

Student Services Manual (SSM)

SSM 501–03: Eligibility for Employer Recruiting Activities

Effective: 7/1/1957

Revised: 11/1/2023

Purpose

To ensure the quality of services offered by Career Services and to limit the risk to Arizona State University (ASU) students, alumni, and other users

To establish guidelines for all employer recruiting activities permitted by ASU Career Services

Sources

National Association of Colleges and Employers (NACE)

University policy

U.S. Department of Labor - Fair Labor Standards Act (FLSA)

Equal Employment Opportunity (EEO) laws

Drug Free Schools and Communities Act 1989 (DFSCA)

Policy

The following guidelines are adapted from the National Association for Colleges and Employers (NACE) and govern the manner in which employers may use the services offered at Arizona State University. ASU Career Services is used as an encompassing term referring to both centralized and decentralized career services offices that have agreed upon centralized policy standards. Career Services adheres to the guidelines in this policy to ensure the quality of services. NACE's operational procedures serve as the basic guidelines for Career Services regarding on-campus and online recruiting activity. Furthermore, ASU Career Services reserves the right to modify these terms and conditions at any time and may develop additional procedures for candidates and employers to ensure effective operation. All decisions regarding employer recruiting activities are made at the sole discretion of ASU's Career Services Centers and Arizona State University.

Employer Eligibility

ASU Career Services supports students' prospective employment choices by allowing employers to participate in both online and in person recruiting activities. To be eligible to recruit at Arizona State University, you must be an approved employer on the ASU Career Management System. These employer recruiting activities include, but are not limited to:

- Career fairs and mixers
- Candidate interviews
- Information sessions
- Employer tabling
- Involvement in, and/or advising of, and/or sponsorship of any student clubs and organization activities
- Posting degree-related and career-related opportunities through the career management system

To participate in employer recruiting activities, employers must meet the following basic terms:

1. Employers must be engaged in activities that are lawful in the state where they are performed.
2. Recruitment for any position must relate to a bona fide existing or anticipated employment opportunity.
3. Employers must not require a fee from the job candidate in order to be eligible to work for the employer, with the exception of select internship programs; these are decided upon on a case-by-case basis by Career Services (for more detail, see item 3 of excluded practices).
4. The rate of pay for these positions complies with federal, state, and local minimum wage and overtime laws.
5. If offering an unpaid internship, the U.S. Fair Labor Standards Act guidelines (<http://www.dol.gov/whd/regs/compliance/whdfs71.htm>) must be met.
6. Project/contract work and full-time commission-only positions are reviewed and approved at the discretion of Career Services. Career Services does not accept commission-only internships.
7. The employer complies with all applicable federal, state, and local Equal Employment Opportunity (EEO) laws (<http://www.eeoc.gov/facts/qanda.html>), worker's compensation laws, workplace safety, and unemployment insurance laws, according to the jurisdiction where the employment is offered.
8. The employer complies with the *Academic Affairs Policies and Procedures Manual*—[ACD 401](#), "Prohibition Against Discrimination, Harassment, and Retaliation" policy, and Career Services' [Employer Recruiting Policy](#). Employers must adhere to the standards of ethical conduct and practice outlined by NACE and detailed by Career Services.
9. The employer does not have any record of substantiated claims by any litigation, governmental entity, regulator, or peer institution involving, but not limited to, discrimination or harassment, wage and hour violations, workplace safety violations, fraudulent behavior, misrepresentation and/or bait and switch tactics.

and

Ethical Practices

The success of the recruiting process is based on adherence to the ethical practices as established by the National Association of Colleges and Employers (NACE) in their Principles for Professional Practice, which also includes principles for third-party recruiters.

Offer and withdrawal guidelines

ASU Career Services expects employers to follow principles set forth by the National Association of Colleges and Employers (NACE), which include refraining from practices that improperly influence job acceptances, including undue time pressure for acceptance of offers and encouraging revocation of other employment offers. Recruiting at ASU and using our systems implies you have read and adhere to these principles.

Adhering to the timeframes detailed below in ASU's Offer and Withdrawal Guidelines is in the best interest of both employers and students.

*If you would like to make a full-time offer to a former summer intern, we **request** you allow the student until October 30 or 3 weeks after the offer letter date, whichever is longer to accept/decline the offer. For full-time and internship offers in fall, we ask employers to provide students until November 15 or 3 weeks after the offer letter date, whichever is longer to accept/decline the offer. In spring, for both internship and full-time offers, we ask employers to provide students until March 31 or 3 weeks after the offer letter date, whichever is longer to accept/decline the offer. All students are subject to employer offer policies.*

Excluded Practices

Career Services will not permit employer recruiting activities if:

1. The full-time job or internship is not career or degree related. ****Part-time non-degree positions must provide transferable skills to a related career field.****
2. Employers offer housing as the sole form of compensation for work.

