	<b>Florida Gulf Coast University</b>  <b>Policy Manual</b>	<b>Policy: 1.009</b>  Approved: 05/18/2010
	<b>TITLE:</b>  <b>POLICY AND PROCEDURE ON WAIVER OF POSITION VACANCY ANNOUNCEMENT AND/OR ADVERTISING</b>	<b>Responsible Executive:</b> President  <b>Responsible Office:</b> Office of Institutional Equity & Compliance

**POLICY STATEMENT:**

This policy gives University hiring officials the ability to waive the position vacancy announcement and/or advertising of various positions. It also establishes guidelines for when a waiver is warranted.

**REASON FOR POLICY:**

This policy was created to provide hiring officials with a flexible method of filling positions that have become vacant due to unanticipated circumstances or to meet compelling needs and interests of the University.

**APPLICABILITY AND/OR ACCOUNTABILITY**

This policy is applicable to all hiring officials with vacancies for positions desired to be filled primarily, but not exclusively, by internal candidates. However, waiver of advertising for position vacancies for in-unit faculty are addressed in the Collective Bargaining Agreement.

**DEFINITION OF TERMS:**

**Advertisement:**

Any announcement or message placed by the University on a website or in mass media to convey information about a new, vacant, or pending vacant position.

**Diversity:**

A general term that takes into account differences such as culture, ethnicity, language, national origin, religion, age, disability, sexual orientation, and other factors.

**Difficult to Recruit:**

Instances where challenges exist when filling position vacancies because of 1) a lack of qualified applicants having relevant, requisite skills, knowledge or abilities for a certain position, 2) where compensation or economic factors are primary deterrents for successful candidates to accept a job offer or, 3) other factors beyond the control of FGCU during the search and screen process.

**Position Description:**

Reflects the purpose, responsibilities, accountabilities, and essential/marginal functions of a job.

**Vacancy:**

Any position not occupied by a University employee.

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**PROCEDURES:**

**A. Coordination:**

The waiver of a position vacancy announcement and/or advertising is coordinated by the Office of Institutional Equity and Compliance (OIEC) in collaboration with the Department of Human Resources (HR) and University departments/units making the hiring decisions.

**B. Procedure:**

1. A waiver may be requested by the hiring official or higher personnel due, to unanticipated and/or compelling circumstances, to contribute to the achievement of unmet institutional employment benchmarks, or to hire someone into a difficult-to-recruit position.

2. Prior to the submission of a Request for a Waiver of Advertising by the hiring official, that hiring official must receive consent to proceed from his/her immediate supervisor.
3. Requests for waivers should be submitted in writing to the University's OIEC Director with a copy to the HR Representative, accompanied by documentation of the reasons pertaining to the situation. At a minimum, this documentation should include:
  - a) A memorandum from requestor describing the specific circumstances and rationale for the request.
  - b) The resume or curriculum vitae of the candidate.
  - c) The position description (A&P or SP only).
  - d) An acknowledgement from the designated HR Representative indicating the candidate meets at least the minimum qualification of the vacant position.
  - e) Any other pertinent information that should be considered such as the source from which the candidate was identified and whether previously advertised or posted efforts to fill the position failed.
4. Requests by the hiring official (not a VP) to waive the required advertising must be supported, documented and previously authorized by the appropriate Dean, Director, and/or Department Head, and authorized by the appropriate Vice President or President (if hiring official is a Direct Report to the President).
5. After a review by OIEC and HR of the waiver request (under this policy) and its related documentation, OIEC and HR will acknowledge that the requirements from their respective areas for a waiver have been satisfied. If the requirements for a waiver are not satisfied, the Request will be returned to the hiring official, informing him/her of the deficiencies in the Request.

6. Waivers are sent to the Vice President or President, as appropriate, for approval, and are granted on a case-by-case basis.

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**Non-Discrimination and Equity:**

This policy is in line with the University's Non Discrimination and Anti-Harassment Regulation (FGCU-PR 1.003) and shall not be used to abridge the requirements of equal opportunity and fair employment afforded by other University policies and procedures.

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**RELATED  
INFORMATION**

- Search and Screen Guidelines
  - See Forms for Download "Request for Waiver of Advertising Form"
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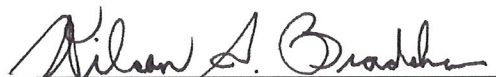
**HISTORY:** New 05/18/2010

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**APPENDIX:** None

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**APPROVED**

  
President

**May 18, 2010**  
Date

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# FLORIDA GULF COAST UNIVERSITY

## REQUEST FOR WAIVER OF ADVERTISING

Date: \_\_\_\_\_

Department with  
Vacancy: \_\_\_\_\_

Hiring Official: \_\_\_\_\_

Signature

Print Name

Title

Authorized  
(Immediate Supervisor  
of Hiring Official)  
(Step 4)

Signature

Print Name

Title

Vacant Position: \_\_\_\_\_

Person Desired to Fill  
Vacancy: \_\_\_\_\_

Unanticipated and/or  
Compelling  
Circumstances: \_\_\_\_\_

Documentation  
Provided: \_\_\_\_\_

Other Pertinent  
Information: \_\_\_\_\_

### Acknowledgement of Satisfaction of Requirements

Office of Institutional  
Equity and  
Compliance  
(Step 5)

Signature

Print Name

Title

Date

Human Resources:  
(Step 5)

Signature

Print Name

Title

Date

Approval of Waiver:  
(Step 6)

VP/President  
Signature

Print Name

Title

Date