Social Media, Cyberstalking and the Hiring Process

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Presenter

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Agenda

Learning Objectives

Don’t Do it! Cyber Stalking Job Applicants? NO WAY!

Do It! Google Happens. Ignoring Online Data Is a Mistake

Proceed with Caution: Primary Considerations to Manage Risk and Protect the Integrity of Your Hiring Process

Learning Objectives

Don’t Do it: Recognize legal and operational risks to considering online material in assessing job applicants (e.g., protected class status, disparate impact, fairness to applicants and institution)

Do It: Recognize potential benefits (e.g., identify unethical and unprofessional conduct, inconsistent information re job experience, publications)

If You Do It: Understand best practices and proceed with caution:
- Identify the spectrum of options for addressing searching and assessing online material
- Understand the importance of having a solid plan
- Identify the key aspects of such a plan
Don’t Do it! Cyber Stalking Job Applicants? NO WAY!

You can find all kinds of information about a person on the internet.

This is a free resource, a potential landmine of insight...

...all you have to do is Google the name...

Why wouldn’t you want to look up an applicant?!??!

Don’t Do it! Cyber Stalking Job Applicants? NO WAY!

What could you learn by googling an applicant?

My BFF’s new baby. So cute! Can’t wait to have my own!!!

Taste good, but seem to give me an upset stomach 😖
Don’t Do it! Cyber Stalking Job Applicants? NO WAY!

“Check out my new wheels!”

Beautiful new prayer rug just arrived!

“My so-called friends made me this b-day cake...thanks for rubbing it in!!”
#40sucks #gettingold

“Prayer Request: Doctor Appt today. Pray the cancer is all GONE!!”

Don’t Do it! Cyber Stalking Job Applicants? NO WAY!

So, you learned some “stuff” by cyber-stalking, so what?

Unlawful Discrimination Based on Protected Class Status Applies to the Application & Hiring Process...
Bosses May Use Social Media to Discriminate Against Job Seekers

Carnegie Mellon University researchers found evidence that sharing personal information via online social networks can lead to hiring discrimination. Focus on: Muslim v. Christian; Gay v. Straight; Political Affiliation (Nov. 2013)

“While it appears a relatively small portion of U.S. employers regularly searches for candidates online, we found robust evidence of discrimination among certain types of employers,” Dr. Fong said.

Don’t Do it! Cyber Stalking Job Applicants? NO WAY!

Rutgers & Syracuse Study: Employers Discriminate Against Qualified Workers with Disabilities

Employers are more likely to discriminate against highly qualified job applicants who have disabilities than equally qualified candidates who do not. Employers expressed interest 26% less often in candidates who disclosed disabilities in cover letters. (Nov. 2015)
Don’t Do it! Cyber Stalking Job Applicants? NO WAY!

Should the absence of online content count against the candidate?

Potential Disparate Impact

-27% of adults living with disabilities are significantly less likely to go online (54% v. 81%)
-Latinos less likely to be on LinkedIn (29% v. 18%)
(Pew Internet Project)

Don’t Do it! Cyber Stalking Job Applicants? NO WAY!

Q: What else can you learn if you google applicants?
A: Potentially, a whole lotta stuff!
Don’t Do it! Cyber Stalking Job Applicants? NO WAY!

Other considerations:
You got the wrong guy!
Info is inaccurate, misleading, taken out of context
Info is dated....
Info does not really help...

“Don’t believe everything you read on the internet”
Abraham Lincoln

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Do It! Google Happens. Ignoring Online Data Is a Mistake

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Do It! Google Happens. Ignoring Online Data Is a Mistake

- Comments not reflecting your values: racist, sexist, homophobic
- Evident links to criminal behavior
- Evidence of poor work ethic, disclosing confidential info (FERPA)
- Bad judgment ... maybe even really, really bad judgment
- Bad-mouthing current/former employers/co-workers
- Inconsistent information re job history, education, degrees, publications
- Ulterior motives
- Demonstrating really poor communication skills
- Lying about: qualifications, absences, experience

Do It! Google Happens. Ignoring Online Data Is a Mistake

In January 2010, a sociology professor at East Stroudsburg University in Pennsylvania, wrote on Facebook: “Does anyone know where I can find a very discrete hitman? Yes, it's been that kind of day…”

In February, she wrote: “had a good day today. DIDN’T want to kill even one student. :-). Now Friday was a different story.” A student then reported her comments to university officials. She was suspended.
Proceed with Caution: Primary Considerations to Manage Risk and Protect the Integrity of Your Hiring Process

Google Happens! Without discussion, a plan, guidance, or rules rogue Google searches of applicants will happen.

