

## GUIDELINES FOR PROVIDING REFERENCES FOR STUDENTS AND GRADUATES

<b>Section</b>	Student Administration and Support
<b>Contact</b>	Deputy Vice-Chancellor, Students and Global Engagement
<b>Last Review</b>	July 2023
<b>Next Review</b>	July 2026
<b>Approval</b>	Deputy Vice-Chancellor, Students and Global Engagement

### Purpose:

To provide guidelines to staff for providing references for students and graduates of Massey University Te Kunenga ki Pūrehuroa.

### Guidelines:

Staff are frequently asked to provide references for students and graduates for employment or further study. This document offers staff advice on good practice in providing references in order that they are fair, transparent and adhere to the University policies. These guidelines do **not** apply to references regarding members of staff, which should be dealt with in accordance with the relevant HR policies and guidance. The reference should also not replace the formal confirmation of graduation – as this can only be provided through Student Registry or by accessing the Graduate Database Search (<https://www.massey.ac.nz/student-life/graduation/massey-university-graduates-database-search/>) for students who have graduated after July 1997.

Whilst the University encourages staff to give its students and graduates references to support them in gaining employment or furthering their studies, it is important to understand that there is **no obligation or duty** to provide a reference. If a student or graduate of the University approaches you to be a referee and you do not wish to do so, you are free to refuse if you have a legitimate reason for doing so. If you have been detailed as a referee without having expressly consented in advance and are contacted by a third party for the reference, you may still refuse to do so, although it is important to avoid implying a negative reference by a refusal (see 'refusing to give a reference' below) and to ensure that any refusal is not discriminatory.

### Privacy Protection

Personal details about a student or graduate **must not** be disclosed to third parties without a valid lawful purpose in accordance with the Privacy Act 2020 and the Official Information Act 1982. This includes providing the information in a reference, which are only to be provided with the express consent of the individual concerned.

All references should be provided in confidence to a third party requesting the reference unless the third party advises you that the information will be shared with the student/graduate in respect of whom the reference is made, or the student is asking for an open testimonial (see below). References must be disclosed to the individual under a Privacy Request <sup>1</sup> unless expressly or impliedly provided in confidence, so any references intended to be provided in confidence should state this in writing to avoid any ambiguity later.

Where a reference requests disclosure of sensitive personal information, or referees feel that such information needs to be included in the reference for the reference to be accurate and fair (see below), additional criteria apply

<sup>1</sup> Under Principle 6 of the Privacy Act 2020 <https://www.privacy.org.nz/privacy-act-2020/privacy-principles/>

for disclosure to be permissible. Please note however, that it is rare for a reference to need to disclose such information. Sensitive personal information includes, amongst others, information relating to an individual's:

- race.
- ethnic origin.
- politics.
- religion.
- trade union membership.
- genetics.
- biometrics (where used for ID purposes).
- health.
- sexual orientation or activities; or
- criminal records or allegations.

The Privacy Act 2020 provides a framework for protecting an individual's right to privacy of personal information, including through Privacy Principles<sup>2</sup>, which must be adhered to when processing and disclosing sensitive personal information. Note that academic misconduct, disciplinary and wellbeing issues, including disability, may be considered sensitive personal information. Consideration should however be given as to whether such information is relevant to the reference, particularly where any complaints or processes were found to be unjustified, or no action taken.

If you are considering disclosing sensitive personal information in a reference, either because you have been asked to or because you consider it is relevant to ensure that the reference is accurate and fair, then you should obtain specific consent to do so (in writing) from the student or graduate (as the case may be) beforehand. If you are unable to obtain that consent from them, then you should not disclose sensitive personal information in that reference.

If you feel that the only way you can give a true and fair reference is by including the sensitive personal information, but you do not have the student's or graduate's consent to do so, then the advice from the University is that you **should not give the reference**.

