



Valparaiso
University

MEMORANDUM

Office of the Provost

Date: August 2016
To: Academic Deans and Chairs
From: Mark Biermann
Re: Guidelines for Interviewing, Tracking, and Hiring Full-Time Faculty

Executive Summary of 2016-17 changes:

- Mandatory Equal Opportunity Policy link has moved to http://www.valpo.edu/generalcounsel/equal_opportunity_policy.php
- Appendix A, Foreign National Recruiting Needs, has been updated.
- Appendix B has been added to clarify the search process for visiting faculty.

The Recruiting and Hiring section of the Deans and Chairs Handbook contains some of the guidelines for interviewing and hiring full-time faculty. This memo is a summary of the most current policies and replaces the Guidelines in the Appendix of the Deans and Chairs Handbook. Please distribute these guidelines to all search committees as they begin their hiring plans.

FACULTY RECRUITMENT GUIDELINES

1. All academic units desiring new faculty appointments must submit formal requests through their deans by June 1 to the administrative assistant for faculty affairs in the Office of the Provost. The provost will then consider them in the context of all other proposals for faculty appointments across the University. Vacancies that develop during a given academic year may be filled for the next year only on a one-year-term (visiting) appointment basis and based on funding approval from the Office of the Provost. In order to convert those appointments to tenure-track, departments and colleges must also submit formal proposals through their deans by June 1 for consideration by the provost. On or about August 20, the provost will inform the deans of tentative approvals. By October 1, all academic units will be informed about which appointments have been officially approved and advertising can begin. They can then recruit for those positions and fill them even while the one-year appointments are in place. Should there be a special need to advertise prior to October 1, the dean will need to make a special request to the provost.
2. Once a search has been authorized, the dean and the department must work together to ensure that the search committee consists of members who are fully informed regarding departmental-level and university-level strategic needs and priorities. That is, as a department enumerates the various characteristics it seeks in a hire, it should also include in this mix characteristics sought by the university in faculty hires. The priorities defined in the University Strategic Plan should always inform the search. Thus, the members of the search committee should be committed to seeking a candidate who supports the University's larger mission, even as the candidate fulfills the specific needs of the department. In this context, both the University's vision of Lutheran leadership and also its strong commitment to diversity need to be highlighted.
3. For a one-year-term (visiting) appointment, the search committee will discuss the scope of a search with the dean. This discussion may include plans to seek a diverse candidate to fill the position. The dean will have discretion in these matters on a case-by-case basis. See Appendix B for specific search guidelines. The search committee shall contact the Office of the Provost to obtain a flash drive containing the Faculty Handbook for each one-year candidate who is not interviewed in the Office of the Provost.
4. Search committee chairs must receive approval from their deans for any text used in the faculty position ads. The dean will then send the approved ad text to the assistant provost for inclusion and the administrative assistant for faculty affairs in the Office of the Provost. The text must incorporate the Lutheran Statement, the Diversity Commitment of the University, and the Mandatory Criminal Background Check Statement – see below. The assistant provost for inclusion will inform the administrative assistant for faculty affairs and the search committee chairs when ad text has been approved. The administrative assistant for faculty affairs in the Office of the Provost will post either a single or multi-position online ad on ChronicleVitae.com, the Chronicle of Higher Education's online job posting service. Print ads are no longer required to satisfy visa requirements for foreign national candidates as long as the online advertisement in a national publication is posted for at least 30 days. In addition, the Office of the Provost will pay up to \$400 toward the cost of an additional ad as selected by the search

committee. (Law School and Lilly Fellows Program place their own ads at their own cost after ad text has been approved by the assistant provost for inclusion and permission to search has been granted). All postings will be placed on the Office of the Provost website with full ad text. Departments are encouraged to post positions on applicable professional organization social media sites and job boards. Inform the Office of the Provost of all job postings made so that future advertising decisions can be made.

The mandatory statements approved by the General Counsel and the Council of Deans are provided below:

a. Lutheran Statement

Candidates should be interested in working at a university engaged in issues in Christian higher education in the Lutheran tradition.

b. Diversity Commitment of the University

The ad should include the following Equal Opportunity Policy as well as language that asks all candidates to share the University's commitment to diversity:

***Valparaiso University does not unlawfully discriminate and aims to employ persons of various backgrounds and experiences to develop and support a diverse community. Its entire EOE policy can be found at:
http://www.valpo.edu/generalcounsel/equal_opportunity_policy.php***

and

Successful applicants will demonstrate a commitment to cultural diversity and the ability to work with individuals or groups from diverse backgrounds. In addition to strong academic qualifications and excellence in teaching, the University highly values experience in working across cultural and other significant differences.

c. Mandatory Criminal Background Check Statement

Employment at Valparaiso University will require a satisfactory criminal background check.