3. Employers require an initial payment or investment or account balance or similar fiscal requirements with the organization itself serving as an umbrella or parent corporation. These investments include, but are not limited to:
 - requirement to attend unpaid orientation
 - requirement to attend unpaid trainings
 - direct payment of a fixed fee
 - payment to attend orientation or trainings

and/or

- purchase, rent, or deposit for a starter sales kit, samples, or presentation supplies
4. Employers fail, for whatever reason, to provide necessary information needed to post a job or internship opening to the career management system.
 5. Employers are in the adult entertainment industry.
 6. Employers hiring for multi-level marketing positions.

Additional practices that may lead to exclusion from employer recruitment activities at Arizona State University include, but are not limited to:

- fraud
- misrepresentation
- bait and switch tactics
- breach of confidentiality
- substantiated complaints by or harassment of Arizona State University students, alumni, or staff
- requiring personal information (e.g., bank account and/or social security numbers) when not part of the hiring process
- any practice or conduct which in the sole and absolute discretion of Arizona State University Career Services is unacceptable.

Participation in Career Fairs, Information Sessions/Tabling, and other On-Campus or Online Recruiting Activities

Career Services reserves the right in its sole and absolute discretion to deny registration for a career fair or request to host an on-campus or online recruiting activity by an employer. If Career Services determines that the event or location is not aligned with the employer's stated recruiting interests and/or the academic demographics of the students at that location, alternative options may be recommended.

Payment of Career & Internship Fair registrations vary by event. Terms can be found listed on respective event pages.

Alcohol Policy

Career Services adheres to the Arizona State University policy on Alcoholic Beverages. We also adhere to the guidelines set forth by NACE, that serving alcohol should not be part of the recruitment process. This includes but is not limited to, on-campus events, receptions, dinners, company tours, etc.

Cannabis Policy

Although marijuana (cannabis) is legal in the state of Arizona, it is not legal under federal law. To ensure compliance with federal law, ASU Career Services will not post internship or work opportunities at companies that may possess or come into contact with marijuana products. Additionally, ASU Career Services will not support internships for credit or non-credit where a student may come into contact with marijuana products (including work with a company's clients, attendance at marijuana conventions, etc.).

The Drug Free Schools and Communities Act 1989 (DFSCA) provides, "as a condition of receiving funds or any form of financial assistance under any Federal program, an Institution of Higher Education must certify that it has adopted and

implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs or alcohol by students and employees." Further, under the DFSCA, Institutions of Higher Education must employ "standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of its activities."

Dispensaries (i.e., retail shops), cultivators, or manufacturers of THC-infused edibles are examples of businesses that directly work with marijuana, a Schedule 1 federally illicit drug. However, many businesses fall into a gray area including ancillary (e.g., a grow-light manufacturer) businesses, real estate leasing businesses, consumption device, and consulting businesses among others. Requests of ASU Career Services that may involve ancillary businesses connected to the marijuana industry will be reviewed to ensure compliance with state and federal law. ASU is committed to the ongoing protection of student access and eligibility for federal financial aid.

Medical research projects involving marijuana must comply with A.R.S. § 15-108(A).

Third Party Recruiter Policy

NACE defines third party recruiters as follows: "Third-party recruiters are agencies, organizations, or individuals recruiting candidates for temporary, part-time, or full-time employment opportunities other than for their own needs. This includes entities that refer or recruit for profit or not for profit, and it includes agencies that collect student information to be disclosed to employers for purposes of recruitment and employment."

The above definition includes, but is not limited to, the following entities regardless of the fee structure used by the entity to charge for services.

- Employment agencies/organizations - organizations that list positions for a number of client organizations and receive payment when a referred candidate is hired. The fee for listing a position is paid either by the firm listing the opening (fee paid) or by the candidate who is hired.
- Search firms - organizations that contract with clients to find and screen qualified persons to fill specific positions. The fees for this service are paid by the clients.
- Contract recruiters and temporary agencies - organizations that contract with an employer to act as the employer's agent in the recruiting and employment function for either short-term, long-term or permanent hires.
- Resume referral firms - commercial organizations that collect data on job seekers that is marketed to prospective employers. Fees may be paid by the employer, the job seeker, or both.
- Commercial job listing/resume collection websites - large website-based job boards where employers and recruiters source candidate information to fill positions ranging from generalist to specialist roles (Indeed.com, Monster.com, ZipRecruiter.com, etc.).

