

# THE ART AND SCIENCE OF Reference Checking

*Verifying the bona fides of presidential candidates is at the core of due diligence, but some aspects of reference checking are best done by professionals.*

“**W**HAT I’M ABOUT TO SAY MAY SURPRISE YOU...”

The words hung in the air of the conference room at a mid-size university in the Midwest. The 13-member presidential search committee—composed of trustees with varying backgrounds as well as faculty, staff, and student representatives—listened raptly. The search consultant continued: “The interview is not a reliable predictor of future success of an executive—arguably, the most reliable predictor is one’s track record as verified by professionally done reference checking.”

This statement is undeniably true, but let’s consider what is meant by the broad term “reference checking.” If we could survey academic chief executive search committees across higher education, a composite definition would likely include verification of factual information such as dates of employment, job titles, and responsibilities, and an evaluation of successful performance and leadership skills. Although all of us would acknowledge the importance of these objective and subjective



• BY ROBERT H. PERRY •

tive measurements, it's also important to consider when and how the background check is conducted.

Reference checking occurs at two points in search processes: when committees prepare to select top candidates to interview and upon the announcement of finalists. The first stage involves a list of individuals the candidates have provided (in effect, have given permission to contact). Typically, these are trusted colleagues who have agreed to act as references and who pose no risk of breaching confidentiality. Whether applicants are required to submit the names of several references or do so

on their own, the only real purpose served is a kind of legitimizing of one's candidacy. Committee members and search consultants who make these preliminary checks are going through a perfunctory exercise of little if any significance.

When one has been asked by a friend to serve as a reference and subsequently receives that call, there are subconscious forces at work: A natural instinct is to be supportive and omit mention of a controversial episode, rationalizing that it's really not that important. Just below the surface, perhaps, is a fear of reprisal if a harmful message is communicated.



## CONDUCTING REFERENCE CHECKS ON THE CANDIDATE'S HOME TURF

**W**e are all familiar with the traditional visits by presidential finalists to the campus of a searching institution. Here representatives of all constituencies have the opportunity to listen to the finalists, to question, contrast and compare them, and to report on resulting judgments. In a variation of this approach, a team from a presidential search committee visits the finalists' home campuses to learn valuable information. There is simply nothing like seeing someone on his or her own turf.

Typically, visiting teams begin and end the day with the finalist and his or her spouse, but will not see them during the intervening hours. The team meets with as many as 50 to 75 people in groups and individually. These may include trustees, the president, faculty, administrators, immediate staff members, students, community and church leaders, major donors, and alumni. The goal is to learn firsthand about the final-

ist's accomplishments, management style, and interpersonal skills, to test concerns that may have arisen during earlier interviews and referencing, and to get a better handle on the ever-elusive "leadership quotient."

With the occasional exception of cases in which a finalist is a sitting president, the finalists join in both the spirit and the mechanics of the visit. They ensure an efficient, meaningful experience by explaining its purpose to supporters and detractors alike, and they arrange scheduling and itineraries by distributing executive search profiles in advance to everyone the team will meet. These profiles facilitate comparison of the two institutions and reflection on the finalist's abilities to meet new challenges.

One might expect more than a little ambivalence on the part of the interviewees during these visits. After all, no one wants to lose a leader or rising star. It is here, however, that the marvelous collegiality that is present throughout the academy asserts

itself. Women and men at every level of academic life invariably wish their colleagues well—they want to see them obtain the presidency they deserve, and if it's at another institution, so be it.

The finalist who is a sitting president may voice the valid concern: "I have nothing to hide—in fact, I'd love to have the opportunity for 'show and tell,' but what if I am not selected for this presidency or choose to decline? I may then be viewed differently on my campus in the future."

Such concerns must be respected and the procedures adjusted. For example, video and telephone conferencing may be arranged with selected trustees, faculty, and staff, coupled with an informal or unofficial campus visit by the search committee chair. Another effective method is to conduct the home campus visit after an acceptable offer has been negotiated, making it contingent upon a satisfactory result.

—R.H.P.

When the names of finalists are made public, confidentiality ends for them but remains in effect in perpetuity for all other candidates (except in state university searches where open-meeting and records laws apply). It's at this point that more extensive reference checking may be undertaken as part of comprehensive due diligence. This might include terminal degree verification, publications verification, a federal criminal record search, a felony search, a county civil record search, a credit check, publicity checks and a driving abstract.

This is the pivotal juncture in the search process, where speaking with off-list references plays a critical role. We're not talking here about search committee members contacting finalists' superiors, peers, or subordinates—some of whom they may know professionally. This is reference checking at a higher level. Missteps, such as calls made *by* the wrong people or *to* the wrong people, could prove decisive. Improperly worded questions or lack of a mechanism to identify response patterns also will yield results of little value.

