

## **POLICY AND PROCEDURES FOR THE APPOINTMENT OF FULL-TIME TEMPORARY FACULTY INCLUDING EMERGENCY APPOINTMENTS**

This policy is intended to provide a guide to the appointment of full time temporary faculty. All appropriate federal and state law and systemwide and university policies including the campus Policy on Nepotism, the campus Equal Educational and Employment Opportunity Plan and the campus Policy on Incompatible Activities and Conflicts of Interest apply to this process. These procedures apply to all full-time temporary faculty positions compensated as Unit 3 employees, whether funded by regular budget, reimbursed accounts, or other external Sources.

### **I. APPOINTMENT AUTHORITY**

The Provost and Vice President for Academic Affairs or designee (Provost) shall make all faculty appointments. No other person is authorized to appoint faculty, nor to modify or revise the provisions of any appointment or offer of appointment. No other person is authorized to make statements, either oral or written which may be construed to be commitments to employment by the university. Only faculty members whose appointments have been approved by the Provost shall be responsible for the conduct of instruction or fulfill other duties normally performed by a faculty member at California State University, Fresno.

### **II. APPROVAL FOR A SEARCH**

1. College/school deans, <sup>1</sup> in consultation with their academic departments, shall submit requests to the Provost to conduct a search for a lecturer position. The request shall include justification for the position based upon a plan for the department and college/school.
2. Final approval for a search, must be obtained from the Provost.
3. Final approval for the distribution of the official vacancy announcement must be obtained from the campus equal educational and employment opportunity (EEO) officer and the provost or designee.

### **III. FORMATION AND RESPONSIBILITIES OF THE SEARCH COMMITTEE**

1. The primary responsibility for recruitment lies with the department.
2. Acting as the department peer review committee, the search committee shall have sole responsibility, including recommendations to the department chair, dean, and provost. The committee may consult with the tenured faculty and probationary faculty in the department, but the recommending authority for the faculty of the department rests solely with the search committee. The recommendation of the search committee shall constitute the recommendation of the department.
3. The tenured and probationary faculty in the department shall elect all search committees for full-time faculty positions in the department. Each search committee shall have a minimum of three members excluding the department chair and participants in the Faculty Early Retirement Program. <sup>2</sup> The membership of search committees shall consist

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<sup>1</sup> For purposes of this policy, college/school dean shall include the Dean of Library Services for library faculty, and the Dean of Student Affairs for Student Services Professionals – Academically Related (SSP-AR).

<sup>2</sup> The department chair should meet occasionally with the committee during the selection process, but shall not participate in the deliberations of the committee.

- of full-time faculty from the tenured and/or probationary faculty of the department<sup>3</sup> provided that at least two-thirds of the membership of the committee consists of full-time tenured faculty.<sup>4</sup>
4. The department may form a committee consisting of all full-time tenured faculty or all full-time tenured and probationary faculty members in the department.<sup>5</sup> If the department forms a committee consisting of all full-time tenured and probationary faculty, at least two-thirds of the membership of the committee shall be composed of tenured faculty. Since the department chair shall make a separate recommendation, he/she shall not be a member of the search committee.
  5. When the department has insufficient full-time tenured and/or probationary members available to form a committee, the department faculty shall elect other tenured and/or probationary faculty available to serve on the committee.<sup>5</sup> Tenured and/or probationary faculty not serving on the committee within the department or unit may review the applications and provide input<sup>6</sup> to the committee but may not participate in search committee deliberations and/or vote in search committee meetings.
  6. All search committees are required to have a **non-voting** EEO designee as a member of the committee. The EEO designee shall be from the list available from the campus EEO Officer.
  7. The search committee shall elect a chair from its membership.
  8. The chair of the search committee is responsible for:
    - a. Ensuring that each member of the search committee has been advised of law, CSU policy, and university policies which bear upon the search and nomination process,
    - b. Ensuring that all policies and procedures regarding the search are adhered to by the members of the committee and the department,
    - c. Ensuring that the search is conducted in full compliance with the law and university policy,
    - d. Meeting regularly with the department chair to keep the chair informed regarding the progress of the search,
    - e. Acting as a liaison between the committee and the appropriate administrative offices,
    - f. Ensuring that copies of all applications, evaluations, correspondence, including email communications, from and to candidates are retained and secured,

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<sup>3</sup> For purposes of recommendations regarding appointment, academic administrators above the level of department chair shall not participate in the search process at the departmental level.

