RECRUITMENT EXCEPTIONS POLICY

Category: Human Resources  Date Established: 3/1/10
Responsible Office: Equity, Diversity and Inclusion  Date Last Revised: 6/20/14
Responsible Executive: Vice President for Finance and Administration  Date Posted to Library: 6/30/14

Summary

The University at Buffalo will conduct a competitive recruitment for all positions, unless there is a compelling justification to make a recruitment exception.

Policy

POLICY STATEMENT

The University at Buffalo (UB, University) is an equal opportunity employer and actively seeks a qualified, diverse workforce. The University is committed to conduct recruitments consistent with the Recruitment Policy to enhance the excellence of the University’s workforce. The University will conduct a competitive recruitment for all positions, unless there is a compelling justification to make a recruitment exception.

Appointments without a competitive recruitment are limited to the following:

Emergency hires
- Instructional faculty
- Positions critical to the operations of the University

Hires of individuals as specified in documents related to each specific appointment
- Grant or contract positions
- Spousal/partner hires
- Key associates

Hires of opportunity
- Exemplary scholar
- Competitive hire
- Diversity opportunity

Visiting scholars (One year temporary)
- Faculty on sabbatical from other institutions
- Visiting scholars chosen by the funding source (e.g., Fulbright scholars and scholars funded by foreign institutions)
- Visiting research collaborators (individuals currently employed at another institution or agency and collaborating on an on-going research project)
- Exchange visitor (individuals from institutions with which the University has an exchange agreement)
Appointments due to a change in status
• Recently graduated student
• Change in funding source

University internship, apprenticeship, fellowship, and training programs
• Internship, apprenticeship, and training programs leading to appointment to a regular faculty or staff position
• Specialized fellowships leading to a regular faculty or staff position

Research Foundation temporary summer employment

Appointment to perform additional duties that are both separate from and unrelated to an individual’s current appointment

Special circumstances

BACKGROUND
This Policy supersedes the “Guidelines for Affirmative Action Procedures in the Hiring of Faculty and Professional Staff at the State University of New York at Buffalo.” The Waiver of Affirmative Action process will no longer be used and all requested exceptions to the Recruitment Policy will be reviewed in accordance with this Recruitment Exceptions Policy.

APPLICABILITY
All faculty, professional staff, classified staff, and Research Foundation (RF) positions regardless of full time equivalent (FTE) are covered by this policy. Civil Service rules and regulations also govern classified staff positions.

This policy does not apply to student assistant, work-study student, graduate assistant, teaching assistant, or research (student) assistant positions.

DEFINITIONS

Affirmative Action Plan – a federally mandated report that is used as a management tool designed to ensure equal employment opportunity. A central premise underlying affirmative action is that, absent discrimination, over time an employer’s workforce generally will reflect the gender, racial, and ethnic profile of the labor pools from which the employer recruits and selects.

Competitive Recruitment – the process of sourcing, screening, and selecting employees for positions with an employer.

Equal Employment Opportunity – the concept of providing access to employment opportunities to all persons without regard to race, color, national origin, gender, religion, age, disability, pregnancy, gender identity, sexual orientation, marital status, veteran status, or ex-offender status.
Protected Group – a protected group member is an individual who falls within a group that is qualified for protection under equal employment laws. Examples include individuals with qualifying disabilities, veterans with qualifying service, members of minority groups, and women.

Temporary Appointment – an appointment which may be terminated at any time. Temporary appointments ordinarily will be given only when service is to be part-time, voluntary, or anticipated to be for a period of one year or less, or when an employee's initial appointment is made to a position vacated by an employee serving a probationary appointment, or by an employee on an approved leave.

RESPONSIBILITY

Hiring Department and Search Committee
- Consider and select applicants for hire in accordance with laws prohibiting discrimination based upon race, color, national origin, gender, religion, age, disability, pregnancy, gender identity, sexual orientation, marital status, veteran status, or ex-offender status.
- Prepare appropriate documentation in support of the exception request.

Human Resources
- Monitor and enforce this policy and assist with compliance.
- Provide consultation, guidance, and assistance to hiring departments with recruitment procedures, position classification, and compensation.
- Manage UB Jobs.
- Approve position classifications and hiring proposals.

Office of Equity, Diversity and Inclusion (EDI)
- Monitor and evaluate utilization of the Recruitment Exceptions Policy.

International Student and Scholar Services
- Provide policy and immigration services for faculty and staff.

Office of Faculty Affairs
- Authorize all faculty recruitment.
- Review and approve faculty hiring/appointments.
- Advise and assist with under-represented faculty recruitment and special faculty hiring initiatives.
PROCEDURE

Recruitment exceptions will be processed and reviewed through UB Jobs. A special tab is located within UB Jobs for appropriate documentation to be inserted by the hiring manager and the individual being hired.

