MASTER OF ARTS IN ORGANIZATIONAL LEADERSHIP

THESIS PRESENTATION

April 28, 2011
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Advisor: Kathleen Rickert, M.A.
ONE THING IS CLEAR ...

• “Absolutely.”
  Dennis Merley
  Employment Law Attorney
  Felhaber Larson Fenlon & Vogt

• “It depends.”
  William McGeeveran
  Privacy Attorney, University of Minnesota Law Professor

• “It’s inappropriate.”
  Hiring personnel

... IT’S NOT CLEAR
It is ethical to use Facebook as a tool in the applicant pre-employment screening process.
It is ethical to use Facebook as a tool in the applicant pre-employment screening process.

- **47.4%** Agree/Tend to agree
- **52.7%** Disagree/Tend to disagree

Survey results from Question 9
USE OF FACEBOOK HAS BENEFITS

• **50.5%** Tend to disagree/Disagree
• **49.5%** Tend to agree/Agree

Survey results from Question 1
WHAT'S TO SEE ON FACEBOOK?
RESEARCH QUESTION

How can employers optimize the benefits of using Facebook as a tool for pre-employment screening of applicants while managing the ethical, legal, and privacy implications?
WHY THIS TOPIC?

• Wrote paper for previous class
• Grey, unregulated practice
• Connects to my professional work
• Three recent college graduates in family
• Connection to leadership
GUIDED BY A PERSONAL CREDDO

“...gives you a point of reference for navigating the sometimes stormy seas of organizational life. Without such a set of beliefs, your life has no rudder, and you’re easily blown about by the winds of fashion”

RESEARCH METHODOLOGY

• Literature review

• Online survey of employers in GoldPASS
  – 6,500 employers invited; 851 completed survey
  – Broad range of job titles
  – Multiple industries represented; 57% work in for-profit sector
  – Hire 1-10 employees annually
  – Respondents work in U.S. and internationally

• Interviews with two attorneys
  – Privacy
  – Employment Law
LITERATURE REVIEW

“Facebook is a social utility that connects people with friends and others who work, study and live around them.

People use Facebook to keep up with friends, upload an unlimited number of photos, post links and videos, and learn more about the people they meet” (Facebook and Privacy, 2010)
LITERATURE REVIEW

• *Facebook’s Credo*: “Giving people the power to share and make the world more open and connected” (Facebook, 2010)

• “People should have the freedom to share whatever information they want ….” (Facebook Principles, 2010)

• *Privacy options available however “no security measures are perfect”* (Facebook Privacy Policy, 2010)
LITERATURE REVIEW

Surveys: Use of the Internet and social media

2008 CareerBuilder Survey

December 2009 Microsoft Survey
LEGAL IMPLICATIONS

• Equal Employment Opportunity (Title VII)
  Race, Color, Religion, Sex, National Origin
  Age, Pregnancy, Genetic Testing

• Minnesota Human Rights Act
  Religion, Marital Status, Public Assistance,
  Assistance, Military, Membership/activity in local
  commission, Disability, Sexual Orientation, Age
POLICIES AND REGULATIONS

• Facebook’s Statement of Rights and Responsibilities

• National Association of Colleges and Employers (NACE)  
  Principles for Employment Professionals and Third Party Recruiters
SURVEY FINDINGS
NOT EVERYONE IS USING FACEBOOK

• 61% of employers never use Facebook
• 39% use Facebook

Survey results from Question 14
THE ETHICAL DILEMMA

While it is clear employers recognize some benefits exist to using Facebook, it is also clear employers are not certain on the ethics of using Facebook.
COMMENTS FROM EMPLOYERS:
“TENSION” OF THE DILEMMA

“Using Facebook as a screening tool sounded a bit intrusive to me at first, but the reality is that many times Facebook displays the person for who they really are.”

“It tends to show the personal character of the applicant, however, it could lead to possible discrimination issues, i.e., gender, ethnic origin, age.”