<sup>4</sup> In departments with multiple programs, the program faculty shall constitute a majority of the committee.

<sup>5</sup> Whether a small committee or a committee of the whole, each member of the search committee is required to read and evaluate all the applications.

<sup>6</sup> Input provided to the committee by individual faculty members in the department regarding candidates should be committed to writing, identified by source, and placed in the appropriate application file.

- g. Maintaining ongoing contacts/correspondence with active candidates,
  - h. Obtaining prior authorization before inviting candidates for on-campus visits,
  - i. Arranging schedules for telephone or teleconference interviews and campus visits as appropriate,
  - j. Ensuring that visitations are handled properly and in a timely manner,
  - k. Ensuring that the candidates are properly reimbursed for expenses,
  - l. Preparing the appropriate nomination forms,
  - m. Keeping the leading candidates informed of the progress of the search,
  - n. Notifying unsuccessful candidates politely,
  - o. Performing other duties necessary to complete a timely and successful search.
9. Each member of the search committee is responsible for compliance with law and all policies including, specifically, the requirement to maintain strict confidentiality.
10. The committee shall be governed by majority votes. However, it is preferable that the final recommendation(s) should be the result of substantial, if not unanimous, agreement among the committee members.

#### **IV. ROLE OF THE EEO DESIGNEE**

1. The focus of the EEO designee is to provide an ongoing review of the search process to promote equal employment opportunity, and adherence to sound personnel practices.
2. The responsibilities of an EEO Designee are to:
  - a. To participate in the recruitment process from its initial stages to completion while keeping the campus EEO Officer informed as appropriate.
  - b. To ensure that the recruitment efforts are far-reaching and include efforts that attracts qualified applicants.
  - c. To assess the extent to which recruitment efforts have been successful in attracting a pool of qualified candidates.
  - d. To monitor the search process at the search-committee level to assure that all applicants are given fair consideration based on the criteria stated in the official vacancy announcement.
  - e. To render a decision as to the need to address any problems related to the conduct of the search with the campus EEO Officer and/or the Associate Vice President for Academic Personnel.<sup>7</sup>

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<sup>7</sup> It is not a violation of the confidentiality of the process to report any problems related to the conduct of the search to designated university officials such as the dean, the campus EEO officer or the Associate Vice President for Academic Personnel.

## V. VACANCY ANNOUNCEMENT

1. The search committee, including the EEO designee, shall develop the vacancy announcement. the announcement and the recruitment plan shall be subject to approval by the department chair, the dean, the campus EEO officer, and the Associate Vice President for Academic Personnel.
2. Each vacancy announcement authorization form submitted for approval shall include:
  - a. Clearly defined criteria for the position, including minimum academic qualifications, specifying both required and preferred criteria,
  - b. The date by which the application should be submitted for fullest consideration,<sup>8</sup>
  - c. Name, mailing address, and email address of the committee chair,
  - d. Names of each members of the search committee,
  - e. Name of the EEO designee,
  - f. URL of the college/school,
  - g. If required by the department or college/school, a request to provide transcripts.
3. The criteria listed on the vacancy announcement shall be bona fide occupational qualifications for the position appropriate to the rank being advertised.
4. Minimally,<sup>9</sup> each full-time faculty position shall be opened to a thirty (30) day, national search.
5. Once the official vacancy announcement has been approved, the criteria stated in the official vacancy announcement may not be altered either in writing or in the evaluation process. Should the search committee wish to alter the criteria, the search must be canceled and a new search process initiated.
6. Advertisements shall be submitted to professional publications only after the official vacancy announcement has been approved.<sup>10</sup>

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<sup>8</sup> The vacancy announcement shall state that the position is "open until filled" and shall not have a fixed deadline after which applications will no longer be accepted. Applications may continue to be accepted until the search committee decides that it has reached a point where it no longer wishes to consider further applications. Once that determination has been made not to consider further applications, no application received after that determination may be given consideration.

<sup>9</sup> The thirty (30) days begins after the final vacancy announcement has been approved.

