

How to Write Reference Letters

An Introduction to Writing Reference Letters

The employment reference, or recommendation, has traditionally been considered an important part of the college recruiting process. Career services directors encourage, and in many cases require, that graduating students include reference letters in their credential/employment files as further 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.

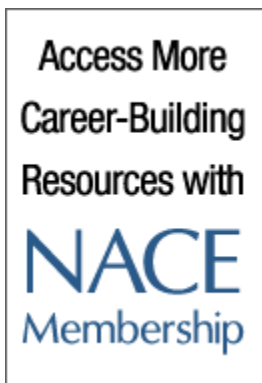
Until the early 1980s, employment references served their purpose relatively well. They tended to be candid and were sometimes painfully honest. However, in recent years, faculty, administrators, and employers have grown reluctant to provide frank information about their former students and employees, 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 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 have created a new dilemma in employment law. Simply stated, how can employers conduct a thorough reference check when reference givers are increasingly apprehensive about providing candid reference information? This brief, *Writing Reference Letters*, outlines the law regarding references, gives tips on preparing references, and provides samples of reference letters and the types of information that may properly be released during a reference check.

In the final analysis, providing a reference requires a careful balancing act between giving and gathering useful reference information and protecting oneself from litigation.



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