

# AA A&P Hiring Guidelines for Recruiting and Hiring Task Force Final Report

## Membership

**Chair(s):** Erica Lewis & Michael O'Fallon

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## Charge:

The AA A&P Faculty Hiring Guidelines Task Force has the following responsibilities:

1. Review and understand the variety of positions classified as A&P within Academic Affairs (213 distinct positions as of 2022-23) and evaluate their unique attributes
2. Review and understand the current Academic Affairs A&P faculty recruitment and hiring guidelines, incorporating all relevant laws, statutes and policies
3. Assess and provide recommendations pertaining to Academic Affairs A&P faculty hiring, from the creation of the position to the point of offer and closing the search, considering the variety of position types and their unique attributes
4. Consider the three recommendations included in the Faculty Senate Resolution (first reading at Faculty Senate, January 26, 2023) regarding transparency and accountability of A&P appointments within Academic Affairs.

## Summary of Activity:

Over the year, the members of this task force met every two weeks to attend to the committees' charge. In one way or another, all four components have been addressed and can be found below. This document has three sections:

1. Section 1: Overall Recommendations
2. Section 2: Recommendations for the document currently titled "*Academic Affairs Guidelines for Recruiting and Hiring Instructional Faculty*"
3. Section 3: Faculty Handbook Grievance Procedure

## Recommendations

### Section 1

#### Overall Recommendations

1. We recommend changing the name of the current Academic Affairs guidelines, "*Academic Affairs Guidelines for Recruiting and Hiring Instructional Faculty*", to "*Academic Affairs Guidelines for Recruiting and Hiring*". As the name indicates, we recommend that these guidelines apply to all academic affairs hires (except for classified staff), including instructional and A&P faculty. This change aligns with current practice and guidelines.

Terms would need to change throughout the document to align with this direction. A few areas in the document already have language that is congruent with all instructional and A&P faculty, while other areas will need thorough revisions. For example, AUH may become “hiring manager” (defined below in section 2 under appendix 1: Terminology and Usage). Recommendation 2, below, ensures that guidelines can be appropriately applied to such a broad range of positions by allowing for exceptions and added content that is group specific. We make specific recommendations for the academic affairs guidelines in Section 2 of this document.

2. We recommend differentiating academic affairs positions by group as described here.
  - Group 1A – Provost report and not designated as 1B (Dean/Vice Provost/Equivalents)
  - Group 1B – Provost report (Associate & Assistant Vice Presidents/Communication Director/Equivalents)
  - Group 2 – Group 1 Report (Associate Vice Provosts, Associate and Assistant Deans, Academic Unit Heads/Executive Directors and Directors/Equivalents)
  - Group 3A – Group 2 Report (Instructional Faculty/Advisors/Equivalents)
  - Group 3B – Group 2 Report and not designated as 3A (Lab Coordinator/Equivalents)

We recommend adding these groups to the “*Academic Affairs Guidelines for Recruiting and Hiring*” and suggest their use in other Academic Affairs documents (such as policies, Faculty Handbook, etc.) where appropriate. We anticipate that the primary use will be for specifying instances when a group requires an additional guideline or when a guideline does not apply to a specific group.

3. Grievance procedures. We recommend changing the Faculty Handbook Grievance Procedure to meet the following aims. We have provided a first draft with specific language for a grievance procedure that aligns with these aims. This draft can be found in Section 3. We understand that a Faculty Handbook Comprehensive Review Committee is being formed. Our recommendation is that the committee review our draft of the grievance procedure and modify it as appropriate to fit the broader changes to meet the following aims:
  - Better defining what a grievance does and does not entail.
  - Clarifying that a grievance could be against someone outside of the academic unit.
  - Having one faculty grievance committee for the university, rather than each college or unit having its own committee.
  - Adding a process for informal resolution, when possible.
  - Adding a mechanism for managing grievances outside of academic affairs.

## Section 2

### Specific recommendations For the Document *“Academic Affairs Guidelines for Recruiting and Hiring Instructional Faculty”*

The aim is to recommend changes to the *“Academic Affairs Guidelines for Recruiting and Hiring”* (if approved by the provost and Speaker of the Faculty Senate) that promote high quality Group 1A hiring specifically. Additional exceptions and recommendations for specific groups may need to be added to facilitate Overall Recommendation 1 above. Given our focus on Group 1A hires, we recommend that these changes be piloted, and that members of all groups, and perhaps particularly those who hire 3B candidates, be given a chance to provide feedback if there are certain sections that require exceptions.