<sup>10</sup> The official vacancy announcements are posted on the web at <http://www.csufresno.edu/aps/vacancy/vancancy.html>

## VI. CRITERIA FOR APPOINTMENT

1. A major responsibility of the university is to select and retain the most qualified faculty available to maintain the academic quality and integrity of the institution.
2. The basic criterion for any faculty position is "ability and fitness for the position to be filled."<sup>11</sup>
3. For purposes of this policy, "ability" requires that the candidate demonstrate that he/she possesses (a) the academic qualifications and, if appropriate other credentials and/or experience required for the position and (b) the skills necessary to perform the essential functions of a faculty position.
4. For purposes of this policy, "fitness" requires that the candidate demonstrate that he/she possesses the interpersonal skills essential for being a productive, cooperative, and collegial faculty member within a racially, culturally and socio-economically diverse university community.
5. The relationship between a candidate(s) and other candidates or a current faculty member shall not be a consideration in the process.

## VII. CREATING THE CANDIDATE APPLICANT POOL

1. California state university, Fresno is strongly committed to the principles of equal employment opportunity and nondiscrimination for all. It is the policy of the university to provide programs, services and benefits including employment without regard to race, religion, color, gender, marital status, pregnancy, national origin, age (over 40), mental or physical disability, sexual orientation, special disabled veteran's status, Vietnam era or other covered veteran status. The university does not tolerate discrimination in any form.<sup>12</sup>
2. It is the policy of California State University, Fresno to make every effort to maximize the size, and strength of the applicant pool for full-time faculty positions. All eligible individuals are encouraged to apply and shall be considered for the position pursuant to the university policy. All applicants shall be given fair consideration based on the announced criteria.
3. Academic Personnel Services will post the official vacancy announcement on a nationally recognized job line(s) on the Internet as well as post the announcement on its own web page.<sup>13</sup>
4. Pursuant to systemwide requirements,<sup>14</sup> Academic Personnel Services is designated as the campus location where official copies of all current campus vacancy announcements for tenure track and full-time temporary faculty positions shall be maintained, as well as

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<sup>11</sup> See California Code of Regulations, Title 5 Section 42700 (a).

<sup>12</sup> See Campus EEO Plan Section I

<sup>13</sup> Academic Personnel Services posts vacancy announcements for all full-time faculty positions on the website [higherjobs.com](http://higherjobs.com).

<sup>14</sup> CBA Article 12

vacancy announcements for full-time faculty positions that are received from other CSU campuses.

5. The college/school will post all vacancy announcements for full-time faculty positions on the college/school web page by creating a link to the official vacancy announcement on the Academic Personnel Services website. Should the department post the vacancy announcement on its web page, a link should be created to the official vacancy announcement on the Academic Personnel Services website.
6. The department will place vacancy announcements in at least one professional publication appropriate to the discipline; national listservs; and engage in special mailings, advertisements, and recruitment efforts to maximize the size of the applicant pool. The department will bear the costs of such efforts.

### VIII. PRELIMINARY REVIEW OF THE APPLICATIONS

1. Applications for full-time positions are to be treated with the strictest confidentiality. All deliberations on applications for full-time positions shall be conducted in executive session and remain confidential as provided by law. **Violations of this confidentiality are considered to be unprofessional conduct and may be grounds for disciplinary action.**<sup>15</sup>
2. There shall be an access log for the file of each applicant. All persons shall sign in and out when reviewing the file.
3. All applicants shall be given fair consideration based on the announced criteria.<sup>16</sup> all members of the search committee including the EEO designee shall review all of the applications.
4. Each application for the position shall be promptly acknowledged in writing by the chair of the committee.
5. Each applicant shall be directed to the web to complete an application form and an applicant flow form.
6. Tenured and probationary faculty who are not members of the search committee may read the vita, placement files, letters of recommendation, and other application materials of candidates for the purpose of providing the search committee with written assessments (one way information only). These individuals shall also log access in and out of the files.
7. The search committee shall meet in executive session for deliberations and voting at all levels of screening, selection, and nomination.
8. Voting by proxy or by absentee ballot by search committee members is prohibited. Only those search committee members who have read all the files, participated in the deliberations, and are present and voting may participate in making the recommendations
9. The papers of each applicant shall be reviewed against a checklist of the bona fide

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<sup>15</sup> It is not a violation of the confidentiality of the process to report any problems related to the conduct of the search to designated university officials such as the dean, the campus EEO officer or the Associate Vice President for Academic Personnel.