5. To further the commitment to increase diversity in hiring, the process detailed below will be followed in hiring until the process is no longer deemed necessary.
 - a. The deans and the department chair should specifically ensure that the search committee members are favorable to diversity, since this perspective needs greater emphasis than in the past. At this point in the search, the department or the college may find it helpful to bring the assistant provost for inclusion into the hiring loop. It is recommended that each department or college set up at least one meeting with the assistant provost for inclusion who will provide proactive strategies to facilitate recruiting diverse candidates.

- b. Before the search process begins, the department must evaluate its commitment to diversity by identifying specific activities that will be undertaken to attract underrepresented groups of applicants. For example, steps taken to enhance the diversity of the candidate pool, and due diligence to uncover whether it has a sufficiently diverse pool.
- c. When the search begins, the department must identify a diversity advocate and notify the assistant provost for inclusion of the choice. The diversity advocate is usually a member of the department, although, if desired, the department may work with the assistant provost for inclusion to find a suitable diversity advocate from the campus at large. As a cadre of diversity advocates is created and identified at the University, it will be valuable for the advocates to begin consulting with each other and with the assistant provost for inclusion even before the start of a specific search.
- d. When evaluating credentials, the department should give weight to diversity concerns after a threshold of acceptability in credentials has been met.

The diversity advocate will help support this approach, acting as an advocate of diversity throughout the search process. The diversity advocate may even be the person to ask the candidates questions regarding their support of diversity.

Example questions include the following:

- i. In this position, how do you think you might be able to support the University's philosophy toward diversity?
- ii. Do you have experience working in culturally diverse communities?
- iii. How have you integrated multicultural issues as part of your professional development?
- iv. Have you participated in diversity events and organizations at your institution or at other colleges and universities?

Please remember that it is illegal to ask applicants about their marital status, race, gender, sexual orientation, nationality, age, or disability.

However, concentrating on an applicant's diversity experience, education, and attitude is appropriate and can both yield vital information concerning the applicant's commitment to diversity as well as demonstrate the University's commitment to diversity to all candidates being interviewed.

- e. Before any candidate can be approved for a campus visit or hiring, the dean must notify the provost and the assistant provost for inclusion of the following:
 - i. The steps taken to diversify the pool.
 - ii. The diversity of the applicant pool based on an EEO report requested via email from human.resources@valpo.edu.

Make this notification by sending an email to the provost, the assistant provost for inclusion, with a copy to the administrative assistant for international affairs, addressing the diversity issues and requesting permission to schedule campus visits. If the department or college cannot sufficiently demonstrate its ability to

diversify the pool of applicants, the Office of the Provost may delay the campus visits until the department seeks a more diverse pool of applicants. However, upon the recommendation of the dean, the visits may be allowed to proceed. The assistant provost for inclusion will notify the administrative assistant for international affairs when it is appropriate to proceed with travel arrangements and interviews.

- f. All campus interviews at the level of the Provost's Office will include the assistant provost for inclusion. The presence of the assistant provost for inclusion at provost-level interviews brings attention to the University's commitment to diversity and can provide encouragement to minority candidates to consider Valparaiso University seriously.
6. Procedures are necessary in regard to collecting faculty applicant data as required by our Affirmative Action Reporting program. Please review and follow the Faculty Affirmative Action Reporting procedures at the end of this document and maintain necessary records as applications are received. (For 2016-17, Interfolio's ByCommittee software collects the necessary records for faculty applicants.)
7. Because recruiting of foreign nationals is now routine, each semi-final interview candidate should be asked this question: "Are you legally authorized to work in the United States?" If a candidate says "no", they will need visa assistance. (See Appendix A: Foreign National Recruiting Needs.)
8. Before moving to semi-final interviews, the dean should discuss general contract terms (rank, salary ranges, tenure status, position assignments, start-up funds, program expectations, etc.) with the department chair and search committee chair, as appropriate. Semi-final candidates are typically interviewed by phone (individual or search committee conference calls are appropriate) or via chat tools (i.e. SKYPE, Google Hangout, etc.). If at all possible, this interview should include the diversity advocate.
9. Personal interviews at national or regional professional meetings can be an effective way to achieve the first screening of semi-final candidates. Expenses may be covered by the Office of the Provost for one interviewer. Please contact the associate provost for faculty affairs to determine the amount of financial support available. This payment may supplement funds already designated for a faculty member's presentation at the conference selected for interviews. Departmental or college funds may cover expenses for additional interviewers.
10. With the concurrence of the dean, the provost will authorize all campus interviews. Two candidates for a position will be selected for interviews on campus. The provost may authorize an additional campus interview based on the ability of the search committee to demonstrate to the assistant provost for inclusion that this interview will broaden the diversity of the pool of interviewees. Costs for all approved interviews will be borne by the Office of the Provost.
11. Contact the administrative assistant for international affairs with the name and contact information of each candidate approved for campus interviews. The administrative

assistant will discuss travel and lodging details and provide instructions for reservations. Airfare and lodging expenses will be paid directly by the Office of the Provost, not the candidate. To obtain the most economical rates, flights often must be booked at least two weeks in advance. This will be taken into consideration as campus interviews are scheduled. Candidate visits will be limited to a one-night stay (this may be increased to two nights if warranted by a particular situation, such as airfare cost savings or travel distance.) Law School will make interview arrangements for their faculty candidates and will pay the costs. The Lilly Fellows Program will make travel arrangements for their candidates and will pay the associated costs. Candidates must be notified that they will be expected to reimburse Valpo should they withdraw from consideration or change travel plans after a nonrefundable - nontransferable flight has been booked. See Appendix B for specific guidelines on one-year-term (visiting) appointment interviews.

