

POLICY

Effective Date: June 13, 2008

Revision Date: April 2, 2019

Approved By: President Sabah Randhawa

Authority: [RCW 28B.35.120\(2\)](#)

Cancels: POL-U5400.10, Appendix K of Faculty Handbook

See Also: [WWU Mission and Strategic Goals](#)

POL-U1600.02	Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation
POL-U1600.05	Implementing Affirmative Action Program
PRO-U1600.01A	Requesting a Dual Career Assistance (DCA) Appointment of Opportunity
PRO-U1600.01B	Requesting an Exceptional Merit Appointment of Opportunity (for Faculty or Professional Staff)
PRO-U1600.01C	Requesting a Temporary (Professional Staff) or Sponsored Program Appointment of Opportunity (Professional Staff)
PRO-U1600.01D	Requesting a Critical Need Appointment of Opportunity (Faculty or Professional Staff)
PRO-U1600.01E	Requesting Faculty Diversity Initiative (FDI) or Staff Diversity Initiative (SDI) Appointment of Opportunity with Bridge Funding
PRO-U1600.01F	Requesting Faculty Diversity Initiative (FDI) or Staff Diversity Initiative (SDI) Appointment of Opportunity without Bridge Funding
FRM -1600.01A	Form A Requesting Bridge Funding be held for Faculty Diversity Initiative (FDI) or Staff Diversity Initiative (SDI) Appointment of Opportunity
FRM -1600.01B	Form B Requesting Appointment of Candidate for Faculty Diversity Initiative (FDI) or Staff Diversity Initiative (SDI) Appointment of Opportunity with Bridge Funding
FRM -1600.01C	Form C Requesting Appointment of Candidate for Faculty Diversity Initiative (FDI) or Staff Diversity Initiative Appointment of Opportunity without Bridge Funding

POL-U1600.01 REQUESTING AN APPOINTMENT OF OPPORTUNITY

This policy applies to appointing authorities seeking to make non-competitive appointments, under narrowly defined, limited and specific circumstances. Appointment options vary, depending on employment category. This policy outlines the ability to make an appointment request, and does not constitute a promise, real or implied, of employment at Western Washington University.

Introduction

Western Washington University is an equal opportunity and affirmative action employer, and is committed to following applicable laws and the University's own policies related to equal opportunity and affirmative action (see [POL-U1600.02](#) and [POL-U1600.05](#)). Western is committed to and has a long-established practice of filling employment openings by conducting open, equitable, and competitive searches. Non-competitive appointments are a limited exception to the University's regular practice of conducting searches, and all such appointments must be compliant with the Vietnam Era Veterans' Readjustment Assistance Act, 38 USC § 4212, and the Code of

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Federal Regulations Title 41 Part 60-300.5. This policy applies in the limited instances where an appointing authority seeks a non-competitive appointment to fill a position. The policy does not constitute a promise, real or implied, of employment with the University.

Definitions:

Appointing Authority: An individual lawfully authorized to appoint (hire), transfer, layoff, reduce, dismiss, suspend or demote employees

Within the University's Organization: For purposes of this policy, an individual is considered to be within the University's organization, if they are or have been a member of the Western community, as outlined only in the following instances:

- The individual is currently, or has been during the past 12 months, employed by Western Washington University on a temporary or permanent basis as classified staff, professional staff, non-tenure track faculty, tenure track faculty, or an executive officer. This definition includes individuals who are currently on approved leave from such employee positions at the University.
- The individual is currently or has been during the past 12 months, an undergraduate or graduate Western student (any person who):
 - a) Has been formally admitted to the University;
 - b) Is enrolled in one or more classes at the University, including non-matriculated international students attending language institutes or foreign study programs;
 - c) Is participating in a certificate, degree, distance learning, or professional enrichment program, through extended education and summer programs;
 - d) Is participating in a University-sponsored study abroad program;
 - e) Was enrolled in a prior quarter or summer session at the University and is eligible to continue enrollment in the quarter or summer session that immediately follows;
- The individual is a student at a sister institution who is fulfilling their required internship in completion of their graduate program through internship employment opportunities at Western.
- The individual is the partner or spouse of:
 - a) An individual currently employed by Western; or

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- b) A primary candidate who requests Dual Career Assistance consideration at the time of offer, and becomes an employee of Western. The term “partner or spouse” includes both same and different-sex partners and spouses, and includes both marital and non-marital relationships.

Executive and Senior Management: As required by federal law (41 C.F.R. § 60-300.5), executive and senior management means an employee:

- a) Who is compensated on a salary basis at a rate of not less than \$455 per week, exclusive of board, lodging or other facilities; and
- b) Whose primary duty is management of a department or area of the University; and
- c) Who customarily and regularly directs the work of two or more other employees; and
- d) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

1. **The President or Provost are the Final Approval Authorities for this Policy**

2. **Appointing Authorities May Request an Exception to the Search Process**

Generally, searches are competitive. However, appointing authorities may request an exception to appointment of opportunity as provided in this policy. Non-competitive appointments are not otherwise permitted.

3. **Appointment of Opportunity Must Be Qualified for Position**

For all appointment of opportunity types, the appointing authority must demonstrate through a thorough evaluation process that an individual considered for appointment of opportunity is qualified for the position.

