California campuses are rare. The reason may be that Adjunct appointments usually arise from a significant prior involvement in the relevant unit’s research and graduate mentoring activities. We strongly recommend that the policy be refined to address this issue.

On a minor note, we do not see a good reason for the difference in language between paragraph A(1) Senate Faculty Spousal/Partner Hire (“This search waiver is of indefinite duration.”) and paragraph B(3) Non-Senate Faculty Spousal/Partner Hire (“A spousal/partner search waiver can be of indefinite duration.”).



R. Jay Wallace
Chair

RJW/al

March 3, 2016

**TO: BENJAMIN HERMALIN, CHAIR
BERKELEY DIVISION OF THE ACADEMIC SENATE**

***RE: Committee on Diversity, Equity and Campus Climate (DECC) comments on
Search Waiver Guiding Principles Memorandum***

DECC approves the Search Waiver Guiding Principles Memorandum; although we have one suggestion: if campuses are "expected to establish their own definition and qualifications for a 'Target of Excellence' hire" we recommend adding "the ability to contribute to diversity" as a requirement to our definition of excellence.

Additional comments from the committee's undergraduate and graduate student representatives are included as an addendum:

- **Page 1 of Guiding Principles:** Can we get some clarification on our "affirmative action goal?" How do these comply with Proposition 209? Specifically if we want to "address underutilization of protected classes."
- **Spousal/Partner Hire:** We want to make sure this also applies to same-sex partners.
- **Non-Senate Faculty guidelines:** are not clear about when and where they have sunset clauses. We would like to see a clearer sunset clause of one year for most.
- How can students' voices be heard in any faculty hiring process waivers that are not open searches? We would like more student involvement in these hires.

Kathy Tran (ASUC) and Iman Sylvain (GA)



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March 23, 2016

Dan Hare, Chair
Universitywide Academic Senate

RE: Guiding Principles: Search Waivers for Academic Appointees at the University of California

Dear Dan:

The "Guiding Principles: Search Waivers for Academic Appointees at the University of California" proposal was forwarded to all standing committees of the Davis Division of the Academic Senate, including school and college Faculty Executive Committees. Responses were received from the Committees on Planning & Budget (CPB), Academic Personnel Oversight (CAP), and Affirmative Action & Diversity (AA&D).

All committees support the proposed guiding principles and UC system-wide minimum standards for search waivers. AA&D appreciates that the proposed minimum standards establish explicit categories for the use of search waivers; while campuses can restrict the categories further, they will not be able to expand outside the categories, and therefore open recruitments will not be arbitrarily bypassed or undermined. Similarly, AA&D strongly supports the inclusion of the President's and Chancellors' Postdoctoral Fellowship Program (PPFP) as one of the Senate categories, noting that search waivers have been valuable tools for recruiting competitive PPFP candidates. CAP also commented on the PPFP category; they suggest including a sentence stating that "[PPFP] Candidates are expected to satisfy the qualifications and standards of excellence for the appointment."

The Davis Division supports the proposed guidelines.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Knoesen".

André Knoesen
Chair, Academic Senate
Professor: Electrical and Computer Engineering

Attachments: Committee Response Report

UCD Academic Federation Input

- c. Hilary Baxter, Executive Director, Universitywide Academic Senate
Michael LaBriola, Principal Policy Analyst, Universitywide Academic Senate
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

Planning & Budget

March 16, 2016 8:24 AM

CPB discussed the proposed guiding principles for search waivers for academic appointees at the University of California. Overall CPB did not have any major concerns with the proposed guiding principles.

CAP Oversight Committee

March 14, 2016 1:34 PM

The Committee on Academic Personnel (CAP) has reviewed the document "Guiding Principles: Search Waivers for Academic Appointees at the University of California". Overall, CAP found the principles outlined in this document to be reasonable and in line with existing practice at UC Davis. CAP has one suggestion for modification to the proposed guidelines:

(1) In the category "President's and Chancellor's Postdoctoral Fellowship Recipients" on page 2, CAP suggests the insertion of a sentence stating that "Candidates are expected to satisfy the qualifications and standards of excellence for the appointment".

Affirmative Action & Diversity

March 9, 2016 1:46 PM

AA&D Committee Response to Proposed Guiding Principles for Search Waivers

In the interests of transparency and of a commitment to open searches as the primary recruitment method of the university, the AA&D committee supports having clearly stated minimum standards for search waivers. Furthermore, we strongly support the explicit inclusion of President's and Chancellors' Postdoctoral Fellows as a possible basis for a search waiver. Due to the frequently intense competition in recruiting diversity candidates, the use of search waivers for hiring PPFs has been a valuable tool for a number of departments in recruiting highly desirable candidates.

March 23, 2016

Susan Carlson

Vice Provost for Academic Personnel and Programs

Dear Vice Provost Carlson,

The primary concern of the Academic Federation is that interruptions in soft money funding for Academic Federation members might result in the situation whereby a Federation member will be forced to compete against a national pool for applicants for his or her previous job. The memo doesn't precisely address this situation, but the accompanying chart does seem to allow search waivers for many "Non-Faculty" situations. One case seems to be slightly odd: the possible change in job title from Professional Researcher to ladder rank faculty would, as judged by APM merit and Review Criteria, seem to be a lateral job transfer worthy of a search waiver.