12. Each candidate will be given a Travel Expense Report Form on a flash drive during the interview in the Provost's Office and instructions to turn in the completed form, with receipts, to the Office of the Provost (or Law School for law faculty candidates or Lilly Fellows Program office for Lilly Fellow candidates) for reimbursement for any other reasonable expenses paid personally. The Office of the Provost will only pay for the round trip cost of an airport shuttle service (ex: Coach USA). Rental car costs will not be reimbursed by the Office of the Provost. A candidate may instead drive his or her personal vehicle and be reimbursed for mileage at the prevailing rate, if this is more cost and/or time effective for the distance involved. The candidate will be reimbursed for any individual meals at the per diem rate indicated in the current Valparaiso University Travel Policy – no receipts required. The hotel will ask for a credit card from the candidate so that personal expenses beyond the room and tax can be charged directly to the candidate.
13. Note that the candidate also receives a Faculty Handbook, Valpo course catalogs, and other documents on a flash drive during the visit with the provost. (Lilly Fellows Program should ask the Office of the Provost for a flash drive for each of their candidates.)
14. University employees/departments must follow the University Travel Policy and the Hospitality Policy for expenses related to interviewing candidates. The Office of the Provost will pay for travel expenses related to interviewing candidates. For meals with prospective employees, the Hospitality Policy specifies that the number of attendees should be determined in advance by the area vice president. Per this requirement, the provost hereby gives blanket approval **for the following:**
 - a. The meals for the candidate and **two** Valpo employees will be paid by the Office of the Provost;
 - b. ALL expenses for additional Valpo employees and ALL alcohol must be charged to a department/college **restricted account**;
 - c. If a larger social gathering is desired by the department or college, then a reception should be arranged at a faculty home or university space, and costs should be kept within modest bounds and charged to a department/college **restricted account**; and

- d. In addition to the above guidelines, a third employee at a meal, who represents diversity in at least one way (i.e. race, gender, etc.), will be paid for by the Office of the Provost if vetted and approved by the assistant provost for inclusion. This additional employee is only authorized if the department believes his or her presence would help attract the candidate and if approved in advance.

15. Campus interviews are expected to include the following:

- a. Interview with the full search committee and other department faculty.
- b. Interview with selected students.
- c. Candidate presentation to department faculty and students (e.g., a review of the candidate's current research, a demonstration/performance, a class lecture/discussion). Presentations of both a class lecture/discussion and scholarly work are preferred.
- d. Interview with the dean, followed by interview with the associate provost for faculty affairs where the assistant provost for inclusion will be present (these appointments do not have to be consecutive). (Lilly Fellows Program candidates will visit with the provost and with the assistant provost for inclusion during a special weekend of events.) If the faculty member is expected to teach graduate-only courses or is hired primarily to support a graduate program, then the candidate should also meet with the dean of the Graduate School or designee so as to ensure graduate faculty status.
- e. Interviews with faculty members in programs closely associated with the position.
- f. Discussion of special program/equipment needs of final candidates (computers, instrumentation, support services, etc.).
- g. Attention should be given to the candidate's personal needs: housing, spouse employment, children concerns, etc. The search committee should be prepared to answer candidates' questions on these topics.
- h. For minority candidates, care should especially be given to include colleagues from under-represented groups in interview sessions and social settings.
- i. An example of a candidate visit schedule is below:

Day 1

- 1:15 Depart airport on bus
- 2:50 Arrive Portage bus stop
Key community points on the drive to campus
- 3:30 Tour of campus
- 4:30 Hotel
- 5:30 Dinner with department members

