

7-1-2019

## 2.3 Selection and Appointment Procedures

Saint Mary's College of California

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### Recommended Citation

Saint Mary's College of California (2019) "2.3 Selection and Appointment Procedures," *Faculty Handbook*: Vol. 2019 , Article 16.  
Available at: <https://digitalcommons.stmarys-ca.edu/faculty-handbook/vol2019/iss1/16>

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## SELECTION/APPOINTMENT OF TENURE-TRACK FACULTY

1. Ordinarily, a search originates in and is conducted by an academic department or program. The department chair or program director shall submit a Faculty Line Request to the Dean of the School, who must then secure written authorization from the Provost for a particular position, while the President approves the total number of new positions. After written authorization from the Provost has been secured, the Dean will notify the department chair. The chair bears responsibility for ensuring that the procedures below are followed, with particular emphasis upon selecting colleagues who support the mission of the College, meet the needs of the department or program, and help the College fulfill its commitment to diversity.
2. The department chair, in consultation with the tenure-track faculty in the department or program and the Dean of the School, appoints a Search Committee, chaired, whenever possible, by a tenured faculty member. In extraordinary circumstances (e.g., when hiring for a new program), an academic Dean may initiate a search. In such cases, the Dean shall appoint a faculty chair of the Search Committee. The Chair will carry out the search process; under these circumstances, the Dean maintains responsibility for ensuring that procedures are followed. The Committee shall include a faculty member from outside the department, preferably one from outside the School. The roles, duties, and rights of the Search Committee member from outside the department or School shall be equal to those of the other members of the Committee. For primarily traditional undergraduate appointments, the Committee should include a faculty member who has taught in and will represent the Collegiate Seminar. Search Committees should be comprised of a minimum of five voting members.
3. The Committee shall consult documents pertaining to the mission of the College, interview and hiring protocols, and guidelines provided by the Department of Human Resources at the time of written approval. The Committee shall also consult directly with Human Resources regarding approved procedures for the inclusive recruitment of faculty.
4. The Search Committee shall determine, prior to the beginning of the search, the criteria of evaluation for candidates; the appropriate roles of departmental tenured and tenure-track faculty not on the Committee, contingent faculty, staff, and students; and the processes for selecting candidates at each stage of the search, including the final recommendations to the Dean. Throughout the search and recommendation process, the Committee shall consult with the Dean and ensure the confidentiality of applicants.
5. In order to meet the College's commitment to diversity, a good faith effort should be made to include at least one candidate, in the final list of candidates, from traditionally underrepresented groups (including but not limited to racial, gender, and disabled) and/or groups not currently represented in the department or program composition. Before the actual search begins, the Search Committee will submit their plan for inclusive recruiting to the Dean, who will review the plan for consistency with institutional and program objectives and legal requirements, and will supply feedback and recommendations to the Search Committee.
6. The Search Committee shall narrow the pool of applicants to a list of candidates to be interviewed. This list, as far as possible, should reflect the College's commitment to its mission, department/program needs, equal employment opportunities, and diversity.
7. After choosing the final candidates and before inviting finalists to on-campus interviews, the Search Committee will submit an account of the actions taken according to their recruitment plan to the Dean. If the Dean finds that there have not been sufficient efforts at inclusive recruiting, the Dean may ask the Search Committee for additional steps before the interviews can proceed.

8. Once the final list of no more than three candidates has been selected by the Search Committee and approved by the Dean, the Search Chair is responsible for arranging campus visits, which shall include interviews with the Committee, the Dean, the Provost or Provost designee, and the Vice President for Mission.
9. Upon the conclusion of the interview process, all members of the department/program may convey their candidate evaluations to the Search Committee Chair. The Search Committee shall identify which candidates are deemed acceptable for appointment. The process of identifying acceptable candidates may include a secret vote if desired by a member of the Search Committee. The Search Chair will forward the ranked list of the candidates along with a written statement of support for each candidate to the Dean of the School.
10. The Dean shall review the recommendations. If the Dean does not agree with the first choice of the Search Committee, he/she shall meet with the Search Committee Chair and attempt to reach an agreement on the candidates. If no agreement is reached, the Dean shall send on to the Provost both the recommendations of the Search Committee and his/her own.
11. If the Provost does not agree with the recommendations of the Search Committee, he/she shall discuss his/her reasons with the Search Committee and an attempt shall be made to resolve the difference of opinion.
12. If an agreement cannot be reached between the Provost and the Search Committee on the recommendations, the Provost shall offer the Search Committee, in consultation with the department/program and the Dean, a choice of one of the following options: terminating the search in its entirety, restarting the search, or re-interviewing one or more candidates.
13. In cases of a proposed appointment at the Associate Professor or Full Professor level or an appointment with tenure, the Provost shall consult with the Rank and Tenure Committee regarding the appropriateness of the proposed rank before confirming the terms of appointment.
14. When the Program/Department, Dean and Provost are in agreement, the President may appoint the candidate with tenure (see 2.2.2 Tenured Appointments).