<sup>16</sup> See EEO plan section vii.

occupational qualifications as detailed in the vacancy announcement. This checklist shall be prepared and approved by the members of the search committee including the EEO designee prior to the commencement of reading applications.

10. For applicants who have been previously employed in the department, the following materials shall be reviewed: (1) all application materials, (2) student evaluations of instruction, (3) peer reviews of instruction, and (4) any other relevant material in the applicant's Open Personnel File.

## **IX. SCREENING THE APPLICANTS**

### **A. GENERAL PROVISIONS**

1. Any applicant not having the required qualifications as stated in the vacancy announcement is disqualified from further consideration.
2. After the preliminary review of applicants, a more detailed evaluation of the stronger applicants shall take place.<sup>17</sup>
3. For each applicant who has been previously employed in the department, the following materials shall be reviewed: (1) all application materials, (2) student evaluations of instruction; (3) peer reviews of instruction, and (4) any other relevant material in the applicant's open personnel file.

### **B. LETTERS OF REFERENCE**

1. The search committee should request letters of reference directly from the applicant's referees. At least three (3) original and signed letters of reference must be obtained directly from supervisors, senior faculty, the dissertation committee chair, and/or other persons in responsible positions who have working knowledge of the candidate's ability and fitness for the position to be filled.
2. A minimum of three (3) current letters of reference<sup>18</sup> with original signatures are required for a nomination to go forward. FAX copies may be used only for screening purposes. Letters of reference provided directly by the applicant are not acceptable.<sup>19</sup>

### **C. REFERENCE CHECKS**

1. At least three (3) telephone or in-person reference checks are required for appointment. More than one member of the search committee shall perform phone reference checks. Reference checks shall include contacts with appropriate individuals at the candidate's previous places of employment/professional experience.
2. A list of nondiscriminatory core questions shall be prepared and approved by the search committee, including the EEO designee, for use during reference checks. Minimally, each referee shall be asked these questions.

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<sup>17</sup> Any false statement or omission by a candidate may be cause for rejection of an application or for discharge after employment (Education Code 89535)

<sup>18</sup> Letters of reference should be with original signature and no more than one (1) year old.

<sup>19</sup> Letters of reference sent directly by the candidate from a university placement service are acceptable.

3. Prior to the appointment, the dean should do at least one (1) telephone or in-person reference check for each finalist.
4. Additional reference checks from individuals not on the list of references provided by the candidate are encouraged.<sup>20</sup> Candidates shall be notified if individuals not on his/her list of references are to be called.<sup>21</sup>
5. All past employers should be contacted. No offer of employment shall be extended until the candidate gives consent to contact the current or most recent employer and the current or most recent employer has been contacted.
6. Summaries of reference checks shall be prepared in writing, signed by the person who made the reference check, and placed in the applicant's file.

#### **D. TELEPHONE CONFERENCE INTERVIEWS**

1. Telephone conference interviews of at least the top three candidates are required.<sup>22</sup> Telephone conference interviews shall be attended by at least a quorum of the search committee. A list of nondiscriminatory core questions shall be prepared and approved by the search committee including the EEO designee for use during the conference interviews. Minimally, each candidate shall be asked these questions.
2. Summaries of telephone conference interviews shall be prepared in writing, signed by the committee chair, and placed in the applicant's file.
3. The department chair, the college/school dean and Associate Vice President for Academic Personnel are to be consulted if there is significant information which may have a bearing on a candidate's potential employment.

#### **X. APPOINTMENT PROCEDURES**

1. The search committee shall recommend the candidate or candidates that the search committee deems to be qualified and acceptable.<sup>23</sup> Qualified and acceptable is defined as meaning any candidate who has demonstrated his/her ability and fitness for the position as described in Section VI, Numbers 2, 3 & 4 above and who the search committee believes will be an asset to the department.
2. At the time the search committee makes its recommendation, it shall also forward a written statement regarding the relative strengths and weaknesses of each candidate

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<sup>20</sup> By completing the application form, all applicants authorize the university to investigate their credentials including contacting individuals not on their reference list.