Day 2

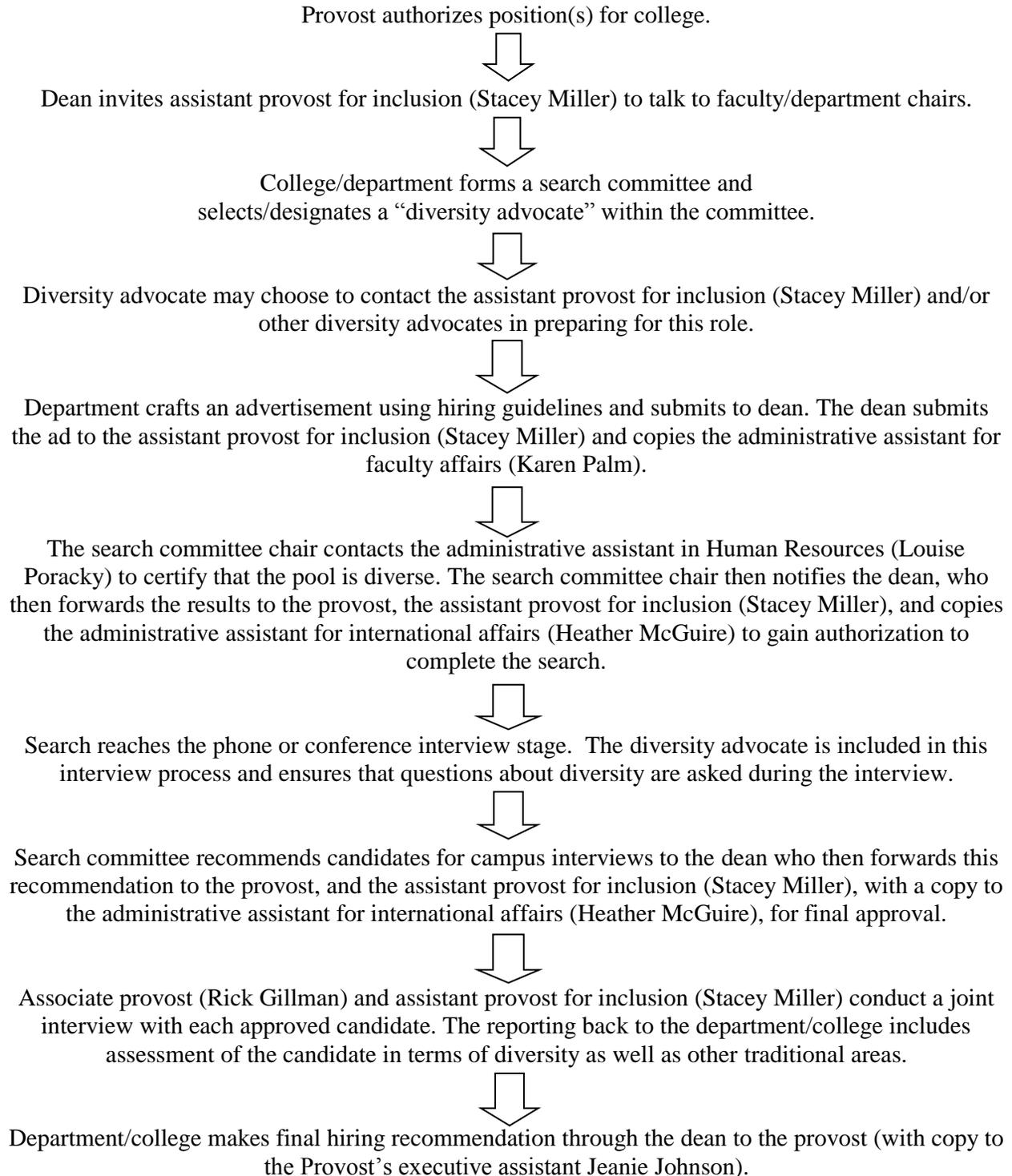
- 8:00 Breakfast with department members
- 9:00 Interview with dean (45 minute max)
- 10:00 Chapel Break activity
- 10:30 Presentation (50 minutes w/questions)
- 11:30 Lunch with students
- 12:30 Interview with associate provost and assistant provost for inclusion (45 min max)
- 1:30 Other activity
- 2:30 Exit interview with department chair (30 minutes)
- 3:10 Depart for Portage bus stop
- 3:50 Depart on bus for airport
- 5:35 Arrive at airport

16. The department chair or search committee chair gives the final candidate selection recommendation to the dean. Original university transcripts for the highest degree should be included with this recommendation. (If original transcripts are not available, copies will suffice with the stipulation that originals will be submitted as soon as possible.) The dean prepares a memo to the provost, and includes a copy to the provost's executive assistant, requesting a contract offer to the final candidate, including title, salary, credit toward tenure or visiting term, mailing address, email address, and other pertinent information.

The University does not reimburse for moving or house-hunting expenses. Instead, the candidate will be given a one-time stipend through payroll with appropriate taxes withheld. The Office of the Provost pays the cost of the stipend based on moving distance (\$750 for moves up to 500 miles, \$1,500 for 501-1,000 miles, and \$2,000 for over 1,000 miles – Law School and Lilly Fellows will fund at a different rate from their own accounts.) A dean may enhance the one-time stipend from Dean's Annual Fund dollars only and must include this in the memo to the provost. (Contracts to visiting faculty or fellows will include a stipulation that a second stipend will not be offered should they be offered a tenure-track position for the following year.)