The point is, in most cases search committee members—whether they are trustees with business backgrounds or faculty and administrators within higher education—should not be expected to conduct these conversations. No matter how well-intentioned, willing, and eager these individuals may be, this admonition is not intended to disparage them. But unless they have proper training, their questions may not elicit substantive responses. Moreover, absent a carefully constructed and coordinated effort among those making checks on the same finalist, it is unlikely that “red flags,” if they exist, will be uncovered.

To illustrate, let's look in on a presidential search in its final stages.

**Going Beyond the Facts.** After a college or university search committee has spent some four months evaluating a pool of fifty to sixty candidates, narrowed it down to a top list of twelve to fifteen, interviewed six to eight as

semifinalists, and selected the final three, it is safe to say that the finalists meet most if not all of the prerequisite qualifications to become the next chief executive. Factual information has been verified, and the candidates are who they represent themselves to be.

But now the issue becomes one of “chemistry” and “culture,” of who is the best “fit” for this post at this institution at this time. This subjective area is best addressed through off-list, or non-given references. Although the finalists will not know who is being contacted, they have a right to know and should be apprised early in the process that such contacts will be made. Interestingly, upon learning of the procedure, candidates who are confident and secure about their track records express little or no concern—in fact, they often welcome the search committee's inquiries.

Most often, a seasoned search counsel is best positioned to conduct such reference checks. Lead consultants spend many hours talking with and about finalists and come to know their strengths and weaknesses. When they speak with preliminary references, they easily obtain the names of others who have interacted with the finalists and can speak knowledgeably to their abilities. Subsequently, when consultants make these calls, they begin by stating that the finalist “has not given us your name and is not aware of this contact.”

As an objective third party, the consultant explains that this is a “50-50 proposition,” every bit as important for the individual as it is for the school. In a matter of minutes, the fears about personal reprisal or professional liability fade away. If there are red flags waving or tangled webs to unsnarl, this is the way in which they will be discovered.

A personal anecdote: I recall a dicey problem surfacing in one university's search for a senior administrator. Before the search committee extended an offer to a promising candidate, we learned that he might have lied about why he left his last position. We also thought he might have been dishonest about



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other matters and that there could be a pathological pattern. I was able to arrange a meeting with the one individual who would know the truth: the dean who had hired this candidate and to whom he had reported. The dean expressed surprise at the purpose of the visit. “If I’d realized why you wanted to see me, I wouldn’t have agreed to the meeting,” he said, “but since you’re here, I’ll tell you. He will look you square in the eye and tell you that black is white or white is black, and the worst part is he believes it.”

**Overcoming Fears.** Among the many challenges in reference checking is one that reflects the litigiousness of our society. The fear of being sued is an enormous inhibitor of candid and complete responses. That this fear is for the most part unfounded does not seem to matter. As is the case with conflict-of-interest issues, it is the perception of impropriety, not the facts of a case that controls.

Not long ago, the legal implications of reference checking were straightforward and uncomplicated. Respondents enjoyed what is known in the law as a “qualified privilege”: Truth was the ultimate defense. A reference provider could not be sued for slander or defamation, for example, so long as the information he or she offered was an honest, fair appraisal (factual and without subjective opinion).

Today, however, this privilege has been superseded by new federal laws addressing discrimination based on such determinants as age, disability, and sexual orientation. These laws readily lend themselves to perceived violations. The situation is complicated further by different discrimination laws among the states and varying regulations regarding how far one can and cannot go. The human-resources departments of organizations with 50 or more employees now refuse to give any information beyond the strictly factual—dates of employment, position titles, and the like.

**Call in the Pros.** The spread of such abundant caution has spawned a fledgling new service industry. There now are companies devoted exclusively to conducting reference checks on candidates whose names are provided by any searching employer. This service can offer high value, particularly when most or all of the checks conducted are with non-given or off-list references.

One new company focuses on job seekers who suspect that their former organizations are preventing them from obtaining new positions. This company contracts out to different agencies whose staffers then make calls to the client’s former employers. Because the confidentiality of the former employee is being protected, the respondent has no way of knowing how this investigation was initiated. In this way, the company obtains the same information being passed on to prospective employers. Documentation is given to the client, paving the way for litigation should the information seem unfair enough to warrant that course of action.

Whether this service company provides real value to its customers is not relevant to this discussion. Its very existence, however, adds to the specter of litigation that undermines the validity of reference checking.

In summary, there is no foolproof system for reference checking. Nonetheless, done well, carefully planned and executed reference checks will help ensure that search committees and governing boards have complete and reliable information on which to base the critically important identification and selection of successful candidates. ♦

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