



Filling Vacancies (Excluding Bargaining Unit Staff)

POLICY STATEMENT

Cornell University is committed to selection procedures that are fair, consistent, and in compliance with applicable laws and regulations. Therefore, before initiating searches to fill vacancies, units must utilize a strategy that takes into account the values of equal employment opportunity, affirmative action, a diverse and inclusive workforce, and internal mobility.

REASON FOR POLICY

In an effort to identify and to attract highly qualified applicants to the Cornell workforce while increasing the representation of protected groups, and to encourage career growth, the university supports a carefully planned and articulated strategy for filling each regular academic and non-academic vacant position.

ENTITIES AFFECTED BY THIS POLICY

- Ithaca-based locations
- Cornell Tech campus
- Weill Cornell Medicine campuses

WHO SHOULD READ THIS POLICY

- Diversity and affirmative action representatives (DAARs)
- Deans, directors, and department heads
- Unit human resources (HR) representatives
- Faculty and academic professionals
- Regular nonacademic, non-bargaining unit staff members
- Supervisors
- Unit administrators

MOST CURRENT VERSION OF THIS POLICY

- www.dfa.cornell.edu/policy/policies/filling-vacancies

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

CONTENTS

Policy Statement	1
Reason for Policy	1
Entities Affected by this Policy	1
Who Should Read this Policy	1
Web Address for this Policy	1
Related Resources	3
Contacts	5
Definitions	6
Responsibilities	7
Principles	8
General Philosophy	8
Posting and Listing Requirements	8
Applicant Tracking	8
Search Exceptions	8
Employment of Minors	9
Employment of Persons Convicted of Criminal Offenses	9
Nepotism	9
Procedures	10
Evaluating and Selecting Applicants (Including Testing)	10
Reference Checking and Information Verification	10
Offering Employment	10
Requesting a Search Waiver	11
When No Waiver Request is Required	11
Retaining Records	13
Index	14

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

RELATED RESOURCES

University Policies and Information

[University Policy 4.7. Retention of University Records](#)

[University Policy 4.14. Conflicts of Interest and Commitment \(Excluding Financial Conflict of Interest Related to Research\)](#)

[University Policy 6.4. Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct](#)

[University Policy 6.6.2. Reference Checking and Information Verification](#)

[University Policy 6.10.9. Staff Transfer \(Excluding Academic and Bargaining Unit Staff\)](#)

[University Policy 6.12. Separations, Voluntary and Involuntary \(Including Layoff\)](#)

[Cornell University's Statement on Diversity and Inclusiveness](#)

[Diversity and Affirmative Action Representatives \(DAAR\) List](#)

[Guidelines for Managing and Evaluating an Applicant with Criminal Convictions \(sign in required\)](#)

[Guidelines to Support Filling Vacancies \(PDF\)](#)

[Guide to Giving Employment References](#)

[Human Resources' Tools for Managers](#)

[Human Resources Policy 6.7.5. Temporary and Casual Appointments](#)

[I-9 Flowchart \(PDF\)](#)

[Inventions and Related Property Rights Assignment \(IRPRA\) Form FAQ \(PDF\)](#)

[Leadership Skills for Success](#)

[New Hire/Rehire Guidelines \(PDF\)](#)

[President's Statement on Equal Opportunity and Affirmative Action](#)

[Skills for Success](#)

External Documentation

Age Discrimination in Employment Act

Americans with Disabilities Act

Civil Rights Act of 1991

Drug-Free Workplace Act

Employee Polygraph Protection Act

Equal Pay Act

Executive Orders 11246,11375,11478 (Affirmative Action)

Fair Credit Reporting Act

Fair Labor Standards Act of 1938

Federal Fair Employment Practices

Immigration Reform and Control Act

Local Law C—Sexual Preference/Orientation Law

New York State and Tompkins County Laws and Regulations

NYS Human Rights Law

Cornell Policy Library
Volume: 6, Human Resources
Responsible Executive: Vice
President and Chief Human
Resources Officer
Responsible Office:
Recruitment and Employment
Center
Originally Issued: January 2001
Last Full Review: January 30,
2017
Last Updated: October 1, 2020

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

RELATED RESOURCES, continued

NYS Law on Sexual Orientation
Omnibus Transportation Employee Testing Act (1995)
Pregnancy Discrimination Act
Title VII of the Civil Rights Act of 1964
Uniform Guidelines on Employee Selection Procedures
Vietnam-era Veterans Readjustment Act
Vocational Rehabilitation Act

University Forms and Systems

[Careers at Cornell](#)

[Form I-9. Employment Eligibility Verification](#)

[Offer Letter Templates \(Temporary and Casual positions\)](#)

[Workday](#)

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

CONTACTS

Direct any general questions about this policy to your college or unit administrative office. If you have questions about specific issues, contact the following offices.

