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Should faculty members be concerned if administrators check references who were not supplied by job candidates?

By

Colleen Flaherty

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WASHINGTON -- It’s a given: committees in administrative searches will check references beyond those included on a candidate’s résumé. The stakes of the appointment are high, so why rely only on the references the candidate has put forward, the thinking goes. But what about off-list references in faculty searches? There’s little literature, detailed policy or even talk about the subject, but such checks for faculty candidates appear to be widespread -- both by search committees and administrators. And while some faculty advocates are wholly opposed to the idea, other faculty members and administrators say there’s some value in the practice -- so long as those doing the checking do it in an ethical way.

“Off-list reference checks introduce unnecessary harm to faculty job applicants' privacy and restrain academic freedom,” said Michael Y. Moon, an associate professor of public affairs and administration at California State University, East Bay, during a talk on the practice Thursday at the annual meeting of the American Association of University Professors. Moon’s paper, called “Screening Job Applicants with Undisclosed Off-Reference-List Checks as an Incursion on Shared Governance,” was highly critical of the practice, especially by administrators -- which he alleged was prevalent and in at least one instance led to the nonhire of a faculty-backed candidate in his department.

The university denies the incident, and says it only ever checks off-list references with the faculty candidate’s consent. The specific incident or even institution aside, Moon’s
paper nonetheless highlights a closeted phenomenon that has potentially grave implications for job candidates.

One of Moon’s biggest problems with off-list reference checks by administrators is that they’re often kept confidential, he said. So with no formal feedback to the faculty search committee, it stands to reason that administrators could exercise any number of biases against the candidate in question and then blame the nonhire on a secret reference. Beyond that, he said, contacting references off a candidate’s list -- especially references at the candidate’s current institution -- could put him or her in professional jeopardy.

"Let's say you're a great match for the job and your telephone and on-campus interviews with the search committee were, as far as you can tell, resounding successes," Moon said. "This is where it gets fun, right? Well, unbeknown to you or anyone else, someone somewhere at this same institution is calling up people you may have known or worked with -- it really doesn't matter who because none of this is documented." He emphasized that he wasn’t talking about uncovering criminal records or “skeletons in the closet,” but rather any piece of nonessential information that might cost a candidate a job. And he or she might never know why.

Moon said pervasive off-list reference checking could lead to self-censorship, thereby violating academic freedom. And off-list checks by administrators violate long-established norms about faculty control over faculty issues, he said.

Moon added that he thought there wasn’t enough concern among professors about the practice, and that many of them probably assumed good candidates had “nothing to hide.” But there’s something Orwellian or even Kafkaesque about that assumption, he said.

In a conversation following Moon’s presentation, several audience members wondered if there were federal worker protection violations, such as those related to equal opportunity, in administrators keeping off-list search activity private. At the very least, Moon said, there’s hypocrisy in public institutions requiring faculty search committees to meticulously document their interactions with candidates and references while not revealing their own. Several faculty members worried the practice might be related to a growing desire among presidents to be more involved in faculty personnel decisions.

Jeff Bliss, a spokesman for East Bay, said the university has and follows a policy that faculty searches only involve off-list references with the candidate’s consent. Moreover, he said the university has not in recent memory vetoed a faculty search committee’s preferred candidate.

The practice is broader than just East Bay, and it’s even condoned to some extent by the American Association of University Professors. The organization’s policy book says that institutions -- while maintaining “respect for candidates’ confidentiality” -- may contact references, “including persons who are not identified by the candidate, but it should exercise discretion while doing so.” AAUP also says institutions should not make public candidates’ names without having given the candidates an opportunity to withdraw from
the search.

At the same time, the issue of who is called is sensitive. Some hiring or tenure procedures specify that candidates may identify preferred references or veto some names, typically if there is some potential bias against the candidate.

Henry Reichman, professor emeritus of history at East Bay and chair of AAUP’s Committee A on Academic Freedom and Tenure, said he thought that off-list searches could be “troublesome, but on the other hand I can kind of understand it.”

Citing as an example presidential searches, in which off-list reference checks are common and expected, “you’ll bring the three finalists to campus and everyone will Google their names and stuff will come out about them,” Reichman said. “Administrations don’t necessarily like that, but they’re eager to do it about it a faculty candidate because they don’t want to be blindsided and discover that a faculty candidate has lost their job because they’ve molested a student or something.”