Of course, the Academic Federation would like to see other terms used for its' members in place of "Non-Faculty" or to have the job titles simply spelled out in the chart without the terms "Non-Faculty" or "Non-Senate Faculty". The continued use of these terms fosters a non-inclusive environment and intentionally or unintentionally creates a hierarchy.

Thank you for the opportunity to comment.

Sincerely,

John Hess



Chair, Academic Federation



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307 Aldrich Hall
Irvine, CA 92697-1325
(949) 824-2215 FAX

March 21, 2016

Dan Hare, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Systemwide Review of Guiding Principles: Search Waivers for Academic Appointees at the University of California

Dear Dan:

At its March 15, 2016 meeting, the Irvine Division Senate Cabinet reviewed the Guiding Principles: Search Waivers for Academic Appointees at the University of California. The guiding principles describe new minimum standards for the consideration of search waivers and allow campuses to set further restrictions as needed.

Both the Council on Academic Personnel and the Council on Faculty Welfare reviewed the guidelines. The concerns identified in their reviews of the Report, and supported by the Cabinet, include:

- While these guidelines are not policy per se, they allow for significant relaxation of policy related to hiring and recruitment. These changes could negatively impact quality, equity, and fairness across campuses.
- The motivation behind the development of these principles is unclear, namely how widely waivers are or should be used, for what positions, etc. It would be helpful to have information about the rationale that led to the development of these principles in order to effectively comment on the value of these principles and the creation of minimum standards.

The Irvine Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Alan Terricciano".

Alan Terricciano, Irvine Division Senate Chair

Attachments: CAP Memo
CFW Memo

c: Hilary Baxter, Executive Director, Academic Senate

March 15, 2016

ALAN TERRICCIANO
CHAIR, ACADEMIC SENATE, IRVINE DIVISION

RE: Systemwide Senate Review-Guiding Principles: Search Waivers for Academic Appointees at the University of California

The Council on Academic Personnel reviewed and discussed the proposed **Systemwide Senate Review-Guiding Principles: Search Waivers for Academic Appointees at the University of California**. There were some critical overall concerns and some additional, more specific concerns.

Regarding the overall concerns, first, some committee members commented that this is a significant relaxation of policy with an understanding that the previous policy was not to grant search waivers. Second, CAP's general goal is to maintain quality, equity, and fairness across campus. In general, waivers imply a relaxation of requirements on a search, which potentially can affect quality, equity, and fairness, i.e. in phases before cases reach CAP. With these ideals in mind, some committee members recognized that a policy of not granting search waivers could lead to practices attempting to circumvent the policy and that having guidelines for waivers could be an approach to avoid or reduce such practices. To conclude, CAP recommends that other levels of review consider the above ideals as they continue to refine the guidelines and, with respect to the current form, that UCI adopt a stricter stance (than currently being proposed systemwide). Some specific issues follow.

Specific Issues:

1. The guidelines are not clear about who authorizes the waivers and what the process is in general, including an explicit description of the role of faculty oversight.
2. "Target of Excellence." The potential inclusion of diversity as an important component might be highlighted more than it is now. In general, targets of excellence hires create a circumstance where quality, equity, and fairness might be compromised.
3. "Senate Faculty e.g., Ladder, In Residence, Clinical X" (see the table in the guidelines). Some of these waivers are problematic. E.g., shifts between these series have implications for a department and the university's reputation, budget, etc.

The members of CAP appreciate the opportunity to comment on the proposal.

Sincerely,



David Redmiles
Chair, Council on Academic Personnel



Virginia M. Richards
Vice Chair,
Council on Academic Personnel

March 9, 2016

ALAN TERRICCIANO, CHAIR
ACADEMIC SENATE – IRVINE DIVISION

Re: Systemwide Review of *Guiding Principles: Search Waivers for Academic Appointees at the University of California*

At its meeting on March 8, 2016, the Council on Faculty Welfare, Diversity and Academic Freedom (CFW) reviewed the *Guiding Principles: Search Waivers for Academic Appointees at the University of California* for academic hiring. The principles outline a new systemwide minimum standard for the consideration of the use of search waivers and allows campuses to set further restrictions as needed.

The Council found it difficult to effectively comment without data to substantiate the need for principles, specifically, numbers showing how widely the waivers are used and for which positions. The Council noted a general concern for a lack of systematic tracking for this and other employment related data on our campus.

The second issue raised was the co-mingling of guidelines and standards. Members felt the document while written as guidelines, also cites standards and policy such as APM 500-16-f. The Council questioned its relevance to the guidelines and whether it was appropriate to be included in the document.

CFW appreciates the opportunity to provide input.

