

Referring Students for Jobs, Internships, or Graduate School

Source: CU Student Employment Handbook

Students may ask faculty and staff members to serve as references for graduate school or employment as well as for letters of recommendation. At the same time, you may be asked by employers and other professional colleagues for information about your students. Although we all want to provide as much assistance as possible for our students as they move toward their post-graduation goals, there are legal and ethical considerations in this process. Students look towards faculty and staff members for advising, networking, referrals, references, and potential job sources. Within the referral and job source category Employment Discrimination Laws must be followed in order to provide the career network and resource assistance in a fair and equitable manner. Specifically, the following laws may impact student referrals:

- Equal Employment Opportunity Laws
- Title VII of the Civil Rights Act
- Age Discrimination in Employment Act
- Americans with Disabilities Act
- Immigration Reform and Control Act
- Uniformed Services Employment and Re-employment Act
- State EEO Laws

As a collective, Equal Employment Opportunity (EEO) laws recognize the rights of all persons to apply and be evaluated for job opportunities without regard to their race, color, sex, sexual orientation, national origin, religion, age, mental or physical disability, and veteran's status. These laws must be followed by employers as well as by any individual or organization that refers individuals for employment, whether they receive compensation or not. Faculty and staff members who choose to refer students to employment opportunities may fall into this category. In order to protect yourself from alleged violations of these laws, consider the following guidelines:

- The referral process must be the same for everyone
- All students must have equal access
- Students must be referred without bias
- Referrals should be based upon job related criteria

Consider whether a referral practice may be viewed as having disparate impact by excluding from consideration students based on anything other than the specific qualifications for that particular job. In terms of college recruiting practices, it is the responsibility of the university and everyone working within the university setting to:

- Maintain an open and fair process for offering employment opportunities
- Maintain a recruitment process which is fair and equitable
- Support informed and responsible decision-making by candidates

Faculty and staff members who refer students can meet these criteria by making

- All students that have declared an interest in seeking opportunities have access to all opportunities
- All opportunities are referred to CU Career Services so as to assure equal opportunity and access

The bottom line is that you can assist students by serving as a reference and referral, but not as an applicant screener for employers. While it may seem like a wonderful service to a student to provide a list of your best and brightest to a potential employer, you take on the role of screener in that case and all of the legal liability that comes with it. As an alternative, you should ask a potential employer for a job announcement to which you may strongly encourage your students to apply. You should send a copy of the job announcement to Career Services to assure that the process is open to all students at CU Boulder. As a general rule, as long as the action comes from the student (sending an application, asking you to serve as a reference, etc) rather than from you or from an employer, you are protected.

Please also remember that all of the information you have about a student is protected by the Family Educational Rights and Privacy Act (FERPA). Volunteering information about students (positive or negative) with an employer is a violation of FERPA. By asking you to serve as a reference or write a recommendation, the student is giving you permission to discuss certain aspects of his or her educational record, but the sharing of that information must be at the request of the student, not another party.

Ten Tips for Providing References

- 1 Obtain written permission from the student
- 2 Discuss your reference with the student so that there are no surprises
- 3 Provide only information based upon firsthand knowledge
- 4 Avoid personal matters
- 5 Remember that nothing is "off the record" or "confidential"
- 6 E-mail is not confidential and is like any other form of communication
- 7 Base personal opinions on fact; don't guess or speculate
- 8 Respond to the specific inquiry regarding the student's ability to do the job
- 9 If you need to change/withdraw the reference, advise the student
- 10 Never discuss students with employers without the student's knowledge and permission

If you have any questions regarding these issues, please contact the Office of University Counsel or Career Services (career@colorado.edu).