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Academic Guidance 5:

Provision of Academic References for Students

2024-2025

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Guidelines for Staff on the Provision of Academic References for Students

1. Members of staff providing academic references for students or graduates [herein referred to as "students"] of the University should read and comply with the following guidelines. It is accepted that such references may be written in connection both with applications for employment or for applications for further study, and the same principles apply in each case. Separate guidelines, implying the same standards of care and attention, are provided by Human Resources regarding the writing of references for members of staff of the University.
2. These guidelines were approved by the Regulatory Framework Committee in 2018.

In summary

3. **There is no legal duty to provide a reference**, however students have a reasonable expectation that they can obtain a reference from the University, and it is University policy to provide references where practicable. The most appropriate person to write such a reference will usually be the student's Personal Tutor.
4. Given that there is no legal duty to provide a reference, any person asked to provide a reference who is reluctant to do so, whether because it would have to be negative in some way, or because they do not know the student well enough, should either decline to provide it, but refer the student to someone else, or provide a factual reference simply confirming dates of attendance and grades to date.
5. In writing a reference, a referee should be mindful of a duty of care both to the subject and to the recipient of the reference.
6. Care should be taken to distinguish facts in a reference as opposed to opinions.
7. References to academic misconduct and/or disciplinary penalties that are on the student's record should not be included, unless there is a documented professional, regulatory or statutory body requirement to do so.
8. The advice of the [Academic Registrar](#) should be sought in any case where a referee is uncertain how to proceed.

The Legal Position

9. An inaccurate or disparaging reference can be the subject of an action for negligence or defamation against the University **and/or the individual author**. The author of any reference owes a 'duty of care' to the person about whom it is written. Where the author of a

reference is proven to have acted negligently, the subject of the reference does not have to prove 'actual loss' of an appointment, but only that s/he has lost a 'reasonable chance' of employment and has thereby sustained loss.

10. A duty of care is also owed to the recipient of the reference, who may also be able similarly to sue the University or the individual referee for negligence.
11. Care must also be taken to ensure that a reference does not discriminate against an individual in any way (e.g. by commenting about attendance where there is a risk such a comment discriminates on grounds of disability).
12. Spent criminal convictions must not be mentioned in providing references.
13. Any claims, potential claims, or threats made against the University should be notified to the Governance, Compliance & Legal Office as soon as possible so that, if necessary, the University's insurers may be informed.

Purpose of the Reference

14. There are two principal reasons for requesting a reference in support of an application:
 - (i) To confirm the accuracy of statements made in the application.
 - (ii) To provide opinions as to the candidate's suitability for the study or employment in question, and about his/her future potential.

Who Should Provide References?

15. In general, a student will have a justifiable expectation that the University will provide a reference if asked to do so. The most appropriate referee for a student will generally be the student's current or former Personal Tutor (or equivalent) unless both the student and the Personal Tutor agree that it would be more appropriate for another academic to provide the reference. If a student's Personal Tutor is asked to provide a reference but considers it inappropriate to do so, then the request should be passed to another more appropriate member of staff with a request that a reference should be provided. In some areas, it may be appropriate for it to be the final year project supervisor. For research students, references should normally be provided by the student's Research Supervisor.
16. Where a referee is unable to comment on specific aspects of a student's studies due to a lack of appropriate knowledge, care should be taken not to imply a negative reference, or that the referee is unwilling to comment upon those aspects. If any tutor is asked for a reference by a student and considers that it would not be possible for him/her to write

a helpful reference for that student, the student should be advised of this, so that s/he might seek an alternative referee. When explaining a refusal to provide a reference to an employer, it is helpful to provide factual information about a student's attendance and performance, but to preface that information with a comment to explain that the tutor has had insufficient contact with the student, or experience of his/her work, to make more balanced objective comments.

17. Requests for references addressed to 'The Registrar' or to 'The University' will be passed to an appropriate person via the Course and Student Administration (CSA) Office.

Process for Providing a Reference

18. A request for a reference will usually be made directly to the relevant Personal Tutor (undergraduate, postgraduate taught degrees) or Research Supervisor (research degrees). If the person requesting the reference is unsure who to direct the reference to, the request should be made to the Course and Student Administration Office as detailed from: [Academic references for students](#) - Certificates, award documents and verifications - Alumni - Kingston University London.
19. The person requesting the reference should provide sufficient details of the student or graduate so that they can be easily identified. Examples of such details are:
 - Student/graduate's full name
 - Student/graduate's date of birth
 - the course that s/he is or was studying
 - the date s/he graduated
 - details of the reference request
 - Contact Information
20. Where requests are made from prospective employers it is usual for these to be accompanied by a signed consent form from the student/graduate. Such requests would also normally come from a company email account or on headed paper. Where requests are made from 'personal' email accounts then the student's consent should be requested.

