

## Policy Proposal: Opportunity Hire for Diversity and Retention.

### **Background.**

During fall 2016 and spring 2017 the Provost's Faculty Diversity Council contacted eleven of our peer institutions about dual career practices and policies. Five (University of Northern Iowa, Illinois State, Grand Valley State, Clemson University, Binghamton University) report either aspirational practices and/or policies to promote dual career hiring. (The full text of the PFDC's report and our data can be accessed [here](#)).

A survey of 21 universities (2013-2014) by the Rutgers' University Faculty Senate reports that every university is aware of dual career issues. All have some kind of HR program for disseminating community job information or assisting with searches and resume preparation. JMU's C3 program inhabits this niche.

Additionally, many of these postings in the Rutgers' report specify a time-limit on eligibility, usually restricting services to new hires' (1-2 years) partners or spouses.

Finally, the following institutions specify either a cost-sharing funding mechanism, an unspecified but "significant" investment from the institution, or a price tag. Northern Arizona University (Flagstaff); University of California, Irvine; University of Chicago; the University of Florida; University of Minnesota; University of Arizona (Phoenix); the University of Oregon, and Clemson University (a JMU peer institution). When more than HR services are in play, the opportunity hire mechanism is usually located in the Office of the Provost.

The PFDC made a preliminary recommendation to then-Provost Jerry Benson, who referred the matter forward to incoming Provost Heather Coltman. We suggested a policy and funding that will support hiring with priority to be given to hires that will enhance diversity on campus through an opportunity hire. We also suggested considering a three way cost-sharing framework such as used by Clemson University as not all partners are in the same field. Not all potential hires would be in the category of "dual career" either, so we typically use the nomenclature of "opportunity hire."<sup>1</sup>

Our research and conversations with colleagues helped us recognize that there are obstacles to adopting an opportunity-hire policy. That's why we consulted our peer institutions, the OEO and HR at JMU, and numerous colleagues. We asked department heads about their experiences with dual career couples, and those data are part of the report referenced above. We also took seriously the issues highlighted in the most

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<sup>1</sup> Dual career means a couple looking for work at the same place. Opportunity hire means any individual, whether part of a couple or not. In both cases, the proposed hire should enhance diversity on the faculty and in the curriculum. The two categories aren't mutually exclusive, and opportunity hire would include persons in a dual career situation.

recent COACHE report about impediments to diversity recruitment and retention and retaining couples. Like several of our peer institutions, James Madison is housed in a thriving community, but lacks the appealing professional and vocational flexibility of an urban environment. Harrisonburg itself is quite diverse, as seen in our schools; James Madison much less so.

With this background and information in mind, the Provost's Faculty Diversity Council recommends the following policy.

### Policy: Opportunity Hire for Diversity and Retention

The Opportunity Hire for Diversity and Retention policy provides a framework and support for employing highly-qualified individuals who will make diversity-beneficial contributions to the university and its community. This policy is for full time instructional faculty and administrative professional faculty, and includes individuals who are members of disadvantaged or under represented areas. JMU's policy 1302 lists the possible categories that could be included in a definition of disadvantaged or under-represented groups. A hire under this policy is appropriate when there is an opportunity to provide or support diversity in faculty and curriculum within Academic Affairs. Such a hire contributes positively to the excellence of the university and its community and benefits the curricular and academic climate for students.

#### Specifics.

1. The creation of an opportunity hire position is at the discretion of the provost, in consultation with the appropriate unit head and dean. Generally the Department of Human Resource Management frowns on non-competitive hiring processes, so full consultation and considered justifications are required prior to approval.
2. Funding for such positions is dependent on budget availability, and is determined by the Office of the Provost.
3. An OEO waiver for a national or internal search may be possible if the opportunity will satisfy diversity goals and university mission and needs.
4. The opportunity hire position will normally not affect the unit's ability to request new lines.
5. An opportunity hire position may be designated in one of the following ways:
  - a. A tenure track position
  - b. A renewable term appointment (RTA) faculty position or a limited fixed term faculty position (1-3) years that may be converted by the university to a permanent faculty position. The university has no obligation to make the conversion and the person in the position must

be the successful candidate in a national search in order to continue on the faculty.

