

# Tips for Providing References

## Suggested Guidelines for Faculty, Staff and Other Student Reference Providers

Discuss the type of reference that you will provide with the person who asks you to be a reference. If you cannot provide a good reference, be honest with the individual. Don't promise a "glowing reference" and then provide merely a "glimmer."

Follow your organization or department's policy regarding providing a reference. If references are handled in a centralized fashion, advise the prospective employer that even though you may be named as a reference, your organization's policy prohibits you from providing the reference. Direct the employer to the appropriate person in the organization.

If "to whom it may concern" reference letters are requested, document that this is the type of reference requested and that the student or job applicant takes responsibility for disseminating the letters to the proper persons.

Respond to the specific inquiry about the student or job applicant. Direct the response to the particular person who requested the information.

Relate references to the specific position for which the person applied and to the work that the applicant will perform.

Information given should be factual, based upon personal knowledge/observation of the person through direct contact with the person or obtained from the person's personnel record or student record.

Avoid giving personal opinions or feelings. If you make subjective statements or give opinions because they are requested, clearly identify them as opinions and not as fact. If you give an opinion explain the incident or circumstances on which you base the opinion.

Don't guess or speculate-if someone asks you questions regarding personal characteristics about which you have no knowledge, state that you have no knowledge.

## A Note About Legal Issues

The employment reference, or recommendation, has traditionally been considered an important part of the college recruiting process. Graduating students include reference letters in their graduate school/employment applications as further documentation of their credentials, motivation, and overall skills. Employers or graduate schools, on the other hand, often review reference letters and conduct reference checks to verify a graduate's background and qualifications.

Until the early 1980s, employment references served their purpose relatively well. They tended to be candid and were sometimes painfully honest. However, in recent years, faculty, administrators, and employers have grown reluctant to provide frank information about their former students and employees, either verbally or in writing.

This reluctance stems from an increase in the number of lawsuits charging reference givers with slander and libel—even where accurate information was released to prospective employers. To combat the issue, 35 states (Minnesota included) passed "reference immunity laws" which protect prior employers when they provide "good faith" references to prospective employers. Unfortunately, these laws do not necessarily cover references from faculty or administrators unless they can be considered "prior" employers to the students for whom the references are given. These reference providers must rely on the defenses available to them under the common law.

At the same time, another trend has emerged. There has been a noticeable rise in the number of lawsuits against employers and referral agencies for hiring and referring candidates who were unfit for their jobs and who also harmed innocent third parties. Often, the basis of these negligent hiring and referral lawsuits is that the employer or agency failed to conduct a complete reference check on the candidate or misrepresented the qualifications and characteristics of the candidate. To complicate the issue further, this "negligence" results, in part, from fear of being sued by the job candidate or former employee on the grounds of invasion of privacy.

These two trends require reference providers to carefully balance their obligation to give useful reference information while protecting oneself from litigation. A helpful resource from the National Association of Colleges and Employers that explores the legal issues surrounding references and referrals can be found on the following website: [www.naceweb.org/legal/providing\\_references](http://www.naceweb.org/legal/providing_references)

### **Suggestions for Operating Within Legal Guidelines**

Prior to providing a reference, obtain consent from the person about whom the reference will be given. If you are unaware that the applicant has named you as a reference, ask the prospective employer for verification that the individual has given consent for the reference. Such verification could include a copy of the student's signed application listing you as a reference, your name listed as a reference on the student's resume, or verbal confirmation by the student to you.

Informal lunch discussions or "off the record" telephone conversations with prospective employers regarding a person's performance should be avoided. There is no such thing as "off the record."

State in a reference letter, "This information is confidential, should be treated as such, and is provided at the request of (name of student or applicant), who has asked me to serve as a reference." Statements such as these give justification for the communication and leave no doubt that the information was not given to hurt a person's reputation.

Do not include information that might indicate an individual's race, color, religion, national origin, age, disability, citizenship status, sex (unless by the individual's name it is obvious), or marital status. Do not base an opinion of performance on stereotypes about individuals, for instance "for a woman, she excels in math."

Document all information you release.

## Sample: Faculty Reference Letter

Dear [Name of Employer]:

This reference letter is provided at the written request of [name of student], who has asked me to serve as a reference on [his/her] behalf. It is my understanding that [name of student] is being considered by your organization for the position of [job title]. Please be advised that the information contained in this letter is confidential and should be treated as such. The information should not be disclosed to [name of student, if student has waived access] or anyone in your organization who would not be involved in the hiring decision regarding this individual. Additionally, the information should not be disclosed to anyone outside of your organization without the consent of the student.

I have known [name of student] for the past [number of months, semesters, years] as [he/she] has taken the following courses which I teach: [list courses, give brief description of content of course]. As [his/her] professor, I have had an opportunity to observe the student's participation and interaction in class and to evaluate the student's knowledge of the subject matter. I would rate the student's overall performance in these subjects as average. This is evidenced by [his/her] grades--[state the grades].

[One or two specific examples of the student's performance may be appropriate.] As part of [his/her] grade in [name of course], the student was required to prepare a paper. The paper was designed to measure the student's ability to research, to analyze the results of the research, and to write. [Discuss how the paper submitted by the student indicated to you the student's skills in these areas.] Based upon this, I rate the student's skills competent but not excelling.

The one area in which the student performed above average was in oral communications. [Give specific example to support this.]

Based upon the student's academic performance and my understanding of the position for which the student is applying, I believe the student would perform (place overall evaluation here).

If you would like to discuss this further, please feel free to contact me.

Sincerely,

[Your Name and Title]

Adapted from the following sources:

"How to Write Reference Letters", National Association of Colleges and Employers, 2008

"Sample Faculty Reference Letter", National Association of Colleges and Employers, Downloaded January 2011

"Tips for Providing References", Principles for Professional Practice Committee, National Association of Colleges and Employers, 2008