



A Faculty Guide to Ethical and Legal Standards in Student Hiring

Organizational Structure

Purpose of This Guide

The role you as faculty play in the employment process complements the role played by career services. Occasionally, however, helping students in their job searches can result in unanticipated illegal or unethical actions.

The National Association of Colleges and Employers (NACE), the leading source of information on the employment of the college educated provides a set of ethical standards for guiding the job-search process. Titled *Principles for Professional Practice*, these are based on notions of fairness, equal opportunity, truthfulness, non-injury, confidentiality, and lawfulness.

The six essential precepts that serve as the foundation to achieve the best match between the individual student and employer are:

1. All candidates should **have equal access to the opportunity**.
 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 and faculty involved in recruiting should **provide generally comparable services to all employers**.
 5. As required by the Family Educational Rights and Privacy Act (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 and faculty 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. Any **recruitment activities** through student associations or academic departments should be conducted **in accordance with the policies of the career services office** and accepted ethical, equal employment and legal practices.

Candidate Referral

Employers may contact you to request the names of students who would be good candidates for internship and 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. 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.

We must maintain an environment of equal employment opportunity and act in a fair and nondiscriminatory manner without regard of a student’s race, color, gender, religious belief, color, national origin, disability, veteran status, or any other factor beyond bona fide occupational qualifications that may exclude a student from consideration for a position for which she/he is qualified.

If you receive a request for student referrals, the initial request from the employer should **be sent to the college career center so that the position can be posted openly** for all qualified candidates. There are practical reasons for these actions:

- You **may not know all the students** who could be interested in such a position.
- If an employer asks for the name of the top student in a class you taught, you should not disclose this information - **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 bona fide qualifications.
- The career services office may have an **existing relationship** with the requesting employer. By contacting the career services office, you can facilitate appropriate follow-up and help develop future prospects.
- As you may be aware, **employers have received attention in the past for recruiting, employment, or on-the-job safety practices that do not necessarily meet many institutions' standards**. Career centers will have greater awareness of these concerns and can handle them appropriately.
- Confusion or misunderstandings may occur when an employer works with more than one campus office on the same issue.
- It is convenient to both employers and students to have a **central, consistent resource for employment and internship opportunities** (a viable career services office) that publicizes available opportunities to all viable candidates.
- Students who receive regular announcements about job openings from faculty may think the announcements represent all of the current opportunities for their major. **Students may miss out on opportunities with other employers and opportunities for assistance with resumes, interviewing, and other job-search issues through their campus career center.**

Referring Minority Candidates

Employers may ask for your assistance with their minority recruiting efforts.

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," open, and inclusive system, i.e., one where all students have access to information about career opportunities.

You can make announcements in class, post signs in your department, notify minority student organizations (e.g., societies of black, female, or Hispanic engineers, or LGBT organizations), but you should also send the request and employer on to the career services office. 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.

Providing References

If you are asked by an employer to provide a reference for a student, be aware that either **you or the school must have prior written authorization from the student, and 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.**

In cases of uncertainty relative to the rights of students and practices that may subject the college to legal scrutiny, contact your career services office for information and direction.

Other Resources

Check with your career center for additional resources that can assist you in assuring an employment process that is free from discrimination and provides equal opportunities to all qualified students.

Revised 2016 by the Principles for Professional Practice Committee