6. Colleges and units seeking a position for an opportunity hire make their case to the provost.
  - a. Drawing upon the several institutional examples cited previously, here is an example. The hiring college will be eligible for a three-year cost sharing model whereby one half of the salary of the opportunity hire is paid by the hiring department's college, and one-half by the provost. This model is subject to availability of funds and approval by the dean of the college and provost. Startup investments (if any are required) are expected to follow the model used for standard targeted faculty hires. After three years, the hiring college must assume the full cost of the faculty hire. The hiring college is expected to find funds to continue the position as appropriate. This could mean that an existing or subsequently open position will have to be used to support the opportunity hire.
  - b. Salary offers must consider market and internal equity prior to submitting an offer to the candidate.
  - c. Bridge funding may be made available by the provost when an acceptance of an offer is contingent on employment of a spouse or partner.
7. In some instances, such as a counter-offer situation, rapid decision making is important. Delays in evaluation and decision making run the risk of losing viable candidates to other universities. The Provost has the authority to move swiftly when necessary, assuming that all references and background checks have been scrupulously reviewed and unit heads are supportive.
8. The process for identifying and securing an opportunity hire will depend upon context. An offer made to a candidate with an eligible partner who has requested accommodation would initiate the process, or a department head could request an opportunity hire option for a stand-alone candidate. In either circumstance, a request for opportunity hire would be submitted by the unit head and dean to the provost. The provost may suggest any processes that will assist sound decision making, such as informal "meet and greet" for the candidate and her/his future colleagues or a presentation by the candidate. The Provost will consult with appropriate university officials, such as the OEO and HR.

9. In order to make a determination, the Provost will compose an ad hoc committee that would include the involved unit head(s), several members of the PFDC, and anyone else the Provost deems desirable. Council members are honor bound to be objective and impartial in responding to the proposed hire. The credentials of opportunity faculty must be sufficient and appropriate for the appointment being considered. **This committee must review the candidate according to the same standards used for similar hires, and referencing current promotion and tenure guidelines.** There must be honest assessment of the candidates without undue pressure that may lead to a poor decision. The standard for an opportunity hire should be a full-time, permanent position.

Provost's Faculty Diversity Council in attendance Nov. 8, 2017 and proposing initial language: David Owusu-Ansah, Yasmeen Shorish, Jennifer Risser (for Ken Rutherford), Mike Galgano, Joyce Guthrie, Emily Gravett, Gina MacDonald, Cheri Beverly (by email), John Burgess, Rhonda Zingraff, Kyle Gipson and AJ Morey. Delo Blough, Terry Dean and AJ Morey drafted the first version of this proposal, in consultation with James Robinson.

Provost Faculty Diversity Council in attendance January 16, 2017 and proposing this language: Cheri Beverly, Rhonda Zingraff, Ken Rutherford, Yasmeen Shorish, David Owusu-Ansah, Kyle Gipson, Delo Blough, Gina MacDonald, Phil Frana, Meg Mulrooney and AJ Morey.

### **Addendum.**

Additional funding suggestions:

1. Look for grant opportunities to provide start-up for an opportunity hire program.
2. Consider a policy whereby senior tenured faculty could opt to step back to an RTA position for the last several years of their time of employment. Apparently something like this was introduced to the Faculty Senate in the early 1990s. Faculty could choose to reduce their workloads by 1/4, 1/2 and have their compensation reduced accordingly. In addition, faculty could replace tenure contracts with multi-year contracts until the time of predetermined retirement. Both added flexibility in maintaining a tenure balance and adding potential funds to support junior faculty and new hires.