The requirement to process an appointment through UB Jobs is waived in the following circumstances:

- When appointing a State University of New York (SUNY), RF, or University at Buffalo Foundation (UBF) employee to an RF temporary summer position. However, if UB Jobs is not used, a job description must be submitted with the appointment transaction in order for the appropriate job title to be assigned.
- When hiring an active, full-time, exempt (professional) level SUNY, RF, or UBF employee to perform additional duties that are both separate from, and unrelated to, the individual’s current appointment. When doing so, the appropriate approval form (i.e., Extra Service Compensation Approval (RF) or Request for Approval of Extra Service Compensation (State)) must be completed and submitted along with the appropriate hiring documentation.

The chart provides definitions and documentation requirements for each exception category.
## Recruitment Exception Definitions

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<tr>
<th>Exception Category</th>
<th>Definition</th>
<th>Documentation Required</th>
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<tbody>
<tr>
<td><strong>Emergency Hire</strong></td>
<td><em>Instructional Faculty</em>: In an emergency situation (e.g., sickness, death, sudden resignation, or where a vacancy for a position crucial to an instructional need occurs less than one year from the required start date for the course or during the course of the semester) the position may be filled on a temporary basis, contingent on the unit starting the search immediately or in such time as the unit can reasonably expect to select the candidate by the beginning of the next semester or academic year.</td>
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<td><em>Positions critical to the operations of the University</em>: In an emergency situation in which failure to fill a vacancy would compromise the operations of the University, an emergency temporary hire, not to exceed one year, may be made while the search is being conducted. These appointments will be made only when the position could not reasonably be expected to be filled by a temporary internal reassignment.</td>
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<td>Note: Individuals who have been hired on a temporary basis without a competitive/affirmative action recruitment or exception to the search process will not be eligible for consideration as an internal applicant, and can only be a candidate if a full external search is conducted.</td>
<td>Letter of justification explaining the circumstances</td>
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<td><strong>Hires of individuals specified in documents related to each specific appointment</strong></td>
<td><em>Grant or Contract Positions</em>: Principal Investigators may hire individuals specifically named in grants or contracts and/or who are integral to the project.</td>
<td>Letter of justification explaining the circumstances</td>
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<td><em>Spousal/Partner Hires</em>: The hire of the spouse or partner is negotiated in connection with the primary hire resulting from a competitive recruitment.</td>
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<td><em>Key Associates</em>: Employees who have formally negotiated the hire of key associates as part of their employment agreement; these appointments may be in connection with the transfer of a sponsored project or related to a unit or program-specific recruitment initiative.</td>
<td>Award letter and selected pages from the research grant or contract specifying the named person(s), or other written justification as to why the individual is integral to the project</td>
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<td>Documentation consistent with Provost Office procedures</td>
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<td>Documentation of prior approval for the associate appointments must be provided for each individual appointment</td>
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<td><strong>Hire of Opportunity</strong></td>
<td><strong>Exemplary Scholar:</strong> Nationally or internationally renowned individual. While each academic discipline recognizes extra-ordinary accomplishment differently, it is expected that the &quot;hire of opportunity&quot; designation be used only in rare circumstances; such designations are recommended by deans or vice presidents for approval by the president or provost. For international scholars, contact International Student and Scholar Services.</td>
<td>Address specific accomplishments, status in the discipline, and national or international reputation of the individual to support the appointment as an “exemplary scholar”</td>
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<td><strong>Competitive Hire:</strong> In recognition of the unique nature of the recruitment and hiring of athletic coaches, an exception to the competitive hiring process may be made when the urgency of committing a job offer to a candidate is documented and indicates that normal competitive processes are not practical to secure the selection of a highly qualified candidate. All candidates hired under this exception will serve under time-limited contract appointments.</td>
<td>Letter of justification from the Director of Athletics addressing the specific qualifications of the individual, competitive nature of recruitment within the specific sport, or other circumstance relevant to the proposed hire</td>
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<td><strong>Diversity Opportunity:</strong> An exception to achieve diversity may be granted to a department/unit based upon its capacity to recruit qualified women and/or minority (African-American, Hispanic or Latino, Asian or Pacific Islander, American Indian or Alaskan Native) candidates, where there is under-representation of women and/or minority groups in the department/unit workforce profile as documented in the current Affirmative Action Plan.</td>
<td>Include data from the current Affirmative Action Plan verifying under-representation of the protected group in the particular discipline, or other appropriate documentation; can be provided by EDI</td>
<td></td>
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<td><strong>Visiting Scholar</strong> (one year temporary appointment)</td>
<td><strong>Faculty on sabbatical from other institutions</strong></td>
<td>Copy of letter authorizing the sabbatical or letter of justification explaining the hire</td>
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<td><strong>Visiting scholars chosen by the funding source</strong> (e.g., Fulbright scholars and scholars funded by foreign institutions)</td>
<td>Documents indicating funding source or letter of justification explaining the hire</td>
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<td><strong>Visiting research collaborators</strong> (individuals currently employed at another institution or agency and collaborating on an on-going research project)</td>
<td>Letter of justification explaining the hire including the date the research project commenced</td>
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<td><strong>Exchange Visitor</strong> (individuals from institutions with which the University has an exchange agreement)</td>
<td>Copy of the exchange agreement or a letter of justification explaining the circumstances</td>
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<td>Appointment due to change in status</td>
<td>Recently Graduated Student: A student employee who has just completed degree requirements and can no longer hold a restricted (student status) appointment may be appointed to a temporary non-restricted appointment for the purpose of completing a specific project up to a maximum of one year.</td>
<td>Letter of justification explaining the circumstances, including the expected graduation date and estimated completion date of the project</td>
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<td>Change in Funding Source:</td>
<td>When funding sources are changed to a new university or university-affiliated employer, an exception to recruitment requirements can be utilized for appointment to the new position, only if the individual's prior appointment was the result of a competitive recruitment. The new position must have similar duties, responsibilities, and salary and must be permissible under state and federal employment law.</td>
<td>Letter of justification explaining the circumstances and referencing the original posting number of the prior affirmative action search; additional supporting documents that verify the completion of a competitive recruitment for the selected individual will be accepted in lieu of the original posting number if one did not exist or cannot be found</td>
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<td>University Internship, Apprenticeship, Fellowship, and Training Programs</td>
<td>University Internship, Apprenticeship, Fellowship, and Training Programs: Students, interns, or apprentices who have completed a formal internship, apprenticeship, or training program designed to increase employment and/or knowledge and experience at the University; the formal internship, apprenticeship, or training program must recruit its candidates through an open equal opportunity process.</td>
<td>A letter of justification explaining the method of selection for the candidate</td>
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<td>Specialized Fellowships leading to a regular faculty or staff position: Candidates who have completed a specialized fellowship that furthers the University's mission and would be an asset to the University; the specialized fellowship must recruit its candidates through an open equal opportunity process.</td>
<td>A letter of justification explaining the method of selection for the candidate</td>
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<td>Research Foundation temporary summer employment</td>
<td>RF temporary summer appointments may be made for up to thirteen weeks during the designated summer period. These appointments may not extend beyond the summer period, or convert to regular status without a competitive recruitment.</td>
<td>Transactions for such appointments must include the “summer” designation; appointments for State faculty members exceeding two months (or 2/9th’s of the academic year salary) require completion of the Summer Appointment Certification.</td>
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<td>Appointment to perform additional duties that are both separate from, and unrelated to, an individual’s current appointment</td>
<td>When hiring an active, full-time, exempt (professional) level SUNY, RF, or UBF employee to perform additional duties that are both separate from, and unrelated to, the individual’s current appointment.</td>
<td>Extra Service Compensation Approval (RF) or Request for Approval of Extra Service Compensation (State) and appropriate hiring documentation.</td>
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<td>Special Circumstances</td>
<td>Circumstances may arise where an appointment or change in appointment is required to meet administrative, contractual, or legal obligations of the University, and to which standard recruitment procedures cannot be applied. The “special circumstances” designation should only be used in rare circumstances.</td>
<td>Approvals and documentation appropriate to the specific situation from the provost or cognizant vice president.</td>
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### Contact Information