Because Career Services at Arizona State University can neither research nor endorse Third Party Recruiting Agencies, the following guidelines have been established for the protection of students, alumni, and Arizona State University. Any reported breach of the policy will result in deactivation of the recruiting agencies' online account and termination of access to all recruitment services, events, and resources. ASU Career Services reserves the right of refusal for any third-party employer and/or third-party recruiting activity.

1. It is the policy of Arizona State University to provide equal opportunity through affirmative action in employment and educational programs and activities. Discrimination is prohibited on the basis of race, color, religion, national origin, citizenship, sex, gender identity, sexual orientation, age, disability, disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans and Armed Forces service medal veterans. A third-party employer or agency using the services of ASU Career Services understands that compliance with all related federal and state statutes and regulations is required for initiation or continuance of ASU Career Services events, resources and services.
2. Third-party recruiters will abide by the Principles for Third-Party Recruiters as described in the NACE Principles for Professional Practice.

3. As per Handshake Terms of Use policy (<https://joinhandshake.com/tos/>), outside services cannot bulk collect student data, employer data, job descriptions, or other marketplace information through the use of automated scripts ("scraping") or similar technologies or methodologies.
4. Third party recruiters are also prohibited from requiring students to create an account on a third-party platform unaffiliated with the company or brand providing the employment role.
5. It will be the responsibility of the candidate to contact (initiate and/or follow up with) the third-party recruiter.
6. Under no circumstances may fees be charged to candidates. Third-party recruiters will verify and confirm that no fees of any kind are charged to student or alumni applicants.
7. Third-party recruiters will provide information about their operations, services and clients to ASU Career and Professional Development Services for review, upon request.
8. Third-party recruiters shall disclose the company for each job that is posted into Handshake and identify themselves as a third-party recruiter in both their employer profile and in all job/internship postings.
9. Third-party firms who are recruiting for positions within their own organizations must clearly differentiate those opportunities from their client engagements.
10. If a third-party recruiter wishes to recruit on campus or virtually (including, but not limited to: conducting interviews, attending career fairs, hosting information sessions, networking or tabling) that recruiter shall agree to abide by the above policies and to identify the represented employer(s) to both ASU Career and Professional Development Services and students/alumni being engaged as candidates. Third-party recruiters who elect to recruit on-campus or virtually should understand that the candidate's information provided during their recruiting visit is to be used exclusively for the specific employer(s) in which the recruiting visit is taking place.
11. Temporary agencies that contract with employers to provide individuals qualified to perform specific tasks or complete specific projects for a client organization may be considered as employers, not third-party recruiters. Individuals hired would perform work at the client organization, but are employed by and paid by the agency. Temporary agencies will be expected to abide by the professional practice principles set forth by NACE for employer professionals at <http://www.nacweb.org>. Temporary agencies may post job openings as long as the temporary nature of the position is clearly stated in the job description provided and meets all other vetting requirements set forth by ASU Career Services.
12. Commercial job listing/resume collection websites are not compatible with the mission of ASU CPDS to promote businesses, which collect candidate resumes for the purpose of marketing those to employers and will be declined as an employer to recruit at ASU.
13. Entities acting on behalf of the university shall not release FERPA-protected information concerning candidates to third-party recruiters unless candidate(s) provide proper Consent for Access [signed and dated] for said entity. The entity must be willing and able to show proof of signed release if/when requested by university representatives. [For purposes of FERPA, a "third party" includes any individual or organization other than the student or the student's parent(s). With respect to third parties, even if the initial disclosure of protected information is permissible, FERPA limits the subsequent disclosure of the information by the third party. As such, once the university discloses protected information to a third party, it must ensure that the third party does not itself improperly disclose the information in violation of FERPA.]

Grievances

ASU Career Services staff will investigate complaints by users of our services that may involve employers, job postings, or work assignments. If the complaint is substantiated, ASU Career Services reserves the right in its sole and absolute discretion to reject that employer's future recruiting requests.

Scheduling of Specialized Institutions

ASU Career Services schedules services for any school (college/university/other) recruiting students through its facilities, provided the program or programs generally require at least a bachelor's degree for admission. The ASU Career Services Executive Director may make exceptions.

Cross-Reference

For information on unlawful discrimination, see the *Academic Affairs Policies and Procedures Manual*—[ACD 401](#), "Prohibition Against Discrimination, Harassment, and Retaliation."