TARGET OF OPPORTUNITY PROGRAM (TOP)  
POLICY AND PROCESS

RESPONSIBLE ADMINISTRATOR:  VICE PROVOST FOR ACADEMIC AFFAIRS
RESPONSIBLE OFFICES:  OFFICE OF THE VICE PROVOST FOR ACADEMIC RESOURCES
OFFICE OF HUMAN RESOURCES & DIVERSITY INITIATIVES

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POLICY

The purpose of the Target of Opportunity Program (TOP) is to support the University’s commitment to increase the diversity of the professoriate, with special emphasis on the recruitment of women or minority faculty in academic disciplines where these groups have historically been and continue to be underrepresented at UNLV in relation to labor market availability, as documented in the University’s annual EEO/AA Plan.

TOP candidates who qualify for senior faculty status are strongly preferred. All candidates must be fully qualified and must be recommended by academic departments, consistent with applicable College, School, or Department Bylaws.

TOP recruitment occurs within the context of the University’s overall commitment to provide equal opportunity to all qualified applicants, regardless of personal demographics. A set-asides does not represent (and should not be construed as) a set-aside program. Rather, TOP recruitment constitutes a specific EEO/AA Plan, affirmative action program element to identify and recruit fully qualified women and minority faculty. [See explanatory notes of Federal EEO/AA Plan requirements, following this policy.]

Specific measures that may be employed to support TOP recruitment include:

1. Targeted outreach to identify qualified applicants and generate interest in UNLV employment opportunities, concurrent with or in advance of public recruitment.

2. Augmentation of interview pools to provide for the continuing consideration of women or minority candidates that might not otherwise be included in preliminary interview pools, but whose academic qualifications are substantially equal to male or non-minority candidates included in preliminary interview pools.

3. Preference in hiring among substantially equally qualified candidates in departments in which women or minorities have historically been and continue to be under-represented in relation to labor market availability.
4. Augmentation of salary budgets, where necessary, to extend competitive offers to women or minority candidates, when previously budgeted salaries are not sufficient to convey an acceptable employment offer.

5. Special Skills Search Waivers, subject to the approval of the Executive Vice President & Provost, in favor of candidates whose academic qualifications, credentials, or accomplishments are so distinguished in their field as to support a reasonable inference that no better qualified candidate would emerge through a public search process.

PROCEDURES

The Office of the Executive Vice President and Provost allocates faculty positions to academic departments based on student enrollment and other academic and curricular needs. The allocation of faculty positions - including title, rank, tenure status, and minimum qualifications - constitutes the department's Faculty Recruitment Plan. All faculty recruitment is conducted pursuant to such annual Faculty Recruitment Plans (including TOP recruitment).

1. When special-skills candidates are identified through targeted outreach and recruitment efforts (as provided in Policy Statement 1), Department Chairs may submit a request for a Search Waiver, based on special skills, consistent with UNLV Faculty and Professional Staff Recruitment Guidelines.

2. When a preliminary interview pool includes fewer women or minority candidates than their representation in the entire applicant pool (as identified by the University EEO/AA Officer), the Department Chair may request funding to increase the size of the interview pool to include substantially equally qualified women or minority candidates (as provided in Policy Statement 2).

3. UNLV EEO/AA policy (consistent with Federal law and as approved by the President) provides for a preference in hiring in favor of under-represented women or minority candidates (as provided in Policy Statement 3). Where such a preference in hiring results in the recruitment of a woman or minority candidate in an academic department in which women or minorities are under-utilized the Department Chair may request an additional faculty line consistent with overall student enrollment and curricular needs to hire an additional candidate from the same applicant pool. The University EEO/AA Officer will publish a list of academic disciplines annually in which women and minorities (by race/ethnic category) are under-represented in relation to market availability. These lists shall be incorporated herein by reference as "Appendix A." These lists provide guidance to academic administrators on where UNLV needs to focus its diversity efforts; however, as specified in the footnote on EEO/AA Planning
Requirements. These goals do not constitute quotas, ceilings, or floors for women or minority representation in any given department.

4. During "intent to hire" conversations, when it is apparent that budgeted salaries are not sufficient to recruit a first choice candidate, Department Chairs may request augmentation of faculty salaries, subject to the availability of funding identified for this purpose by the Executive Vice President & Provost, to enhance the competitiveness of our employment offers to women or minority candidates, consistent with internal salary equity and rank within the department, school, and college.