Sincerely,



Jean-Daniel Saphores, Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

c: William Parker, Chair-Elect
Academic Senate

Natalie Schonfeld, Executive Director
Academic Senate

March 22, 2016

Daniel Hare
Chair, Academic Council

Re: Guiding Principles: Search Waivers for Academic Appointees at the University of California

Dear Dan,

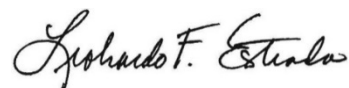
The Executive Board of the UCLA Academic Senate discussed the proposed guidelines for the use of waivers in academic hiring, “Guiding Principles: Search Waivers for Academic Appointees at the University of California” at its meeting on March 10, 2016. The Executive Board solicited comments from the standing committees of the Senate, as well as the Faculty Executive Committees, to maximize faculty feedback; the individual responses are available [online](#).

The members discussed identifying those instances when we should not go through the expense or time does not allow conducting a full search. The Committee on Diversity and Equal Opportunity stated that the members were pleased that the category for President’s and Chancellors’ Postdoctoral Fellowship Recipients (A3) was added. The college Faculty Executive Committee questioned who would monitor the continuation of training (B4). Additionally, it was recommended that the language in B7, Multiple Affiliated Employers, be revised to “granted a search waiver for the UC position within the same series.” The Committee on Faculty Welfare recommends that department chairs and deans be allowed to use search waivers for filling vacant endowed chairs with internal candidates as well as retaining distinguished faculty.

The Executive Board urges you to read the individual committee responses.

Please feel free to contact me should have any questions.

Cordially,



Leobardo F. Estrada
Chair, Academic Senate
Los Angeles Division

cc: Hilary Baxter, Executive Director, Systemwide Academic Senate
Jim Chalfant, Vice Chair, Academic Council
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate
Linda Mohr, Chief Administrative Officer, UCLA Academic Senate
UCLA Academic Senate Executive Board Members

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March 23, 2016

DAN HARE, CHAIR, ACADEMIC COUNCIL

Re: Guiding Principles: Search Waivers for Academic Appointees at the University of California

The proposed guidelines for the use of waivers in academic hiring, "Guiding Principles: Search Waivers for Academic Appointees at the UC" were distributed to the Merced Division Senate and School Executive Committees. Appended to this memo, please find the comments we have received.

We thank you for the opportunity to opine.

Sincerely,

A handwritten signature in black ink, appearing to read "Cristian Ricci".

Cristián Ricci, Chair
Division Council

CC: Division Council
Anne M. Kelley, Chair, School of Natural Sciences Executive Committee
Hilary Baxter, Executive Director, Systemwide Academic Senate
Fatima Paul, Interim Director, Merced Senate Office

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February 17, 2016

To: Cristián Ricci, Chair, Divisional Council

From: Michael Dawson, Chair, Graduate Council

A handwritten signature in blue ink that reads "Mike Dawson". The signature is written in a cursive style and is positioned to the right of the "From:" line.

Re: Proposed Guidelines for the Use of Waivers in Academic Hiring

Graduate Council discussed the proposed Guidelines for the *Use of Waivers in Academic Hiring* at its 16 February meeting. While any addition to the faculty or other academic series may have implications for graduate education, the proposed guidelines hold no direct impact for graduate education (such implications typically are addressed on a case-by-case basis during the hiring process). As such, Graduate Council declines to comment. We appreciate the opportunity to opine.

Cc: GC members
Senate Office

From: Anne Kelley

Sent: Thursday, February 18, 2016 1:16 PM

To: UCM Senate Chair

Subject: Re: (Systemwide Review Item) Guiding Principles: Search Waivers for Academic Appointees at the University of California

On behalf of the Natural Sciences Executive Committee, we have the following comments.

The Natural Sciences Executive Committee believes that these guidelines are reasonable for faculty and related permanent academic positions. In the School of Natural Sciences the standard search procedures are occasionally waived, usually for spousal or diversity hires. We believe that these hires constitute a fairly small fraction of the total and that the search waiver process has not been abused. The proposed guidelines allow the necessary flexibility in faculty hiring, while still making the point that the standard search process should be circumvented only in special cases.

However, policies that apply to faculty hiring may not make sense for short-term, research-only academic appointments, particularly postdoctoral fellows. The current APO policies require that a valid FAU must be provided before an advertisement for a postdoctoral position can be placed. This is a huge problem for faculty trying to carry out research on a newly funded research grant. Most research grants have a year-to-year budget and if a postdoc is to be supported on the grant, it is expected that the person will be available at the start of the grant period. It may be anywhere from three months to a year between the time the PI starts searching for a postdoc and the time the person actually starts working, so if the search cannot start until the money actually arrives on campus, there will be a severe delay in the initiation of the research project. The only reasonable solution is for the PI to waive the normal recruitment process and begin searching informally long before the planned start date of the project. However, those waivers may not fall under any of the allowed categories specified by the guidelines.

This problem could be eliminated by allowing searches to begin before the funding source is in place. At other universities, even searches for permanent faculty are often allowed to start with the caveat "subject to approval of funding". We see no reason why PIs should not be allowed to initiate searches for postdocs before the grant funds arrive on campus and even before funding is certain. This would eliminate the need for PIs with newly funded projects to always request a recruitment waiver in order to avoid serious delays in funded research.

