

UNIVERSITY OF WYOMING

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Domestic Partner¹ Accommodations Guidelines

A start-up request to most any academic department is, these days, likely to involve a request for a position for a domestic partner. Domestic partner “accommodations” have the potential to be an effective means for a second unit to find a great candidate to fill an open position. But domestic partner hires must be done for the right reason in the right way.

Here’s what the University can do:

We can attempt to identify units on campus that may have open positions, or anticipated positions, for which the domestic partner is a potentially good fit.

We can, *after an appropriate vetting process*, hire the domestic partner into an available position without advertising the position nationally. (For details and definitions, see the “Faculty and Administrative Search Instructions” on the Office of Diversity and EEO website at: <http://www.uwyo.edu/EmploymentPractices/FacSearches.asp>.)

Authorization for an exception to the advertising policy does not imply funding for the position. Academic Affairs can provide some limited bridge funding for the domestic partner's salary if permanent funding is not immediately available to the hiring unit. But we’re unlikely to provide bridge funding unless there are clear prospects for permanent funding in the near term.

Here's what the University cannot do:

We cannot force a unit to hire a domestic partner. If the hiring unit is "just doing another unit a favor," and doesn't fully support the hire, then it's not likely to work out and it's not fair to the initial candidate or the partner.

We cannot allow the hiring unit to commit to a "better" position down the road, e.g. promise a tenure-track position for a partner who starts in a non-tenure track position, or a faculty position for a partner who starts as an academic professional.

Academic Affairs cannot provide permanent funding for a domestic partner hire. In other words, "permanent" college or department funds must be committed to the position as soon as an appropriate

¹ The term “domestic partner” includes spouses. Domestic partners are:

1. Engaged in a committed relationship and intend to remain together indefinitely;
2. Are at least 18 years of age and have the capacity to enter into a contract;
3. Are jointly responsible to each other for the necessities of life; and
4. Are not related by blood closer than permitted under Wyoming marriage laws.

arrangement can be made. (It may be possible to phase down AA's support, for example, through a series of partial-position CPM requests, or by using captured CPM dollars when the hiring unit's next retirement occurs. Or department grant monies may be used to fund a temporary position annually as long as they are available.)

Academic Affairs does not pay for interview visits for domestic partners as part of the "accommodation" policy. One test of a potential hiring unit's sincere interest in the partner is its willingness to bring the person in for an interview.

Finally, **we must be honest and realistic with the candidate and his or her domestic partner.** Oftentimes expectations develop once a person is in a job, creating the potential for disappointment and even serious personnel issues down the road. We must communicate the fact that a one-time exception to the advertising policy does not mean a guarantee of permanent employment, or imply a right to any other position that may come open, no matter how similar to the original position.

Q&A's:

Q: What's the first step for a department encountering a situation that could potentially involve a domestic partner accommodation?

A: The first step is to talk with the college dean or appropriate hiring authority.

Q: At what point may the issue of a domestic partner accommodation be discussed with a candidate?

A: It is never appropriate to ask a candidate personal questions, such as whether or not he or she will be seeking a position for a spouse, or even the candidate's marital status. However, at any point in the search process, the hiring unit may supply general information about the University's domestic partner accommodation policy. Such information may, for example, be provided as part of a recruitment packet whether or not the candidate requests it specifically. Specific discussions about particular opportunities occur only after entering start-up negotiations with the selected candidate. Such discussions should be coordinated with the college dean or other appropriate hiring official.

Q: Who grants the "exception to advertising" requests that can lead to the expedited hire of a domestic partner?

A: The Associate Vice President for Diversity and Employment Practices reviews requests for advertising exceptions. All requests from academic units must be channeled through the Office of Academic Affairs, which will discuss such requests with the Office of Diversity and EEO.

Q: Who determines how a position to be filled by a domestic partner will be funded?

A: Position funding decisions are made by the college deans (or appropriate academic unit director) in conjunction with Academic Affairs.

Q: If the best qualified candidate has a trailing partner for whom there is no position, is it acceptable to make the job offer to the next best qualified candidate?

A: No. Offering the job to the best qualified candidate is a fundamental tenet of fair hiring. It's acceptable to offer the job to a less qualified candidate only if the best candidate has turned down the position as offered or has documented explicitly that the job is unacceptable under the available terms.