<sup>21</sup> While candidates shall be notified of the intent to check references not on his/her reference list, the names of references to be called shall not be given to the candidate.

<sup>22</sup> Telephone interviews may be taped for future reference provided that, at the beginning of the interview, the candidate's consent is freely given on tape. This consent is required to comply with California statutes.

<sup>23</sup> Prior to submitting the name(s) of recommended candidate(s), each postsecondary degree of the candidate(s) shall be verified directly with the degree granting institution. Transcripts are not adequate to verify degrees.

being recommended as well as the search files of these applicants. Search committees may also rank order the recommended candidates.

3. When nominating tenure track faculty, the search committee shall also make a recommendation regarding the granting of service credit toward probationary period and sabbatical leave eligibility <sup>24</sup> for each candidate who is recommended. Such a recommendation shall conform to systemwide policy and the campus Policy on Service Credit in Section XIII of this policy.
4. The search committee shall make its recommendation(s) to the department chair. The recommendation(s) of the search committee is the recommendation of the department faculty.
5. The department chair shall review the recommendation(s) of the department peer review search committee for merit and for procedural regularity. If a difficulty arises concerning the nomination(s), the department chair shall consult with the search committee. For finalists who have been previously employed in the department, the following materials shall be reviewed: (1) all application materials, (2) student evaluations of instruction, (3) peer reviews of instruction, and (4) any other relevant material in the applicant's Open Personnel File.

The department chair may, after consultation with the search committee, decline to support a recommendation in which case the department chair shall forward a separate recommendation to the college/school dean. If the department chair concurs in the recommendation(s), the department chair shall forward the recommendation with his/her concurrence. <sup>25</sup>

6. The dean shall review the recommendation(s) for merit and for procedural regularity. For finalists who have been previously employed in the department, the following materials shall be reviewed: (1) all application materials, (2) student evaluations of instruction, (3) peer reviews of instruction, and (4) any other relevant material in the applicant's Open Personnel File.
7. If the dean does not concur with the search committee's rankings of the candidates, the dean shall meet to discuss his/her concerns with the search committee chair and department chair to try to come to resolve those concerns. It is the responsibility of the chair of the search committee to communicate the dean's concerns to the search committee.
8. It is the responsibility of the department chair to determine the terms and conditions of a competitive offer in the discipline and inform the dean.
9. If the dean decides to offer the position to a candidate recommended by the search committee, the dean shall discuss the proposed terms of employment with the candidate.
10. If agreement is reached between the candidate and the dean, and an offer of employment is to be extended, the dean shall prepare the nomination form in consultation

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<sup>24</sup> Service credit does not apply to promotion eligibility.

<sup>25</sup> At this point, the candidate may be notified by the search committee / department chair that his/her name has been recommended to the dean but that no final decision has been made. The candidate should be asked if he/she is still interested in the position.

with the department chair and/or search committee chair, attaching all appropriate documents. all the terms and conditions of employment shall be included in the offer.

11. In the event, the dean exhausts the nominees submitted by the search committee that are acceptable to him/her, the dean may, after discussion with the department chair and search committee chair, decline to approve a remaining nomination(s), if any, in which case the nomination(s) shall be returned to the search committee with written reasons for rejecting these candidates along with a request for a different nominee(s) or a recommendation that the department conduct a new search.
12. The campus EEO Officer and the Associate Vice President for Academic Personnel shall review the search process for procedural regularity. If a difficulty arises concerning the search process or the offer, these individuals shall advise the dean.
13. The Associate Vice President for Academic Personnel shall review the offer of employment for procedural regularity. If a difficulty arises, the dean shall be notified.
14. The Provost shall countersign all offers of employment.
15. If no qualified and acceptable candidate is identified, the search may be extended or canceled upon the recommendation of the dean and the approval of the Provost or designee.

