

Tips for Providing References, Referrals or Letters of Recommendation

General Guidelines

- Your letter should be a statement of support for the individual. You should be truthful, positive and specific. It is perfectly acceptable to decline a request if you have serious doubts about the student/graduate, or if you are unavailable to respond to requests.
- Ideally, you want to be able to relate the individual's strengths, skills and abilities to the job, internship or graduate school. Therefore, we recommend you ask the individual to supply you with a copy of the job description, their resume, graduate school program information and any other supporting information.
- Avoid disclosing personal information that is not directly related to the hiring or admission process, for example, age, gender, marital status, health, religious affiliation, citizenship status, etc.)
- In general, keep the letter to one page. Proofread the letter carefully. If possible, plan to send your letter at approximately the same time the student/graduate plans to submit his or her application.

Content Suggestions for Letters

First Paragraph: Present the student/graduate by name and indicate that you are pleased to be writing a letter on his/her behalf. Indicate the context in which you know the individual and for how long you have known him/her.

Second/Third Paragraphs: Assess the individual's knowledge, skills and abilities using specific examples from your first-hand experience (i.e. creative design work, laboratory research skills, analytical abilities, etc). General strengths and attributes can also be discussed in this section (dedicated, congenial, well organized, etc.).

Last Paragraph: Reaffirm your recommendation.

** LEGAL ISSUES **

All quotations in this section are taken from:

The National Association of Colleges and Employers, Legal Issues newsletter, by Rochelle Kaplan, Esquire

This information is meant to be a resource and *not* legal advice. Norwich University faculty or staff interested in receiving a complete copy of this issue of the *Legal Issues* newsletter may do so by contacting the Norwich University Career Development Center at (802) 485-2125 or careers@norwich.edu. Any legal questions should be referred to the Norwich University Human Resources Office.

Key Sentences

- "Individuals other than employers who provide references are *not protected* under reference immunity legislation."
- "Information contained in the letter must be based upon facts that can be documented in the person's employment or student records."
- "A reference should not disclose information regarding an individual's race, color, religion, national origin, age, disability or gender – which also is referred to as 'protected class status.'"

- “Faculty and other school personnel who are asked to give references have an additional duty under FERPA. They must obtain the signed, written consent of the student to disclose information from a student’s education record.”
- “By identifying individuals for employment on a ‘regular’ basis, faculty or school personnel may be considered an “employment agency” for purposes of compliance with equal employment opportunity laws.”
- Faculty, administrators and career services should avoid screening resumes or students for employers.

Summary of Newsletter

“Thirty-nine states and jurisdictions have passed reference immunity legislation which potentially provides protection from civil lawsuits against *employers* who provide references for former *employees*. Individuals other than employers who provide references are *not protected* under these laws and must rely on the common law defenses – truth or qualified privilege – against charges of defamation. This means that faculty members, student advisers, and other school personnel who provide students with references would not be protected by the law, unless the student was an employee of the school. “

The paper goes on to say, “To be sure, evaluations of an individual’s performance, whether at work or in the classroom, are an integral part of the world of work and education. Information contained in the letter must be based upon facts that can be documented in the person’s employment or student records. Besides this simple rule of thumb, those providing references should be aware of certain limitations of what should be communicated in a reference letter (i.e. limitations arising out of discrimination law, the Family Education Rights and Privacy Act (FERPA), and case law on intentional misrepresentation liability), even if the information is truthful.”

“A reference should not disclose information regarding an individual’s race, color, religion, national origin, age, disability or gender – which also is referred to as ‘protected class status.’ (One caveat: In the case of gender, although using a person’s first name or a title, such as Mr. or Ms., in the reference is indicative of gender, this is not illegal.) References should not disclose any information that would be considered personal, such as economic status, parental/marital status, or any type of information which, if disclosed, would be considered an invasion of the person’s privacy.”

“Faculty and other school personnel who are asked to give references have an additional duty under FERPA. They must obtain the signed, written consent of the student to disclose information from a student’s education record. Thus, if the reference wants to disclose the student’s GPA or grades, the student must provide a signed, written consent prior to the disclosure.”

“Typically, employers contact faculty or other school personnel to request the names of students who would be good candidates for job opportunities. At first glance, it seems harmless to provide names of the ‘best’ students. However, there are some potential legal pitfalls. The equal employment opportunity laws prohibit employment agencies from referring or refusing to refer individuals for employment based upon the individual’s protected class status. By identifying individuals for employment on a ‘regular’ basis, faculty or school personnel may be considered an ‘employment agency’ for purposes of compliance with equal employment opportunity laws.”

For example, it is inappropriate to identify only minority individuals who might fit the needs of the organization, even when the employer is trying to implement a diversity initiative. “Referrers have an obligation to provide a fair system, i.e. one where all students have access to information about career opportunities.”

“Moreover, assessing whether someone is ‘the best and the brightest’ involves a subjective evaluation that, unless founded in some objective measure, could result in unintentional discrimination. In these situations, it is far better to refer all interested candidates. Faculty, administrators and career services should avoid screening resumes or students for employers. That is solely the employer’s responsibility since the employer knows the job and the skills required.”

BOTTOM LINE

In your role as professor, advisor or mentor, you may be asked to provide recommendations or referrals for students or alumni. Whether the requests relate to graduate school or employment, legal and career professionals (NACEweb.org) recommend you keep in mind a few key points.

1. Obtain written permission/request from the student or graduate you are recommending.
2. Address only first-hand experience with the student, and base personal opinions on fact.
3. Avoid personal matters.
4. Regard e-mail and telephone conversations as no different from formal communication.

To be in compliance with FERPA regulations, be sure you receive a **signed consent form (available below – please scroll to next full page)** from every student or graduate for whom you write a letter of recommendation or serve as a reference, whether this letter/referral is for a prospective employer or prospective graduate school admission. Please keep the signed consent form in your files.

Norwich University

A NOTE to STUDENTS and ALUMNI: In order to be in compliance with FREPA regulations, professors, coaches and advisors must receive this signed consent form from every student for whom s/he writes a letter of recommendation or serves as a reference, whether this letter/reference is for a prospective employer or graduate school admission.

Please bring this completed form with you when you meet with your professor/coach/advisor. Please ask him or her to ask you keep the signed consent form in your file.

Consent to Release of Education Records

I, _____, consent to the release of my education records, or discussion of particular projects, reports, records or grades, to my professors/coaches or advisors, listed below, for the purpose of writing letters of recommendation for me and/or for the purpose of serving as a reference for me with prospective employers and/or prospective graduate schools.

I understand that education records include, but are not limited to, information about my academic standing, disciplinary issues and financial obligations to the University.

I acknowledge that I may submit a subsequent notification in writing directing the University to no longer release information to any or all of the individuals listed below.

Norwich University is authorized to release information to the following individuals (please print clearly):

Name

Relationship to Student

Student/Alumni Name – please print

Class Year

Student/Alumni E-mail

Student A#

Student Mailbox

Phone Number

I have read and understand the information that I am releasing.

Student/Alumni Signature

Date