Academic Search Exemptions and Waivers

POLICY STATEMENT

Enter Policy Statement Here

REASON FOR POLICY

Enter the Reason for the Policy Here

ENTITIES AFFECTED BY THIS POLICY

- All units of the university

WHO SHOULD READ THIS POLICY

- Those who will be responsible for reading and understanding this policy in order to implement the associated procedures; persons who must understand the policy in order to do their jobs; and people who are affected ultimately by the policy.

WEB ADDRESS FOR THIS POLICY

- This policy: www.policy.cornell.edu/
- University Policy Office: www.policy.cornell.edu
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RELATED RESOURCES

University Policies and Documentation

External Documentation

University Forms and Systems
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CONTACTS

Direct any general questions about this policy to your college or unit administrative office. If you have questions about specific issues, contact the following offices.

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DEFINITIONS

These definitions apply to terms as they are used in this policy.
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RESPONSIBILITIES

The major responsibilities each party has in connection with this policy are as follows:

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## PRINCIPLES

### Affirmative Action/Equal Employment Opportunity Search Requirements

Except in rare and special circumstances, or when an appointment is temporary (expected to terminate in one year or less), vacant academic positions must be filled by conducting a formal search. Academic titles for which open positions are subject to affirmative action search requirements are listed in the Appendix.

Authority to initiate an academic search comes from a dean, the university librarian, or in the case of centers, from an executive officer. Provost’s approval also will be necessary for a search involving high-profile, special procedure titles, such as senior scholar, senior scientist or university professor.

Before a search is begun, an affirmative action search plan must be submitted to the dean or executive officer for approval and also to the office designated by the provost for leadership in academic diversity and inclusion. The formal affirmative action search process is outlined in “Academic Search Protocols” (www.cornell.edu/diversity/docs/Academic_Search_Protocols.pdf), and may be facilitated by electronic systems employed by a unit’s human resource representative.

### Exemptions from Search Requirements

The affirmative action/equal employment opportunity search requirement pertains to all academic positions that involve appointment to a regular (unmodified) academic title, with some exceptions and exemptions.

#### Search Requirements Do Not Pertain

**A. Postdocs**

Appointments to the titles postdoctoral associate and postdoctoral fellow are not subject to search requirements.

**B. Reclassification of Postdocs to Research Associate or Senior Research Associate**

Persons holding the titles of postdoctoral associate or postdoctoral fellow for a minimum of three years, in the same Cornell postdoctoral position, may be appointed to the titles of research associate and senior research associate without a search. When the three-year minimum has been met, and upon approval of the department chair and the dean, the faculty sponsor may request review of the postdoctoral position for possible promotion to research associate or senior research associate. Such promotions should only be considered when the faculty sponsor is willing to commit to a long-term, career-track appointment for the incumbent. Reclassification of the postdoctoral title to research associate or senior research associate must be authorized by the appropriate college or unit level HR representative in consultation with the Office of Workforce Policy and Labor Relations. If for any reason it becomes important to promote a postdoctoral associate or postdoctoral fellow in less than three years, such a promotion should be done in connection with an open search involving full affirmative action procedures.
C. Individuals Paid from Outside Funds

When the salaries of individuals are paid through means unconnected with Cornell, affirmative action/equal employment opportunity search requirements do not apply—these cases include visiting fellows; appointments in which the title is modified formally by “courtesy”; and visiting appointees paid by other institutions or agencies.

D. Adjuncts

Search procedures do not apply where the appointment title is modified formally by “adjunct.”

E. Short-term Appointments

In the case of appointments envisioned and implemented to last no longer than one year (full-time equivalent), individuals may be appointed without a search; however, such individuals may not be reappointed to a continuing position without a search.

Search Considerations for Internal Appointees

F. Internal Academic Appointees

In considering whether a search should be made when there would be a title change for an individual already appointed to an academic title at Cornell, one criterion is the availability of a new position. If a new position is available, a search or approval to waive the search is necessary. Accordingly, a college could change the responsibilities and title of a senior extension associate to senior research associate without an affirmative action/equal opportunity search being required if the senior extension associate position were not to be refilled. Promotions that occur in a normal, expected sequence do not require search procedures. For example, the normal promotion of an assistant professor to associate professor, or extension associate to senior extension associate would not require a search.