#### **XI. OFFERS OF EMPLOYMENT**

1. Offers of employment to faculty positions shall be made through written notification by the dean.<sup>26</sup>
2. The terms of the offer of employment shall be consistent with the official vacancy announcement.
3. No person shall be deemed appointed to a faculty position in absence of an official written offer of employment from the dean.
4. The successful candidate may be provided with informal notification of the university's intent to make a formal offer of employment at the time the written offer is being prepared. Such informal offers are to be considered only as an informal communication between the university and the candidate prior to the final preparation of a written offer of employment. Oral communications and/or acceptances are not binding on the university.
5. For probationary and tenured appointments, the offer of employment shall stipulate the rank and salary of the appointment; and the award of service credit, if any.
6. All offers of employment for temporary faculty shall contain:
  - a. Beginning date and ending date
  - b. Rank and salary
  - c. Assigned department or unit
  - d. Date by which the candidate's response to the offer is expected

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<sup>26</sup> The Provost or designee must countersign all offers of employment to a faculty position.

- e. Other conditions of appointment, including as appropriate such items as assigned time, start-up funds, laboratory space, summer supplement salary, and travel funds.
- 7. An offer of employment may contain special departmental, college/school or university stipulations consistent with law, CSU policy, and general university policies or procedures. These shall be approved by the dean and Provost and shall be stated in writing in the offer of employment.
- 8. The acceptance of a position is the candidate's written affirmative and unconditional response to the offer of employment no later than the date stated in the offer of employment.
- 9. If the candidate seeks to modify the terms and conditions of the written agreement by unilateral modification of the written agreement, a letter stating that the university will not accept such modifications must be sent to the candidate as soon as possible. The letter shall inform the candidate that the written offer can only be accepted as is.
- 10. If the candidate does not accept the position, the dean shall consult with the department chair, the chair of the search committee and other faculty as deemed appropriate regarding the status of the remaining recommended candidates and proceed accordingly.
- 11. If the candidate accepts the position, the chair of the search committee shall notify the unsuccessful remaining candidates.

## **XII. CLOSING THE SEARCH**

At the conclusion of a search, all search records, including the notes of search committee members, shall be collected, organized, and boxed by the committee chair. The committee chair shall transfer the search records to the dean for retention for five (5) years.

## **XIII. EMERGENCY RECRUITMENT AND/OR APPOINTMENT OF FULL-TIME LECTURERS.**

- 1. An emergency recruitment/appointment situation exists when a full-time temporary faculty appointment must be made to fill an unanticipated vacancy, when there is insufficient time to conduct a full-scale search. If there is sufficient time, an abbreviated search process will be initiated. If there is insufficient time to conduct an abbreviated search, a full-time temporary appointment emergency appointment may be made from available personnel.
- 2. No person shall be appointed to a tenure track position through an emergency recruitment.
- 3. There shall be a written justification for the need for a full-time temporary position on an emergency basis in lieu of filling a vacancy through reassignment of existing faculty and part-time hires.
- 4. The dean will alert the Provost and the EEO Officer at the earliest possible date of the existence of the emergency, and also of any special circumstances.
- 5. The duration of an emergency appointment shall not exceed one year.

6. The nomination of an individual to a full-time temporary appointment on an emergency basis will be accompanied by the following documentation.<sup>27</sup>
- a) one completed and signed Nomination Form
  - b) if available, a copy of the vacancy announcement
  - c) current vita
  - d) completed and signed SC-1 Form
  - e) at least three (3) original and signed letters of reference from supervisors, senior faculty, the dissertation committee chair, and/or other persons in responsible positions who have current working knowledge of the candidate's ability and fitness for the position to be filled.

#### **XIV. SPECIAL CONSIDERATIONS**

1. Appointment of persons employed by school districts or other agencies which require contracts for reimbursement of services, by state regulation, must be processed at least sixty (60) days prior to the commencement of service.
2. Appointment of retired faculty frequently affects both retirement and Social Security benefits. Since each case is dependent upon individual circumstances, the Benefits Office should be consulted when recommendations for such appointments are being considered.
3. Retired faculty participating in the Faculty Early Retirement Program are ineligible for employment beyond that allowed by the Program.<sup>28</sup>

References: Title 5, California Code of Regulations  
 CBA Articles 12, 13, 29, 31  
 Policy on Nepotism  
 Policy on Terminal Degrees  
 Policy on Incompatible Activities and Conflicts of Interest

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Recommended by the Academic Senate  
 Approved by the President

April 2004  
 May 19, 2004 to take effect July 1, 2004

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<sup>27</sup> The number of copies of (a) through (e) to be forwarded to the dean may vary by college/school.

<sup>28</sup> CBA Article 29