

Owner:	Student Lifecycle
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Student Reference Policy

1. SCOPE AND PURPOSE

- 1.1 This policy and its associated procedures explains Bournemouth University Higher Education Corporation's (**BU's**) approach to providing references for existing and former students of BU. Separate policy and procedures are available for providing staff references.
- 1.2 This policy and associated procedures apply to:
- 1.2.1 all employees of BU, whether permanent or temporary, and workers, casual and agency staff and volunteers when working in or for BU (**Staff**). To avoid doubt this includes visiting faculty when working in or for BU; and
- 1.2.2 all of the following BU representatives:
- all external members of the BU Board when acting in that capacity (**External Members**);
 - all employees, directors or trustees of BU's wholly owned subsidiary companies (**Subsidiary Representatives**); and
 - all other persons when working in or for BU, whether directly or indirectly, such as external members of Faculty or BU committees, individuals that BU appoints as directors of any company, fundraisers, consultants and contractors (**External Representatives**), together, **BU Representatives**.
- 1.3 Breach of this policy and its associated procedures in force from time to time may constitute a disciplinary offence for Staff and Subsidiary Representatives and will be subject to investigation under BU's disciplinary procedures. For External Members and External Representatives, breach of this policy and its associated procedures, may result in other contractual or legal sanction.
- 1.4 Staff or BU Representatives may be approached to provide a reference on a personal basis. **An individual providing a reference (Referee) in a *personal* capacity must not use BU's headed paper or anything else that may link the reference to BU, and the fact that the reference is given in a personal capacity should be made clear. Please note that when giving such a reference, the Referee will not be covered by BU's insurance policy.**

2. LINKS TO OTHER BU DOCUMENTS

- 2.1 [Data Protection Policy](#)
- 2.2 [Staff Reference Policy](#)

Policy

3. POLICY STATEMENT

- 3.1 Whilst as a general rule there is no legal obligation to provide a reference, it is BU's usual policy to provide references in respect of its current and former students when requested to do so by a prospective employer, educational institution or other body which has a legitimate interest in receiving such a reference. Please see paragraph 4.4 below in relation to the content of references for students who completed their course more than 3 years ago.
- 3.2 When providing a reference, a duty of care is owed both to the student and the recipient of the reference. Defamatory, discriminatory, inaccurate or misleading references could give rise to claims against the Referee and/or BU by the student and/or the recipient of the reference. Referees must use reasonable care and skill in preparing the reference to ensure it is true and accurate and it gives a fair overall impression.
- 3.3 Where a student requests a copy of their reference after the reference has been provided, the Referee would generally be expected to supply a copy to the student (see paragraph 11 below regarding Data Protection).
- 3.4 Reference requests must be dealt with promptly and with consistency and in accordance with the procedures below.

Procedures

4. **RESPONDING TO A REFERENCE REQUEST**

- 4.1 Where a student reference request is received, except where paragraph 4.2 below applies, the reference should usually be provided by the student's personal tutor or framework/programme leader or, in the case of research students, their supervisor. Where another member of staff is approached for a reference, they should consult with the personal tutor, framework/programme leader or supervisor as appropriate and may provide a reference with their approval. See paragraph 7.4 below for situations where input may be provided by Additional Learning Support.
- 4.2 In the case of a request for confirmation of award and study dates (**Confirmation of Study Request**), details must be confirmed from the central electronic student record. In most cases these requests will be dealt with by Student Lifecycle.
- 4.3 In the event that the proposed Referee is the subject of a complaint by the student, a different member of staff should provide the reference to minimise the risk of issues arising, and the student should be informed of the change in Referee. In this situation the Dean of the relevant Faculty should be involved in the decision regarding who the new Referee should be.
- 4.4 References for former students who completed a BU course more than 3 years ago should, as a general rule, be limited to setting out the student's study dates and confirmation of award. Referees should inform the former student of this before providing the reference, and the reason for the limited information should be stated in the reference. The process outlined in paragraph 4.2 above (relating to Confirmation of Study Requests) should be adhered to.
- 4.5 Where the proposed Referee does not feel comfortable about providing a reference, they should speak to Legal Services (see paragraph 12 below).

