

Legal Consideration in Advising



Guidelines for Summary Reports in Navigate

Slides modified from Cortney Alexander-Doyle, MA, Director, UW-Superior: Center for Academic Advising, Career Services, & the Educational Success Center



University of Wisconsin
Stevens Point

Law of Agency

- Students and the University have a contractual relationship, in which advisors, as representatives of the University, can bind the University to certain actions based on our actions.
- In talking with students, make no claims based on uncertain knowledge.
- Conduct periodic and careful review of all printed materials to see if they coincide with advising practice. If there are discrepancies between policies and practice, take steps to initiate the alteration of materials OR alter your own practice.



Be careful what you share

As employees of the university, we have a responsibility to be **custodians of a student's good reputation.**

When keeping notes, sharing or reporting information, remember to keep it factual and impersonal.



Family Educational Rights & Privacy Act



FERPA

Family Educational
Rights & Privacy Act



University of Wisconsin
Stevens Point

FERPA

The Family Educational Rights and Privacy Act of 1974, or FERPA, defines the rights of students and the obligations of higher education institutions to ensure the privacy and accuracy of students' educational records.

This act applies to all institutions that receive federal funding administered by the U.S. Secretary of Education (financial aid, veterans' benefits, grants, etc.). Violations of this act by an institution may lead to withholding of these funds.

Students enrolled both past and present, regardless of age, are covered by FERPA until their death. Those who have applied but not attended are not covered.



Best Practice

If you wouldn't say it to a student's face, don't write it down!



Student's Rights

- The right to inspect and review their educational record
- The right to request an amendment to the educational records that the student believes are inaccurate or misleading (*Note: The right to challenge grades does not apply unless the grade assigned was inaccurately recorded*)
- The right to limit disclosure of personally identifiable information, including "directory information"
- The right to file a complaint with the Department of Education



Official Educational Record

Discoverable

With certain exceptions, an "educational record" is any record in any media:

1. Related to a student maintained by UWSP or party acting on behalf of the University

AND

2. Any piece of information that could personally identify a student

Not Discoverable

- **"Sole possession notes"** (those made by one person and kept separately in the possession of the maker) are not considered education records. However, **sharing these notes with another person or placing them in an area where they can be viewed by others will make them education records and, therefore, subject to FERPA**
- Law enforcement or campus security records
- Employee records
- Medical records
- Alumni records



Who has access to student records?

- The individual student
- Whomever the student authorizes by providing the institution with a written release
- Any party requesting **directory** information (unless the student has a FERPA hold)
- University officials** who have a **legitimate educational interest**



Advising Note-taking Guidelines



Do: Include notes that will help the student

Examples:

- “Student should take math placement exam before registration for spring semester.”
- “Requested student make a list of at least 5 possible courses to take next semester and bring them to next appointment”
- “Reminded student to request transcripts from their transfer school and send to the Admissions Office as soon as possible to avoid a graduation hold or duplicate classes.”
- “Student did not come to scheduled appointment. Will need to reschedule as soon as possible.”
- “Discussed importance of repeating ENG 150 and MATH 090 in spring semester.”



Do: Include notes to help future advisers understand the student or important advice given

Examples:

- “Encouraged student to enroll in EDUC 205 because of interest in Elementary Education.”
- “Student took HPW 110 out of interest/exploration. Understands HPW 110 will be an elective if they do not choose HPW as a major.”
- “Explained general education courses and special requirements for EDUC students.”
- “Student intends to go to UW-Madison for nursing. Is only taking prerequisite courses to get admitted there.”



Do: Include list of courses approved, along with alternatives

Examples:

- “We agreed to the following 15 cr. for spring semester: MATH 107, PSYCH 110, COMM 101, BIO 101, FN 151. Will use xxxxx as alternate classes (share actual classes you recommended). Determined History 176 would be good general alternative.”
- “See attached for course recommendations & alternatives.”



Do: Include notes that will facilitate the relationship with the student

Examples:

- “Encouraged student to make an appointment to come see me after mid-term grades are posted.”
- “Reminded student to make appointment well in advance of her registration date for spring.”
- “We agreed to meet once a month during the spring semester to monitor progress.”
- “Commended student for excellent grades last semester.”



Do: Include possible consequences of not following advice given

Examples:

- “Discussed need to take MATH 90 during fall semester so student can take MATH 95, 107, and CHEM 105 for the Biochemistry Major. Explained how this will impact their 4-year plan.”
- “Student wants to enroll in 18 hours. Cautioned regarding heavy academic load.”
- “Reminded student to finish 30 hours for the academic year in order to graduate in 4 years.”



Do: Include comments that help you in future interactions with student

Examples:

- “Student was well-prepared for advising session. Had tentative schedule already worked out.”
- “Student has consistently expressed an interest in attending graduate school at UWSP.”
- “Student requested letter of recommendation for scholarship.”



Do: Include referrals

Examples:

- “Encouraged student to make appointment with career counselor.”
- “Student is interested in becoming a Peer Mentor; referred to appropriate office about process.”
- “Student should contact Ann to discuss Veteran’s benefits.”



DO NOT: Include referrals

- Never, ever suggest that a student might have a disability to the student or another staff member.
- Never place disability information in Adviser Summary Reports.
- If a student self-discloses, make the appropriate referral. You may put the referral in the notes.

Example: "Referred to Andy Held in Disability Services and Assistive Technology"



DO NOT: Include details about referrals to Disability office, Counseling or other sensitive offices

Examples of **inappropriate** notes:

- “Referred student to DATC for testing. I suspect a learning disability.”
- “Asked student to confer with Disability Coordinator about difficulty getting accommodations for visual disability.”
- “Student will see Associate Dean about experiences of being stalked by ex-boyfriend.”



DO NOT: Include your subjective judgments/opinions about the student

Examples of inappropriate notes:

- “Student is not motivated to succeed in classes this semester.”
- “I think the student would have been better off at community college.”
- “I doubt student’s ability to succeed in this major.”



DO NOT: Include comments regarding student's instructors – use official complaint process

Examples of **inappropriate** notes:

- “Student is having a personality conflict with COMM 100 instructor.”
- “Student is considering dropping HISTORY 101 because of a problem with the professor.”



DO NOT: Include detailed personal concerns of the student

Examples of **inappropriate** notes:

- “Parents are going through a divorce this semester.”
- “Student was assaulted earlier this academic year.”
- “Sister has cancer; student is having a very difficult time staying focused on academics.”



REMEMBER!

- If a note contains **any** specific information about academics or any information that could identify the student, it then becomes a part of the official academic record based on content.
- Sole possession notes become part of the record when they are shared or when they identify the student.
- Keep personal notes only sparingly and don't share them!
- Students have a right to request to see their full record at any time.
- **If you wouldn't say it to the student or to other staff, don't put it in Navigate!**

