



Principles for a Fair and Ethical Recruitment Process

Introduction

These Principles for a Fair and Ethical Recruitment Process provide suggested best practices designed to ensure the highest standards of professionalism, fairness, transparency, and non-discrimination. These Principles are based on decades of collective experience. They reflect best practices to support law students in pursuing their studies meaningfully while benefiting from the wide range of career development opportunities available to them. At the same time, they support employers in reasonably planning for their business and talent acquisition needs in a changing marketplace. Each law school and employer is encouraged to refer to this guidance as it develops its own policies and procedures that best serve the interests of its law students, lawyers, and business enterprise. NALP encourages law schools and employers to approach the career counseling and recruitment processes in the spirit and with the ideals that these Principles embody.

The Principles for a Fair and Ethical Recruitment Process are organized into 4 areas:

- General Principles
- Principles for Employers
- Principles for Law Schools
- Principles for Candidates

General Principles

Successful recruitment of law students requires good judgment and good faith from law schools, job candidates, and employers. These Principles provide guidance for each group to consider. All participants are urged to act reasonably and in good faith. The following general principles for employers and law schools encourage each party to consider its own best interests while also ensuring that all involved in recruiting are treated fairly and that complete and transparent information about the process is available to all parties.

Underlying this guidance for ethical recruiting is NALP's fundamental commitment to fairness and helping make the legal profession accessible to all individuals on a non-discriminatory basis, free of harassment. NALP is strongly opposed to discrimination, including that which is based upon sex; actual or perceived gender; age; race; color; religion; creed; national or ethnic origin; disability; sexual orientation; gender identity and expression; genetic information; parental, marital, domestic partner, civil union, military, or veteran status; or the prejudice of clients related to such matters. In addition to considering these Principles, all parties involved in the recruiting and hiring process should strictly observe all relevant laws, accreditation standards, and institutional policies.

Employers and law schools should design and promote recruitment policies and procedures that serve the best interests of their organization by:

- Establishing and maintaining their own recruiting guidelines in the spirit of professionalism, fairness, and reasonableness;
- Considering the best interests of their organization when determining any guidelines for the timing of recruiting activity and offers of employment and the length of time any offers for employment should be held open;
- Disseminating recruiting guidelines on the timing of offers and responses to those offers;
- Publishing their policies so that all parties involved in the recruiting process are educated in advance;
- Acting in a manner consistent with their published guidelines, in a way that is transparent and reliable;
- Abiding by established timetables for candidate responses to offers and other requests; and
- Communicating to resolve issues on a case-by-case basis when law school and employer recruiting guidelines are in conflict.

Principles for Employers

Employers are encouraged to consult with individual schools prior to initiating recruitment activities and to be informed about each law school's individual recruiting policies.

Employers are encouraged to maintain productive working relationships with law schools by:

- Communicating about all on- and off-campus recruiting activities before they take place;
- Scheduling recruitment activities to minimize interference with students' academic work and exam periods;
- Exercising particular sensitivity during the first semester of law school and respecting individual law school guidelines surrounding 1L recruitment;
- Responding promptly to law schools that report any misrepresentation or misconduct in recruitment activities;
- Not expecting or requesting preferential services from law schools; and
- Avoiding the solicitation of information received by law schools in confidence from candidates or other employers.

Employers are encouraged to share full and accurate information about their organization and the positions for which recruitment is being conducted by:

- Providing information about their organization that will help candidates make informed decisions; and
- Including a clear explanation of all expense reimbursement policies and procedures when extending invitations for in-office interviews.

Employers are responsible for the conduct of their recruiters and for any representation made by those individuals, and can encourage responsible recruiting by:

- Designating recruiters who are knowledgeable about their organization;
- Ensuring that recruiters have training to avoid bias, discrimination, and harassment in the recruiting process;

- Striving to provide interviewing and recruitment environments that minimize the risk of discrimination and harassment, including sexual harassment;
- Instructing recruiters not to make any unauthorized commitments; and
- Safeguarding all candidates' personal privacy.