Anne Kelley
Chair, Natural Sciences Executive Committee

Anne Myers Kelley
Chemistry and Chemical Biology
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February 24, 2016

To: Cristián Ricci, Chair, Division Council

From: Mukesh Singhal, Chair, Committee on Academic Planning and Resource Allocation
(CAPRA)

Re: Guiding Principles for Search Waivers for Academic Appointees

At its February 17 meeting, CAPRA reviewed the guiding principles for search waivers for UC academic appointees. We support this document insofar as it clarifies the current search waiver process that provides flexibility in faculty hiring. However, we hope that that faculty members' ability to obtain waivers for other academic positions such as postdoctoral scholars, project scientists, and junior specialists is not adversely affected. Waivers for these positions are necessary for faculty members who need to hire research staff at the start of a grant period and cannot wait until the grant funds arrive at UCM to begin searching for candidates. Alternatively, this problem could be mitigated by allowing searches for short-term research positions to begin before funding is officially in place, i.e. without the currently required valid FAU.

We appreciate the opportunity to opine.

cc: CAPRA Members
Senate Office



ACADEMIC SENATE, MERCED DIVISION
COMMITTEE FOR DIVERSITY AND EQUITY
TANYA GOLASH-BOZA, CHAIR
tgolash-boza@ucmerced.edu

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March 23, 2016

To: Cristián Ricci, Chair, Division Council

From: Tanya Golash-Boza, Chair, Committee for Diversity and Equity

A handwritten signature in cursive script that reads "Tanya Golash-Boza".

Re: Search Waiver Guiding Principles

Per your request, the Committee for Diversity and Equity reviewed the system-wide guiding principles for the use of search waivers for academic appointees. D&E does not completely endorse the guidelines at this time, as they do not include exceptions to allow for addressing the lack of under-represented minorities among faculty in the University of California. We think the description of the Targets of Excellence should include specific language that allow for Targets of Opportunity to address lack of diversity. While the committee understands and appreciates that excellence should not be compromised at any cost, unique opportunities to address diversity should be provided by waivers.

D&E requests that the guidelines be modified to reflect stipulations for diversity.

We appreciate the opportunity to opine.

cc: Committee for Diversity and Equity
Senate Office



ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON FACULTY WELFARE AND ACADEMIC FREEDOM
RUDY ORTIZ, CHAIR
rortiz@ucmerced.edu

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March 23, 2016

To: Cristián Ricci, Chair, Division Council

From: Rudy Ortiz, Chair, Committee on Faculty Welfare and Academic Freedom (FWAF)

A handwritten signature in black ink, appearing to read "Rudy Ortiz", is placed below the "From:" line.

Re: Guiding Principles for Search Waivers

Per your request, FWAF reviewed the system-wide guiding principles for the use of search waivers for academic appointees. FWAF does not completely endorse the guidelines at this time, as they do not include exceptions to allow for addressing disparities in diversity among faculty ranks such that Targets of Opportunity would allow. We think the description of the Targets of Excellence should include specific language that allow for Targets of Opportunity to address lack of diversity especially when Excellence and Opportunity are not mutually exclusive. While the committee understands and appreciates that excellence should not be compromised at any cost, unique opportunities to address diversity should be provided by waivers.

FWAF requests that the guidelines be modified to reflect stipulations for diversity.

We appreciate the opportunity to opine.

cc: FWAF members
Senate office



CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

JOSE WUDKA
PROFESSOR OF PHYSICS AND ASTRONOMY
RIVERSIDE, CA 92521-0217
TEL: (951) 827-5538
EMAIL: JOSE.WUDKA@UCR.EDU

March 18, 2016

Dan Hare, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Guiding Principles: Search Waivers for Academic Appointees at the University of California

Dear Dan,

Executive Council reviewed the Search Waivers proposal report during its March 7 meeting. Council as well as the reviewing committees were generally supportive of the proposal. The Committee on Faculty Welfare suggested that the provisions in section B.3 for spousal/partner hires be extended to apply to the retention of non-senate faculty as well, and in particular for CE specialists.

We are grateful for the opportunity to opine.

Sincerely yours,

A handwritten signature in black ink that reads "J Wudka".

Jose Wudka
Professor of Physics & Astronomy and Chair of the Riverside Division

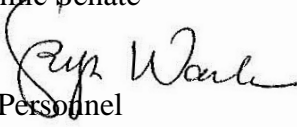
CC: Hilary Baxter, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office



COMMITTEE ON ACADEMIC PERSONNEL

February 24, 2016

To: Jose Wudka
Riverside Division Academic Senate

From: Georgia Warnke, Chair 
Committee on Academic Personnel


Re: Guiding Principles: Search Waivers for Academic Appointees at the
University of California

On February 22, 2016, CAP voted unanimously to approve the Guiding Principles for Search Waivers for Academic Appointees at the University of California and does not have any substantial comments to add (+8-0-0).

UC RIVERSIDE UNIVERSITY OF CALIFORNIA | **Academic
Senate**
COMMITTEE ON DIVERSITY & EQUAL OPPORTUNITY

March 3, 2016

To: Jose Wudka, Chair
Riverside Division of the Academic Senate

From: Manuela Martins-Green, Chair 
Committee on Diversity & Equal Opportunity

Re: Guiding Principles: Search Waivers for Academic Appointees at the
University of California

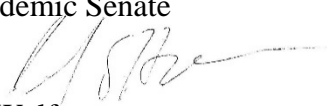
The Committee on Diversity and Equal Opportunity met on March 3, 2016 to discuss the Search Waivers for Academic Appointees at the University of California. The Committee unanimously supports the guiding principles and finds the criteria proposed as minimum standards to be appropriate.



