

## **Campus Recruiting Policies MSU Billings**

MSU Billings strives to assist employers in interacting with our students/alumni to inform them of career and employment opportunities. The following policies have been established to determine eligibility of an employing organization to utilize Employer Services at MSUB. They are adapted, with permission, from Career Services at UM-Missoula, and have been reviewed by University legal counsel.

### **Employer Eligibility**

All employers must be deemed to be legitimate organizations by MSU Billings office of Career & Employment Services with verifiable: business name, physical address, e-mail address, phone number, (website is desirable), and the name of a contact who can be reached at the address listed by telephone and e-mail. Non-U.S. employers shall provide, to the reasonable satisfaction of Career & Employment Services staff, documentary evidence demonstrating their capability of meeting employment obligations to any MSUB candidates who are hired.

Approved employers recruiting at MSU Billings must agree to and abide by the following:

- Will comply with the nondiscrimination requirements of Equal Employment Opportunity, Age Discrimination in Employment Act, Americans with Disabilities Act and Title VII of the Civil Rights act of 1964.
- Will comply with policies and guidelines of MSUB and the office of Career & Employment Services.
- Will follow the *Principles of Professional Conduct for Career Services and Employment Professionals* as outlined by the National Association of Colleges and Employers (NACE). Copies available upon request.
- Will cooperate with the University in any inquiry regarding the recruiting process including providing the names of any candidates interviewed and/or hired.
- Will not ask or allow any MSUB employee to screen applicant materials (résumés/cover letters, transcripts, references, etc.) for any purpose, including the giving of University employee's advice to recruiter/company on which applicants should be interviewed, recruited or hired.
- Will make reasonable accommodations for a person with a disability so that s/he may participate in the recruitment process.
- Will ensure that alcoholic beverages will not be a part of the recruiting process.
- Will clearly identify the name of the employing organization, job title, job description and rate of compensation.
- Will not solicit or sell products/services or offer any financial promotional offerings during the course of the recruiting process.
- Will not use or disclose student information for any reason other than recruiting purposes for the posted position, including selling student information to other entities for a fee or other forms of compensation.
- Will not charge the University or any student any fee for services. All fees must be paid by client.
- Will have an employer-employee relationship in which there are **no fees** associated with becoming an employee of the organization, other than professional licensure fees for career employees that may be necessary to be paid by employee.

An employer-employee relationship exists when an individual is hired by an organization (i.e. outsourcing or temp staffing agency) and placed on its payroll; they are considered W-2 employees. The employer deducts taxes, reports tax withholdings to the IRS and provides workers' compensation insurance as required by state law.

### **Special Circumstance Considerations**

#### **Outsourcing Contractors/Leasing Agencies**

Outsourcing Contractors/Leasing Agencies who **hire and pay individuals** to perform specific functional area duties (i.e. IT) for a client organization, usually on a long-term basis, are **employers** and they may list openings online, recruit on-campus, receive student résumé referrals, and attend our career fairs.

### **Temporary Agencies/Staffing Services**

Temporary Agencies/Staffing Services who **hire and pay individuals** to perform short-term specific tasks or complete specific projects for a client organization are **employers** and they may list openings online, recruit on-campus, receive student résumé referrals, and attend our career fairs.

### **Independent Contractor/Straight Commission**

Organizations with "independent contractor/straight commission" positions **may list openings online only when** they meet the following requirements:

- Company must provide training and ongoing mentoring as part of the employment experience.
- Company must provide marketing and advertising of its products (employees not liable for marketing costs).
- There will be no up-front, out-of-pocket, non-refundable fees, memberships or business start-up fees required.
- No part of compensation is dependent on recruiting others (no multi-level marketing programs).
- Job posting must state that only graduating students and alumni are eligible to apply.
- Company must meet all IRS and other applicable federal, as well as applicable state, legal requirements applicable to independent contractor definitions and status.

**Independent Contractor/Straight Commission organizations may not recruit on-campus, access résumé database, or attend our career fairs.**

Occasionally, questions arise about 1099 employees. The terms "1099" and "employee" are mutually exclusive. You can not have a "1099 employee." **A person being paid on a 1099 basis is a consultant, not an employee.** Organizations paying individuals on a 1099 basis are not considered employers for the purposes of recruiting at MSU Billings.

### **Network Marketing Organizations/Franchises**

Such organizations are those that engage in one or more of the following practices:

- Sponsorship of an individual in setting up his/her own business for the purpose of selling products or services and/or recruiting others to set up their own business.
- Require an initial investment from individuals with the organization itself serving as an umbrella or parent corporation. The initial investment may be a direct payment of a fixed fee, payment to attend an orientation or training session, and/or purchase of a starter kit.
- Compensation is in the form of straight commission, fees from others under their sponsorship in the organization, and/or a percentage of sales generated by others.
- Requirement of "employee" to collect and deposit gross amount with the organization holding back money for advertising, promotions, administrative, or other back office costs before the remainder is released as a net paycheck.

**Network marketing organizations and franchises are not considered employers for the purposes of recruiting at MSU Billings.**

### **Third Parties/Contract Recruiters**

Third parties (employment agencies, search firms and contract recruiters) recruit employees for an agency different from their own; third parties screen and refer applicants but **do not hire and pay them**. Third Parties **may list individual openings online only when** they meet the following requirements:

- Each individual job listing will identify the name of the employer they are representing for recruiting purposes, job title, job description, rate of compensation and will state that only graduating students and alumni are eligible to apply.
- Organization acknowledges that the University may verify with employer the third party's recruiter relationship.
- Organization agrees to provide information concerning MSUB candidates employed (employer and salary).
- Organization will refrain from disclosing any personally identifiable information about a student to clients without first obtaining the student's signed, written consent for disclosure. Such information

includes, but is not limited to, a student's race, color, religion, age, national origin or ancestry, gender, sexual orientation, mental or physical disability, marital status, or veteran status.