## 2.3.2 SELECTION/APPOINTMENT OF NON-TENURE-TRACK FACULTY

### 2.3.2.1 Visiting Faculty *See the CBA*

### 2.3.2.2 Contingent Faculty *See the CBA*

## 2.3.3 EQUAL EMPLOYMENT OPPORTUNITY

Saint Mary's College, as a Catholic institution dedicated to social justice in its institutional practices, supports equal opportunity employment practices in all its employment policies covering academic and non-academic personnel. On its position announcements, the College states that it seeks faculty who espouse or respect the Catholic tradition. In February 1971, the College first reaffirmed this general employment policy in a draft statement, which has been since revised from time to time and which now reads as follows:

### *Equal Employment Opportunity/Diversity Program*

All members of the College community should be aware of the College's firm commitment to promote equal employment opportunity for all job applicants. The College is committed to the general policy of non-discrimination on the basis of race, color, religion, national

origin, ancestry, marital status, gender, sexual orientation, age (40 years or older), medical condition, or physical or mental disability and is committed to recruiting and retaining a diverse student and employee population. Accordingly, we wish to affirm the following:

1. In recognition of the College's commitment to creating and retaining a diverse employee population, each Dean, director or head of an operating unit is directed to conduct an active search for and to give equal consideration to all applicants regardless of race, color, religion, national origin, ancestry, marital status, gender, sexual orientation, age, medical condition, or physical or mental disability as employment opportunities become available.
2. All proposed personnel changes involving appointments, renewal, promotion or termination will be previewed by the Provost for all faculty personnel, or the Associate Vice President of Human Resources for all non-faculty personnel. The Associate Vice President of Human Resources will have the general responsibility for informing Deans, directors and department heads of the College non-discrimination policy and of enforcing that policy.
3. All job vacancies will be listed with the Associate Vice President of Human Resources, who is responsible for announcing all vacancies in such a way that all applicants, including but not limited to minorities, women and the mentally or physically disabled have an equal opportunity to apply and to be considered for vacant positions.
4. Since its inception, the College has followed the policy that a Christian Brother, if qualified, may be appointed to any position in the College without a position announcement. With that exception, and a limited list of other allowable exceptions available from the Associate Vice President of Human Resources, the general policy of the College is that all vacant positions shall be announced publicly.
5. The College recruits applicants in accordance with all applicable federal and state laws. Adequate records will be maintained to document placement interviews and the results of those interviews.
6. All personnel actions such as compensation and benefit decisions, transfers, layoffs and awarding tuition assistance, are administered by the College in a non-discriminatory manner.
7. All public college facilities are maintained on a non-discriminatory basis. Minority students maintain a cultural center in which all members of the College community are invited to participate.
8. All those with whom the College subcontracts will be notified of any commitments required under Executive Order 11246 and comparable federal and state laws and of their obligation as subcontractors.
9. The College pledges active support, when feasible and consistent with the mission of the College and applicable federal and state law, to local community and national action programs for equal opportunity in employment.
10. Notice of this Equal Employment Opportunity policy shall be distributed to members of the College community and equal employment opportunity posters are to be displayed in appropriate areas of the campus.

#### 2.3.4

#### SECTION 504, REHABILITATION ACT OF 1973: COMPLIANCE

Saint Mary's College operates in accordance with Section 504 of the Rehabilitation Act of 1973. Section 504 is a Civil Rights Statute that guarantees rights to qualified disabled individuals. The Admissions and Academic Regulations Committee and the Graduate and Professional Studies Educational Policies Committee, as advised by the Academic Support

and Achievement Programs office, will review its requirements as needed in order to distinguish from what may be a carry-over of custom, past practice, or instructional habit, and explore and evaluate alternative approaches that are reasonable under the circumstances presented and under the law. The student should meet essential requirements of the program in some acceptable form. Employee inquiries concerning the law and compliance may be addressed to the Associate Vice President of Human Resources. The Coordinator for Compliance with Section 504 for students is located in the Office of Academic Support and Achievement Programs. A statement of policies and procedures for qualified disabled students is available in the Office of the Assistant Vice Provost for Student Success.

### 2.3.5 AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) prohibits discrimination against the disabled in all phases of employment (including recruitment and hiring) and in their access to the facilities, goods and services of most public places, including all colleges, universities and other educational institutions.

A key issue under the ADA is determining the essential functions of the job. Essential functions are defined as "primary job duties that are intrinsic to the employment position." The law requires accommodations or other changes in the work environment, as well as in the way things are done, so that a qualified individual with a properly documented disability as defined by law will be given an equal opportunity to perform the essential functions of the job and to receive the benefits and privileges normally associated with the job, unless such accommodations cause an undue hardship on the College, which has the right and responsibility to determine the type of accommodation that is appropriate under the circumstances presented and under the law. Broader and more detailed than Section 504 of the Rehabilitation Act of 1973, the ADA is enforced by five federal agencies with coordination and monitoring by the Department of Justice.

Employee inquiries concerning the law and compliance may be addressed to the Associate Vice President of Human Resources. The Coordinator for Compliance with Section 504 for students is located in the Office of Academic Support and Achievement Programs.

### 2.3.6 SPECIAL APPOINTMENT CATEGORIES

#### 2.3.6.1 Appointment of Christian Brothers

Since its inception, the College has followed the policy that a Christian Brother, if qualified, may be appointed to any position in the College without a position announcement. With that exception, and a limited number of other allowable appointments, available from the Associate Vice President of Human Resources, the general policy of the College is that all vacant positions shall be announced publicly.