COMMITTEE ON FACULTY WELFARE

March 1, 2016

To: Jose Wudka
Riverside Division Academic Senate

From: Jennifer Hughes, Chair 
Committee on Faculty Welfare

Re: Guiding Principles for Search Waivers for Academic Appointees at the
University of California

At its meeting on February 16, 2016, the Committee on Faculty Welfare discussed the Guiding Principles for Search Waivers for Academic Appointees at the University of California. The Committee noted that section B is intended to address non-senate faculty and other academics; however, the spousal/partner hire category under this section specifically addresses criteria for the successful recruitment or retention of a senate faculty member. The committee feels that additional language should be provided to clarify if the intent of this category is to retain senate faculty or non-senate faculty. Overall the Committee agrees with the proposed guidelines as a minimum criteria, but feels that an additional search waiver category should be included to address the retention of CE Specialists and spousal hires which are non-senate faculty.



Office of the Dean
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www.engr.ucr.edu

February 29, 2016

TO: Jose Wudka, Chair
Riverside Division

FR: Srikanth Krishnamurthy, Vice Chair
Executive Committee, Bourns College of Engineering

RE: Search Waivers for Academic Appointees at the University of California

The BCOE Executive Committee met on Friday, February 26, 2016 and reviewed the information submitted regarding the *Search Waivers for Academic Appointees at the University of California*. The Committee had no additional feedback or comments to submit.

UNIVERSITY OF CALIFORNIA, RIVERSIDE



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SANTA BARBARA • SANTA CRUZ

EXECUTIVE COMMITTEE:
COLLEGE OF HUMANITIES, ARTS, AND SOCIAL SCIENCES

RIVERSIDE, CALIFORNIA 92521-0132

March 1, 2016

TO: José Wudka, Chair
Academic Senate

FROM: Jason Weems, Chair
CHASS Executive Committee

RE: Guiding Principles: Search Waivers for Academic Appointees

The CHASS Executive Committee discussed the Guiding Principles: Search Waivers for Academic Appointees at the regular meeting on February 24, 2016. Overall, the committee supports these guidelines and finds them useful in defining what situations justify a waiver. Related to this, however, several members of the committee would appreciate further clarification as to what type of candidate constitutes or warrants nomination as a target of excellence.

Jason Weems, Chair

UCR CHASS Executive Committee

March 2, 2016

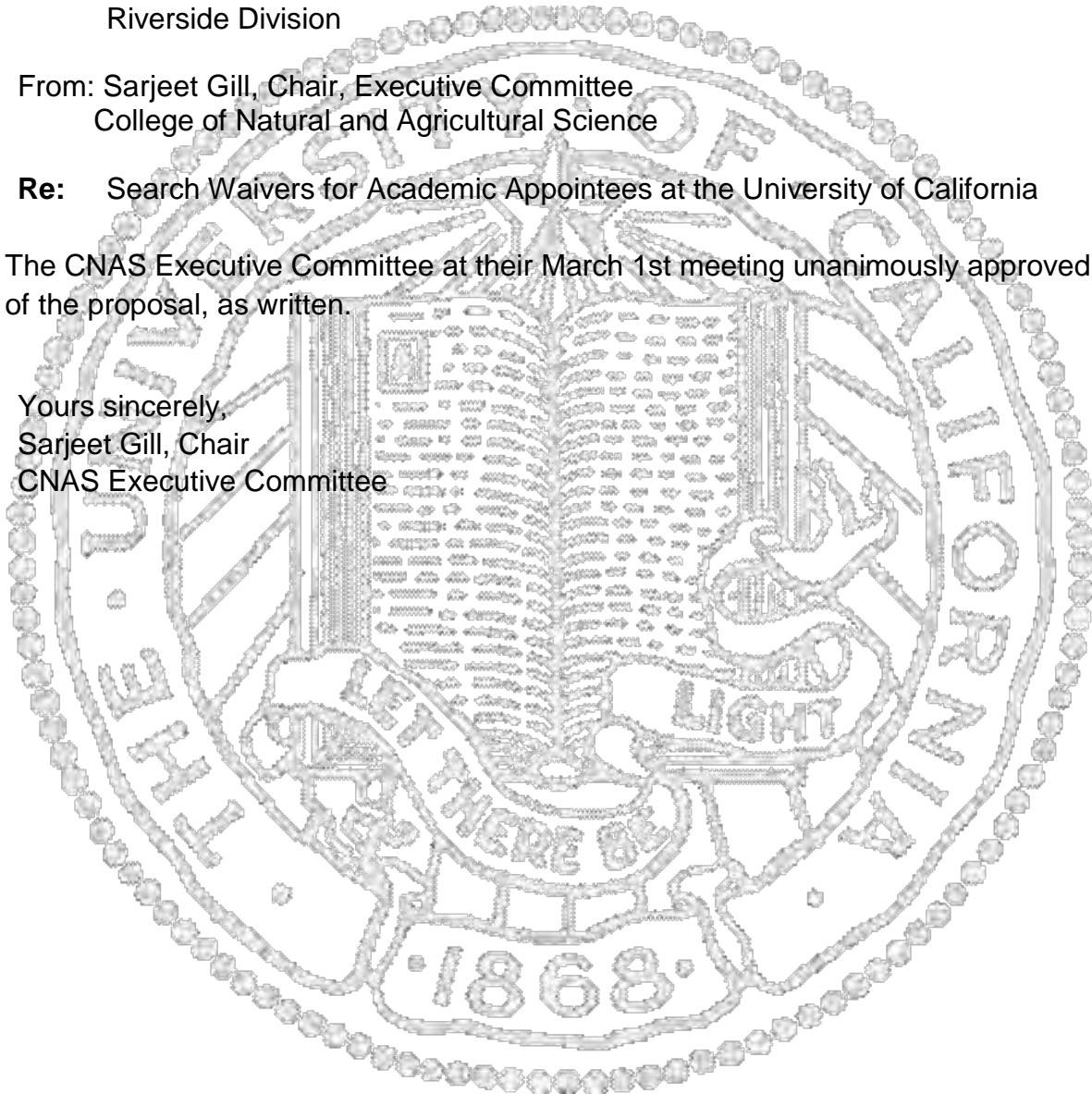
To: Jose Wudka, Chair
Riverside Division

