

Providing Letters of Recommendation and References

Jennifer Guyer-Wood
Career Development Center
Minnesota State University, Mankato

Today

- Why provide references and letters of recommendation?
- Pitfalls and legal issues
- Best Practices
 - Permission and legal issues
 - Letters
 - Phone references
- A word on faculty referrals
- Case studies
- Resources

Why provide references and letters of recommendation?

- In general, references and letters
 - Provide meaningful and relevant information on abilities and achievements
 - Assist employers in determining fit
 - Provide students with an assessment of strengths and weaknesses
 - Allow you to reward and give an edge to stellar students/employees

Why provide references and letters of recommendation?

- Student workers
 - Demonstrate worker responsibility, achievement, skills, work ethic, leadership
 - Gives value to learning that occurs outside the classroom
 - Provide recognition and incentive

Pitfalls-Legal

- **FERPA-Privacy**
 - Only Directory information can be released without permission—and some students have opted out
 - Records of those who are employed as a result of their status as students (work-study, student workers, graduate assistants) ARE considered educational records

Pitfalls

- **Defamation**
 - To be defamatory, a statement must be false and must harm the person's reputation and lower his or her esteem within the community. A substantially true statement may be defamatory if it is incomplete and misleading. Statements of opinion are defamatory if they are based on unsubstantiated facts.
 - The general rule is that no defamation is committed unless the erroneous statement is written or spoken to someone other than the person about whom the statement is made.

Pitfalls

- **Negligent referral or misrepresentation includes the failure to disclose complete and accurate information about former employees**
 - Giving a good or neutral reference with knowledge that employee could harm someone
 - Giving a bad or incomplete reference and subject is unable to be hired

Pitfalls

- **Discrimination**
 - Disclosing information regarding an individual's protected status.
 - Providing references for only certain individuals based upon race, age, sex, national origin, disability, or religion, exposed you to liability.
 - Providing references that seem to be generally positive for members of certain groups and generally negative for members of other groups on a consistent basis is discrimination.

Pitfalls-Legal

- **Employment Law**
 - “Until recently, Minnesota employers were generally advised to adopt a policy of not communicating any information about former employees to prospective employers or to any other person, other than the dates of the employee’s employment and positions held by the employee.
 - **Minnesota law 406 now permits private employers to provide the information about employees or former employees without being subject to a legal claim by the employee”.**
 - Public employers are generally protected from liability under the Minnesota Data Practices Act 407 **if the employee gives written** consent to provide:
 - 1) employee evaluations and response contained in personnel record
 - 2) written reasons for separation from employment.

Pitfalls-Ethical

- **What situations have you faced?**

Best Practices: Permission

- Obtain written permission from students and employees when they ask you to serve as a reference.
- Tell your students and/or employees that you need written permission to serve as a reference.
- Be candid to the requestor about the type of reference you'll provide for him or her.

Best Practices: Letters of Recommendation

- If asked for a confidential letter of recommendation, obtain a signed permission statement from the student.
- Keep copies of all letters written.
- Be factual and base letters on personal knowledge or observation.
- Do not disclose protected class.

Best Practices for Letters of Recommendation

- Ask for a resume and a position description/job opening for if for a specific job
- If you've kept a file, you'll have things to include
- Make it truthful and specific.
- You can also write a general "to whom it may concern" letter.

Best Practices: Letters of Recommendation

- 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.
- Do you have writer's block?
 - <http://www.mnsu.edu/cdc/faculty-staff/recommendation.html>

Best Practices: Phone Calls

- Obtain the name, title, and phone number of the person requesting the information, verify that the number is indeed that of the company, and then call back to verify the caller's identity.
- If you get a reference call and you do not have permission from the applicant, either get documentation from the employer or from the applicant.

Best Practices: Phone Calls

- Record all information about a reference at the time it is given.
- Again, only provide factual information based on observations.
- Remember, there is no such thing as "off the record".
- Do not disclose protected class.

Providing references

- Again, ask for a resume and a position description/job opening for if for a specific job
- It is okay to say no if you wouldn't be able to provide a positive reference
- You can say to a caller that you aren't comfortable providing an answer to certain questions

A note on Referrals

- Be VERY careful not to discriminate intentionally
- Direct students to opportunities without bias
- Notify individual students who have declared an interest, but also post the position in your department and announce it to your classes and contact the CDC.

What if you're asked to refer minority students?

- You can make announcements in class, post signs in your department, notify minority students' organizations (e.g., societies of black, female, or Hispanic engineers), pass the request on to the CDC and Cultural Diversity.

Case Studies

For More Information

- An Employer’s Guide to Employment Issues in Minnesota (2006)
<http://www.mnsbao.com/PDFs/empllaw.pdf>
- National Association of Colleges and Employers
 - Legal Principles Involved With Reference Letters
<http://www.nacweb.org/public/reference2.htm>
 - *Tips for Providing References
<http://www.nacweb.org/public/reftips.htm>
 - Suggested Guidelines
<http://www.nacweb.org/public/reference1.htm>
- FERPA Reference Sheet for Faculty
http://www.uc.edu/registrar/documents/FERPA_Faculty_Reference_Sheet.pdf

In closing

- The process of obtaining references and letters of recommendation is something students need to learn about.
- When in doubt, you can refuse to serve as a reference. Students can learn from this as well.

Thanks for attending!

Jennifer Guyer-Wood
Assistant Director
Career Development Center
507-389-6061

Jennifer.guyer-wood@mnsu.edu

www.mnsu.edu/cdc

www.mavjobs.com