Human Resources  
120 Crofts Hall  
Buffalo, NY 14260  
Phone: 716-645-7777  
Email: HRAdmin@buffalo.edu  
http://hr.buffalo.edu

Office of Equity, Diversity & Inclusion  
406 Capen Hall  
Buffalo, NY 14260  
Phone: 716-645-2266  
Email: aa-diversity@buffalo.edu  
http://equity.buffalo.edu/

International Student and Scholar Services  
210 Talbert Hall  
Buffalo, NY 14260  
Phone: 716-645-2258  
Email: intlservices@buffalo.edu  
http://wings.buffalo.edu/intlservices/
Related Information

University Documents:

Recruitment Policy
http://policy.business.buffalo.edu/Policy%20Library/Recruitment%20Policy.pdf

Request for Approval of Extra Service Compensation (State)
http://hr.buffalo.edu/files/phatfile/Extra_Service_Approval.pdf

Extra Service Compensation Approval Form (Research Foundation)
http://hr.buffalo.edu/files/phatfile/Extra_Service_RF_Comp_Approval.pdf

Summer Appointment Certification (State and Research Foundation)
http://hr.buffalo.edu/files/phatfile/Summer_Appointment_Certification.pdf

Other Documents:

Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York

Related Links:

Recruitment and Position Management System (User Login)
https://www.ubjobs.buffalo.edu/hr

State University of New York Board of Trustees
http://www.suny.edu/about/leadership/board-of-trustees/

State University of New York Union Contracts
https://www.suny.edu/hr/contracts/

UB Jobs
https://www.ubjobs.buffalo.edu/
UB Jobs Hiring Manager's Guide

Revision History

November 2011  -  Updated Office of Equity, Diversity and Affirmative Action (EDAAA) department name to reflect the current name of: Office of Equity, Diversity and Inclusion (EDI).

June 2014  -  Updated the Procedure section with waiver of UB Jobs requirement when:
• appointing a SUNY, RF, or UBF employee to an RF temporary summer position
• hiring an active full-time exempt (professional) level SUNY, RF, or UBF employee to perform additional duties that are both separate from, and unrelated to, the individual's current appointment.

Presidential Approval

John B. Simpson  3/1/10

John B. Simpson, President  Date