The committee recognizes that others in the University are doing parallel work on similar topics. For example, there are revisions currently under review for The Faculty Handbook that cover similar topics. Our Task Force is comfortable if the language and recommendations that we suggest are edited to align with those efforts. If the recommendation is in quotes, we are suggesting specific language to add. If the recommendation is not in quotes, then we are suggesting an idea, not specific language. What follows are recommendations, by section in the current *“Academic Affairs Guidelines for Recruiting and Hiring Instructional Faculty”*.

#### 1. Operational Principles

- **1.2/1.3 Feedback on the Hiring Guidelines/Changes to the Hiring Guidelines** A plan for future revisions to these guidelines will help keep the document current for all hires, including Group 1A. We recommend that after the first “pilot” year, the Vice Provost for Strategic Initiatives and Global Affairs annually solicits suggestions from the faculty senate and other stakeholders regarding proposed changes to these guidelines. We also recommend a comprehensive review of these guidelines at least every five years, if not more frequently. During these comprehensive reviews, these guidelines should be compared with other Academic Affairs guidelines (e.g., Faculty Handbook, Academic Affairs policies, etc.) and other University guidelines to ensure agreement. Revisions to these guidelines in any given year should be approved for use by June 15 to facilitate the prompt filling of vacant positions.
- **1.3 Changes to the Hiring Guidelines** Clarify that the provost can grant exceptions to the guidelines as needed to meet unit needs (e.g. for difficult to fill positions).

#### 2. Laying the Groundwork

- **2.2 Thinking ahead** Add: “Group 1A searches (and perhaps difficult-to-fill positions from other groups) may benefit from the use of a search firm. If the use of a search firm is proposed, the following details must be considered. Some search firms require payment for applicants for a period regardless of whether the applicant takes the position for which they were initially required or accepts an offer from JMU for a position other than the one for which the firm was engaged. HR Recruitment and Employment Services can be an excellent resource when considering a search firm. The consent of the provost is required to employ a search firm, and Procurement Services must be contacted before executing an agreement with a search firm. If a search firm is employed, the head of the search committee should initiate a meeting with the search firm and HR Recruitment and Employment Services to discuss and clarify goals, expectations and responsibilities. The university’s recruitment policies and processes apply even if a search firm is used, including collecting and tracking confidential reference letters.”
- **2.2 Thinking ahead** Add: “Agency Internal Recruitment may be an option and is defined as ‘Only the agency’s current employees (i.e., classified, hourly, university, and excepted/non-covered) may apply (DHRM Policy 2.10 Hiring)’. JMU OEO approval is needed for Agency Internal Recruitment.”
- **2.2 Thinking ahead** Add: “Searches conducted in the summer months should be avoided unless there is strong justification for conducting a search during those months.”
- **2.2 Thinking ahead** Add: “If the plan includes an interim appointment to cover the position during the search, a process for interim selection should be developed by the hiring manager after conferring with the academic unit and the equal opportunity officer and communicated to the academic unit. Group 1 and 2 interim positions should be for up to 2 years or until the position is filled.”

### 3. Obtaining Permission to Recruit

- No recommendations are being suggested for this section.

### 4. Developing the Search Committee

- **4.1 Determining the search committee** Remove: “Search committees must be positioned to conduct their work in an environment that reduces inherent bias and maintains strict confidentiality.” and replace with, “All members of the search committee and the hiring manager must maintain impartiality in the service to the search process. A committee member whose previous or ongoing relationships with a candidate may compromise their impartiality must recuse themselves from reviewing that candidate throughout the process

It is preferable to refrain from empaneling a committee that includes two or more members whose relationship could lead to a real or perceived partiality in the assessment and evaluation of candidates. Examples of relationships that may compromise impartiality or candidate evaluation when empaneled together include: members of the same household, relatives, persons with a close personal relationship, or faculty and students they directly supervise. Impartiality can be maintained despite a collegial relationship. Concerns about compromised impartiality must be brought to the hiring manager or human resources for guidance.”

- **4.1 Determining the Search Committee** Below the bullet, “The committee chair must” Add: “For Group 1A committees’ the search Chair should be selected from the same Group. See the faculty handbook for additional information.”
- **4.1 Determining the Search Committee:** Add: “Committees should include appropriate representation with individuals from the unit and should reflect diversity in position and rank as it aligns with the charge of the committee.”
- **4.2 Including Committee Members from other Areas at JMU** Add to the end of the first paragraph: “Inclusivity is important; at the same time, a logistically-manageable committee size should be maintained. Group 1A committees should include people outside the division that align with the mission of the unit when possible.”
- **4.3 Including Committee Members from Outside of JMU** – Add: “If applicable, Group 1A committees should include people outside the University that align with the mission of the unit. These may include members of the Board of Visitors, alumni, local community members, etc.”
- **4.4 Hiring Training** Add: “Academic Affairs department training is sufficient for search committee members when the position is an A&P Position in Academic Affairs.”