5. **OBTAINING STUDENT'S CONSENT**

- 5.1 The Referee should ensure that the student has given his/her written consent for a reference to be provided. Where a student makes a verbal request, he/she should be required to follow up in writing (e.g. by way of an email) confirming his/her consent to BU providing a reference.
- 5.2 The Referee should retain a copy of the student's consent on the student's file within the Faculty (see paragraph 13).
- 5.3 Where a response to a Confirmation of Study Request is provided by Student Lifecycle in accordance with paragraph 4.2 above, Student Administration must obtain and keep a copy of the student's consent (see paragraph 13).

6. REFERENCE CONTENT

- 6.1 It is the responsibility of the Referee to ensure that the information provided is true, accurate, fair and not misleading.
- 6.2 All references should be marked 'Private and Confidential' and for the attention of the addressee only.
- 6.3 Except in the case of (i) a Confirmation of Study Request or (ii) where the reference request is in the format of a blank form to complete, Referees should set out the general scope of the reference by way of an opening paragraph so that it is clear what is, and what is not, covered by the reference. For example in relation to students who completed their courses more than 3 years ago, BU's policy on the information to be provided should be explained at the outset – see paragraph 4.4 above.
- 6.4 Facts and opinion should be differentiated. If an opinion is offered about the abilities or potential of a student, the Referee must be qualified (i.e. have the relevant knowledge) to give such an opinion and the opinion stated should be based on facts known to the Referee and supported by evidence. The Referee must take reasonable care to ensure the accuracy of all facts stated in the reference and/or any facts upon which an opinion is based and must refer to relevant records where appropriate.
- 6.5 A Referee must not deliberately omit positive facts or focus only on the negative facts, as this may create an unfair impression of the student.
- 6.6 There is no requirement for a reference to be full and comprehensive and it can be limited to the bare facts, for example the dates of the student's course, the course title and in what capacity the Referee knows the student (provided that the relevant information has been checked in accordance with paragraph 4.2 above). However a reference must not give a misleading impression through omission so this approach should only be taken where there is a reason to do so (for example where paragraph 4.4 above applies and/or the Referee has insufficient knowledge of the student to give more detail), and the reason should be explained in the reference. It is important to make clear that no negative judgment of the student is implied by lack of information given.
- 6.7 Please see paragraph 9 below in relation to references where the Referee is concerned that the content of their reference may be detrimental to the student.
- 6.8 Except in the case of a Confirmation of Study Request, a disclaimer should be included in all references as set out in Appendix 1. Where the reference request is in the format of a blank form to complete and does not allow for inclusion of the disclaimer, the disclaimer should be attached to the form and specific reference made to it within the form itself.

7. SENSITIVE PERSONAL INFORMATION

- 7.1 Information relating to the following must **not** be provided without the student's explicit written consent, and, in most circumstances, will not be relevant in any event:

- a) racial or ethnic origin;
- b) political opinions;
- c) religious beliefs (or beliefs of a similar nature or non-belief);
- d) trade union activities;
- e) physical or mental health (including any disability) or responsibilities caring for others with a disability;
- f) sexual life including orientation;
- g) criminal offences;
- h) age;
- i) gender reassignment;
- j) pregnancy and/or maternity; and
- k) marriage or civil partnership.

7.2 A Referee might be asked to provide information regarding a student's attendance record.

- a) Basic details of the student's attendance may be disclosed as long as information about the student's physical or mental health is not revealed.
- b) When providing information about a student's sickness record (as distinct from their attendance record) and/or reasons for periods of absence, Referees must obtain the student's explicit written consent. The Referee should show the student this section of the draft reference and seek their written approval before disclosing it (see paragraph 9 below on *Concerns about Content*).

7.3 Where a student has a disability, Referees should not assume that the student has chosen to declare this. Referees must not make any reference to a student's disability without the student's explicit written consent. Referees must consider carefully any comments relating to performance issues arising from a disability which has not been disclosed; the reference must be fair, accurate and not misleading.

7.4 Where a student has chosen to disclose a disability and specifically requests that his/her reference addresses issues relating to the disability, the Referee should consult with Additional Learning Support (ALS). In such cases (and/or in cases where a student has approached ALS directly) it may be appropriate for staff within ALS to provide part of the reference in order to address employability issues arising from the student's disability and/or regarding reasonable adjustments. Any such input provided by ALS must be provided only in accordance with this policy and in consultation with the main academic Referee within the Faculty.

8. DISCIPLINARY MATTERS

8.1 Referees should only disclose a student's disciplinary record, including any academic offence(s), where directly relevant in the context of the particular reference request. The Referee should ensure that any comments are based on accurate facts and that the Referee is presenting a balanced picture that is not misleading.