4. **Appointments of Opportunity are Not Permitted Once a Position Opening has Been Publicized to Potential Applicants Outside the University**

5. **Appointment of Opportunity Must Meet Specified Criteria**

As required by 41 C.F.R. § 60-300.5, appointments of opportunity are permitted only when at least one of the following criteria is met:¹

- a) The position is executive and senior management; or

¹ These three criteria are taken directly from 41 C.F.R. § 60-300.5, which includes the definition of “executive and senior management.”

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- b) The position will be filled from within the University's organization; or
- c) The position will last three days or less.

6. **Appointments of Opportunity Must Fall Within Specified Category**

In addition to meeting one of the requirements of Section 5 above, appointments of opportunity must meet one of the following conditions:

A. Dual Career Assistance (DCA)

DCA appointments further Western's commitment to recruiting and retaining highly qualified faculty and staff, and strengthen the University's capacity to meet institutional objectives. DCA is a process seeking employment opportunities for the spouse or partner of: 1) a primary candidate who requests DCA consideration at the time of offer, and becomes an employee of Western, or 2) an incumbent employee as a retention measure.

DCA appointments of opportunity may be requested by faculty, professional or classified staff, or executive officers. As a recruitment or retention measure, the spouse or partner may be appointed into a faculty, professional or classified staff, or executive officer position. See PRO-U1600.01A, Requesting a Dual Career Assistance (DCA) Appointment of Opportunity.

Academic appointments of DCA candidates may be part-time or full-time, and may be for non-tenure track or tenure track positions. Non-tenure track appointments can be commitments of varying lengths. Staff appointments of DCA candidates may be part-time or full-time, and may be permanent or of limited duration.

The following criteria also applies for DCA appointments:

- There is a vacant position(s) available (not yet publicized to potential applicants outside the University) which responds to the common interests of the institution and the couple seeking DCA;
- Or
- The Provost and President have approved creating a new position to utilize the qualifications and occupational interests of the primary candidate's spouse/partner or the retention of an incumbent employee.

B. Faculty and Staff Diversity Initiative

This is a narrowly tailored initiative that supports Western's mission and strategic goals related to diversity, equity and inclusion and the advancement of student success. See [PRO-U1600.01E](#), Requesting Faculty Diversity Initiative (FDI) or Staff Diversity Initiative (SDI) Appointment of Opportunity with Bridge Funding; or [PRO-U1600.01F](#), Requesting Faculty Diversity Initiative (FDI) or Staff Diversity Initiative (SDI).

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Appointment of Opportunity without Bridge Funding. A Faculty or Staff Diversity Initiative appointment must meet the following criteria:

- i. There must be a clear, documented, and compelling need within the department, program or University for the position into which the appointee will be hired. For a Faculty Diversity Initiative appointment, the need addressed might include access to impacted courses; enhancement of GURs, majors or minors; program expansion; or targeted student interest. For a Staff Diversity Initiative appointment, the need addressed might include administrative reorganization; program enhancement; addition of expertise; or meeting University objectives in a timely manner.
- ii. In the case of a Faculty Diversity Initiative appointment, there must be agreement among faculty in the unit about the strength of the appointee's qualifications sufficient to extend an offer of employment.
- iii. The appointee must demonstrate in their materials the ability to substantially promote positive enhancements to the diversity climate within the unit into which they will be hired, or the division or University broadly. Examples include the ability to positively and tangibly impact the culture of the unit, division or University for people of color, women in non-traditional disciplines, LGBTQ+ people, people with disabilities, veterans, and others from diverse and/or other underrepresented backgrounds.

C. Exceptional Merit

This allows appointment of an individual into a faculty or professional staff position who is nationally and/or internationally recognized for outstanding achievement or exceptional merit in their area(s) of expertise. Such individuals have qualifications that are unique and exceptional and whose potential value to the University is great. See PRO-U1600.01B, Requesting an Exceptional Merit Appointment of Opportunity (for Faculty or Professional Staff).

D. Temporary Professional Staff Appointment

This allows appointment of an individual into a professional staff position for a period not to exceed one year. On limited occasions based on significant institutional need, the appointment may be permitted for up to two years. In order to continue the position after the period of the temporary appointment, a competitive search must be conducted. On limited occasions, following the maximum 2-year temporary appointment, a permanent appointment may be permitted, in lieu of a competitive search, so long as the permanent appointment meets one of the requirements outlined in Section 3 of this Policy and meets the conditions for one of the following as outlined in this Policy: Dual Career Assistance appointment; Faculty or Staff Diversity Initiative appointment; Exceptional Merit appointment; Sponsored Program appointment; or Critical Need appointment. See PRO-U1600.01C, Requesting a Temporary (Professional Staff) or Sponsored Program.

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E. Sponsored Program Appointments

This allows appointment to fill a professional staff position funded by a grant for the period of that grant funding. See PRO-U1600.01C, Requesting a Temporary (Professional Staff) or Sponsored Program Appointment of Opportunity (Professional Staff).

F. Critical Need Appointment

This allows appointment to fill a professional staff, executive officer, non-tenure track faculty or tenure-track faculty position in order to address a critical University need. A critical need appointment may be permitted only in those limited instances where: (1) conducting a timely competitive search would jeopardize the ability of the University or a division of the University to effectively carry out central operating functions; and (2) the President or Provost approves the appointment request as the appointment is in the best interests of the University. See PRO-U1600.01D, Requesting a Critical Need Appointment of Opportunity (Faculty or Professional Staff).