CASE STUDY: Steven Salaita vs. the Univ. of Illinois

University of Illinois OKs $875,000 settlement to end Steven Salaita dispute
Proceed with Caution: Primary Considerations to Manage Risk and Protect the Integrity of Your Hiring Process

EEOC Guidance:

- Avoid pre and post-hire discrimination
- Avoid workplace harassment
- Hire 3rd party or designate reviewer
- Don’t ask for passwords!
- Monitor state law

Wild West

Con: No Policy or Guidance

Con: No Consistency

Con: Greatest Legal Risks

Con: Greatest Risk for Unfairness

Complete Ban

Pro: Policy Clear

Pro: Appearance of Consistency

Con: Underground Searches; Legal Risks

Con: Risk for Unfairness

Pro: Guidance or Policy Clear

Pro: Consistent Standard

Con: Not efficient

Con: Will Miss “Stuff”

Everyone

Select Positions

Pro: Guidance or Policy (Clear?)

Pro: Consistent Standard

Con: Clarity of Applicability

In-House or Vendor?
If you are going to allow for online searches, you need a clear (and defensible) process.

Manage pro’s and con’s

Key Process Components:

- Transparency
- Policy; Training
- Consistency (How)
- Consistency (Who)
- Rationale for Search (Why)
- Timing (When)
- Impact of Findings (What)

- Monitor State Law
- Don’t Ask for Passwords!
Proceed with Caution: Primary Considerations to Manage Risk and Protect the Integrity of Your Hiring Process

Transparency Matters: Your process should be clear for applicants (as it is with criminal, credit background checks) and all employees involved in the hiring process. 
*No secrets. No Surprises.*

Policy; Training: Process should be reduced to writing and easy to find. Train those involved in the hiring process.

*Is everyone required to comply with University policy? Are there consequences for those who do not?*
Proceed with Caution: Primary Considerations to Manage Risk and Protect the Integrity of Your Hiring Process

**Applicant Inquiries and Contact.** Refrain from independently conducting any type of background check or inquiry on an applicant including: conducting any type of online search of applicants and asking people who may know an applicant for information or opinions about the applicant. Refrain from accepting/reviewing additional materials, communications, or information from an applicant (or someone who knows the applicant) shared outside of the official vetting process.

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**How to Manage Scope and Consistency of Searches**

Where to search?

What sites do you review?

How exhaustively do you search?

Do you conduct identical searches for each candidate?
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Who do you think would be the most and least appropriate people to (a) conduct the searches and (b) review the data collected:

1. Members of the search committee
2. Future supervisor
3. Future supervisor’s supervisor
4. Future co-workers
5. Administrative assistant in area the where candidate would work
6. Human Resources
7. Third party vendor

Rationale for Search: If you are going to search online, you need to articulate a good reason (curiosity is not a good reason).

“It’s curiosity.”
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Could you articulate a good reason to conduct an online search for any of the following:

- Lab Technician
- Chief Diversity Officer
- Third Shift Custodian
- Adjunct Math Professor
- Director of Marketing
- Assist Prof Kinesiology
- Cook in Student Dining
- President’s Administrative Assistant
- Vice President of the University Foundation
- Assistant Football Coach
- Academic Advisor
- Facilities/Maintenance
- Resident Hall Director
- Director of Equal Opp.
- Dean of Students
- Creative Writing Postdoc

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**When to discuss topic?**
When do you decide to search or not to search? Halfway through? When do you tell the candidate? Or is it part of the application process (certification)

**When to conduct search:**
When do you conduct the search... ..before or after you meet the candidate *in person?*

*Why is timing important?*
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**Impact of findings: What do you do with the results?**

How to assess the information gathered:

- Information should not **add** to a candidate’s overall “score”
- No internet presence should not count against a candidate
- Impact on overall assessment should be minimal

**Practice Tip:** Use info only to screen out.
Want to know more about the candidate? **Call more references! Longer interviews!**

Take-Aways

- The internet is here to stay...*and it can lie, deceive, and distort*
- Unlawful discrimination occurring during the hiring process is a risk
- At the same time, data available online about candidates may be helpful
- Each institution should weigh the pro’s and con’s and make a (conscious) decision on how it wants to deal with the reality of online data.
- There should be a clear process or ban on conducting online searches of job applicants. People should not be guessing or “going rogue”
- Discussing the topic up front with search committees can head off problems (and surprises) later in the process (*re Univ of IL*).
- Human Resources (and Legal) should be prepared to pro-actively help and re-actively triage
Take-Aways: Reading Materials

Social Media, Cyber Bullying, and the Hiring Process

Don’t forget to submit your questions to our presenters.

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Thank You!

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