Contacts, Ithaca Campus Units

Subject	Contact	Telephone	E-mail/Web Address
Policy Clarification, Exceptions, and Interpretation, General Policy Questions	Unit human resources (HR) representative	Unit-specific	hr.cornell.edu/find-your-hr-representative
	Office of Human Resources, Workforce Recruitment and Retention	(607) 254-8370	mycareer@cornell.edu
Waiver of Posting	Diversity and Affirmative Action Representative (DAAR)	Unit-specific	hr.cornell.edu/our-culture-diversity/diversity-inclusion/equal-opportunity-and-affirmative-action/diversity-and
	Department of Inclusion and Workforce Diversity (IWD)	(607) 255-3976	owdi@cornell.edu
Visa and Employment Eligibility	International Students and Scholars Office (ISSO)	(607) 255-5243	www.isso.cornell.edu

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

DEFINITIONS

These definitions apply to terms as they are used in this policy.

Affirmative Action	A program of active steps to ensure that women, minorities (or people of color), persons with disabilities, and veterans (including disabled veterans) are represented in applicant pools and in the university's workforce.
Applicant	Any person who applies (requests review of his or her credentials, experience, or other qualifications) in accordance with the stated directions for a specific and discrete open position.
Casual Position	A position of less than 20 hours per week.
Diversity and Affirmative Action Representative (DAAR)	An individual designated by management with responsibility for affirmative action issues at the unit level.
Equal Employment Opportunity	The concept of providing access to employment opportunities to all persons regardless of, but not limited to, such factors as race, color, creed, religion, national or ethnic origin, sex, sexual orientation, age, disability (including HIV status), marital status, veteran status, or ex-offender status.
External Applicant	A job applicant who does not presently hold a regular appointment with the university.
Hiring Authority	An individual who is responsible for making the hiring decision or has responsibility for some aspect of the search process. For example, a supervisor, unit human resources (HR) representative, or an appropriate designee may serve as the hiring authority at different points of the search process.
Internal Applicant	A job applicant who is currently appointed to a regular position at the university or someone in an eligible employment status, such as layoff status or short-term disability.
Posting	An open position that is advertised on the <i>Careers at Cornell</i> website.
Protected Groups	In the context of equal employment opportunity, people who are covered by any of a number of non-discrimination laws.
Regular Position	A non-temporary position of at least 20 hours per week with an expected duration of at least six months.
Temporary Position	A position of at least 20 hours per week with an expected duration of less than six months.
Unit	A college, department, program, research center, business service center, or other operating unit.
Unit Human Resources (HR) Representative	The primary human resources administrator at the unit level.

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

RESPONSIBILITIES

The following are the major responsibilities each party has in connection with this policy:

Diversity and Affirmative Action Representative (DAAR)	Provide guidance and collaborative assistance to the hiring authority, unit head, and/or unit human resources (HR) representative regarding internal movement, equal employment opportunity issues, and affirmative action requirements before and during the recruitment and hiring process. Monitor selection activity for consistency with affirmative action guidelines. Consult with the Recruitment and Employment Center and the Department of Inclusion and Workforce Diversity (IWD), as needed, to achieve policy compliance.
Hiring Authority	Carefully plan and execute a hiring strategy that takes into account the selection procedures and guidelines stated in this policy. Seek the guidance and advice of the unit HR representative, the diversity and affirmative action representative (DAAR), and/ or the Recruitment and Employment Center before and during the recruitment and hiring process, in accordance with this policy.
Inclusion and Workforce Diversity (IWD)	Provide advice and guidance, as requested, regarding equal employment opportunity issues and affirmative action requirements. Work with the DAAR to ensure policy compliance. Review and determine if waiver requests will be approved or denied.
Recruitment and Employment Center	Provide advice and guidance to unit administrators, as requested, regarding internal movement, search strategy, and the selection process in accordance with this policy.
Unit Head or Designee	Issue and document final approval of all decisions related to filling vacancies when no waiver request is required according to this policy.
Unit Human Resources (HR) Representative	Provide guidance and collaborative assistance to the hiring authority regarding search strategies, internal movement, equal employment opportunity issues, and affirmative action requirements before and during the recruitment and hiring process. Work with the DAAR to ensure policy compliance.
Vice President and Chief Human Resources Officer	May declare offers of employment invalid and subject to reversal if the process outlined in this policy is not followed.