The provost consults with the president regarding the contract offer. Once approved, the written contract from the president will be prepared promptly, and normally the candidate will be granted two weeks from the contract date to accept or reject the offer. (If a different deadline is preferred, include details with the contract request from the dean to the provost.) The mandatory criminal background check will be started at the same time that the contract offer is mailed. The department chair or search committee chair notifies the candidate by phone of the forthcoming offer. The chair and dean will be notified when the contract is mailed, will be notified as the criminal background check progresses, and will be notified when the signed contract is returned. Please notify the Office the Provost of any rejected contract offers.

Hiring Flow Chart



Faculty Affirmative Action Reporting

For 2016-17, Interfolio's ByCommittee software collects the necessary records for faculty applicants. However, if a college/department receives special permission NOT to use Interfolio, then that college or department will be responsible for following the procedures listed below.

The following procedures have been established to collect and maintain data on faculty applicants as required by our Affirmative Action Reporting program.

1. The Office of Human Resource Services (HR) will be notified by the Office of the Provost of every faculty advertisement placed so HR is fully informed of all openings for which applications are being solicited. HR will assign a number to each posting.
2. HR will provide a blank Faculty Applications Log to the searching department (paper and electronic format). The department will maintain this log of all applicants for the particular job posting and will submit to HR at completion of search.
3. Every applicant will receive an acknowledgement letter from the searching department (paper or electronic format). This letter will have the added statement: "To assist in our compliance with federal reporting laws, we encourage you to complete and return the enclosed Valparaiso University Applicant – Self Identification Form to our Office of Human Resource Services."
4. Included with this acknowledgement letter will be a separate letter from the affirmative action officer along with a copy of the Self Identification Form. HR will provide these forms to the department (paper and electronic format) at the same time as the blank Faculty Applications Log is provided. This information will indicate that the completed Self Identification Form can be submitted electronically from our website or via U.S. mail directly to the Office of Human Resource Services.
5. HR will start another log and will make database entries of all Self Identification Forms. At this time, HR will record the database ID of each applicant.
6. Human Resources will provide an EEO report of all Self Identification Forms received for each search when requested by the searching department via email at human.resources@valpo.edu.
7. The department will submit the completed log to HR once each search is complete but no later than June 30. The first page of every applicant vitae must be attached to this log. HR will compare the department log of applicants to their log of Self Identification Forms and will add additional names to database as necessary. HR will follow-up on or near May 1 for missing log sheets from searches they know are in progress to ensure full reporting before the end of each fiscal year.
8. Departments must retain complete copies of all faculty applications for three full academic years should review of our Affirmative Action Program records be requested.

Date: June 20, 2016

To: Academic Deans and Chairs

From: Dr. Jaishankar Raman, Assistant Provost for International Affairs, and Janice Lin, Associate Director of International Programs

Re: International Supplement to the Office of the Provost's Guidelines for Interviewing, Tracking, and Hiring Faculty

This international supplement is intended to provide additional details for hiring departments considering a foreign national to fill a position. Please consult the Office of International Programs, as early as possible, if your department will consider a foreign national for an open position. The Office of International Programs will provide guidance on which visa category is the best fit for your position and potential employee, as well as guidance on the paperwork process and timeline to secure appropriate work authorization. In all cases, work authorization must be secured before the employee begins to work at Valparaiso University and file a Form I-9 with the Office of Human Resources.

Tenure-Track Faculty Positions

The H-1B is a specialty occupation visa category for hiring international faculty or staff whose position requires the minimum of a bachelor's degree and who will perform work in a specialized skill area. The H-1B category must be pursued for tenure track faculty positions, if the individual does not otherwise have lawful permanent residency or work authorization (see section "Other Common Visa Statuses").

Faculty on H-1B visas, otherwise referred to as H-1B beneficiaries, are eligible for a maximum of six years in this visa category and may be eligible for Legal Permanent Residency sponsored by Valparaiso University, within 18 months of their offer letter and with approval from their Chair and Dean in consultation with the Office of International Programs.

Fees: All H-1B related fees must be paid by the University and the faculty may not reimburse the department/Valpo for these fees. For tenure-track positions, "the Provost's Office will cover the costs associated with filing the H-1B visa and PERM **certification** fee but will not cover the premium processing fee or additional PERM fees," as stated in the recruitment memo from the Office of the Provost dated September 2013. The processing of Form I-140 and Form I-485 are beyond the PERM certification process, and will not be covered by the Provost's Office. Law School will cover the costs for their H-1B and Permanent Residency beneficiaries.

Restrictions/Limitations:

- If the individual has previously held J-1 status, he/she may be subject to a two-year home residency requirement. Additional processing time will be needed.
- Beneficiary may only work for an employer who petitioned for H-1B status on his/her behalf (but can have several employers simultaneously, as long as each has petitioned).
- Salary must meet prevailing wage requirements. (<http://www.flcdatacenter.com>)
- A new H-1B employee may enter the U.S. no earlier than 10 days prior to the employment start date, and must leave the U.S. no later than 10 days after the date employment ends.

