

## ***The New Advisor Guidebook: Mastering the art of advising***

### **Chapter 8 - Legal Issues in Advising**

#### **Reader Learning Outcomes**

Readers will:

- Comprehend issues surrounding confidentiality and privacy of student information including
  - Identification of laws that apply to educational records
  - Understanding of laws as they apply to disclosure of information to others
  - Knowing students' rights to inspect records
- Learn about advisors as institutional agents including understanding of basics of
  - contract law
  - liability in tort law
- Become familiar with equal rights and due process as they apply to advising
- Consider legal issues in a global context including basics of
  - Common law and civil law traditions
  - Canadian law and advising

#### **Aiming for Excellence discussion questions and activities**

- Identify whether your institution has a university legal affairs office (sometimes called the “office of general counsel”) or instead relies on a local law firm kept on retainer. Ask an administrator about whether and how your office should obtain legal advice.
- Seek out FERPA and related privacy law training available at your institution, particularly noting any web pages maintained by the registrar’s office regarding FERPA compliance policies.
- Determine whether your state privacy law or institutional policies require record maintenance where FERPA does not or—conversely—whether they prohibit disclosures that FERPA permits.
- Verify the document that constitutes the final authority on degree requirements when conflicts of information arise between the bulletin, online degree requirements listings, paper checklists, electronic degree audits, and any other institutional publications.
- When promoting experiential learning opportunities (e.g., internships, service-learning, study abroad), ensure you refer students only to institutionally vetted programs.
- Seek out institutional training on how to comply with any new state-imposed mandates regarding academic advising.
- Ask your colleagues and administrators about whether any general counsel-approved race-conscious advising practices are in place at your institution. Be careful to follow any such guidelines that have been approved by university attorneys.
- Ensure you are in compliance with the process your institution sets for academic dismissals; inform students facing dismissal of their due process rights.