## 5. Creating the Job Posting and Beginning Recruitment

- **5.2.2 Required Materials** Add: “For Group 1 positions, the job description is developed by the search committee and approved by the provost in consultation with Human Resources.”
- **5.2.2 Required Materials** Add: “Other documents, if requested, by the search committee that pertain to the job responsibilities of the position.”
- **5.2.4 Publicizing the Job Posting** Remove “JobLink” and replace with “applicant tracking software”.

- **5.3 Publicizing the Search** Add at end of first paragraph: “Places where the position could be publicized include--but are not limited to--professional conferences and conference websites, job-boards, scholarly (academic) publications, and professional higher-education publications.”

## 6. Screening Applicants

- **6.11 Evaluating Internal Applicants** Remove: “Search committee members must take particular care to maintain strict confidence and the highest ethical standard when considering internal applicants” and replace with “Search committee members and hiring managers must take particular care to maintain strict confidence and follow hiring guidelines when considering internal applicants.”
- **6.11 Evaluating Internal Applicants** The document currently states that “internal and external applicants must have an identical experience throughout the search process”. Replace “identical” with “similar”.
- **6.2 Developing the Evaluation Criteria and Review Process** Remove bullet: “All reviewers must avoid any conflict of interest in the service to the search process. If a search committee member.... ” and replace with “All members of the search committee and the hiring managers must maintain impartiality in their service to the hiring process. A committee member whose previous or ongoing relationships with a candidate may compromise their impartiality must recuse themselves from reviewing that candidate throughout the process. Relationships which may present perceived partiality include members of the same household, relatives, persons with a close personal relationship, or a faculty and student they directly influence. Impartiality can be maintained despite a collegial relationship. If a search committee member or hiring manager determines they have compromised impartiality, they should recuse themselves from reviewing that candidate throughout the process. Concerns about potentially compromised impartiality must be brought to the attention of the hiring manager or human resources for guidance.”
- **6.4 Reviewing Applications** Add: “Approvals/certifications for Group 1 and difficult-to-fill positions should occur within a week of requests when possible.”

## 7. Conducting First-Round Interviews

- **7.5 Recommending Applicants to Advance** Add: “Approvals/certifications for Group 1 and difficult-to-fill positions should occur within a week of requests when possible.”

## 8. Interviewing Finalists

- **8.1 Preparing for Finalists Visits** Add: "Group 1A candidates may be requested to present information to a large group of individuals as these positions are high profile. As such, these presentations should be scheduled early in the process so that the presentation day and time can be communicated to the university community well in advance of the candidate's visit."
- **8.1 Preparing for Finalists Visits** Add: "If there is a mix of internal and external candidates, every effort should be made to bring internal candidates to campus before any external candidates as able."
- **8.2. Creating the Itinerary** Add at bullet "The itinerary must include a schedule..." "The final itinerary should be approved by the hiring manager prior to sending it to the applicant."

## 9. Checking References

- **9.2. Conducting Reference Checks** Add a new bullet "If a search firm is used, they may assume some of the responsibility of checking references. Search firms should share reference findings with the committee. A search firm that checks references does not preclude the hiring manager or designee from also completing reference checks. All references need to be submitted to Human Resources regardless of who collects the information."
- **9.2. Conducting Reference Checks** Add a new bullet "The names of the references submitted by the candidate should be completed prior to the on campus visit and additional reference checks can continue throughout the process."

## 10. Selecting and Recommending Applicants

- Add after the AUH and dean will consider the assessments of the search committee as presented in the hiring pool: "Once the search committee submits their overall evaluation of each finalist, the hiring manager carefully considers the committee's recommendations and has discretion over who to hire--or whether to declare the search as an "unsuccessful recruitment" and close it."

## 11. Making the Offer

- No recommendations are being suggested for this section.

## 12. Closing the Search

- Add a new section titled “Unsuccessful and Cancelled Recruitment”
- In this section, add: “There may be times where a search is deemed an unsuccessful recruitment or cancelled recruitment. In either situation, the hiring manager must seek approval from the hiring authority to conduct a new hiring and recruitment process.”

## 13. On-Boarding New Faculty

- Add: “The Faculty Handbook clarifies when contracts begin for all Groups.”

