

## *A Letter of “Non-Recommendation”*

Professor Merlin has never gotten along well with his postdoc, Dr. Lancelot. The reasons seem elusive. Lancelot was a very independent researcher from the start, who never seemed to want Merlin’s mentoring or advice. Merlin, on the other hand, was not a particularly warm or congenial fellow and only helped his postdocs if they asked him. Nevertheless, Lancelot was no slouch, having published 2, first-author papers (with another two in the hopper) while working in Merlin’s lab. Unfortunately, their relationship has become even more distant over the last 4 months, as Lancelot is finishing his postdoc and is applying for academic positions at other research institutions. Lancelot has decided not to ask Merlin for a letter of recommendation because he feels certain that Merlin’s letter would be less than glowing.

Merlin learns about one of Lancelot’s job applications and knows the individual who is supervising the search. Merlin is upset that Lancelot neither informed him of his application nor asked for a letter of recommendation. He sends the search supervisor an unsolicited email in which he (Merlin) offers a rather negative opinion of Lancelot.

The search supervisor knows both Merlin and Lancelot personally and has come to admire Lancelot’s work. He contacts Lancelot and, while not sharing the details of Merlin’s email, tells him about Merlin’s unsolicited “nonrecommendation.” Lancelot is stupefied and enraged by this revelation and considers legal action against Merlin.

Does Merlin have a right to offer his opinion in the manner he did? Was he prudent in doing so? What should Lancelot be advised on proceeding?

### *Expert Opinion*

Although this scenario has obvious legal dimensions, the reader needs to know that nothing in what follows should be understood as legal advice or recommendations. None of the consultants whose thoughts appear below are in a position to offer such counsel, but even if they were, jurisdictions differ dramatically on what causes of action and defenses might be available to parties in a case like this or how evidence might be interpreted. Also, we don’t know enough details, especially per the contents of Merlin’s letter of nonrecommendation, to make legally informed comments. Therefore, readers who desire a legal opinion on a scenario like this one are advised to seek such from a licensed attorney.

With that said, this case resembles so many of the others on this website: That with some sensitive as well as aggressive communication early on by Merlin and Lancelot, this very unpleasant situation could easily have been averted. Hindsight is always 20/20, but as so many mentoring dilemmas demonstrate, core problems often do not reside in the quality of an individual’s work but rather in the psychodynamics of the mentor-mentee *relationship*. This seems to have occurred in the above.

Lancelot is apparently doing excellent and productive work, yet his professional relationship with Merlin is deteriorating for reasons that are unknown. We believe that no matter how independently-spirited Lancelot might be, his choosing to manage that deteriorating relationship by distancing himself and his work from his mentor is ill advised. What Lancelot should have done from the start—and what, we believe, every postdoc should appreciate and practice—is to maintain a reasonable degree of communication with the

mentor that updates him or her on any issues that reasonably affect their professional relationship and its goals. We have recommended elsewhere—see, for instance, the case “The Nutty Professor,”—that postdocs should *take the lead* in sculpting the mentor-mentee relationship. They should meet with their mentors regularly and discuss their experiments and progress. Postdocs simply cannot dismiss the importance of maintaining their mentors’ good will and advocacy.

On the other hand, Merlin seems to have dramatically failed in his mentorship role. As a mentor, Merlin should at least provide periodic supervision, constructive criticism, and support to his mentees. If their work is inadequate, he must inform them of that, explain why, and assist them to improve whatever deficiencies they have. Consequently, Merlin’s mentoring-at-a-distance-and-only-if-you-ask-me philosophy seems the antithesis of good mentoring, and certainly contributed to the situation above.

Given what occurred, Lancelot should speak personally with Merlin about the latter’s communication. While the conversation would doubtlessly be a difficult one, Lancelot should come clean with his feelings about Merlin, explain his discomfort about asking Merlin for a letter of recommendation, and allow Merlin to explain what prompted his nonrecommendation. Lancelot should listen nonjudgmentally to Merlin’s explanation—which might be very difficult—and then attempt to negotiate some kind of plan whereby their inevitable parting can occur in a professional, amicable fashion. Lancelot needs to appreciate the importance of Merlin’s support, while Merlin needs to appreciate the injudiciousness of his rash action and the unpleasantries it might invite.

Of course, Merlin seems to have done did a remarkably injudicious thing in writing an unsolicited correspondence to the search supervisor. Lancelot might interpret the letter as “defamatory” because Merlin’s unsolicited nonrecommendation might not only cost Lancelot a job but blemish him in the eyes of the scientific community if word of Merlin’s communication spreads. (A familiar characterization of defamation is “if it tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him.”<sup>1,p. 774</sup>)

Lawsuits notwithstanding, though, how prudent was Lancelot in deciding to forego asking Merlin for a letter of recommendation? How credible is a postdoc on the job market who does not present a prospective employer with a recommendation from his mentor, principal investigator, or lab director? Our understanding is that virtually no future employer of a postdoc ever hires him or her, especially for a faculty position, without contacting the postdoc’s mentor. Even though Merlin found out about Lancelot’s job application accidentally, he would doubtlessly have received some kind of inquiry from the potential employer anyway (especially as they were professionally acquainted). How could Lancelot have not known, considered, and appreciated this? Postdocs are usually told early in their careers and throughout their training about the importance of maintaining a civil relationship with mentors and how the telephone call for their next job is virtually inevitable. But Lancelot seemed oblivious to all this.

And one last thing: Lancelot needs very much to consider what implications his pursuing legal action against his mentor can have in the academic/scientific community. Even if he prevails in a legal action, one would think the undertaking would have a “chilling” effect on

his job prospects because potential employers might forever balk at hiring someone who sued his mentor and perhaps his mentor's institution.

References:

1. Keeton WP, Dobbs DB, Keeton RE, Owen DG. *Prosser and Keeton on Torts, 5<sup>th</sup> Edition*. St Paul, MN: West Publishing Co., 1984.

© 2009 Emory University