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

PRINCIPLES

General Philosophy

At Cornell University, diversity and uniqueness are valued as a means of advancing an inclusive working, living, and learning environment. Cornell aims to employ highly qualified individuals who contribute to the overall success of the university's strategic goals. The university endeavors to cultivate the broadest and most diverse applicant pool possible in order to create the most effective and productive workforce, which is critical to fulfilling the university's mission and to supporting ongoing operations.

Before a search is begun, a carefully articulated search strategy must be developed for each regular position. Cornell University is an affirmative action/equal opportunity employer.

Posting and Listing Requirements

Each opening, unless otherwise exempted in this policy, must be posted on the *Careers at Cornell* website for at least five business days. To advance the university's philosophy, it is strongly recommended that the time span of postings be of a duration that allows for the development of a robust applicant pool. To comply with state and federal regulations, Cornell distributes to external websites all positions posted on the *Careers at Cornell* website.

Applicant Tracking

To comply with federal Affirmative Action regulations, all job applicants (internal and external) must be given the opportunity to voluntarily self-identify demographic information. Additionally, to meet audit obligations, decisions made regarding each applicant, as well as the point at which these decisions are made, must be documented.

Search Exceptions

While the general expectation is that an open search will be conducted, there are situations where it may not always be prudent or possible to advertise every position internally or externally. See Waiving Searches in Procedures.

In all situations when a search might not be conducted, a careful analysis must be undertaken by the hiring authorities and unit human resources (HR) representative to consider the following:

- Current diversity in the job group of the hiring unit and the university.
- Impact on the college/unit commitment to advance diversity and inclusion.
- Impact on other institutional strategic priorities.

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

PRINCIPLES, continued

Employment of Minors

No person under the age of 16 will be hired in a regular position at Cornell; however, the university allows the employment of individuals between the ages of 14 and 16 years old in temporary or casual positions. All appointments of minors must comply with applicable federal and state child labor laws.

Employment of Persons Convicted of Criminal Offenses

Consistent with the New York State Human Rights Law, Cornell University will not deny persons previously convicted of one or more criminal offenses of consideration for employment unless it is determined that **either** of the following circumstances exist:

1. There is a direct relationship between any of the previous criminal offenses and the employment sought.
2. Granting employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

For more information, refer to the human resources procedure [Guidelines for Managing and Evaluating an Applicant with Criminal Convictions \(sign in required\)](#) and contact your unit HR representative.

Nepotism

Refer to [University Policy 4.14, Conflicts of Interest and Commitment \(Excluding Financial Conflict of Interest Related to Research\)](#).

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

PROCEDURES

Evaluating and Selecting Applicants (Including Testing)

The use of any selection procedure must be consistent with the federal *Uniform Guidelines on Employee Selection Procedures* and must be able to pass validity tests in an external audit. Employee selection procedures include job requirements (physical, education, experience), and evaluation of applicants or candidates on the basis of application forms, interviews, performance tests, paper and pencil tests, performance in training programs or during probationary periods, and any other procedures used to make an employment decision, whether administered by the employer or by an employment agency. As a result, units may not administer, or utilize a third party to administer, any pre-employment tests (written, oral, or physical) to be used in the evaluation and selection of applicants for employment without the prior approval of the unit human resources (HR) representative or a designee and the associate vice president of human resources or a designee.

For the purposes of this policy, review of application materials and interview strategies are not subject to the prior approval requirement as stated above.