#### Purposes of the Reference

The purpose of a reference is to provide facts, confirm accuracy of statements in an application, and to provide relevant opinions such as a student's or graduate's suitability for a job, placement, internship, work experience, casual work, volunteering or further study and an applicant's general potential.

If the referee is asked for a reference by a student or graduate, the person seeking the reference should ensure that their referees have a copy of the job/placement specification, and the applicant's CV and/or job application prior to writing the reference, although the person seeking the reference may provide these. If you are asked to provide a reference and do not have this information, you should request it from the third party, the student, or the graduate.

#### Types of references

**Written references:** These take a variety of formats, such as hard copy or electronic pro-forma, or a free-form letter or email, or completed through a password-protected website. References should be sent from an official University e-mail or on a university letterhead. A copy of the reference, or wording submitted, should be retained by the referee.

**Verbal references:** Only in exceptional circumstances should verbal references be provided. Unplanned conversations must be handled carefully as they can be misheard and misinterpreted. If a telephone reference is

---

<sup>2</sup> Further information on the 13 Privacy Principles is available on the Office of the Privacy Commissioner's website at <https://www.privacy.org.nz/privacy-act-2020/privacy-principles/>

requested, make an appointment that allows you time to provide appropriate information and ensure you establish the identity of the caller and retain a record of the discussion. All verbal references should be followed up in writing. If an unplanned call is received, try to reschedule it to get time to obtain the necessary information to prepare a response.

**Open testimonials:** These may be requested by students/graduates or provided by staff as an alternative to confidential written or verbal references. It is important to ensure that an open testimonial is clearly dated. Keep to factual evidence including results, comment on the student's or graduate's skills, qualities and abilities, and any participation in extra-curricular activities.

#### Who should provide the reference?

The referee should be a member of staff who has had significant involvement in teaching or welfare of the student or graduate. Where this is not possible, a senior member of staff (e.g., the programme lead) can produce a factual reference giving opinions only when supported by evidence on file. References may contain input from more than one member of staff. The initial part of the reference should explain how the referee knows the student or graduate and why they are qualified to write the reference.

It is important to respond to the request for a reference as soon as possible.

This guidance does not cover the circumstances in which a reference is provided in a personal capacity rather than on behalf of the University. If a member of staff provides a reference in a personal capacity, this should be stated and the University's information or records, letterhead, e-mail, or logo must not be used. They should also not draw on their professional persona, other than as an indicator of good standing in the community.

#### Content of the Reference

**Legal issues:** There is no statutory duty to provide a reference, but referees are under legal obligation to use a duty of care when compiling references and are expected to take reasonable steps in preparation of the reference in order to ensure its fairness and accuracy. The reference must be true, accurate, fair, and not give a misleading impression. There is no obligation to provide any specific detail in the reference or for it to be comprehensive. In addition, any refusal to give a reference must not be discriminatory and should be for a legitimate reason only.

**Evidence:** References need to be evidenced wherever possible. Evidence can be drawn from a variety of records including the University's student record system. Avoid making wide statements of opinion that have no evidence such as "I think the student will pass".

**Factual accuracy:** Verification of information such as personal details, degree course, date of graduation, academic achievement, placement/internship experience, skills and knowledge developed during studies, must be undertaken carefully. Any information confirmed by the referee as true or untrue must be able to be evidenced. The provision of inaccurate, unfair, or misleading information could open the University up to liability to the individual or the third party.

**Fact versus opinion:** If requested, the referee should offer opinions only within their professional competence and discipline knowledge, and the reference should differentiate clearly between statements of facts and opinion. As far as possible, stick to facts and make sure opinions and comments (both positive and negative) can be supported by evidence from your knowledge of the student or graduate and their academic career. The reference must be based on attributes, such as knowledge, skills and competencies already demonstrated. Do not speculate on how these might equip the student or graduate to fulfil the role for which they are applying. Do not offer ambiguous or coded references, and positive or negative opinions that are not relevant to the position/placement for which the reference is sought. Avoid offering a personal view of the candidate's choice of career or area of study or wide statements such as "I think the student will do excellently in this role".