From: Sarjeet Gill, Chair, Executive Committee
College of Natural and Agricultural Science

Re: Search Waivers for Academic Appointees at the University of California

The CNAS Executive Committee at their March 1st meeting unanimously approved of the proposal, as written.

Yours sincerely,
Sarjeet Gill, Chair
CNAS Executive Committee



March 2, 2016

To: Jose Wudka, Chair Riverside Division

From: Jan Blacher, Chair Executive Committee, GSOE

Re: Review of Guiding Principles for Search Waivers for
Academic Appointees at the University of California

The Executive Committee, GSOE, met on March 2, 2016 and discussed,
and concurred with the above guidelines.

Division of Biomedical
Sciences

School of Medicine
Riverside, CA 92521
Tel (951) 827-2186

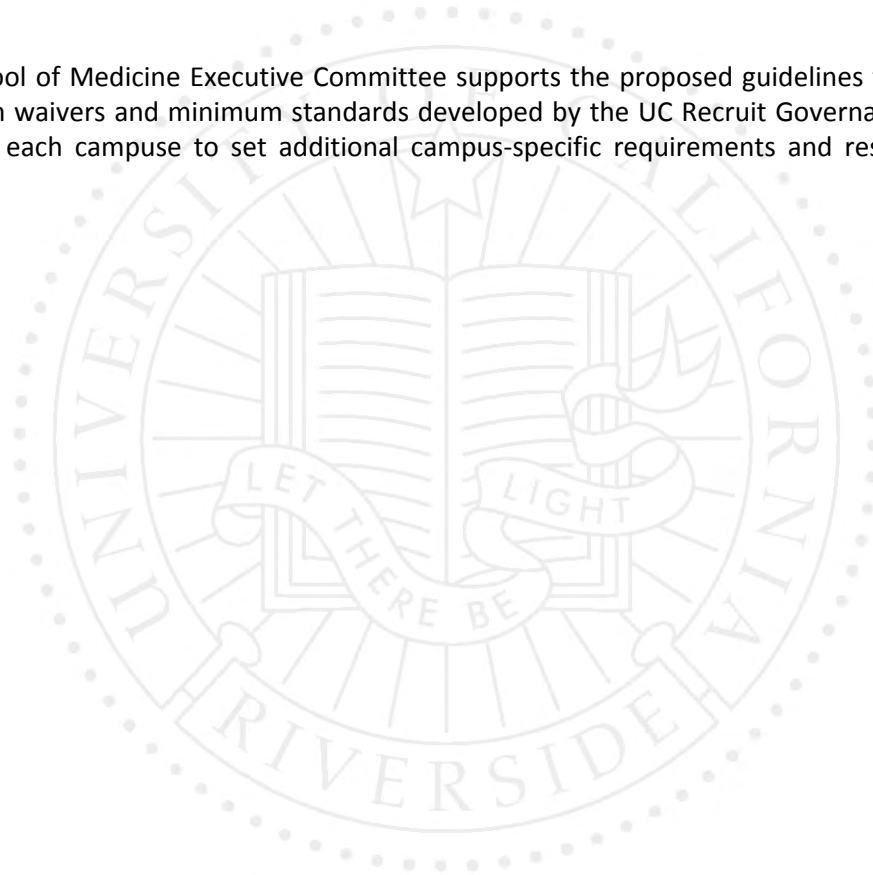
March 1, 2016

TO: Jose Wudka, Chair of Academic Senate

FROM: Iryna Ethell, Chair of Faculty Executive Committee, School of Medicine

RE: Request to review proposed guidelines for the use of waivers in academic hiring developed by the UC Recruit Governance Board

The School of Medicine Executive Committee supports the proposed guidelines for the use of search waivers and minimum standards developed by the UC Recruit Governance Board, allowing each campus to set additional campus-specific requirements and restrictions if needed.