## Appendix I: Terminology and Usage

Add the following definitions:

### Academic Affairs Position Groups

- Group 1A – Provost report and not designated as 1B (Dean/Vice Provost/Equivalents)
- Group 1B – Provost report (Associate & Assistant Vice Presidents/Communication Director/Equivalents)
- Group 2 – Group 1 Report (Associate Vice Provosts, Associate and Assistant Deans, Academic Unit Heads/Executive Directors and Directors (where appropriate)/Equivalents)
- Group 3A – Group 2 Report (Instructional Faculty/Advisors/Equivalents)
- Group 3B – Group 2 Report and not designated as 3A (Lab Coordinator/Equivalents)

**Hiring Manager:** Usually, the position’s supervisor. Can also be called a Hiring Supervisor.

**Hiring Authority:** Remove current language and replace with “Refers to the individual(s) that have direct responsibility for the position, and could be up to and including the leader of the division. Depending on the position that is being recruited the Hiring Authority could be a Director, AUH, Dean, and/or Provost.”

**Unsuccessful Recruitment:** An unsuccessful recruitment occurs when the recruitment process does not result in hiring a candidate for the position. A search may be considered unsuccessful for several reasons, including but not limited to not obtaining a qualified applicant pool or employment offers ultimately not being accepted.

**Cancelled Recruitment:** A canceled recruitment occurs when the recruitment process is concluded at any point in the recruitment process before a final hiring decision is reached. A



canceled search may occur for any reason, including but not limited to a change in departmental needs, budgetary adjustments, or compliance concerns.

### **Appendix III. Resources**

- **Reporting Suspected Wrongdoing** Add: “Suspected wrongdoing should be reported to the supervisor or human resources or other authority as directed by policy.” Also, link to grievance policies and procedures here including the faculty handbook.
- **University Policies** Add 1301, 1305, 1321, 1326, 1335 to the list.
- **University Guidelines and Materials** List other guidelines for easy cross-reference for updates. For example, the Faculty Handbook and A&P Hiring Guidelines

## Section 3

### Faculty Handbook Grievance Procedure<sup>1</sup>

#### III.K.NEW Informal Resolution

From time to time within the University community, disputes may arise between a faculty member and a colleague, AUH (or equivalent), Dean, Provost, or other administrator. Members of the JMU community should work carefully to avoid such situations and, should they occur, make every effort to resolve them. Similarly, community members should understand that mediating a grievance will involve a major investment of their colleagues' time and should use the formal procedure described below only to resolve important issues. When such a dispute arises, it is important that the parties work in good faith to resolve the situation informally, and as quickly as possible. When possible, the aggrieved faculty member should meet with the person whose action is the focus of the dispute to discuss and attempt to resolve the situation. If resolution is not achieved the faculty member may choose to initiate a formal complaint for grievable actions.

#### III.K. Grievances III.K.1. Grievable Actions

Any faculty member may initiate a grievance procedure alleging violation of existing policies or established practices. "Grievance," in this policy, means a faculty member's formal expression of disagreement or dissatisfaction (through written notice to the appropriate administrator as described below) with concerns that relate to the faculty teaching, service, scholarship, or administrative role. Examples include but are not limited to working conditions, hours of work, relationships with supervisors or other employees, personnel decisions, violation of academic freedom as set forth in the [AAUP Statement of Principles](#), or violation of University policy or procedures in some action which affects the faculty member.

Grievances must be filed within six months of the most recent alleged violation, or they will be dismissed as untimely. If a faculty member's grievance is addressable by other procedures described in the Faculty Handbook or another University grievance policy, those must be followed. University Policy 1324, 1346, 1340 outline procedures related to Discrimination/Retaliation, Sexual Harassment, and Sexual Misconduct grievances. Tenure and promotion appeals are managed by the Faculty Senate Appeals Committee. Grievances may not be filed against the Faculty Grievance Committee. Informal resolutions should be attempted before filing a formal grievance whenever possible.

#### III.K.2. Procedures III.K.2.a. Formal Grievance and Response

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<sup>1</sup> Some information included in this grievance section was adapted from policies at the University of North Texas, North Illinois University, University of Maryland Global Campus, and University of Virginia

A faculty member who believes they have a grievance described under “grievable actions” must present a grievance in writing to their supervisor to seek a resolution at the lowest level possible. The grievance statement must set forth the alleged violation of existing policy or established practices. This document must contain a concise statement of the facts relevant to the grievance, the approximate date on which the alleged action took place, and the relief sought. The supervisor must meet with the grievant within 10 days to discuss the matter. The supervisor has 10 days from the date of the written grievance to issue a response in writing to the grievant.