“Must be used with caution. May show disability, race, ethnic background. Could also show responsibility of the applicant. What are they willing to put on their ‘wall’?”
ORGANIZATIONAL POLICY ON USE OF FACEBOOK

• 93% have no policy/uncertain about a policy

• Only 2.5% are developing one

• Of the 2.5% developing policy:
  – 83% would prohibit the use of Facebook
  – 17% would require the use of Facebook

Survey results from question #13
WHY DO YOU USE FACEBOOK?

- Assess the **character of the individual** 60.9%
- Learn if applicant will be **good representative of organization** 52%
- Learn information **not on applicants’ resumes** 39.8%

Survey results from Question 15
COMMENTS FROM EMPLOYERS: BENEFITS

“An employer can see qualifications on a resume but a personality on Facebook.”

“Facebook gives insight into one’s social connections and moral compass.”

“See if they look like a normal person.”
COMMENTS FROM EMPLOYERS: BENEFITS

“I get a sense of the ‘other side’ of the applicant that I won’t see during the interview process.”

“Facebook profiles can reveal information that would disqualify for employment consideration.”
WHY DON’T YOU USE FACEBOOK?

• Do not want to access information that is not job-related  64.8%

• Do not want to introduce bias in my decision-making  58.9%

• Do not want to access personal and private information  61.5% and 56.3%

Survey results from question #13
97% indicated that use of Facebook can introduce bias, with a stronger emphasis on creating a negative bias.

Employer comment:

“Facebook . . . sets up applicants for bias and premature judgment regarding their personality, morality and skills.”
FACEBOOK SHOULD BE USED

- **70.5%** Tend to disagree/Disagree
- **29.5%** Tend to agree/Agree

Survey results from Question 2
COMMENTS FROM EMPLOYERS: 
THE DARK SIDE

“Facebook is for friends to connect. The employer/employee relationship is different.”

“I feel uncomfortable looking at a personal web page . . .”

“. . . Not an accurate representation of an applicant’s professional capabilities.”

“Sway decisions inappropriately.”
FACEBOOK SHOULD NEVER BE USED

- **81.4%** Tend to agree/Tend to disagree/Disagree
- **18.6%** Agree

Survey results from Question 4
I CAN FIND LEGALLY-PROTECTED INFORMATION ON FACEBOOK

50.5% Not certain  38% Yes  11.5% No

Survey results from Question 10
EMPLOYER COMMENTS
LEGAL RISKS

“Is illegal and puts the company at risk.”

“May show disability, race, and ethnic background which could be used against the employer.”

“It subjects employers to personal information that could be in a protected class.”
THE EMPLOYMENT LAW ATTORNEY

“The clients with whom I have talked to … don’t want to violate the law and that’s first and foremost with everyone I’ve worked with in this area.”

Dennis Merley

Employment Law Attorney

Felhaber Larson Fenlon & Vogt
ATTORNEY INTERVIEWS: KEY FINDINGS

- Facebook challenges “contextual integrity”
- Use of Facebook as a tool has benefits
- Privacy can be protected, but not guaranteed
- Have a policy, train, maintain perspective
- “Privacy law pointing to greater protection”
RECOMMENDATIONS

• Develop an organizational policy
• Create and deliver legal hiring training
• Review and stay abreast of industry policies
• Incorporate a discussion on the ethics
• Continue dialogue and learning
KEY LEARNINGS AND NEXT STEPS

• Greater awareness needed

• Ethics matter: Is it legal? Is it balanced?
  How will it make me feel?

• Change in societal behaviors lags behind technology

• Greater privacy protection, more regulation

• Inform and educate my colleagues, employers
WHERE ARE YOU NOW?

Is it ethical to use Facebook as a tool in the applicant pre-employment screening process?

How has your opinion changed based on what you have learned today?
IT DOESN’T HAPPEN ALONE

“It Takes A Village To Raise A Child”

“It Takes A Large Community To Support A Graduate Student”
THANK YOU

- MAOL program advisors and faculty
- Thesis readers
- Writing Center
- MAOL classmates
- University of Minnesota and professional colleagues
- GoldPASS employers and attorneys
- My family
WHAT ARE YOUR QUESTIONS?
WANT MORE INFORMATION?

To receive an executive summary of my findings

Beth Lory
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Thank You For Coming Today!