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TELEPHONE: (858) 534-3640
FAX: (858) 534-4528

March 22, 2016

Professor Dan Hare
Chair, Academic Senate
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

SUBJECT: Response to “Guiding Principles – Search Waivers for Academic Appointees at the University of California”

Dear Dan:

The “Guiding Principles – Search Waivers for Academic Appointees at the University of California” (Guiding Principles) were distributed for review to the standing committees of the San Diego Divisional Senate on February 7, 2016. Specific requests for comment were made to the Committees on Academic Personnel (CAP), Diversity and Equity (CDE), and Faculty Welfare (CFW). The San Diego Divisional Senate Council discussed the Guiding Principles at its meeting on March 14, 2016.

Overall, the San Diego Divisional Senate Council was in agreement with the proposed principles. In particular, the response from CDE expressed support for the explicit inclusion of President’s and Chancellor’s Postdoctoral Fellows within the Guiding Principles. The Divisional Senate Council agreed, noting that the inclusion of these Fellows could help campuses use the President’s and Chancellor’s Postdoctoral Fellowship programs to more effectively attract and retain diverse faculty.

CAP made an observation regarding the manner in which waivers are granted within the Health Sciences. CAP noted that, in general, waivers are granted more frequently within Health Sciences to make adjunct appointments. The granting of these waivers are done in accordance with policy. However, CAP has observed that when open searches are conducted within Health Sciences, internal candidates are often positioned as front-runners and these internal front-runners have often been brought in via waivers. This situation has the potential to call the actual openness and fairness of recruitments within Health Sciences into question. The Divisional Senate Council was unsure whether this occurrence is observed systemwide; if it is, further discussion may be beneficial.

Thank you for the opportunity to comment on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Continetti". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Continetti, Chair
Academic Senate, San Diego Division

cc: K. Roy
R. Rodriguez
H. Baxter



ACADEMIC SENATE
Santa Barbara Division
1233 Girvetz Hall
Santa Barbara, CA 93106-3050

(805) 893-2885
<http://www.senate.ucsb.edu>

Kum-Kum Bhavnani, Chair
Deborah Karoff, Executive Director

March 21, 2016

Dan Hare, Chair
Academic Council

RE: Guiding Principles: Search Waivers for UC Academic Appointees at the University of California

Dear Dan,

The Santa Barbara Division distributed the guiding principles to all Senate Councils and Committees. The following groups have submitted comments: Council on Faculty Issues and Awards (CFIA), Council on Planning and Budget (CPB), Committee on Diversity and Equity (CDE), and the Faculty Executive Committees for the College of Letters and Science (L&S FEC), the Gevirtz Graduate School of Education (EDUC FEC) and the College of Engineering (ENGR FEC).

CDE, CFIA, and EDUC FEC are pleased with the new guidelines, which they feel lend clarity and uniformity to the process for search waivers.

Several groups have specific comments regarding the "Target of Excellence" category:

1. CPB feels that the title itself is too broad, given the fact that all UC faculty appointments are expected to be excellent. Instead, CPB states that the "descriptor should make it clear that such appointments are intended to be the exception" and suggests that the title "Exceptional Opportunity" would be preferable.
2. CPB, CDE, and CFIA note that diversity is only mentioned in the guidelines with respect to Presidents' and Chancellors' Postdoctoral Fellows, and suggest that diversity also be added as an acceptable example of a "Target of Excellence" hire. L&S FEC comments that the PPF and CPF "are not the only mechanisms for diversifying the UC faculty" and they "would want to avoid the unintended result of leading departments to concentrate their diversifying efforts solely on these programs."
3. CDE points out that while our local policy allows for appointments at the Full Professor level as well as at a "lower level," the guidelines only mention an "individual whose distinctive qualifications and extraordinary promise or accomplishments will contribute to the excellence of the academic mission of the University." The Committee suggests that such language "tends to foreclose the possibility of junior appointments."

4. CPB suggests that the final sentence, "This search waiver is of indefinite duration." is unclear and recommends that it be revised.

L&S FEC suggests the guidelines be referred to as "guiding principles" and is also unclear whether these are new guidelines or a re-statement of existing regulations. They are also concerned that there appears to be no "list of UC Recruit Governance Board members and therefore no indication of the level of faculty involvement". They request more clarity in these areas. L&S FEC also acknowledges the link between the guiding principles and the recent UCAAD statement on "Best Practices for Diversifying the UC Faculty", but also note that issues of definition of diversity, as well as a "variation in needs" of diversity are also best discussed in the document. They close their comments as follows:

The juxtaposition of these two documents – one encouraging waivers to the point of adding financial incentives determined by UCOP, the other restricting campus utilization of waivers – strikes us as, perhaps unintentionally, moving toward centralized hiring that may prove detrimental to the university. While we strongly support both the diversity efforts of our campuses and the waivers used in exceptional situations, we call upon the Senate and other university administration to pay heed to the conjunction of these issues and their potential implications.

