



Office of the Chancellor

MEMORANDUM

To: Vice Chancellors, Deans, Directors and Department Heads

FROM: Joanne B. Lantz, Chancellor

DATE: July 27, 1993

SUBJECT: New Policy on Posting and Search Waiver for Dual-Career Couples or Potential Target-of-Opportunity Affirmative-Action Hires

Purdue University has received several inquiries about the feasibility and legality of creating a new temporary or permanent position, or filling an existing position, without the usual posting and search processes: 1) to hire the second member of a dual-career couple; or, 2) to take advantage of the opportunity to hire a member of a targeted affirmative-action group ("potential target-of-opportunity affirmative-action hire"). Purdue legal counsel researched the matter and concluded that federal and state anti-discrimination statutes do not preclude these practices under normal circumstances.

A process has been established for carrying out these practices in accordance with our strong commitment to affirmative action. As a federal contractor, the university is obligated to make concerted efforts to remedy imbalances in areas where women and minorities are under represented. Any deviation from affirmative action policies or practices requires a special waiver; and a waiver cannot override university anti-nepotism policies.

A department must receive a waiver from the posting and search processes before creating a new temporary or permanent position, delaying or foregoing a search for an existing vacancy, or inserting candidates into existing searches to recruit or retain highly sought-after faculty and staff in the two categories described above. Requests should be initiated by the department chair or division director and must be recommended by the dean and vice chancellor and approved by the chancellor. Prior to final approval, requests involving faculty and administrative/professional positions must be reviewed by the Affirmative Action Office and, for clerical and service positions, by Personnel/Payroll Services in consultation with the Affirmative Action Office.

Requests for waivers will be considered if the following criteria are met:

1. The person for whom the posting and search waiver is being requested meets the qualifications for the position and is acceptable to the hiring department.
2. Funding has been identified to support the appointment.
3. Hiring the person would support our commitment to affirmative action and excellence in academic and administrative affairs.