Advantages: Allows for "dual intent" to change from nonimmigrant to permanent resident status.

Disadvantages:

- Extensive processing on part of department which can be time-consuming.
- Prevailing wage necessary.

Dependents: Spouse and children of H-1B are generally granted H-4 status, which allows for full-time study but does not allow for employment.

Timeline: Internal processing at the OIP (before sending to USCIS) takes about 1 month. External processing with the university's immigration attorney (once petition is sent to USCIS) requires **3 weeks** to issue a Receipt

Notice and approximately **4-5 months for an Approval Notice**. (The processing time can take longer depending on USCIS processing delays—USCIS is currently taking 7+ months to review H-1B petitions.) Premium processing can be used to expedite the receipt of the Approval Notice and can be paid via department or Dean funds or passed on to the beneficiary (currently \$1225). If premium processing is used, USCIS will issue a decision within **15 calendar days** of USCIS receipt. Please keep in mind that internal Valpo and USCIS processing times are subject to change based on processing volume.

H-1B Process:

1. **Search and Screen Process:** The OIP encourages the Search Committee Chair and/or Department Chair to keep records of the search and screen process, should an eventual application for lawful permanent residency be supported. See section on permanent residency below.
2. **Phone Interview:** The Search Committee Chair and/or Department Chair can ask the candidate(s) during the phone interview, “Are you legally authorized to work in the United States?” Please inform the candidate that the search committee will consult with the Office of International Programs on what steps the University will pursue to secure work authorization. Please take notes on any details the candidate volunteers and consult with the OIP.
3. **Verbal Offer & Verbal Acceptance:** By the time you offer a position to a candidate, you should have already consulted with the OIP regarding the next steps. The salary offered should meet the minimum prevailing wage determination as established by the Department of Labor: <http://www.flcdatacenter.com/>. Contact the OIP that you have offered the position and the candidate has verbally accepted the position.
4. **While the contract is being drafted and negotiated,**
 - a. OIP will ask Beneficiary to collect documents and complete the “Employee Information Form C.”
 - b. OIP will ask Department Chair to complete “Beneficiary’s Proposed Position in the United States Form B”
5. **Signed Contract:** Once the contract is signed and filed with the Office of the Provost, OIP will send the required documents to the immigration attorney to prepare the USCIS and Department of Labor forms.
6. **Process for OIP and immigration attorney:**
 - a. Attorney files Prevailing Wage Determination (PWD) with the Department of Labor (DOL). Note: it is currently taking 10 weeks for DOL to issue prevailing wage determinations.
 - b. Once Prevailing Wage is determined, the attorney files Labor Condition Application (LCA) with the Department of Labor (DOL) and sends *DRAFT* LCA to OIP for 10-day posting.
 - c. Within approximately 7 days from filing, the LCA is approved and the OIP sends *CERTIFIED* LCA to the Assistant Provost for International Affairs for signature and return.
 - d. Once the attorney receives the certified and signed LCA and the processing fees, the petition is filed with USCIS. Within approximately two to three weeks, the University will receive an official “Receipt Notice.”
 - e. Within approximately four to five months (more depending on USCIS processing delays; the USCIS is currently taking 7+ months to review H-1B petitions), the University should receive an approval notice from USCIS. The Approval Notice and supporting documents will be ready for pick-up at the OIP.
7. **Once the Beneficiary arrives to campus,** please inform him/her to check-in with the OIP and to report to Human Resources to file an I-9 Form.

Please note that if there is a change in employment locations, job responsibilities, or reduction in salary, it may be necessary to refile the H-1B and labor certification application. The Provost Office generally does not cover the filing and legal fees associated with such amendment. The Department will be responsible for the fees and the faculty may not reimburse the department for these fees.

All costs associated with the preparation, filing, and obtaining an H-1B visa including attorney fees range from \$2,000 to \$3,500).

LEGAL PERMANENT RESIDENT FOR DEPARTMENTS

Also known as *green card*, Legal Permanent Resident (LPR) simply permits foreign nationals and their dependents to permanently remain and be employed in the U.S. For this purpose, Valparaiso University

assumes the role of a sponsor and all the responsibilities associated with the process including: all advertisement and recruitment; all costs associated with the preparation, filing and obtaining a labor certification; and record keeping. In addition, departments are required to document that there is a reasonable expectation of continued employment for an indefinite period of time and to keep detailed records of the search and screen process.

The university will sponsor tenured and tenure-eligible faculty for permanent residence at the request of the appropriate department, when it is endorsed by the Dean in consultation with the OIP.