G. Internal Movement to the Tenure Track

Because of the significance of the opportunity, in order to change an individual’s appointment from a title ineligible for tenure, or from a non-tenure-track professorial appointment, to a tenure-track or tenured appointment, obtaining an approved waiver of search or conducting the search is required.

H. Internal Movement from Nonacademic to Academic Appointment

In order to appoint a member of the university’s non-academic staff to an academic title, if the academic appointment otherwise would be subject to affirmative action/equal employment opportunity search procedures, obtaining an approved waiver of search or conducting the search is required.
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PROCEDURES

Waiver of Academic Affirmative Action/Equal Employment Opportunity Search Requirement

If special circumstances characterize the position or candidate, it may be permissible to forego a search. If, for instance, a search committee for a new dean has been authorized to limit the selection to a member of the faculty of the college, a formal affirmative action/equal employment opportunity search would not be required (but someone from outside the university could not be appointed without a search).

An academic unit may apply for a waiver of the affirmative action/equal employment opportunity search requirement, to appoint a specific candidate in special cases. The process for seeking a waiver is outlined in the Academic Search Protocols. Any questions should be discussed with the unit’s Affirmative Action Unit Representative (AAUR) and the office designated by the provost for assuring compliance for Equal Employment Opportunity laws – that office’s approval of the waiver request must be obtained before the position may be offered to a candidate. Final approval of search waiver is at the discretion of the executive (typically a vice provost) in charge of that office.

In some circumstances, approval to waive search requirements would support the university’s affirmative action program or would have little impact on others’ equal employment opportunity.

These circumstances include:

A. Affirmative Action Status. Approval may be sought for a search waiver to appoint an individual who is qualified for the position and whose gender, race/ethnicity, veteran, and/or disability status would assist the university in the context of its affirmative action programs.

B. Unique Experience. If an identified individual has unique qualifying experience, approval may be sought to waive the search requirement. For example, a professor might seek a waiver of search in the appointment of a new Cornell doctorate recipient as a research associate because of unique experience in a specific research project.

C. Distinguished Short List. A dean may authorize a department to strengthen its program through a distinguished appointment in a particular area. If consideration is limited to a short list of senior eligible individuals already known to the department, and if the position would not be filled if one of these individuals were not appointed, the department and dean would seek approval of a search waiver.
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PROCEDURES, continued

D. **Target of Opportunity.** When the opportunity to appoint a distinguished individual to the Cornell faculty arises, and when it would be highly unlikely for a search to result in a more qualified candidate, and when the delay created by a search might result in the loss of the opportunity, the department and dean would seek approval of a search waiver.

E. **Dual Career.** A pro-active and targeted recruitment or retention effort may support approval of a waiver of search for appointment of the spouse or partner to an academic title and position for which the individual is qualified.

F. **Sponsored Funding Restoration.** When an academic employee was involuntarily terminated from a sponsored program due solely to the lack of funds, and where the funding is restored within twelve (12) months, and where the employee would return to the same unit, titles and duties as held prior to termination, the unit and its leadership would seek approval of a waiver of search.
APPENDIX A: ACADEMIC TITLES SUBJECT TO AFFIRMATIVE ACTION SEARCH REQUIREMENTS

- Professor
- Associate Professor
- Assistant Professor
- University Professor
- Professor-at-Large
- Clinical Professor, Associate Clinical Professor, Assistant Clinical Professor
- Senior Scientist and Senior Scholar
- Principal Research Scientist and Research Scientist
- Senior Research Associate and Research Associate (except in cases of a postdoctoral associate or postdoctoral fellow reclassification)
- Instructor
- Senior Lecturer and Lecturer
- Teaching Associate
- Senior Extension Associate and Extension Associate
- Librarian and Archivist titles
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The University Policy Office will populate this section upon promulgation.