

## **A Faculty and Staff Guide to Ethical and Legal Standards in Student Hiring**

### **PURPOSE OF THIS GUIDE**

The success of students in obtaining employment is important to a number of parties on the college campus. In addition to the students themselves, these parties include faculty, the professionals who work in the career center, in admissions, development, student affairs and alumni relations offices.

You all play a direct role in the employment process for new graduates. Usually, your role and that of the career services practitioner are complementary. Occasionally, however, helping students in their job searches can result in unanticipated illegal or unethical actions.

The National Association of Colleges and Employers (NACE), to which a great number of academic and hiring institutions belong, provides a set of ethical standards for guiding the job-search process. Entitled *Principles for Professional Conduct for Career Services & Employment Professionals*, these standards are based on notions of fairness, truthfulness, non-injury, confidentiality, and lawfulness. In its foreword, the *Principles* document notes that colleges and employers share the common goal of "achieving the best match between the individual student and the employing organization."

Six essential precepts serve as the foundation of this goal, namely:

1. All candidates should have the opportunity for open and free selection of employment opportunities consistent with their personal objectives and optimum use of their talents.
2. Both colleges and employers should support informed and responsible decision making by candidates.
3. All aspects of the recruiting process should be fair and equitable to candidates and employing organizations.
4. Career services professionals, faculty and staff involved in recruiting will provide generally comparable services to all employers, regardless of whether the employers contribute services, gifts, or financial support to the educational institution or office and regardless of the level of such support.
5. As required by FERPA, any disclosure of student information outside of the educational institution will be with prior consent of the student unless health and/or safety considerations necessitate the dissemination of such information. Both career services professionals, faculty and staff will exercise sound judgment and fairness in maintaining the confidentiality of student information, regardless of the source, including written records, reports, and computer data bases.
6. When employment professionals conduct recruitment activities through student associations or academic departments, such activities will be conducted in accordance with the policies of the career services office and accepted ethical and legal practices.

Because of the role you play in the hiring process, and the influence you have with both students seeking jobs and employers seeking new talent, NACE has created this guide to assist you.

### **GUIDELINES**

#### **A. Candidate Referral**

Employers may contact you to request the names of students who would be excellent candidates for job opportunities. At first glance, it seems harmless to provide the names of your best students. However, there are some potential legal and ethical pitfalls. If you or a colleague receive a job lead from an employer and choose only to refer a few

Also, by identifying individuals for employment on a "regular" basis, you may be considered an "employment agency" for purposes of compliance with equal employment opportunity laws. For example, if it appears as if you are referring only male students or only minority students, you may be open to charges of discrimination.

Employers who act in accordance with the *Principles* understand and expect students to receive open and equal access to information about job opportunities.

**Suggested action:** If you receive a request for student referrals, you can, of course, notify individual students who have declared an interest in such positions and encourage them to apply. You could also announce the opportunity through classes or distribute via a listserv. However, at the same time, it's important that you contact the university career center so that the position can be publicized for all viable candidates.

There are practical reasons for these actions:

- a. You may not know or remember the names of all students who could be interested in a given opportunity. When you provide only a few names without also broadly publicizing the position through the career services office, you are not maintaining "a fair and equitable recruiting process" and are vulnerable to charges of discrimination.
- b. If an employer asks for the name of the top student in a class you taught, a group you are connected to, remember that there is a difference between providing the names of students who excelled in a class or activity and restricting awareness of an opportunity to just a few. Every qualified candidate interested in the opportunity should be able to apply; it is the employer's responsibility to decide who would be the best fit for the job and the organization's culture.
- c. The career services office may have an existing relationship with the requesting employer, if not the specific individual who contacted you, or may wish to broaden a relationship to different types of employment. If you choose to publicize jobs through a student listserv, you should copy the career services office to facilitate appropriate follow-up.
- d. Perhaps there have been problems with this employer's recruiting, employment, or on-the-job safety practices that suggest proceeding with caution, particularly in the case of co-op or intern hiring.
- e. Confusion or misunderstandings may occur when an employer works with more than one campus office on the same issue.
- f. It's a convenience to both employers and students to have one consistent resource (a viable career services office) that publicizes opportunities to multiple majors.
- g. Students who receive regular announcements about job openings from faculty and staff may think those announcements represent all of the current opportunities for their major and thus miss other opportunities for on-campus interviews, resume referrals, and postings through the career services office. Students who don't utilize career services also miss opportunities for assistance with resumes, interviewing, and other job search issues.

## **B. Referring Minority Candidates:**

Most employers have diversity objectives in their college relations programs. Accordingly, they will make a special effort to identify and attract diversity candidates. You may be asked for help in accomplishing this task.

The NACE *Principles* document endorses compliance with EEO guidelines and adherence to affirmative action principles by both college and staffing professionals. It is illegal to discriminate against protected groups. It is considered appropriate for career center practitioners to inform members of protected groups about employment opportunities, especially in areas where minorities are underrepresented. Similarly, employers are encouraged to inform minority populations of special activities, e.g., information sessions or career fairs that have been developed to help achieve an employer's affirmative action goals. You can participate in all of these activities.

While it is lawful and ethical for you to assist employers in reaching out to minority groups, it is inappropriate for you to identify only those individuals you know to be members of a specific group. You have an obligation to provide a "fair" system, i.e., one where all students have access to information about career opportunities.

**Suggested Action:** If you receive a request for minority candidate referrals, you can make announcements in class, post signs in your department, notify minority students' organizations (e.g., societies of black, female, or Hispanic engineers, or GLBT organizations), pass the request on to the career center, and encourage the employer to contact the career center directly. You can also refer the employer to your college's minority student advisory office (if one exists). That office may be authorized to provide a full list of the members of a requested population.

## **C. Providing References**

If you are asked by an employer to provide a reference for a student, confidentiality becomes a major concern. Information about a student should not be shared unless the student has furnished you with written prior authorization. Once permission has been obtained, you should provide information that is based on facts, not conjecture, and not on personal information unrelated to the student's qualifications for the job in question.

**Suggested Action:** When you are asked to provide a written or oral reference for a student, obtain written permission from the student. All reference information should be based on firsthand knowledge and, if possible, written documentation. When providing information, you should avoid personal matters (e.g., marital status, health, disabilities, race, religion, etc.) that by law should not be included in employment decisions.

## **FINAL COMMENTS**

The goal of student employment success is most likely to be reached when all parties involved work cooperatively, ethically, and within the law. There may be instances when you are unsure of how to help your students and stay within the law. On those occasions, call the career services center for more information.

You and your colleagues are encouraged to offer comments to your career services center practitioners regarding these guidelines and the issues this guide addresses.