

## HOW TO WRITE A REFERENCE LETTER

The employment reference, or recommendation, has traditionally been considered an important part of the university/college recruiting process. Career services directors encourage, and in many cases require, that graduating students include reference letters as documentation of their credentials, motivation, and overall employment skills. Employers, on the other hand, often review reference letters and conduct reference checks to verify a graduate's background and qualifications. Also, employers may be asked write a reference letter for a co-op student or intern.

If you are asked to provide a reference, consider these questions:

- Who will see this information?
- Is the person asking for a reference entitled to that information?
- What is the purpose of the information?
- Is the information accurate?
- Is the information misleading?

The reference letter should be communicated in good faith to other individuals with a need to know. It should be factual and respond to the specific inquiry about the student or job applicant. It should relate to the specific position for which the person applied and the work that the applicant will perform. And, you should be able to document all information released.

For a reference to be defamatory, it must be shown that substantial evidence exists that the reference provider knowingly lied or had no idea whether a statement was true, which is considered reckless disregard for the truth. Reckless disregard for the truth includes a failure to verify circumstances where verification is practical.

## DISCRIMINATION LAWS

Any reference you provide should not disclose information regarding an individual's protected status. Moreover, providing references for only certain individuals based upon race, age, sex, national origin, disability, religion, or another protected class will expose you to potential liability. Individuals who provide references that seem to be generally positive for members of certain groups and generally negative for members of other groups on a consistent basis could be liable for discrimination.

Prospective employers requesting information should not ask for information that they could not request from the job applicant. However, the prospective employer may ask questions regarding dependability, absentee record, and use of drugs/alcohol on the job. If the position involves the safety and security of others, questions pertaining to violent behaviors can be asked.

## FERPA

Faculty or other school personnel who are asked to provide references have an additional duty under the Family Educational Rights and Privacy Act (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.

## SUGGESTED GUIDELINES FOR REFERENCE PROVIDERS

- Provide a written reference only if a student has given your name as a reference.
- Prior to providing a reference, obtain written consent from the person about whom the reference will be given.
- Before disclosing educational information covered by FERPA (e.g. student's transcripts, GPA, grades, and so forth) faculty and/or school personnel must obtain the written consent of the student. Failure to obtain such consent may constitute a violation of FERPA.
- Candidly discuss with the student or job applicant the type of reference that you will provide before you give a reference.

- Do not include information that might indicate the individual's race, color, religion, national origin, age, disability, citizenship status, sex (unless by the individual's name it is obvious), or marital status.
- The information you provide should be factual, based upon personal knowledge/observation of the student through direct contact with the student.
- Respond to the specific inquiry about the student or job applicant. Direct the response to the particular person who requested the information.
- If a "to whom it may concern" reference letter is requested, document that this is the type of reference requested and that the student or job applicant takes responsibility for disseminating the letter to the proper persons.
- Relate references to the specific position for which the person applied and the work that the applicant will perform.
- 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.
- Be able to document all information you release.
- State in the 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 this give justification for the communication and leave no doubt that the information was not given to hurt a person's reputation.
- Follow your organization'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 one.
- If you are unaware that the job applicant has named you as a reference, ask the prospective employer for verification that the person has given consent for the reference.
- Avoid informal "lunch" discussions or "off the record" telephone conversations with prospective employers regarding a student's performance.

<http://www.nacweb.org/public-policy-and-legal/legal-issues/how-to-write-a-reference-letter/>