Employers are encouraged to act in ways that support the ability of candidates to make independent and considered decisions by:

- Establishing reasonable response deadlines and giving candidates a reasonable period of time to consider offers of employment when each offer is made;
- Providing consideration for reasonable requests for extensions;
- Abiding by the established response deadlines for candidate responses;
- Avoiding conduct that subjects candidates to undue pressure to accept or decline offers of employment; and,
- Refraining from any activity that may adversely affect the ability of candidates to make independent and considered decisions.

Employers should honor all of their commitments, including:

- Making good faith offers for employment in writing, with all terms clearly expressed;
- Providing an updated offer, in writing, should modification occur; and
- Notifying the candidate and relevant office of career services promptly if it becomes necessary to rescind or modify an offer of employment, and then working with the candidate to mitigate the impact of that modification or rescission.

Principles for Law Schools

Law schools should make career planning services available to all students, recognizing that career planning and counseling are integral parts of legal education, by:

- Providing the professional services of a career planning office to all students without charge;
- Dedicating adequate physical space, equipment, financial support, and staff to career services;
- Striving to meet the career planning needs and interests of all students without any preferential treatment to any student, group of students, employer, or group of employers;
- Setting policies that position law students to be as successful as possible in their job search activities while allowing students to pursue their studies meaningfully;
- Setting policies that specifically allow first-year students sufficient opportunity to focus on their studies; and
- Educating all students on a broad range of career opportunities and job search strategies.

Law schools are encouraged to consult with employers that initiate recruitment activities with their students to ensure employers have a full understanding of the school's policies about the timing and terms of employment offers to their students, and any requirements about communication of those offers.

Law schools are encouraged to develop and maintain productive working relationships with a broad range of employers by:

- Working to actively develop a wide range of employment opportunities for students and graduates and widely publicizing all employment opportunity notices to students and, as appropriate, alumni/ae;
- Enhancing student learning and increasing career development opportunities by providing structured professional development activities on a regular basis, and by maintaining good working relationships with students, faculty, alumni/ae, and others in the legal community;
- Communicating with potential employers about their policies governing on- and off-campus recruitment activities;
- Responding promptly to employers that report student misrepresentations or misconduct in recruitment activities; and
- Not disseminating information learned in confidence from employers.

Law schools are encouraged to establish and implement policies and practices that ensure the fair and accurate representation of information about students and their school by:

- Enforcing policies that prohibit misrepresentation and other student abuses of the employment search process;
- Providing to employers and other interested parties comprehensive information on grade standards and distribution, curriculum, degree requirements, admissions and enrollment profiles, academic awards criteria, and office of career services policies and procedures; and
- Collecting information on the employment and salary outcomes of the institution's graduates and providing that information to NALP.

Law schools are encouraged to establish adequate procedures to facilitate recruitment by employers, including:

- Designing procedures that enable employers to conduct on-campus interviews, solicit direct applications, or collect student resumes for maximum efficiency and fairness;
- Articulating clearly those procedures and making them available in writing to students and employers;
- Maximizing the use of standardized forms and procedures when dealing with employers; and
- Striving to provide interviewing and recruitment environments that minimize the risk of discrimination and harassment, including sexual harassment.

Law schools should identify and promote practices that protect their students' rights, including:

- Articulating and publishing meaningful policies prohibiting discriminatory practices and harassment, including sexual harassment;
- Requiring employers to agree to abide by a non-discrimination and anti-harassment policy prior to recruiting on campus;
- Establishing and publishing procedures whereby claims of violations of recruiting policies and procedures can be investigated and resolved promptly and fairly;
- Protecting students' privacy against the illegal or inappropriate dissemination of personal information and not disclosing information protected by federal, state, or municipal law without proper consent; and
- Formulating institutional policies conforming to prevailing laws and publishing those policies to the attention of both students and employers.

