



## **RESEARCH FOUNDATION AS A SEPARATE EMPLOYER**

The Research Foundation is a private, nonprofit corporation. As a **separate** employer from the University, the Research Foundation is charged with personnel responsibilities, which include staffing and recruitment, compensation and benefits programs, general personnel administration, and employee relations and development. In performing these functions, the Foundation is subject to all federal and state laws that apply to **private** employers.

The agreement between the State University of New York (SUNY) and the Research Foundation (RF), June 1, 1977, states that "the Foundation's function...shall include its employment of research and other personnel necessary for the conduct of the program, who shall be deemed to be employees of the Foundation and NOT the University...".

All personnel appointments, termination of employment, and changes in conditions of employment, including changes in title, salary, percent of time and standard workweek, require the review and approval of the project director or co-project director, and the Research Foundation Operations Manager or delegate. Therefore, the Research Foundation Operations Manager or delegate, and the project director are required to sign all appointment forms, employee change forms, and selections process reports. Campus policy might also require the additional signature of one or more administrative officials.

All communication with applicants and offers of employment, whether verbal or written, must be consistent with funding, sponsor rules, Research Foundation policy, and legal requirements. When offers of employment are made, applicants must be made aware that employment with the Research Foundation is subject to the availability of funds and program needs and that there is no expressed or implied guarantee of employment retention. The Research Foundation uses a standard employment application form that meets certain legal requirements with respect to questions asked by job applicants and insures that applicants for Research Foundation positions are aware of the Foundation's separate legal status as an employer. Further, ***all written communication with applicants must be prepared on Research Foundation stationary and must be retained according to local affirmative action policies and Research Foundation record administration and retention guidelines.***

## **RESEARCH FOUNDATION COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY**

Presidential Executive Order 11246, as amended, prohibits job discrimination and requires affirmative action to ensure equality of opportunity in all aspects of employment. Federal and/or state law guarantees equal opportunity in employment without discrimination because of age, race, creed, color, national origin, citizenship, sex, marital status, and disability.

In order to comply with federal and state laws, the Research Foundation Board of Directors adopted a policy on equal employment opportunity on March 19, 1974. This policy states that the Research Foundation is committed to equal opportunity in its employment practices and will demonstrate this commitment through outreach programs as reflected in affirmative action plans. This policy applies to all employment practices including, but not limited to advertising, recruitment, promotion, demotion or selection for training.

### **AFFIRMATIVE ACTION SEARCH PROCEDURE**

An affirmative action search and screening procedure is established and utilized in filling all full-time faculty, professional staff, and administrative positions at the .50 FTE or greater.

#### **WHEN A SEARCH IS NOT REQUIRED**

It is not always necessary to do a full search for a position. If the appointment meets one of the following criteria, a search is **not** required. The individual may remain in the position as long as the condition under which he was hired continues to be met. However, should the status of the individual change, (e.g., percent of effort increased to more than 50%), then the individual is no longer eligible to remain in the position and a full search must be conducted.

- The appointment is for less than 6 months.
- The appointment is for less than 50%
- The appointment is for a graduate or undergraduate student in accordance with College Student Assistant policy.
- Appointment of an individual to a DEDICATED position, i.e., named in the Project Application, etc.
- Summer only appointment of SUNY Fredonia faculty, college professional staff, and teaching graduate or research assistants.

#### ***Request for Waiver of the Search Procedure***

The Research Foundation and the Affirmative Action Office recognize that there may be other exceptional or extenuating circumstances in which a waiver of the search procedure might be warranted. However, only the president or his/her designee is empowered to waive an affirmative action search. The project director must justify

on the Request to Recruit form the reasons for the exception or waiver. The request for the waiver is submitted to the officer responsible for affirmative action for approval. The president or his/her designee makes the final decision. If the Affirmative Action Office does not approve the waiver, then the project director is instructed to proceed with the search for the position. If on the other hand, the waiver is approved, the individual is appointed to the payroll.

## **HOW TO PROCEED WHEN A FULL SEARCH IS WARRANTED**

Most regular, full-time appointments to the Research Foundation payroll will require that a full affirmative action search be conducted. The following procedure must be followed to insure that the screening process is properly implemented.