- Organization will not use or disclose student information for any reason other than recruiting purposes for the posted position, including selling student information to other entities for a fee or other forms of compensation.

**Third Parties/Contract Recruiters may not recruit on-campus, access résumé database, or attend our career fairs.**

**Third Parties/Contract Recruiters will be allowed to participate in regular career fair events only when they are recruiting for positions within their own organization.** This alleviates the conflict of interest experienced at career fairs between attending employers who are also clients of a third-party firm. If an organization is discovered recruiting for positions other than within its own organization, that organization will be asked to leave the career fair immediately. In addition, that organization forfeits any fees associated with the event and will be subject to revocation of applicable employer services.

### **Testing**

The University recognizes the need of certain employers to conduct pre-employment tests while conducting on-campus recruiting of students for prospective employment. In an effort to accommodate this need, the University permits employers to administer such tests while on University-owned property subject to the availability of space and to the following terms and conditions:

1. Career & Employment Services and students must be informed in a timely fashion of the type and purpose of any test that students will be required to take as part of the recruitment process and to whom the test results will be disclosed. It is a requirement that the testing information be posted within the context of the job description so that students are informed at the beginning of the recruitment process.
2. Career & Employment Services reserves the right to review any test materials prior to their administration and further reserves the right to deny the administration of any tests deemed by Career & Employment Services to be inappropriate.
3. Career & Employment Services will not oversee or proctor the administering of such tests. Company representatives must be qualified test administrators and they must conduct their own testing.
4. The employer conducting on-campus testing of students agrees to hold the University harmless as to any and all claims or suits arising from and out of the administration of such tests.
5. The employer will give notice to all students taking an on-campus pre-employment test that the firm is solely responsible for the content and administration of the tests. In addition, the notice will state that the University is not responsible for the development, content, or administration of the tests and further, that the University shall not be liable for any claims or suits arising from the on-campus testing.
6. Career & Employment Services reserves the right to revoke an employer's permission to conduct on-campus testing at any time without prior notice.

### **Alcohol**

Career & Employment Services adheres to the National Association of Colleges and Employers (NACE) statement on recruiting which requires that serving alcohol should not be part of the recruitment process. All approved recruiting activity, including all presentations/information sessions done on-campus, and all events that are company sponsored during the recruiting process should be alcohol-free.

### **Individuals with Disabilities**

MSU Billings is committed to ensuring that all students, alumni, staff, faculty and employers are afforded every opportunity to participate in approved recruiting activities. If, due to a disability, you require accommodation to utilize our services, please contact the office of Career & Employment Services and let us know how we may assist you. Additionally, recruiters will make reasonable accommodations for a person with a disability so that s/he may participate in their recruitment activities.

### **Citizenship or National Origin**

The hiring of international students is a complex issue for both students and employers. Because MSU Billings has the privilege to educate outstanding individuals of varying backgrounds, you may encounter an international student on your interview schedule. U.S. laws and regulations require certain treatment of international students, and screening candidates based on citizenship or national origin is prohibited. While employers may hire only persons authorized to work in the U.S., there are a number of categories of persons so authorized, including citizens, permanent residents, asylum seekers/refugees, temporary residents, and persons with employment authorization documents (EADs). It is prohibited to ask into which of these categories a person fits.

Employers may ask if an applicant is legally authorized to work in the U.S. and may also ask if the applicant will now or in the future require sponsorship for employment visa status. A student with one year of Practical Training is authorized to work in the United States. However, employers may not use visa type as a screening tool to deny employment to a qualified, employment-authorized candidate. Employers must refrain from asking interview questions regarding a candidate's citizenship or national origin, including questions about primary language, acquisition of foreign language reading skills, residency status, or ancestry.

### **On-Campus Recruiting Activities**

All recruiting activities should be arranged through the office of Career & Employment Services.

Recruiting activities shall be understood to mean any formal inquiry, request, or visit by an outside agency, business, institution, or organization, the primary purpose of which is to interest students/alumni in employment, independent contracting, service, or educational opportunity with that agency, business, institution, or organization. Recruiting activities include, but are not limited to: on-campus interviews, career fairs, presentations, campus information tables, and opportunities advertised on university bulletin boards or via university online services. Employers may schedule recruiting activities once per campus per semester.

Any University facilities provided for the use of employers in the recruiting process are to be used solely to speak with eligible students/alumni MSU Billings. Exceptions to this policy must be requested of Career & Employment Services in advance of your visit.

Final approval to use MSUB facilities and services for recruiting activities rests with the Director of Career & Employment Services and may be revoked if these policies are violated. Permission to use University facilities does not imply University approval or endorsement of the policies, practices, or products/services of the recruiting organization/individual.

### **Disclaimer**

University policy prohibits discrimination in hiring and/or recruiting on the basis of race, color, religion, age, national origin or ancestry, gender, sexual orientation, mental or physical disability, marital status, or veteran status. The University also reserves the right to refuse to post jobs that do not comply with University recruiting policies or that do not support the interests of the University or its students.

MSU Billings, via its office of Career & Employment Services, provides a referral service and makes no particular recommendation regarding employers. We make no representations or guarantees with regard to positions recruited through or posted by this office and are not responsible for safety, wages, working conditions, or any other work-related issues that may arise after placement with an employer. Students are urged to perform due diligence in researching employers when applying for or accepting an offer of employment.

It is the obligation of MSU Billings students/alumni to seek information and legal representation if they feel they are being discriminated against or mistreated in the employment process or in the workplace.