8.2 Referees should not mention in the reference any complaints or allegations concerning the student of which the student is unaware and to which the student has not had the opportunity to respond. If a student has withdrawn from a programme before a disciplinary procedure has ended, then provided the student has been made aware that such matters may be referred to in a future reference, they can be referred to even though the student has not responded in

detail. Such references must be fair and accurate and not provide a misleading impression, and a Referee should speak to Legal Services if they are unsure of how to proceed in such a case.

- 8.3 Where a Referee proposes to disclose disciplinary matters in a reference and has concerns about the potential impact on the student, the Referee should tell the student what they plan to write on this point and give the student an opportunity to reconsider their request for a reference (see paragraph 9 below on *Concerns about Content*).

9. CONCERNS ABOUT CONTENT

- 9.1 Where a Referee is concerned that in complying with their duty to respond to a reference request accurately and truthfully, and based on the evidence available, they will be presenting an overall negative impression of the student, the Referee should tell the student what they propose to write and give the student an opportunity to reconsider their request for a reference.
- 9.2 If the Referee has continuing concerns about the content of the reference, they should consult Legal Services.
- 9.3 Please note that in some circumstances where information is required by a professional body for registration purposes and the Referee is unable to contact the student, then there may have to be further consideration of what information can be provided, on the basis that data protection issues may arise. Referees should speak to Legal Services in such cases in order to ensure that an appropriate reference can be given which is fair and accurate and complies with data protection rules.

10. VERBAL REFERENCES

- 10.1 It is BU's general policy that verbal references (either in person or over the telephone) should **not** be given. There is a risk that such references may be misinterpreted and/or misrepresented by the recipient. With telephone calls and unsolicited requests, it may not be possible to satisfactorily identify the caller thereby risking the unauthorised disclosure of a student's personal data to a third party. For these reasons, wherever possible, reference requests should be received and responded to in writing.
- 10.2 If a verbal reference is deemed unavoidable, then the Referee should:
- 10.2.1 obtain the student's written consent;
 - 10.2.2 satisfy themselves of the identity of the caller;
 - 10.2.3 make a contemporaneous file note of what was said; and
 - 10.2.4 follow up the conversation immediately in writing confirming the contents of the reference and asking for acknowledgement of receipt (such written confirmation to be retained in accordance with paragraph 13.1 below).
- 10.3 The Referee should not provide any information in a verbal reference that they would not put in writing, and in particular should not reveal any sensitive personal information (see paragraph 7 above).

11. DATA PROTECTION

- 11.1 The student's consent is required before providing a reference (see paragraph 5 above). This should be in writing, whether by way of an email or a letter, and copies should be retained in accordance with paragraph 13 below.
- 11.2 Referees must obtain the student's explicit consent before disclosing information relating to *sensitive personal data* as defined in the Data Protection Act 1998 (see paragraph 7.1 above for a list that includes such matters).
- 11.3 The student may be entitled to see his/her reference, even when the reference is expressed to be 'in confidence', and the Referee should bear this in mind. The reference should not be

written in such a way that a Referee would not want the student to read it (see paragraph 9 above).

12. CAN A REFEREE REFUSE TO PROVIDE A REFERENCE?

- 12.1 It is BU's usual policy to provide references for current and former students, and there must be valid grounds for refusing to do so. A refusal to provide a reference could be interpreted negatively and have serious adverse consequences for the student (see paragraph 9 above).
- 12.2 Referees must consult Legal Services before refusing to provide a reference.

13. RETENTION

- 13.1 Referees must keep copies of: the reference (including written confirmation of a verbal reference), the student's request to provide a reference, and the student's consent to the disclosure of sensitive personal data and/or approval of a reference (where required in accordance with these procedures). Copies should be kept on the student's file within the Faculty for a period of 6 years from the date the reference is provided.
- 13.2 Where a response to a Confirmation of Study Request is provided by Student Lifecycle in accordance with paragraph 4.2 above, Student Lifecycle must obtain and keep copies of: the reference, the student's consent and any associated documents. Copies should be kept for a period of 2 years from the date the reference is provided.

Appendix 1

Disclaimer to be included in all references

“The above information is given in confidence and good faith. No responsibility can be accepted by Bournemouth University or any of its officers or employees for any errors, omissions or inaccuracies in the information or for any loss or damage that may result from reliance being placed upon it.”