

NEGLIGENCE IN WRITING LETTERS OF RECOMMENDATION

BY CAROLYN STONE, ED.D.

Scenario: Mia, one of your seniors, asks you for a letter of recommendation. You have not worked with Mia other than a brief conversation over a schedule change. You asked a teacher who happened to be in the school counseling office what he thought of Mia. His opinion was that Mia excels academically (as confirmed by her transcript) and athletically but lacks character; “always in it for herself, not a team player.” This teacher appeared to know what he was talking about so you sent the university a letter emphasizing Mia’s self-centeredness. Are there any legal and/or ethical issues that may arise from this process?



In a 2010 court case, *McCoy vs. Rockwood School District*, Shannon McCoy and her parents brought a civil suit against the district. Shannon McCoy was a Missouri state champion swimmer and high school graduate. The suit alleged that her school counselor and principal defamed her character and purposely caused emotional stress. McCoy’s parents maintain that her scholarship was withdrawn due to a libelous and fabricated letter of recommendation submitted by her high school counseling department. According to the suit, McCoy was an exemplary student who maintained a 3.0 grade point average and received many athletic accolades such as a school board award four times for being the “epitome of Rockwood spirit.” However, the recommendation by the school counselor emphasized McCoy’s deficiency in initiative, character, integrity, leadership and community service.

The McCoy’s contended that the school counselor’s “evident disregard of McCoy’s positive traits and later her confession of not having had any personal interactions with McCoy was evidence of a premeditated fabrication.” Upon receiving the letter from the school counselor, Colorado State University withdrew McCoy’s acceptance, ostensibly leaving her without options for a scholarship at any four-year institution. McCoy was later reinstated with her full scholarship to Colorado State, but the family maintained its suit for loss caused by the ordeal.

College admissions officers view a letter from a high school counselor as a powerful statement of accuracy about a student. The Independent College Counselors & Educational Consultants’ website says, “Recognize and respect the fact that high school counselors/advisors have the perspective of knowing students in the context of school settings over an extended period of time. Their assessment of students includes academic potential through teacher feedback, as well as observed involvement and demonstrated leadership in campus activities.”

For a number of universities and colleges, school counselor recommendations play a pivotal role in the application process. According to the National Association for College Admission



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"I only agree to write a letter if the student is someone for whom I can write a positive letter." Thirty-seven percent said, "If I cannot write a positive letter, I explain to the students that they would be in a better position to seek a letter from someone else."

Counseling's 2011 State of College Admission report, nearly two-thirds of colleges and universities attribute considerable or moderate importance to school counselor and teacher recommendations in determining which academically qualified students they would choose for admission

In an April 2013 survey, 558 ASCA members responding said they write letters of recommendation. Of the 558 respondents who work with students who need letters, 12 percent said, "I only agree to write a letter if the student is someone for whom I can write a positive letter." Thirty-seven percent said, "If I cannot write a positive letter, I explain to the students that they would be in a better position to seek a letter from someone else." Six percent said, "I will write letters and include negative comments, but I make certain I can back up the statements with other reliable sources as well as first-hand knowledge."

It is hard to justify negative comments when there is no first-hand knowledge and the only engagement with the student was a schedule change. The only anecdotal information in introductory case scenario was from a brief chance conversation with one teacher.

Fortunately, this same 2013 survey revealed school counselors are not comfortable including negatives in letters. If they cannot write a strong letter of

recommendation, school counselors prefer not to write a letter at all. Rather than write a negative or derogatory letter, school counselors explain to the student, “I am not a good choice as you would get a stronger letter from someone who knows you better” and in some cases just bluntly explaining that their letter would hurt and not help the student.