Law schools are encouraged to protect students' freedom of choice in making career decisions and to protect students from undue influence by:

- Implementing policies and procedures that are designed to provide students with meaningful choice when choosing between competing offers of employment;
- Avoiding interposing either career services professionals' own values or institutional interests when counseling students;
- Disseminating law school guidelines about the timing of offers of employment and subsequent decisions to students and employers and urging all participants in the law student recruitment process to adhere to them so that students can make informed decisions; and
- Taking appropriate steps to educate students and employers alike about the importance of following the policies and procedures established by each law school.

Principles for Candidates

Candidates are encouraged to comply with the policies and procedures of each law school from which they obtain services, as well as those of employers they engage with during the recruitment process.

Students are encouraged to promptly report any misrepresentation, discrimination, harassment, including sexual harassment, or other inappropriate conduct by employers in the recruitment process to their office of career services and/or the appropriate authority.

Candidates are encouraged to prepare thoroughly for the employment search process by:

- Engaging in self-assessment before beginning an employment search and availing themselves of the services and resources provided by their office of career services and all other available resources.
- Learning as much as possible about target employers and the nature of the open positions prior to making employment inquiries; and
- Interviewing only with employers in which they have a genuine interest.

Candidates should represent their qualifications and interests fully and accurately throughout the employment search process by:

- Providing, at the request of an employer, an appropriate resume and accurate copies of all academic transcripts, recognizing that should they fail to do so, or should they falsify documentation, they risk sanction from their law school, prospective employers, and/or bar admission authorities;
- Providing, at the request of an employer, original writing samples that explain the context in which the document was written and identify the extent to which third parties contributed to the document; and
- Masking or redacting writing samples from law-related employment to preserve client confidentiality and using such writings only with the permission of the supervising attorney.

Candidates are encouraged to conduct themselves in a professional manner at all times during the recruitment process by:

- Adhering to all scheduling commitments during the on-campus interview process, canceling only for good cause and promptly communicating with the office of career services and the employer when cancellation is necessary;

- Responding promptly to all requests or invitations from an employer, and only accepting invitations for in-office interviews when the candidate has a genuine interest in working for the employer;
- Handling in a timely manner any changes or cancellations to an in-office interview, including cancellation of any travel arrangements;
- Reaching an understanding with an employer about its reimbursement policies prior to traveling, including prorating expenses for trips during which interviews with more than one employer occur in accordance with those employers' reimbursement policies; and
- Requesting reimbursement only for reasonable expenses directly related to the interview and incurred in good faith, recognizing that failure to observe this policy or falsification or misrepresentation of travel expenses may result in non-reimbursement, elimination from consideration for employment, and/or the revocation of offers by an employer.

Candidates are encouraged to promptly communicate with employers and their office of career services about their acceptance, rejection, or requests for deferrals of employment offers by:

- Abiding by the standards for candidate responses established by the employer and/or law school and notifying the employer as soon as a decision is made, even if that decision is made in advance of the prevailing response date;
- Acting in good faith to decline promptly offers for interviews and employment which are no longer being seriously considered by the candidate, in fairness to both employers and peers;
- Notifying the office of career services upon acceptance of any employment offer in order for law schools to comply with institutional reporting requirements;
- Withdrawing pending applications or canceling scheduled interviews with other employers after accepting an offer of employment;
- Holding open only a reasonable number of employment offers at any one time, and following policies established by their law school in this regard; and
- Apprising prospective employers of any intentions to seek or accept fellowships, judicial clerkships, or other limited term professional employment in order to obtain a clear understanding of the employer's offer deferral policies.

Candidates should honor their employment commitments by:

- Requesting all offers in writing and confirming offer modifications in writing, in order to avoid undue confusion regarding offer terms; and
- Notifying promptly, in writing, both the employer and office of career services if it becomes necessary for a candidate to modify or be released from their acceptance of an employment offer.