But best practices include asking the candidate’s permission to call off-list references, or at least “forewarning” him or her, he said.

Jamie Ferrare, principal of AGB Search, which assists in administrative searches, said his organization frequently contacts off-list references, but only after notifying candidates. He said there are differing schools of thought among higher education groups about the practice, but that "some people believe that's the best way of getting accurate information. Those references that are provided by the candidate typically are fairly generous in their support, or they wouldn't have been listed by the candidate as a reference."

Sometimes faculty members themselves check off-list references, too.

Mikita Brottman, a critical studies scholar at the Maryland Institute College of Art, who has written for Inside Higher Ed on search committee etiquette, said she didn’t know of off-list references being checked “officially, but I think it goes on a lot unofficially.”

“If a search committee member has a close friend in a department where a candidate is currently teaching, and that friend isn't listed as a reference, I'm sure they're often contacted off the record, often to ask the kinds of questions that aren't answered by official references (e.g., is this person collegial, easygoing, friendly and so on),” Brottman added via email. She said this might be common when departments want to become more diverse, for example, but the candidate’s ethnicity isn’t apparent from a résumé,

Brottman noted that the practice was generally limited, however, in that she’d never heard of search committee asking off-list references for letters or using new information to veto candidates.

One faculty member who has served on numerous search committees in the humanities at a regional university, who did not want her or her institution to be named, citing the
sensitivity of the subject, said that off-list checks can be used both wisely and unwisely.

"Obviously, candidates are not going to list as references people who could torpedo their chances of getting hired and there are usually good reasons to keep what may look like obvious references off of one's list (candidates may not want anyone at their current institution to know they are on the job market, for example)," she said via email. "The problem is that a hire is an enormous investment and search committee members are reluctant to recommend a candidate if they do not feel they have a complete grasp of her/him from the file, calls to (limited) references listed, and the on-site interview."

While the professor said she's only ever relied on on-list references in her stages of the hiring process, respected deans have helped out off the list.

She explained it like this: "After the department-level hiring committee work is done, we send up our list of three-four candidates in rank order for 'recommendation for hire' to our dean (who has already interviewed the candidates on-site personally). The dean then reviews the three [or] four candidate files and makes their own follow-up calls, usually to the candidates' deans who tend not to be on reference lists. The dean-to-dean conversations can be unusually revealing and can have an enormous impact on the hiring process."

Is it fair? "It depends," she said. "In the two cases I was involved with in which a dean denied one of our candidates from moving forward in the hiring process, we members of the search committee didn't have a problem with it. In fact, we were relieved because the dean's decision confirmed our concerns (each of these vetoed candidates were our third choice and we had no problem moving forward with only two candidates)."

Moon made clear that he wasn't talking about merely monitoring a candidate’s social media profile. But Joe Gow, a scholar of communication and chancellor of the University of Wisconsin at LaCrosse, said the Internet certainly makes it easier to learn things -- both good and bad -- about a candidate, and to make contact with their real-life networks.

“Things are very, very different than they were 20 years ago when you could kind of control who your references were,” said Gow. “Now there’s a rich history out there about who we are and what we do. So I think it’s kind of idealistic to think that you could say, ‘We’re only going to consult these people.’”

Like Reichman, of AAUP, Gow called administrative searches a kind of “open book.” And he guessed that it was “untenable” to think that faculty searches wouldn’t become the same.

That said, Gow added, contacting an off-list reference has to be done with “diplomacy and tact.” He also noted that off-list references might not always give a lot of useful information, as is common in business, for fear of litigation. And while Gow said that administrators are often skittish about faculty hires -- since it is often they who will have to deal with much of the fallout of such hires gone south -- he said administrators should be forthright to search committees about why they’ve questioned a faculty-backed
candidate.

“They don’t have to go into explicit detail, but certainly there has to be some explanation,” he said. “What’s the nature of the issue and what is it going to mean if this person gets hired?”

Ferrare, of AGB Search, agreed. "You want to protect the integrity of the search but you also want to protect the integrity of the candidate," he said. "So if there's a search committee, you can say, 'These are the highlights,' without divulging details or the source."

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