

## Search Waiver Procedures for University Employees

**I. Scope:** These search waiver procedures apply to searches for all university operational and professional staff positions, except for:

- student employment positions;
- temporary hires (hires for positions for no more than 12 months); and
- transfers or appointments required to be made in a non-competitive fashion, such as for a classified or operational employee with Layoff Benefits or for an employee being transferred as a disability accommodation, in all cases as approved by the CHRO.

Note that a reassignment of duties or modification of an existing position is typically not considered to be an appointment for which a search is required, provided that the reassignment or position modification is conducted in accordance with applicable policy and does not result in the creation of a new, incremental position or a vacancy.<sup>1</sup>

**II. Equal Opportunity:** William & Mary is committed to providing equal opportunity in employment through inclusive, non-discriminatory open recruitment and hiring practices. Exceptions from full search procedures are permitted only with appropriate justification and when exceptions are in the best interests of the university. Competitive, open searches are important to ensuring that university hires are made in an equitable manner, with no discrimination, and that the best candidate is selected for the position.

**III. Waivers and Exceptions – General Guidelines:** A search should usually be conducted to fill a vacant position. A search waiver is a request to fill a vacant position without a search process at all. A search exception is a request to change one or all of the requirements for conducting a search.

**Search waivers** may be appropriate in the following circumstances:

1. When a candidate is uniquely qualified for the position, a search waiver may be considered for cases where there is an unusual opportunity to hire an individual whose distinctive qualifications and extraordinary promise or accomplishments will contribute significantly to the excellence of the university (this requires detailed explanation and at least one other factor will also typically need to be present in order to justify a search waiver).
2. Lack of available qualified candidates, as demonstrated by at least two failed searches.
3. The appointment is temporary for a period of up to one year and is non-renewable.
4. An interim or acting appointment, such as to address an unanticipated departure.
5. Emergency circumstances that are truly unique and cannot be resolved effectively through other means. Lack of planning will not be considered an emergency circumstance.
6. Following a competitive search for a position deemed critical to the university, a waiver may be granted for certain “team” members who accompany the critical hire.

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<sup>1</sup> The applicable policies are (a) the Policy on Appointments and Termination of Professionals and Professional Faculty, (b) the Faculty Handbook and any applicable policies of the relevant school and/or department, (c) the Employment Policy for Executives.

7. Spousal accommodation: the position would be filled by an accompanying spouse/domestic partner, whose appointment is necessary to recruit a successful candidate identified in a pre-existing search in the same or a different department, or to retain a current faculty member. Please attach an explanation of the necessity for the exemption and the programmatic needs justifying employment of the accompanying spouse/domestic partner.
8. The position is for a postdoctoral or terminal degree trainee to be appointed as a research associate for not more than three years.
9. An appointment involves a change in the title and/or responsibilities of a current operational or professional staff member, which involves expansion or restructuring of an existing position without the creation of a new position or a vacancy.
10. The position is a part-time appointment of less than 50 percent. A part-time appointment may not be changed from 50 percent or less to greater than 50 percent without a search.
11. The candidate is documented as “key personnel” on an approved research grant or contract – to include principal investigators, co-principal investigators, and other key persons who play a critical role in the design, conduct and reporting of the research.

If a waiver request meets one or more of the above criteria, the Chief Human Resources Officer (CHRO) for university operational or professional staff may give additional positive consideration when one or more of the following factors are present:

- waiver would advance Affirmative Action goals; and/or
- hire would retain a valued employee.

**Search exceptions** are requests to modify the standard search process. Types of search exceptions include:

1. requests for a shorter search period; and
2. internal search only (searches open only to current W&M employees).

A search waiver is not required when a position is being reclassified or when additional duties are assumed, and the position is elevated to reflect those duties. However, departments must obtain approval from their department head and University Human Resources before making any changes to a position title and/or duties.

#### **IV. Procedure**

1. If a waiver is requested, the candidate for the position must meet minimum qualifications.
2. Each request for a waiver or exception must be submitted to the CHRO for a university operational or professional staff member on an approved waiver or exception request form. The CHRO may require the hiring official to supplement the request with organization charts, resume/CV of candidate (if a waiver is requested), information about past searches if applicable, and any other justification criteria.
3. The CHRO will consider the factors and circumstances outlined in the request, as well as factors such as (i) the anticipated impact of the exception on the applicant pool, (ii) the nature of the position, e.g., whether the waiver would allow for advancement of a qualified university employee, and (iii) W&M’s diversity and affirmative action goals.
4. No verbal or written offers or commitments should be made to any desired candidate unless and until the CHRO approves the request in writing.

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