

Confidentiality: The Candidates Bill of Rights

This document provides you, the senior executive actively taking steps to manage your career, with some important assurances.

In retained executive search, consultants endeavor to provide qualified candidates for clients who wish to fill senior-level positions. Although contractual obligations exist only between the search firm and client, search consultants also build professional and ethical relationships with candidates, whom they may remain in contact with over a period of years.

We believe that these relationships should be characterized by honesty, objectivity, accuracy and respect for confidentiality. Furthermore, we believe that the most successful executive searches involve a three-way partnership, whereby the candidate, the search firm and the client fully understand their rights, duties and obligations to each other during the search process. As such, we believe that all search candidates have a right to:

I. Confidentiality

When you become an executive search candidate, you put yourself at a certain amount of risk with your current employer. For that reason, you are entitled to the highest levels of confidentiality from the search firm and the client organization. To safeguard your confidentiality, the search consultant should:

- Following a meeting to discuss your candidacy, obtain your authorization before submitting your name and a report on you to the client organization.
- Upon your request, contact you directly rather than through your assistant or anyone else in your current company.
- Not contact references provided by you without your permission.
- Not discuss your potential candidacy with anyone outside the search firm, and ensure that all employees of the firm abide by the same rules.
- Caution the client to also safeguard your confidentiality.

It is important to remember that you do not become a search candidate until the consultant has conducted an initial evaluation of your suitability for the position and you have expressed an interest in it. If either of these two criteria are missing, you cannot be considered a candidate for the position. However, even if the position about which you are being contacted is not right for you at the present time, you may still benefit from conversations with search consultants by being kept up to date with the market for your skills and experience. Candidates not selected on one search may be selected on another.

II. Full Disclosure

In order to make the right decision, you need to know as much as possible about the search firm you are talking to, the position and the client organization. This ultimately requires full and open disclosure regarding:

- The nature and requirements of the position
- The compensation package
- Whether relocation is required
- Pertinent information regarding the client organization

Be aware, however, that during your first conversation, when you are still being evaluated as a potential candidate for the position, the search consultant is under no obligation to divulge confidential information about the position or the client. Only after you have been identified as a legitimate candidate should you expect the consultant to disclose more than the most basic information. Even then, there are times when certain information about the client must remain confidential until the final stages of the search process. The search consultant should also make clear whether he or she has been retained by the client to manage the appointment in question. Retained executive search consultants work under an exclusive contract with the client organization; and thus have not only

confidential access to the client on that assignment but have their full and committed attention. If the consultant fails to notify you of this important fact, do not hesitate to ask.

III. Timely Communication

The completion of an executive search assignment can often take several months, with many steps between initial contact and the ultimate hiring of the successful candidate. Once you become an active candidate, the search firm should communicate with you in a timely manner at each and every step of the process. This means proactively updating you on the progress of the search as well as responding in a timely manner to any inquiries initiated by you.

IV. Feedback

Based on his or her understanding of the position and the client's needs, the search consultant should give you an honest appraisal of where you seem to fit the opportunity and where you do not seem to fit. If at any point in the process the client decides not to proceed with your candidacy, the consultant should provide as complete an explanation of the client's decision as possible.

V. Professional Treatment

Search consultants are expected to comply with all the employment laws that apply to the normal hiring process. In addition, they should also demonstrate a high level of professionalism with each and every candidate. Professional treatment means that the search consultant:

- Has a clear understanding of the position and the client's expectations for it
- Conducts an organized, well thought-out interview
- Shows up on time and well-prepared for all appointments
- Demonstrates in-depth knowledge of the market and the client
- Answers all your questions in an honest and forthright manner

VI. Adequate Process Details

As a search candidate, you are entitled to know what to expect as the process unfolds. For example, what is the anticipated time frame for the first round of interviews? If you make the first cut, what happens next? Most search consultants will readily volunteer this kind of information. If they do not, make a point to ask. In particular, be prepared at any stage in the proceedings to ask:

- How long will this take?
- Who do I have to meet with before a decision is made?
- What time frame is the client working on?
- What is the next step?

VII. Respect for Your Time and Position

The search consultant understands that, as a senior level executive, your current position demands your full time and attention. When scheduling appointments and interviews, the search consultant and the client should demonstrate the utmost respect for your time, your position and your responsibilities to your employer.

VIII. Consistency Between the Search Firm and Their Client

The search consultant and the client should always do their best to be on the same wavelength in terms of the information they present to you. Keep in mind, however, that while the search consultant represents the client organization, they do not have complete control over the client's communication with you during the process. If changes occur that contradict the information given to you by the consultant, you should ask for clarification.

IX. No Pressure

The best executive search placements happen when the candidate has the time to make a measured, well-thought out decision. For this reason, the search consultant should never try to hurry your decision or put undue

pressure on you to accept an offer. However, the consultant should keep you informed of any deadlines imposed by the client and the implications for not making a decision prior to those deadlines.

X. A Trusting Relationship

If the search consultant conducts him or herself in a manner befitting these guiding principles, you should naturally develop an open and trusting relationship. Conversely, if for any reason you do not feel you can trust the search consultant or the client, you would be well served to withdraw from the process. Keep in mind that the best search consultants strive for more than just filling the position for their client; they want to help you make the best decision for you, your family and your career.

Concluding the Search

If the client decides to hire you to fill the position, you have arrived at one of the most important stages of the search process: negotiation of your employment agreement. This can involve highly sensitive issues in which the search consultant can play a crucial role of intermediary to ensure open and effective communication between client and candidate. Use this 'honest broker' channel of communication to candidly express any concerns or special requirements that you may have on terms and conditions. When the search process is completed and you have signed on the dotted line, some search consultants will stay in touch with you for three to six months to make sure that your transition into the new position is a success. Feel free to contact your consultant with major concerns that arise. He or she may well be able to help sort out problems, and diplomatic intervention by the search consultant will normally not be resented by the client. However, search consultants are not professional coaches, and thus their role here may be limited. If your candidacy does not result in a hire, most consultants will want to keep you in their pool of candidates for future assignments. They may contact you from time to time to maintain the relationship and keep you apprised of any upcoming assignments. They may also use you as a resource to help identify candidates for assignments that are not a good fit for you. If you developed a good relationship with the search consultant, you may want to take your own steps to maintain the relationship as well. Regardless of the outcome of the search, the consultant may not use your name or the results of the search as testimonials without your permission.

Putting Your Best Foot Forward

The executive search process is not a one-way street. Although you have a right to expect courteous, professional treatment from the search consultant and the client, there are a number of things you can do to facilitate the process and advance your standing.

- **Be honest.** Under no circumstances should you inflate your resume, misrepresent your work history or "hold some cards back." Also, be genuine about your interest (or lack of) in the position. Complete and accurate disclosure by the candidate is an essential element in the search process.
- **Be flexible.** Make every effort to fit appointments and interviews within your schedule.
- **Educate yourself.** Conduct your own due diligence on the search firm and the client organization, and understand the unique value of retained executive search consulting.
- **Have realistic expectations.** Understand that the process takes time and that you will be one of several qualified candidates.
- **Negotiate in good faith.** Do not lead search consultants to believe you are negotiating only with them if you are considering offers from more than one organization.

Above all, do not think you have a "done deal" just because you develop a close relationship with the search consultant. Remember that the consultant's job is to present several qualified candidates to the client, and it is the client who makes the ultimate decision.