5. While search waivers based on special skills are not limited, by policy, to positions with senior faculty status, in reality, the level of academic qualifications, credentials, or accomplishments that is typically required to justify a search waiver makes such waivers less likely at the Assistant Professor level. Consequently, consistent with overall academic and curricular needs of the department, the University reserves the prerogative to adjust the title, rank, and tenure status of any faculty positions previously allocated to a department in the Faculty Recruitment Plan. When Department Chairs identify TOP candidates with special skills who would qualify for senior faculty status, Department Chairs may request changes in the Faculty Recruitment Plan pertaining to title, rank, or tenure status concurrent with requesting a Search Waiver (as provided in Policy Statement 5). Modifications to Faculty Recruitment Plans may be requested only in advance of public recruitment. The title, rank, and tenure status of a position may not be modified after a public search is undertaken.

6. Other Procedures:

a. Routing of Requests. All requests for TOP recruitment support should be submitted by the Department Chair through the responsible Dean to the Office of the Vice Provost for Academic Resources.

b. Documentation Requirements. All requests for TOP recruitment support must be accompanied by a letter from the Department Chair, endorsed by the Dean, which includes the following information:

   (1) A description of the programmatic needs that will be addressed or enhanced through TOP support including a description of the courses a TOP candidate will teach.

   (2) A copy of the TOP candidate’s curriculum vitae.

   (3) Identification of the TOP candidate’s race/ethnic category.
c. Considerations. Recommendations for TOP hires will be evaluated by a committee consisting of the Executive Vice President and Provost, Vice Provost for Academic Affairs, and Vice Provost for Academic Resources. With respect to the allocation of additional salary funds or modification to a department’s Faculty Recruitment Plan, consideration will be given to the composition of existing faculty in the department including the extent to which women or minorities (by race/ethnic category) are underrepresented in relation to labor-market availability as well the existing mix among faculty at various ranks and tenure status in the department.

d. Funding. All TOP recruitment financial support is contingent on the availability of funds and will be allocated in the sole discretion of the Executive Vice President and Provost, consistent with University-wide academic program priorities.

e. Approvals. Search Waivers require the express prior approval of the Executive Vice President and Provost. Pursuant to Title 2, Chapter 5, §5.2.2 of the NSHE Code, new appointments with tenure require the express prior approval of the President and must be reported to the Board of Regents through the Office of the Chancellor, annually. [Note: Prior approval of the Board of Regents for tenure at hire is no longer required.]

f. Reporting. In order to evaluate whether the Target of Opportunity Program is effective in enhancing the diversity of the professorate, the Vice Provost for Academic Resources will compile an annual report documenting all requests for TOP recruitment support, the disposition of each request, and the outcome of TOP recruitment efforts. This report will be submitted to the Executive Vice President & Provost and the President for program review and evaluation and will be conveyed to the University EEO/AA Officer for inclusion in the University’s inventory of “Good Faith Efforts” in the annual EEO/AA Plan.

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Federal EEO/AA Plan Requirements

As documented in the UNLV EEO/AA Plan, the University’s recruitment goal is for our work force to look just like the labor market—that is for the representation of women and minorities at UNLV to reflect their availability in the labor markets in which we recruit. This goal is consistent with guidance provided by the Office of Federal Contract Compliance Programs which states, “A central premise underlying affirmative action is that, absent discrimination, over time (an employer’s) work force will reflect the gender, racial, and ethnic profile of the labor market in which the (employer) recruits.” [41 CFR 60-2.10(a)(1)]
The OFCCP specifically cautions that recruitment goals may not be rigid or inflexible quotas (which are expressly forbidden); may not be considered as either a ceiling or a floor; may not create set-asides for specific groups; and may not be used to "supersede merit selection principles." Current OFCCP guidance, thus, emphasizes that all affirmative action efforts must occur under the overarching umbrella of equal consideration for every candidate, regardless of personal demographics, noting in particular that, "In all employment decisions, the (employer) must make selections in a nondiscriminatory manner." [41 CFR 60-2.16(e)(2)]

Enclosures
TOP Appendix A.2005

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