**Assessing competency:** Where requested, the reference may include information on the extent to which the student or graduate is qualified for the job/placement/study opportunity, what they can contribute, and how their skills, qualities and abilities match the position. You may be asked to comment on evidence of specific discipline and technical skills, teamwork, communication, and organisational skills, resilience, critical thinking, creativity, time management skills, languages proficiency, problem solving and digital skills. As noted above, comments on competency and suitability, both positive and negative, must be able to be evidenced from your knowledge of the student or graduate and their academic career. If necessary, use qualified statements and ensure that the opinion given is not wider than the staff member is able to give. The referee may prefer to decline to speculate and instead to simply limit their comments to offering an account of the student's or graduate's duties and performance they are aware of.

**Attendance record:** Care should be taken when referring to student attendance. Only where attendance is a requirement of the programme regulations can reference be made to poor attendance, although consistently good attendance can be included. Particular care should be given to comments about performance, attendance or sickness absence where there is a risk that these may give rise to discrimination or disclosure of sensitive personal information. Issues around health and disability are sensitive personal information and the student's or graduate's written consent is therefore required if these are to be mentioned in the reference.

**Negative Information:** If the information gives cause for concern, such as issues around disciplinary or fitness to practice/study matters, which could affect the student's or graduate's ability to perform the job in question, or otherwise includes negative information, the staff member should consider discussing their concerns with the student or graduate and providing them with the opportunity to address them or seek a different referee. Do not write a defamatory reference – the reference must be accurate and fair.

**Refusing to give a reference:** As detailed above, the University encourages staff to provide students and graduates with references unless there is a legitimate reason for not doing so. If you are unable to give a reference, offer a clear explanation of your reasons, because an unexplained refusal may be interpreted as a negative opinion. An alternative would be to provide a factual reference confirming dates, degree title, results and known participation in other activities. It is also important to ensure that refusal of a reference is not discriminatory.

**Former students:** If a referee does not have recent knowledge of the student or graduate, this should be clearly stated, and any reference provided should be factual only.

#### Recordkeeping

**Storing references:** Staff should keep references for a minimum of two years and store them securely in CRM in such a way that unauthorised access to the reference is not available.

**Student Information Access Requests:** Staff should be aware that individuals have the right to request a copy of the reference from the University or the third-party recipient of the reference, under the Privacy Act 2020, which in most instances would be withheld under the evaluative material exception to the Privacy Act, provided the reference was provided in confidence.

**Further Support:** If your reference is challenged by the student or graduate which it relates to, or you receive any additional queries from the student/graduate/third party, or you have any concerns about giving the reference, please seek advice in the first instance from your line manager. If you receive a request from the student or graduate (or a third party) for a copy of the reference, please refer the request to the University Privacy Officer. Where relevant, further information and/or advice on support services that may be available to the student may be included in the reference.



## **Definitions:**

“Personal information”: means information about an identifiable individual.

“Reference”: an endorsement of a person’s skills, attributes and/or achievements, made by someone familiar with their work, character and accomplishments.

## **Audience:**

All Massey University staff, students, contractors, and visitors to Campuses.

## **Relevant Legislation:**

[Official Information Act 1982](#)  
[Privacy Act 2020](#)  
[Protected Disclosures Act 2022](#)  
[Public Records Act 2005](#)

## **Related Procedures:**

[Information and Records Management Policy](#)  
[Fraud and Corruption Policy](#)  
[Fraud and Corruption Response Procedures](#)  
[Privacy Policy](#)  
[Protected Disclosure Policy and Reporting Procedure](#)  
[Staff Conduct Policy](#)  
[Student Complaints and Grievance Procedures](#)

## **Document Management Control:**

Prepared by: Student Administration and Support  
Owned by: Deputy Vice-Chancellor, Students and Global Engagement  
Date Issued: July 2023  
Last reviewed: July 2023  
Next review: July 2026