

## **Reference Check Guidelines**

Per UT System Policy [HR0143](#), reference checks must be completed for all successful candidates. Reference checks should be completed after the interview phase, prior to extending an offer of employment. Reference checks serve as a valuable tool in achieving the following:

- Verifying information the candidate has provided;
- Offering additional information on a candidate's skills, performance, knowledge, and work history from a source other than the candidate themselves;
- Assessing the candidate's potential for success in the position. Past performance is the best predictor of future success;
- Ranking candidates and moving forward with final selection; and
- Protecting the University from claims of negligent hiring.

### **Candidate Consent**

Candidates should be advised during the interview phase that reference checks are required prior to extending an offer of employment; and consent should be confirmed prior to contacting references. Contacting "off-list" references may be appropriate for some positions; candidates should be advised if additional references will be contacted. A candidate's refusal to provide consent for contacting references may result in the elimination from further hiring consideration.

### **Reference Check Questions**

In order to avoid the potential for discriminatory practices, reference checks should consist of the same set of job-related questions for each candidate. Reference checks may not solicit any information that is protected by local, state or federal law, including questions about the following:

- Participation (complainant or witness) in a complaint/grievance;
- Filing of a worker's compensation claim;
- Protected medical leave;
- Health conditions;
- Disabilities, or other protected class information or;
- Other information that is not job-related.

It is possible that an employer may inadvertently disclose protected information such as the candidate's age, national origin, or family status. This information should never be used when making the hiring decision.

### **Salary Inquiries**

Traditionally, verifying the candidate's salary history has been relatively common practice; however, some states have enacted pay equity laws that prohibit employers from requesting salary information. For this reason, it is recommended that reference checks do not include requests for salary verifications; and that salary discussions with candidates focus on salary expectations for the position.

## **Reference Check Guidelines (cont.)**

### **Employer Refusal to Provide Reference**

Due to fear of potential litigation, some organizations have adopted policies that either prohibit or restrict supervisors from providing detailed references. Should an employer refuse to provide a reference, or will only confirm dates of employment; it is important to clarify whether the refusal is due to organizational policy or the supervisor's reluctance to provide a less than positive reference. Should a candidate indicate that organizational policy does not allow reference checks, confirmation from an HR representative within the organization is recommended. Caution should be exercised in eliminating a candidate based on refusal of one employer to provide a reference. Multiple professional references should be contacted; and hiring managers/search committees must weigh all reference information in its entirety.

### **Use of Social Media**

Hiring managers and search committees must be mindful of the potential risks associated with utilizing Google or social media searches (LinkedIn, Facebook, Twitter, etc.) during the selection process. If used incorrectly, screening of social media can lead to allegations of discrimination if a candidate is not interviewed or hired. Google searches and social media often reveal protected information (e.g., age, race, color, marital status, disabilities, etc.), and should not be used for screening purposes, or prior to conducting interviews. Google searches and social media checks may be used, with caution, as part of the reference check process for finalists; but only to the extent that the information is relevant to the position. Any adverse information obtained through Google or social media searches should be discussed with HR prior to making a hiring decision.

### **Additional Guidance**

Please consult an Employment Specialist in the Office of Human Resources or the Office of Equity and Inclusion should you have questions or need additional guidance regarding reference checks.