Reference Checking and Information Verification

For information on checking references and performing the necessary information verification, including background checks, refer to [University Policy 6.6.2, Reference Checking and Information Verification](#).

Offering Employment

All offers of employment must have the **prior approval** of the unit head (dean, vice president, or comparable) or their designee, and the diversity and affirmative action representatives (DAAR). Colleges may identify an alternate to the DAAR for academic searches. If policy is not followed and all approvals are not obtained, the vice president and chief human resources officer or a designee may declare an offer of employment invalid and subject to reversal.

The university does not sponsor permanent residency (green card) for nonacademic staff members. Prior to extending a nonacademic offer of employment to a non-U.S. citizen, the Office of Human Resources and the International Students and Scholars Office must approve all requests to pursue an H1-B visa.

Offers of employment are conditional upon the completion of the Employment Eligibility Verification Form (Form I-9) and, if required, the following:

- Information verification efforts, including a background check.
- A medical examination and/or immunization.

A medical examination and/or immunization may be required only if it is relevant to the job duties and required for all employees in a given job. Units must obtain

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

PROCEDURES, continued

advance approval for such medical requirements from their unit HR representative or designee. If approved, all recruitment advertising for the position must clearly state this condition of employment. The medical examination and/or immunization must occur after a conditional offer of employment has been made and before the start date.

Requesting a Search Waiver

In conjunction with the DAAR, the hiring authority or a designee may **request** a waiver of a search, which may be **considered** for approval by the associate vice president for Inclusion and Workforce Diversity (IWD) or a designee if the person identified is qualified to fill the vacancy and fulfills the criteria specified in one of the following categories:

1. **Affirmative Action waiver:** The individual identified is fully qualified for the position and will help the university achieve affirmative action goals.
2. **Dual career waiver:** The individual identified is searching for a position as a result of either a (1) proactive and targeted recruitment and hiring effort for which their spouse or partner has been hired or is under consideration, or (2) retention effort of their spouse or partner by Cornell.
3. **Distinguished/unique opportunity hire waiver:** An opportunity to appoint a distinguished and/or unique individual (for example, a leading or emerging authority in a field, or a person with rare or specialized qualifications relative to their career stage and whose qualifications are distinctly needed by the department or unit) when it is unlikely that a search will result in a more qualified candidate, and the delay caused by a search may result in the loss of the opportunity to recruit such individual.

Any position for which a waiver of posting request is denied must be posted and an open search must be conducted.

When No Waiver Request Is Required

While the general expectation is that a search will be conducted, on occasion, and to advance institutional strategic priorities, a search may not be appropriate, particularly in situations noted below, where the individual is deemed qualified to fill the vacancy. The hiring authority, in collaboration with the unit HR representative, must undertake a careful analysis of the current diversity in the hiring unit and the university in the job group, and other university priorities prior to determining that a search will not be conducted. In these cases, no posting, listing or waiver is required, and the reason for this decision must be well documented, indicating which of the below situations apply. The unit head (dean, vice president, or university librarian) or a designee retains final approval of all decisions.

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

PROCEDURES, continued

1. **Administrative movement:** Internal movement resulting from a reorganization or restructuring, reassignment, or part of a documented succession planning or career development plan.
2. **Restoration of funding:** The person identified was previously employed in a term-limited, sponsored-program position, which was terminated early or not renewed due solely to the lack of funds. This applies only if the funding is restored within 12 months, and if the employee would return to the same unit, title, and duties held prior to the non-renewal.
3. **ADA job change:** The individual identified is an employee who has been through Cornell's formal Americans with Disabilities Act (ADA) process and a job change accommodation request has been approved by Medical Leaves Administration.
4. **Return to work:** The employee is returning from a long-term disability leave, and has provided the appropriate work clearances to Medical Leaves Administration.
5. **Layoff:** The person identified is currently pending placement on layoff status or is on layoff status from the university.
6. **Current or previous search:** A search was conducted for a regular position with the same title, band, job description, and minimum requirements; an offer was extended within the last 180 days for academic and non-academic staff positions or one year for tenured and tenure-track faculty positions; the identified individual was a finalist from the original search pool.
7. **Progressive promotion:** An individual is being promoted within the same job family, and in accordance with the next promotional sequence.
8. **Accompanying/supporting hire:** An individual is moving to Cornell to continue working with the primary hire as agreed to at time of offer.
9. **Term, regular positions of one year or less:** Individuals may be appointed to regular, full-time equivalent positions of one year or less. If the position will continue, and that position normally requires a search, the same individual may not be reappointed to a continuing position without a full and open search.
10. **Appointments to the following titles:** Postdoctoral associate, postdoctoral fellow, visiting fellows, titles formally modified by "adjunct," or "courtesy," unpaid "visiting" appointments and individuals paid by other institutions or agencies.
11. **Reclassification of postdocs** to research associate or senior research associate after three years in the title at Cornell University.