### **1. Complete the Request to Recruit Form:**

The Request to Recruit form is used to initiate the hiring process. Attached to the Request to Recruit form should be a copy of the position description and the recruitment plan which indicates how the hiring unit will attempt to enlarge the pool of eligible candidates to include women and minorities. The recruitment plan should also include the members of the search/screening committee. While it is appropriate for SUNY Fredonia faculty and staff to serve on a search committee for a Research Foundation appointment, it is not appropriate for the committee to consist solely of University employees. The search committee could, however, consist solely of Research Foundation employees.

You should also complete the Announcement of Vacancy form. This form is useful in posting the position. ***When posting or advertising for any Research Foundation position, it should be noted that RF policy requires that the announcement stipulate that the employment opportunity is a Research Foundation funded position.*** In addition, the Research Foundation Operations Manager or delegate should include the following statement in all solicitations or advertisements for employees. "All qualified applicants will receive considerations for employment without regard to their race, color, religion, national origin, age, disability, veteran status, marital status, sexual orientation, or sex, except where sex is a bona fide occupational qualification". In external advertisements where there is limited space, the statement "EEO/AA Employer" will be sufficient.

The Request to Recruit form requires the signatures of the Director of Affirmative Action, and the project director. Therefore, after the form is completed and signed by the project director it should be submitted directly to the Affirmative Action Office. At that time a copy of the Request to Recruit and the recruitment plan should be submitted to the Research Foundation Post Award Grants Administration Office.

The Affirmative Action Office will return the Request to Recruit Form directly to the project director. The search may be approved as submitted, or it may be approved

with recommended changes, or the request to recruit may not be approved and a meeting between the parties will be scheduled.

## **2. Mail the Applicant Survey and Data Collection Form**

The search committee will initiate the approved recruitment plan with specific emphasis on soliciting applications from minorities and women. All applications should be acknowledged expeditiously and the Applicant Survey Data Form mailed to each applicant. **Be sure to indicate the position title, the project director's name, and other pertinent information on the "Section to be Completed by the Hiring Unit" prior to mailing.** The Applicant Survey Data Form/Consent to Release Name forms should be completed and returned by the applicant directly to the Affirmative Action Office.

## **3. Pre-Interview Search Procedure Report**

After prospective candidates have been identified, the chairperson of the search committee or the project director will prepare and submit a Pre-Interview Search Procedure Report. The Pre-Interview Search Procedure Report verifies that the search/screening process for the project was conducted properly and that it meets affirmative action guidelines. The approved Pre-Interview Search Procedure Report will authorize the hiring unit to conduct telephone interviews, or invite the recommended candidates to campus for interviews. A copy of the approved Pre-Interview Search Procedure Report should also be submitted to the Research Foundation Post Award Grants Administration Office.

Once the interviews have been completed, the Selection Process Report must be filed with the Affirmative Action Office. The hire may take place only after the approval of the Selection Process Report. Once the approval has been obtained a copy of the Selection Process Report should be submitted to the Research Foundation Post Award Grants Administration Office for approval by the Research Foundation Operations Manager or delegate. After the approvals have been obtained the appointment process can continue.

## **4. Appointment Process**

Complete the Research Foundation "Employee Assignment Form," and submit to the Research Foundation Post Award Grants Administration Office with the following:

- Employee Appointment Form, including the Project, Task and Award that the employee will be paid from.
- Federal and State Tax forms
- The Research Foundation application for employment
- The Research Foundation form for employee information.

In addition, *prior* to being appointed to the Research Foundation payroll, the individual will be required to complete an INS Form I-9.

### **RECORDS RETENTION**

The Pre-Interview Search Procedure Report Form, and the Selection Process Report are maintained in the Research Foundation Post Award Grants Administration Office and the Affirmative Action Office for a period of three years. All other information relevant to the individual search are also maintained at the Research Foundation Post Award Grants Administration and Affirmative Action Office and are retained for a period of one year.

### ***REFERENCES***

1. *The Research Foundation of SUNY Personnel Operations Manual*
2. *Agreement between State University of New York and The Research Foundation of State University of New York, June 1, 1977.*
3. *Board Policy 3.19.74 –Policy Statement for Equal Employment Opportunity*
4. *Executive Order 11246*
5. *Office of Equity and Campus Diversity – Guide to Affirmative Action Searches. Buffalo State College. Revised 1996.*