

## Checking References

For positions covered by the Employment References and Background Check Policy, hiring decisions shall not be made without a meaningful check of the candidate's references. Reference checks are advisable for positions that are not covered by the policy as well.

While a criminal records investigation may reveal criminal convictions, it will not reveal work-related or performance problems such as harassment, discrimination, insubordination, poor judgment, or poor attendance, to name only a few. Use the reference as a window into prior employment relationships to help you determine whether the candidate is suitable for the position with the university.

### Who are the references?

Consider the nature of the references listed. Can they speak to prior work experience? Is there a supervisor listed as a reference? While some candidates may naturally want to keep their job search quiet, at some point you should ask to speak with someone who has had a recent opportunity to supervise or evaluate the candidate's performance.

For student-employees or recent graduates, of course consider that their careers are still developing. You should nonetheless make sure the references are relevant and meaningful (e.g., not just friends or relatives).

You may always ask a candidate for additional references if those listed do not satisfy you. If this is the case, you should treat other candidates in the pool in the same manner if you have similar concerns over their references.

It is helpful if you inform the candidates that you may also contact persons not listed by the candidate as references. You should treat all candidates in the pool in the same manner if you have similar opportunity or need to contact non-listed references.

### Be Fair and Consistent

You should ask the same reference questions for all finalists for the position. Some answers may of course lead you to ask a follow-up question, but the same basic questions should be asked for all finalists. For search committees especially, it is helpful to prepare written questions so that all persons checking references are asking the same questions.

### Important Questions to Ask for Each Candidate

Use the reference check as your one opportunity to learn if there were problems associated with behavior or performance. A few important questions include:

- Would you re-hire the candidate?
- How/why did the candidate's employment end?
- Did the candidate have performance problems or discipline?
- Did the candidate have behavior problems or discipline?

Additional questions to ask references can be found at the end of this page.

## **What Not to Ask**

You cannot ask in a reference any questions that would be inappropriate to ask the candidate. For instance, you cannot ask a reference to comment about medical conditions, workers compensation claims, pregnancy, marital status, sexual orientation, child care, or religion. Keep your questions job-related.

Disregard any responses that the reference may offer that are not job-related, that might be discriminatory, or that are not based on the reference's own knowledge or observation.

Examples of questions not to ask can be found at the end of this page.

## **Document and listen to what the reference is saying, and what he/she is not saying**

Document your reference calls, including the questions you asked of each reference. Use a separate sheet for each reference.

Include the reference's responses in your documentation as well as any non-verbal responses such as pauses, difficulty answering simple questions, or changes in tone. Follow-up as needed to both verbal and non-verbal responses so you are getting the full picture.

## **Don't rely only on letters of reference**

Some candidates may provide letters of reference. Do not let these letters substitute for personal follow-up with the reference so that you can ask the questions that are important for your hiring decision.

## **Iowa law protects people who provide good faith references**

Iowa Code § 91B.2 offers immunity from liability when a person is asked for a reference of a current or former employee. The person serving as the reference must act reasonably and in good faith. If a reference is reluctant to speak about a current or former employee, it can be helpful to let the person know this statute exists.

The language of the statute is as follows, although the actual statute should be consulted to confirm no amendments have been made:

1. An employer or an employer's representative who, upon request by or authorization of a current or former employee or upon request made by a person who in good faith is believed to be a representative of a prospective employer of a current or former employee, provides work-related information about a current or former employee, is immune from civil liability unless the employer or the employer's representative acted unreasonably in providing the work-related information.
2. For purposes of this section, an employer acts unreasonably if any of the following are present:
  - a. The work-related information violates a civil right of the current or former employee.
  - b. The work-related information knowingly is provided to a person who has no legitimate and common interest in receiving the work-related information.
  - c. The work-related information is not relevant to the inquiry being made, is provided with malice, or is provided with no good faith belief that it is true. (Iowa Code § 91B.2 (2007))

## **Confidentiality**

Maintain reference checks as confidential information. Iowa law restricts even the candidate's ability to learn what references said about him or her, so share the information only with persons who need to know for purposes of the hiring decision.

## **Additional questions to ask**

Ask questions related to the position that will help you better understand whether the candidate may be successful. Additional suggestions include:

- How long have you known the candidate?
- How do you know the candidate? (working/personal)
- Have you had the opportunity to supervise/observe the candidate's work? If so, please describe his/her performance? What was the greatest challenge in supervising this person?
- What were the candidate's job duties?
- Overall how was the candidate's performance?
- Please describe the candidate's strengths and areas for improvement.
- From what I've told you about the position at ISU, do you feel the candidate has the skills to be successful?
- Please comment on the candidate's attendance (excluding all approved/protected leaves)?
- Verify dates of prior employment and salary.
- Overall how was the candidate's behavior?
- Was the candidate able to work with others, both peers and management?
- Was the candidate able to follow direction?
- What level of supervision or oversight did the candidate require to do his/her job well?
- Please comment on the candidate's ability to communicate verbally and in writing.
- Are you aware if the candidate has been found responsible for harassment or discrimination?
- Is the candidate able to listen to others' input when communicating?
- How did the candidate respond to stressful work situations such as deadlines, demanding clients, or being short-staffed?
- Did the candidate show good professional judgment in making decisions?
- Was the candidate motivated to do his/her best work?
- Please comment on the candidate's dependability?
- Did the candidate supervise other people? If so, how was his/her interaction with subordinates?

If the position requires supervisory or other specific experience, be sure to ask about that as well.

## **Examples of Questions Not to Ask**

- Does the candidate have any health problems or disabilities?
- Is the candidate married?
- Does the candidate have children?
- Did the candidate's children or child care responsibilities interfere with work?
- What is the candidate's country of origin?
- Did the candidate file any workers compensation claims?
- What church does the candidate belong to?