Principles for Providing a Reference

21. In responding to a request for a reference, the facts about the candidate's record and the opinion of the referee regarding his/her ability to undertake the new role should not be confused. If the referee offers an opinion regarding an individual's abilities, the reason for that opinion should be made clear. If challenged, evidence would be necessary to support such a view. "On her performance to date, she is likely to obtain a first-class degree" is clearly an opinion, while "She will get a first-class degree" could be construed as a statement of fact. Equally, "I believe that X is well-suited to this course" may be

- appropriate, whereas “X will be a great success on this course” is almost certainly not.
22. References should indicate how long the referee has known the individual concerned, and in what capacity. Facts stated about the individual should be checked as being correct. If the author is unsure of the accuracy of any factual information, it should be excluded.
 23. Writers of references should always bear in mind the need to be **fair** and **reasonable**, considering the duty of care owed to both the subject and the recipient of the reference.
 24. If the referee is asked to express an opinion about a matter where no unequivocal statement can be made, it is appropriate to make this clear. For example, if the request seeks information about an individual’s honesty and integrity, it would be appropriate (if true) to use a phrase such as “I know nothing that would lead me to question X’s honesty”.
 25. Ambiguous or coded language should be avoided, for example “X has worked entirely to his own satisfaction” or “You will be fortunate to get X to work for you”.
 26. Comments about an individual’s performance or ability should generally only be made where the referee would be prepared to disclose them directly to the individual concerned, or where they have already been the subject of discussion with them.
 27. Copies of any references written should be lodged on the student’s file in the relevant Departmental/CSA Office for future reference and processed in compliance with the [University’s Privacy Policy](#). Departments should consider implementing a policy of leaving at least the framework of a reference for each student on the student’s file at the point when s/he leaves the Department, since constructing a reference in response to a request many years in the future, perhaps when key members of staff have left, may otherwise prove problematic. Copies of references held should be removed and destroyed, 6 years after the student left the University, in keeping with the University’s retention schedule.
 28. References should be marked “confidential” on the envelope. Referees should be aware that e-mail may not be a secure means of transmitting personal information and should consider using alternative means if possible.
 28. Members of staff who provide a reference in respect of a present or past student should make clear in what capacity they are providing the reference. If the reference is provided in relation to the student as a student (or former student) of Kingston University and on behalf of Kingston University, the reference should be given on University headed paper. If the reference is provided in a private, personal or non-KU capacity, then University headed paper should not be used, and the

relationship of the referee to the student concerned and the fact that the reference is given in a personal capacity should be made clear.

Liability and Disclaimer

- 29 All references should contain the following disclaimer, preferably pre-printed on the stationery in order that it is clear that no reservations are implied about the specific candidate:

“This reference is strictly confidential and is provided to you in confidence and in good faith. The University can accept no liability for errors, omissions or inaccuracies in the information, or for any loss or damage (howsoever arising) that may result from reliance being placed on it.”

- 30 There is, however, no guarantee that such a disclaimer could not be challenged in court, and due care must therefore be exercised when producing a reference.
- 31 Any individual who is challenged over a reference they have written for a student should contact the University’s Governance, Compliance & Legal Office for advice, and should not under any circumstances admit liability.

Confidentiality and Disclosure of References

- 32 All references are given in confidence, but the University, or the recipient, may be required to disclose a reference under certain circumstances such as a request for disclosure by an employment tribunal or a court dealing with a negligence or defamation case, or following a subject access request under The Data Protection Act 2018 (‘DPA’). The overriding principle when giving a reference is: ‘Do not say anything about the subject of the reference that you would not be prepared to say to them in person’. **It is advisable to assume that a reference will be available to the student at a future date.**

Telephone or Oral References

- 33 Requests for telephone or verbal references should be declined other than in exceptional circumstances, such as when the candidate’s consideration for the position sought might be compromised by a refusal. Otherwise, a reference usually merits more consideration than a telephone conversation generally allows. Great care should be taken when it is considered necessary to provide a telephone or oral reference. Information given orally can be misinterpreted in its transmission to an Interview Panel, and so when such requests are met, simple and clear language should be employed. If an oral reference is to be given, steps should be taken to verify the identity of the enquirer by undertaking a ‘return-call’, and notes should be taken of the conversation. A written reference should always be sent immediately in

support of any oral reference. Nothing should be said in any oral reference which the referee would not also be willing to put in writing.

- 34 There is no difference in the status of references provided in hard copy, electronically, or orally (though the latter are harder to evidence).

Unsolicited References

- 35 It is generally inadvisable to provide unsolicited references addressed 'To whom it may concern'. If, exceptionally, such references are provided then they should be restricted to confirmation of factual information such as dates of study, class of award, etc.

Positions Already Offered "Subject to Reference"

- 36 Where a request is received which states that a position is being offered to the individual concerned "subject to reference", such a request should be construed as having as its purpose the need to verify factual information about the candidate. While clearly the interests of the individual being refereed will be taken into account, it is generally best to restrict such references to statements of fact, and to avoid providing opinions about suitability or potential.