### **III.K.2.b. Appeal III.K.2.b.(1)**

If the grievant is not satisfied with the supervisor’s response, they may, within five business days of receiving the response of the supervisor, appeal in writing to the person the supervisor reports to, with a copy to the supervisor, explaining the grievance and describing the actions taken thus far. The supervisor who responded to the initial grievance has five business days to file a response to the grievant’s appeal. The appeal reviewer must have no more than 15 business days to review the material presented, meet with the grievant and the supervisor to discuss the matter if they choose to do so, and send their decision in writing to the parties. This process can be repeated up the reporting structure until a dean (or equivalent) has reviewed the appeal. If the grievant remains unsatisfied, they can appeal to the Faculty Grievance Committee. If a grievance is filed against a member of Group 1, it would go to the Faculty Grievance Committee.

**III.K.2.b.(2)** "Faculty Grievance Committee (FGC)" refers to a group of nine faculty members, Eight FGC members are appointed by the deans of each college and the Libraries, four being instructional faculty and four A&P faculty. The ninth member of the FGC is a tenured faculty member appointed by the Faculty Senate Steering Committee. The term of membership shall be three years, with staggered appointments. The FGC will elect a tenured faculty member as chair. The chair may seek advice on legal and procedural matters from the Office of University Counsel.

**Consult** Members of the FGC or the committee as a whole may consult with a faculty member who is seeking to decide whether to submit a formal grievance to the committee. This consultation is confidential within the context of all applicable state and federal laws and university policies. The university does not restrict the First Amendment rights of participants in procedures under this policy. The Consult explores the facts of the situation, including any related policies and procedures, in a spirit of receptive openness to the individual's concerns.

**Grievance Submission** The grievant must submit in writing a document containing a concise statement of the facts relevant to the grievance, the approximate date on which the alleged action took place, and the relief sought, along with all prior appeal materials and responses.

**Accept or Reject to Review a Grievance** FGC shall vote whether to accept a formal grievance submitted in writing to the committee. The committee may vote to reject -- that is, decline to receive -- any grievance it deems upon initial reading to be frivolous, unsubstantiated or inappropriate. The committee shall report its decision only to the complainant, and its decision is final. Once the committee has reported its decision, there is no additional recourse for appeal."

**Reviewing a Grievance** The FGC shall investigate the details of grievances it accepts to establish the facts involved. The FGC should review grievances in a timely fashion (ideally no more than 30 days). At this point a copy of the grievance will be shared with the individuals named therein as principals and a written response from them requested if this was not completed as part of prior process. The FGC should file its report and recommendations to the administrator deemed appropriate by the FGC who is of the same group or higher in the reporting structure as the person the grievance is with (e.g. the provost), with a copy to the grievant, the person the grievance is with, prior appeal parties, the provost, and others appropriate to the specific situation. The FGC has authority to make recommendations to any administrators in the Academic Affairs reporting structure and the University President or designee. The administrator must have five days to review the recommendation from the FGC and to send their decision to the parties. The administrator's decision will be final. Once the administrator has reported its decision, there is no additional recourse for appeal.

**Quorum/Voting** A quorum will be seven of the nine members. Approval of motions is by a simple majority vote of the voting members of the FGC present and voting. The FGC will not accept proxies but will accept written absentee votes addressed to the Chair of the committee.

**III.K.2.c. Modifications to Procedure** If the grievance involves a person or group who is part of the process, the procedure will be modified so as to exclude that person or group either by bypassing a step in the procedure, or by substituting another person or group for the person or group already involved in the grievance, at the discretion of the provost. If the provost is the subject of a grievance, the president may appoint a substitute for the purposes of the grievance appeal. Grievances with a dean or equivalent should be sent directly to the Faculty Grievance Committee.

## Table of Appendices

Number or Title	Brief Description
Appendix A	Provides a visual for hiring guideline changes

### Appendix A

#### Hiring Guideline Changes Visual

#### Current Guideline Official Designations

A&P Faculty Recruitment Procedures and Recommended Strategies for Expanding and Retaining a Diverse Faculty (An HR Document)

Instructional Faculty Hiring Guidelines (An Academic Affairs Document)

## Recommended Guideline Designations

Human Resource Hiring Guidelines for A&P faculty who are outside of AA (An HR Document)

AA Hiring Guidelines (for all AA faculty, Instructional and A&P) with group designates to allow for specific exceptions and requirements by group (An AA document)