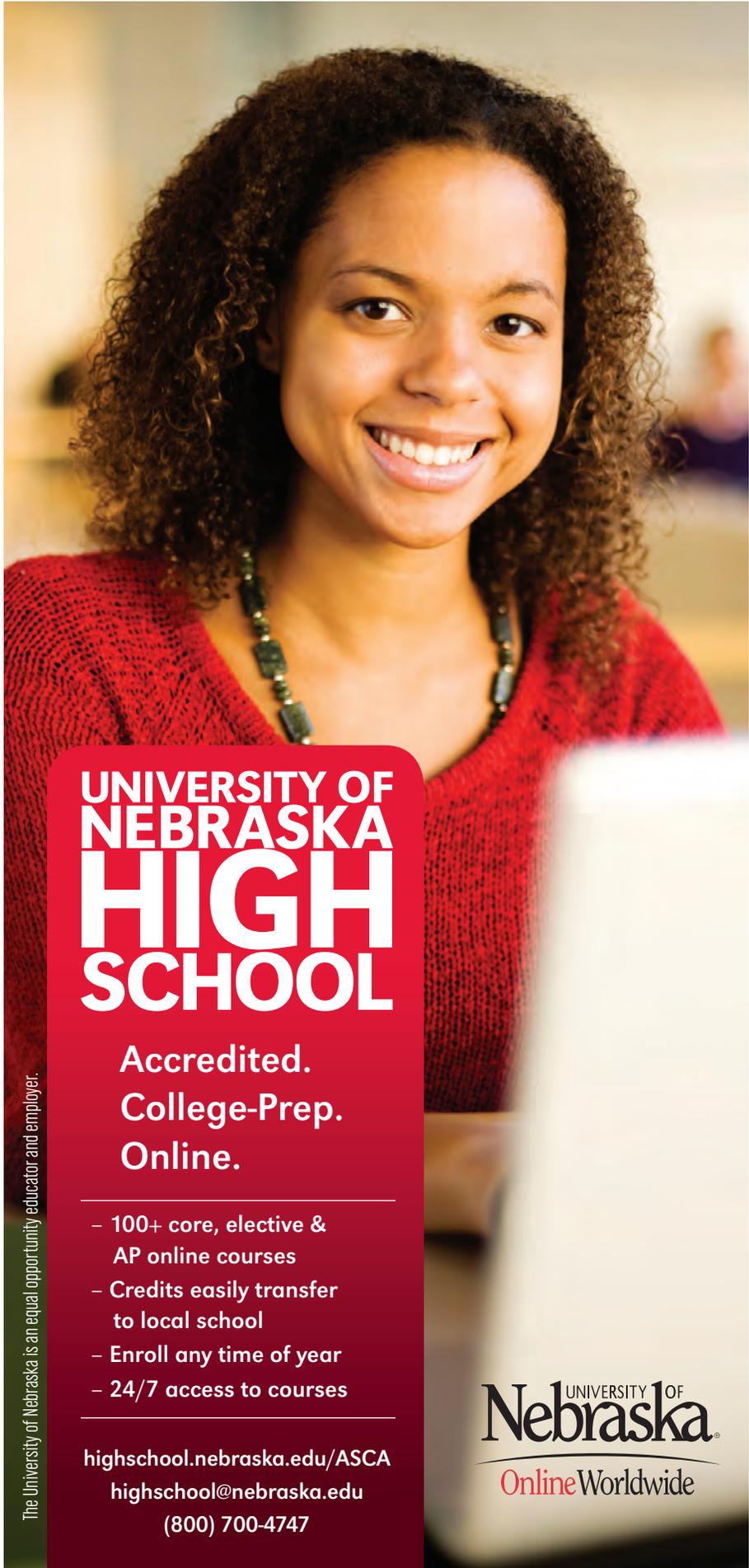
When school counselors are required by their schools to write letters, school counselors tell me they stress the student’s assets and make little or no comment on the student’s deficits as university admissions personnel are able to “read between the lines.”

The McCoy court case informs the profession that if for some reason a school counselor feels compelled to include negative comments in a letter of recommendation, then it is imperative that personal knowledge and, ideally, more than one reliable source is needed to substantiate negative remarks.

The survey supported the widely held belief that school counselors who agree to write letters of recommendation are using time-saving, efficient techniques to learn all they can about the student. Techniques school counselors use for documentation and help with information include teacher checklists about students’ strengths/weaknesses and students’ responses to a school-counselor-generated form about information they would like shared in a letter, such as their strengths and challenges they have overcome with examples to support their claims. A small percentage use parent or guardian questionnaires. 

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To submit your questions for a future Legal/Ethical column, e-mail them to ethics@schoolcounselor.org.



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