

**Policy 1320
Employment Reference Information - Providing and Obtaining**

Date of Current Revision: September 2023

Responsible Officer: Director of Human Resources

1. PURPOSE

The purpose of this policy is to outline the procedures for obtaining, as well as providing employment-related reference information at James Madison University (JMU), and to establish the university's commitment to open, truthful, job-related reference information sharing.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

3. DEFINITIONS

Hiring Manager

Any person or group of persons (such as a search committee) involved in the hiring of any JMU employee.

Reference Check

The process by which individuals who are knowledgeable about an applicant's work history are contacted in order to verify the facts on the resume and/or application and any job-related information, including that provided during the interviewing process.

4. APPLICABILITY

This policy applies to all persons at JMU as they provide reference information, including information on former and current faculty and staff. It also applies to all those employees, including hiring managers and members of search committees, who are gathering reference information on potential job candidates, including those candidates who are currently JMU faculty or staff.

5. POLICY

The process of gathering complete, job-related reference information is a required part of the recruiting and hiring process at JMU because it supports the university's commitment to maintaining an effective workforce. In addition, the university will recruit and hire employees in accordance with federal and state law and university policies. To comply with these policies, to ensure that employment practices are effective, and to provide equal employment opportunity, the following procedures must be observed when obtaining or providing reference information.

6. PROCEDURES

6.1 Obtaining Reference Information

- a. The staff application and faculty profile contain a release statement by which applicants consent to verification of the information provided in the application or profile.

The staff application also contains a release statement by which applicants grant the university permission to contact their current and former employers. If permission is not given, the current and former employers may not be contacted; however, when the hiring manager is conducting final references, the hiring manager may inform the candidate that the inability to contact the current supervisor could affect the selection decision or result in a contingent offer of employment.

- b. At least three job-related references must be completed before any employment offer is made for new employees. All re-hired employees with a break in service of more than one year are required to have one reference completed prior to being rehired. This reference may be provided by a former JMU supervisor who is familiar with the employee's work performance. Re-hired employees with a break in service of less than one year will also be required to have one reference completed if no references are on file.
- c. References may be obtained in any one of a variety of formats, including face-to-face, telephone, email, etc. Personal references may be contacted if the applicant has limited work experience; however, it is important to note that personal references are often not helpful in determining a candidate's ability to perform job-related tasks or functions.
- d. Reference checks should attempt to obtain information including, but not limited to:
 - Employment dates
 - Position title
 - Position duties
 - Training completed
 - Job performance, including performance strengths and weaknesses
 - Attendance and punctuality
 - Whether the employer would rehire the applicant
 - Verification of any required license, degree or certification
 - Reason(s) for the candidate leaving their current employment
- e. When conducting reference checks, questions should be phrased in a manner that will solicit objective and job-related information only. Any information supplied that is not directly job-related shall be disregarded and not considered in making a selection decision. The objective of the reference check is to gather information that is open, truthful (or documented) and job-related. See sample [reference check form](#) for hiring A&P faculty, classified, and wage employees. See sample [reference check form](#) for hiring instructional faculty.
- f. The above provisions do not limit the hiring manager to only contacting the references listed on the application itself. Off-list references are individuals who are not named by the applicant as references and who hiring managers choose to contact in addition to the provided references. Only professionally relevant off-list references may be contacted. Applicants must be advised prior to contacting references other than those provided by the applicant. It is not required to tell the candidate the names of intended off-list references.

6.2 Providing Reference Information

Although there may be risks involved in disclosing full employment reference information, there are also risks in withholding truthful and/or documented job-related information including, but not limited to, performance, attendance, and re-hire eligibility. Moreover, the information obtained by prospective employers of former university employees is as crucial to their effective hiring as it is for the university. The university believes that providing reference information represents good faith in being part of a community. For these reasons, managers and co-workers at JMU may answer all job-related questions when contacted by other businesses and agencies.

- a. During the conversation with the potential employer, only job-related questions may be answered. For instance, one cannot tell a prospective employer what a former employee's 'attitude' was, but observable job-related information may be provided. Examples of job-related information that may be shared include, but are not limited to, information (positive or negative) regarding attendance, awards/recognitions, achievements, errors, team/interpersonal behaviors, etc.
- b. When a JMU employee is contacted for reference information but does not believe they have sufficient information regarding the former employee in question, they may refer the caller to Human Resources.

6.3 Access to References

Information obtained during the reference check process is confidential. According to the Virginia Freedom of Information Act (Code of Virginia § 2.2-3800), agencies are not required to share this information with the applicant. For questions concerning FOIA, contact the Office of University Communications, which will coordinate the response with the Office of Legal Services (JMU Policy [1103](#) - Responding to External Requests for Information).

7. RESPONSIBILITIES

Hiring managers have the responsibility to protect the university by obtaining professional references before making a final hiring decision.

The hiring manager or co-worker is responsible for ensuring that they only disclose job-related information to the hiring organization when providing a reference for a former employee to another organization.

All departments, offices, and employees that generate, receive, or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) - Records Management.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

In addition, certain legal penalties will apply for violation of law, such as the Virginia Freedom of Information Act.

9. EXCLUSIONS

None.

10. INTERPRETATION

While the authority to interpret this policy is granted to the president it is generally delegated to the director of human resources.

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Approved by the president: February 2004