Permanent Resident through Labor Certification (PERM):

Department of Labor regulations require that employers to test the labor market so that U.S. citizens and permanent residents are not discriminated from the process. The main goal here is to see if there are qualified citizens and permanent residents, and to certify to the Dept. of Labor (DOL) of the labor conditions. While it appears counter-intuitive to advertise for a position that is not vacant, please keep in mind that the primary purpose is to test the market. If no qualified citizen or permanent resident is found, then the labor certification process can proceed.

Optional Special Handling for Faculty:

DOL regulations do make some exception to the testing of the labor market, especially for faculty hires. This requires that the university file a labor certification **within 18-months of the date of offer predicated on the following:**

- A competitive recruitment was conducted
- One print advertisement (i.e., Chronicle of Higher Education). A copy of the tear-sheet that shows the name and date of publication is needed. Please forward it to the Provost Office.
- For Special handling, the University does have the option to potentially use an on-line posting in a national publication (e.g., The Chronicle on-line) for at least 30 days.
- Additional posting in professional web site or other on-line medium.
- For on-line posting, please print a copy from the website when the job is posted and before it is taken down. Please include the date of posting and the URL of the website. Send a copy of the online job posting to the Provost Office.

Note: If a department or the beneficiary misses the 18-month window, or if a print/on-line advertisement was not used, or if the print/on-line advertisement does not qualify for the special handling procedure, then the standard labor certification regulations apply (see under Standard Labor Certification below).

Process Flow for PERM:

- Department consults with OIP regarding request to process PERM;
- OIP will coordinate preparation, filing and obtaining labor certification;
- Upon certification, attorney drafts form I-140 for OIP review and signature;
- Attorney files form I-140, immigrant petition, with United States Citizenship and Immigration Service (USCIS);
- Upon approval, attorney prepares and files form I-485 (adjustment or "green card") application with USCIS.
- Ideally, the University should commence the special handling process within six months of the original offer as stated on the original offer letter (i.e., the date the offer letter was issued).

Standard Labor Certification:

This category is used in the legal permanent resident process to sponsor staff, non-tenure eligible faculty and researchers who meet sponsorship eligibility as per university policy. The regulations are more prohibitive than the labor certification for tenure-eligible faculty in that, every applicant who is minimally qualified must be

considered and employers must follow advertisement and recruitment guidelines as established by the Department of Labor.

Sponsorship Responsibilities:

In order for a labor certification to be filed under PERM, the following steps must be taken:

- Discuss request to Office of International Programs;
- Departments must meet 100% of the prevailing wage;
- Non-research staff position descriptions must be approved by HR;
- Pay all costs associated with the preparation, filing and obtaining a labor certification including attorney fees and advertisements (ranging from \$3,000 - \$5,000);
- All minimally qualified individuals as stated in the job advertisements must be considered;
- Records must be kept for five years from the date of the PERM approval.

Advertisement:

- For Special Handling: Must advertise in the following: Chronicle of Higher Ed., 1 professional journal, and possibly other avenues as suggested by attorney. A copy of the tear-sheet that shows the name and date of publication is needed. Please send a copy to the Provost Office.
- Alternatively, an advertisement can be posted on-line on the career page of a national publication (e.g., The Chronicle on-line) for at least 30 days.
- For on-line job posting, please print out from the website when the job is posted and before it is taken down. Please include the date of posting and the URL of the website.
- For Standard Labor Certification/Basic PERM process, the University is not advertising in the Chronicle, instead, the advertising is coordinated by the attorney's office.

- **Process flow:** After recruitment period, department selects and President offers position;
- Sponsoring department prepares a recruitment summary report;
- OIP will notify attorney to begin the process;
- Attorney drafts labor certification and submits to OIP for review;
- Upon approval, attorney files labor certification with Department of Labor (DOL);
- Upon certification, attorney prepares and submits form I-140 (immigrant petition) to OIP;
- OIP reviews and collects signatures for the I-140;
- Attorney submits to US Citizenship and Immigration Service (USCIS);
- USCIS approves, and attorney files form I-485 (adjustment application or "green card").

Record Keeping Requirements:

The following documents must be kept for five years from the date of the PERM approval:

- Copies of all resumes and applications years
- Completed resume review
- Copy of recruitment report
- Copies of all advertisements
- Copy of prevailing wage

Common Visa Statuses for International Faculty & Staff:

Types of Visas	Description of Status	Responsible for Process	Fees	Brief Description of Process & Timeline	Additional References
F-1/J-1 Student	Full-time Valpo enrolled degree seeking students and short-term exchange students	Janice Lin/Andrew Knox	Individual pays SEVIS fee to USCIS	CPT - work authorization before graduation; OPT is mainly for post-graduation work and takes 3 months to process, prior to work start date	Can transition to H1B and PR; OPT is 12-29 months depending on major
F-1/J-1 Student	Full-time non-Valpo enrolled degree seeking students and short-term exchange students	n/a - individuals file work authorization with their home university and Human Resources at Valpo should verify work authorization via the I-9	Individual pays SEVIS fee to USCIS		Can transition to H1B and PR; OPT is 12-29 months depending on major
B-1/WB Visitor, B2/WT Visitor	B-1 is visitor visa for business, WB is visitor on business who has visa waiver. Short-term visitors who come for observation, consultation, or to give a lecture	Janice Lin	Fees paid by the individual	Varies based on visa/consulate. The visitor is limited to a stay of 90 days or less without extension for the purpose of consultation and/or observation. The visitor should perform the compensated activities for 9 days or less while at VU. They cannot be compensated by more than 4 other entities during the previous 6 months. They cannot be paid for work; "reasonable" honorarium is possible with restriction. Also, the visitors may only be paid "reasonable" reimbursement for incidental expenses, including accommodations, meals, and travel.	
J-1 Scholars	On Valpo DS-2019 immigration document: Temporary status: short term scholars, research scholars, visiting professors, performers, etc. **Please consult OIP before hiring any J1 visa holders with non-Valpo DS-2019.	Joe Frake/Janice Lin	Individual pays SEVIS fee to USCIS, sometimes fee is covered by exchange program (i.e., Zhejiang University scholars). Generally here for a short duration (i.e., a few months to one year), initial approval	Varies based on visa/consulate	Non Tenure track; eligible to work at VU depending on the circumstances; check with OIP before hiring

			can be for 3 years, can be renewed to 2 more years in some qualifying categories.		
H-1B Beneficiary	Specialty occupation employment visa for staff, tenure-track	Janice Lin	\$325 I-129 Filing Fee; \$500 Fraud Fee; \$1000 Legal Fees; \$1225 Optional premium processing	6-7 months with USCIS for Receipt Notice (takes 1 month internal processing time to prepare application). Optional premium processing expedites process to 15 days once USCIS has issued receipt notice. Status is valid up to 6 years of employment.	Consult with Janice Lin; Reference Faculty Recruiting Guidelines
TN (Canadian/Mexican National)	Employment for Canadian and Mexican citizens in certain fields	Janice Lin	\$325 I-129 Filing Fee; \$800 Legal Fees; \$1225 Optional premium processing Or \$50 filing fee at the Border.	3-4 months with USCIS for Receipt Notice (takes 1 month internal processing time to prepare application). Optional premium processing expedites process to 15 days once USCIS has issued receipt notice. No time limit on work authorization, as long as individual remains in temporary status.	Consult with Janice Lin; Reference Faculty Recruiting Guidelines
O-1 (Extraordinary Ability)	Reserved for extraordinary individuals who have risen to the very top of their field	n/a - uncommon (more typical at R-1 institutions)			
PR (Permanent Resident)	Faculty, research staff, non-tenure track faculty and some non-research staff are eligible for employment-based immigrant visa.	Janice Lin	Varies based on attorney fees	Timeline varies based on nationality	Consult with Janice Lin; Reference Faculty Recruiting Guidelines
J-2 Dependent	Spouse and dependents of J1 student, scholar, and visiting professors can apply for Employment Authorization Document (EAD) from USCIS. The J-2 may begin employment only after receiving the EAD from USCIS.	n/a -- International Office of the J1 visa holder will guide the J2 to apply for employment authorization.	Individual pays SEVIS fee to USCIS	It takes 3 months to process	Income from the spouse's or dependent's employment may be used to support the family's customary recreational and cultural activities and related travel, among other things. Employment will not be authorized if this income is needed to support the J-1 principal alien.
* Always check with Office of International Programs if there are questions.					

References: University of Chicago Office of International Affairs, Northwestern University International Office

APPENDIX B: Conducting Searches for a Visiting Professor

Date: July 7, 2016

To: Academic Deans and Chairs

From: Dr. Rick Gillman, Associate Provost for Faculty Affairs

Re: Conducting Searches for a Visiting Professor

1. The scope of a search for a visiting professor can vary greatly, with the complexity increasing the earlier that the need for the position is identified.
 - a. Candidates can be found via contacts with regional graduate schools. In this case, there is a low threshold for the diversity of the pool.
 - b. Candidates may be found via national searches. In this case, there is a greater expectation that the pool be diverse.
2. The Office of the Provost will provide support for advertisements related to visiting professorships. It has limited funds available to bring candidates to campus for interviews.
3. Interfolio should be used as the support software in these searches.
4. Finalists for a visiting position are interviewed in a sequential nature: one candidate is interviewed and a decision is made about an offer before interviewing a second candidate.
5. On-campus interviews are not necessary. If they are not used, skype interviews are required.
6. Interviews in the Office of the Provost are not expected but welcomed. Candidates must be interviewed by the dean in person or via skype.
7. Under no circumstance does having a faculty member in a visiting position remove the requirement to do a full search if the position is converted to a tenure-track position.
 - a. If there is a conversion to a tenure-track position, steps should be taken to ensure that the visiting professor is treated in a manner consistent with other candidates.