With respect to internal hires (change in series), EDUC FEC requests "clarification as to why a candidate with extraordinary research qualifications cannot go from non-ladder to ladder faculty with an exception to open recruitment." The FEC feels that if a "professor can transition to a LSOE position (to shift their responsibilities more towards teaching), then a similar mechanism should be in place for a faculty member to move from LSOE to professor."

ENGR FEC has a number of specific comments about hiring or compensating external personnel:

1. There is currently no provision for hiring a graduate student external to the university with on-campus funds. This is something that should nominally fall under the research provision of the policy, but does not always do so due to the new faculty requirement. Once a faculty member is here, hiring an external graduate student now must be channeled through an open search, which is a tremendous waste of time for the faculty member, staff, and applicants. A member of the FEC has recently undergone this process, and it presents a needless limitation. The FEC requests a hiring provision for external graduate students to be added.
2. Some faculty members have complained regarding issues compensating close, long-term collaborators external to the university for time spent working in their group or travel or material support at UCSB. This often involves granting an appointment as visiting faculty and again has resulted in an open search. This is a tremendous waste of time and effort unforeseen by the blanket restriction of open searches.
3. There are mounting concerns and examples being voiced regarding the failure to apply the waiver policy by the personnel office even in situations where a waiver is clearly warranted. Nominally cases raised in the previous point [2] should be granted waivers under the "true" visitor exemption; however, this does not seem to always be happening.
4. Although not explicitly mentioned in the new waiver policy, some faculty raised concerns regarding current restrictions on hiring consultants previously employed at UC. Namely, the embargo period of 2 years seems unreasonably long. We would like to see this shortened to 1 year or less and potential exceptions granted for uniquely qualified candidates.

Thank you for the opportunity to comment.

Sincerely,

Kum-Kum Bhavnani

Kum-Kum Bhavnani, Chair
Santa Barbara Division



1156 HIGH STREET
SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

March 23, 2016

Dan Hare, Chair
Academic Council

Re: Guiding Principles: Search Waivers for Academic Appointees at the University of California

Dear Dan,

The UC Santa Cruz Division has reviewed and discussed the Guiding Principles: Search Waivers for Academic Appointees at the University of California. Our Committees on Affirmative Action and Diversity (CAAD) and Planning and Budget (CPB), have responded. Members voiced an understanding these are intended as minimum standards which allow campuses to set further restrictions and found the guidelines to be consistent with their understanding of existing policy. Additionally, CAAD believes that when correctly used, waivers can be an effective tool for increasing diversity among academic appointees.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Brenneis".

Don Brenneis, Chair
Academic Senate
Santa Cruz Division

cc: Miriam Greenberg, Chair, Committee on Affirmative Action and Diversity
Abel Rodriguez, Chair, Committee on Planning and Budget



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
Calvin Moore, Chair
ccmoore@math.berkeley.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th
Oakland, CA 94607-5200
Phone: (510) 987-9466
Fax: (510) 763-0309

March 22, 2016

**DAN HARE, CHAIR
ACADEMIC COUNCIL**

RE: Guiding Principles: Search Waivers for Academic Appointees at UC

Dear Dan,

The University Committee on Faculty Welfare has met and discussed the draft Guiding Principles: Search Waivers for Academic Appointees at UC. The committee's only concern is the omission of "diversity" as a Target of Excellence category in the new guidelines (p2, A.2). Previous guidelines included this target specifically, and we believe including it in the new guidelines will encourage more thoughtful review and use of waivers and further contribute to the academic excellence of the University. Language such as "an exceptional scholar who would make special contributions to diversity in a particular program or field" could be added to the Target of Excellence parameters.

Thank you for the opportunity to comment on this important issue.

Sincerely,

Calvin Moore, UCFW Chair

Copy: UCFW
Hilary Baxter, Executive Director, Academic Senate



UNIVERSITY COMMITTEE ON PLANNING AND BUDGET (UCPB)
Shane N. White, Chair
snwhite@dentistry.ucla.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
Phone: (510) 987-9466
Fax: (510) 763-0309

March 22, 2016

**J. DANIEL HARE, CHAIR
ACADEMIC COUNCIL**

RE: Search Waivers for Academic Appointees at UC

Dear Dan,

The University Committee on Planning and Budget (UCPB) has discussed the proposed revisions to the guidelines for Search Waivers for Academic Appointees at UC. Overall, the committee is supportive of the proposed changes, but we seek additional clarification on certain points. First, the committee found it odd that some waivers were to be of indefinite duration (A.1-3, B.2-3). It is unclear whether the waiver applies to a person or to a position, and the committee would appreciate greater explication of this feature. Second, the committee also found the category descriptor "Faculty Administrator Titles at Less than 100% and Interim/Acting Positions" confusing, specifically the "less than 100%" portion. There is a concern that this proviso could lead to series changes to the detriment of the institution. There were also questions as to why a lower percentage was not chosen, say 75% or 55%.

Thank you for the opportunity to review this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Shane N. White".

Shane N. White, Chair
UCPB

cc: UCPB
Hilary Baxter, Executive Director, Systemwide Academic Senate