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

PROCEDURES, continued

Retaining Records

The unit HR representative or a designee must retain all records of the search and selection process, including information gathered during reference checking and information verification, for a period of three years. For more information about retention periods for HR records, see University Policy 4.7, Retention of University Records.

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

INDEX

Academic searches.....	10	Medical examination.....	11
Affirmative action.....	1, 3, 5, 6, 7, 8, 11	Medical Leaves Administration.....	12
Age.....	6	Minor.....	9
Americans with Disabilities Act (ADA).....	3, 12	Minority.....	6
Applicant.....	1, 6, 8, 10	Nepotism.....	9
Applicant pool.....	6	Nonacademic offer.....	10
Application.....	10	Offer letter.....	4
Associate vice president of human resources.....	10	Partner.....	11
Background check.....	10	Posting.....	5, 6, 8
Band.....	12	Probationary period.....	10
Careers at Cornell website.....	4, 6, 8	Progressive promotion.....	12
Casual position.....	6	Protected groups.....	1, 6
Child labor law.....	9	Race.....	6
Criminal offense.....	3, 9	Recruitment.....	7, 11
Disability.....	6, 12	Recruitment and Employment Center.....	5, 7
Disabled.....	6	References.....	10
Distinguished hire.....	11	Regular position.....	6, 8, 9, 12
Diversity.....	3, 8, 11	Religion.....	6
Diversity and affirmative action representative (DAAR)	1, 3, 5, 6, 7, 10, 11	Résumé.....	10
Dual career.....	11	Retention.....	11, 13
Employment References.....	3	Reversal (of an offer).....	10
Equal employment opportunity.....	1, 6, 7	Search exceptions.....	8
Ethnic origin.....	6	Selection process.....	7, 10, 12
External applicant.....	6	Sex.....	6
Funding.....	12	Sexual orientation.....	6
Green card.....	10	Short-term disability.....	6
H1-B visa.....	10	Sponsored program.....	12
Hiring authority.....	6, 7, 8, 11	Spouse.....	11
HIV status.....	6	Supervisor.....	6
Human Resources Policy 6.7.5, Temporary and Casual Appointments.....	3	Temporary position.....	6
I-9 Flowchart.....	3	Term position.....	12
I-9, Employment Eligibility Verification Form.....	4, 10	Testing, pre-employment.....	4, 10
Immunization.....	11	Training.....	10
Inclusion and Workforce Diversity (IWD).....	5, 7, 11	Uniform Guidelines on Employee Selection Procedures.	4, 10
Information verification.....	12	Unit human resources representative..	1, 5, 6, 7, 8, 9, 10, 11, 12
Internal applicant.....	6	University policies	
Internal mobility.....	1	4.14, Conflicts of Interest and Commitment.....	9
Internal movement.....	7	4.7, Retention of University Records.....	3, 12
International Students and Scholars Office (ISSO).....	5, 10	6.10.9, Staff Transfer (Excluding Academic and Bargaining Unit Staff).....	3
Interview.....	10	6.12, Separations, Voluntary and Involuntary (Including Layoff).....	3
Invalid (offer).....	10	6.4, Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct.....	3
Job description.....	12		
Layoff.....	6, 12		
Marital status.....	6		

POLICY 6.6.1

Filling Vacancies (Excluding Bargaining Unit Staff)

INDEX, continued

6.6.2, Reference Checking and Information			
Verification	3, 10		
Veteran	6		
Vice president and chief human resources officer ...	7, 10		
Visa	5		
		Waiver	5, 7, 11
		Weill Cornell Medicine.....	1
		Women	6
		Workday.....	4