

A Faculty Guide to Ethical and Legal Standards in Student Hiring

The role you as faculty play in the employment process complements the role played by Career Development. However, helping students in their job searches can result in unanticipated actions.

The U.S. National Association of Colleges and Employers (NACE) has created the Principles for Professional Practice, which are based on notions of fairness, equal opportunity, truthfulness, non-injury, confidentiality, and lawfulness. Note: This article has been modified by Durham College Career Development.

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

1. All candidates should have equal access to the opportunity.
2. Both colleges and employers should support 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 Freedom of Information and Protection of Privacy Act (FIPPA), 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 Development 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 their 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.

We must maintain an environment of equal employment opportunity and act in a fair and nondiscriminatory manner in keeping with the Ontario Human Rights Code beyond [bona fide occupational qualifications](#) that may exclude a student from consideration for a position for which they are qualified.

If you receive a request for student referrals, the initial request from the employer should be sent to [Durham College Career Development](#) 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.

- Durham College Career Development may have an existing relationship with the requesting employer. By contacting us, 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 centres 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 opportunities that publicizes available opportunities to all candidates.
- Students who receive regular announcements about job openings from faculty may think the announcements represent all of the current opportunities for their program. Students may miss out on opportunities with other employers and opportunities for assistance with resumes, interviewing, and other job-search issues through Career Development.

Diversity and Inclusiveness

Employers may ask for your assistance with their recruiting efforts to build a diverse and inclusive workforce.

While it is lawful and ethical for you to assist employers in reaching out to students, it is inappropriate for you to identify only those individuals you know to be members of a specific group (e.g. students with exceptionalities, LGBTQ students, Aboriginal students). 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 office, but you should also send the request and employer on to Durham College Career Development.

Providing References

If you are asked by an employer to provide a reference for a student, be aware that either you or the college must have prior authorization (preferably in writing) from the student, and you should provide information that is based on facts, 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 Durham College Career Development or your executive dean / associate dean for information and direction.

Modified by Durham College Career Development from the NACE 2016 [Principles for Professional Practice](#) Committee

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