

Basic Legal Guidelines for Classroom Policies and Practices



UNC CHARLOTTE

TA Training

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Overview of Higher Education Law

- **FERPA (Family Educational Rights and Privacy Act)**
- **ADA (Americans with Disabilities Act)**
- **Common First Amendment Issues**
 - Religion
 - Speech
- **Sexual Harassment**
- **Public Records Laws**
- **Due Process (Academic Integrity and Code of Student Responsibility)**
- **Classroom Control**
- **Suggested Syllabus Policies**



Family Educational Rights & Privacy Act (FERPA)

- **FERPA protects the confidentiality of student records. Addressed in University Policy 402.**
- **It provides 5 rights to students:**
 1. The right to inspect their own education records;
 2. The right to prevent disclosure of their own education records;
 3. The right to seek amendment to their own records if they are inaccurate or misleading, and in certain cases append a statement to their records;
 4. The right to be notified of their privacy rights under FERPA; and
 5. The right to file a complaint with the U.S. Department of Education to report an alleged failure by the University to comply with FERPA.



FERPA

- **What is a student education record?**

Information

- Personal information (other than Directory Information, defined later)
- Grades
- Schedules
- Disability status
- Academic standing
- Social Security Number

Format

- A paper document in the Registrar's office
- A computer printout in your office
- A class list on your desktop
- A computer display screen
- An email message
- A photograph
- Written notes you have taken while meeting with a student



Basic FERPA Rules

- Written consent
- Possession of them.
- Some student information, "is requirements.
- Access within UNC Charlotte only for legitimate use on a "need to know" basis.
- In doubt? Contact the Registrar's Office.
- [FERPA Tutorial](#)

Directory Information at UNC Charlotte means: the student's name, major field of study, dates of attendance, enrollment status, and degrees and awards (including scholarships) received. Photographs, videos, or other media containing a student's image or likeness and University-issued student electronic mail addresses are designated by UNC Charlotte as "limited use directory information" and generally are only available for official University use.



Discrimination

- **You may not discriminate on the basis of:**

- ✓ Sex (including pregnancy and parenting)
- ✓ Gender Identity (actual or perceived)
- ✓ Race
- ✓ Color
- ✓ National Origin
- ✓ Religion/Beliefs
- ✓ Age
- ✓ Disability
- ✓ Military Service
- ✓ Sexual Orientation
- ✓ Political Affiliation
- ✓ Genetic Information

- **Classroom policies likely to involve illegal discrimination against a protected class:**

- attendance/absence/tardiness (religion, disability)
- participation (disability)
- papers, projects, and tests/exams (race, gender, sexual orientation, national origin, religion, disability)
- appropriate dress (religion)



Americans with Disabilities Act (ADA)

- **Nondiscrimination on the Basis of Disability (University Policy 501.1)**
- **Coordinate with the Office of Disability Services:**
 - Assistive Technology
 - Emergency Evacuation Procedures
 - Student Eligibility
 - Attendance
 - Note Taker Program
 - Students' Rights and Responsibilities
 - Your Rights and Responsibilities
 - Testing Accommodations



Americans with Disabilities Act (ADA)

Pop Quiz

Are the following classroom policies enforceable?

- 1. This class begins promptly at 9 a.m. Students arriving after 9 a.m. will not be admitted and will be counted absent.**
- 2. All written essays must be submitted in hard copy. No electronic copies will be accepted.**
- 3. Every student must attend a conference at the professor's office. Missing the conference is an absence.**



ADA – Pop Quiz Cont.

4. **Class participation means that students must give an oral report to the class. Those who do not speak will have the class participation grade reduced.**
5. **Students who need special assistance or accommodations must raise their hand and identify themselves on the first day of class. If a student does not do so, then no accommodation will be provided.**
6. **Student with a visible disability requests what appears to be an appropriate accommodation, but has no accommodation letter from Disability Services.**



The First Amendment

- **Freedom of Religion**
 - Students have a right to practice religion
 - Reasonable accommodations
 - True tenets and beliefs
 - Most common areas of accommodation
 - Absence policies (University Policy 409)
 - Teaching materials
 - Clothing



The First Amendment

- **Free Speech INCLUDES:**
 - Clothes
 - Art
 - Actions/Demonstrations
- **Free Speech DOES NOT INCLUDE:**
 - Classroom disruption
 - Fighting Words
 - Obscenity



Sexual Harassment

- **Quid Pro Quo**
- **Hostile or Abusive Environment**
- **Rules to live by:**
 - You are in a position of power – don't abuse it
 - You are the teacher, not the friend, buddy, etc.
 - Do not do anything that would even appear questionable
 - Closed-door meetings
 - "Consensual" relationships
 - Risqué jokes
 - Touching (this is also called "assault" when unwanted)



North Carolina Public Records Act

- **What is covered:**

- All documents of any type produced in the course of business of any public agency are subject to the public records law with the exceptions of:
 - Student education records (FERPA)
 - Personnel records (the disclosure of which is a criminal offense)
 - A few other narrow exceptions

- **Rule to live by:**

- **IF YOU DON'T WANT TO READ IT IN THE FRONT PAGE OF THE NEWSPAPER, DON'T WRITE IT OR EMAIL IT**



Due Process – 14th Amendment

- **Must use processes established in:**
 - Code of Academic Integrity (UP 407)
 - Code of Student Responsibility (UP 406)
 - Other university policies
- **Notice and a hearing**
- **The more serious the consequence, the more stringent the due process requirements**



Classroom Control

- **Legal Standard of Review for Classroom Policies – Rational Basis Test**
- **Enforceable? “Yes, if...” or “No, unless” the policy:**
 - allows different treatment for a particular student as a reasonable accommodation of a disability or religious belief
 - is "rationally related" to an educational purpose
 - is not "arbitrary and capricious," in other words, it is imposed consistently by the instructor
 - is not imposed maliciously
 - is not created, or applied, on the basis of a protected class



Classroom Control

- **Examples of enforceable classroom policy subject matter:**
 - Technology-based restrictions
 - Cell phones
 - Text messaging
 - Use of laptop computers/tablets
 - Use of recording devices
 - Food and drink
 - Noise/conversations
 - Late arrivals/early departures



Disruptive Behaviors

- **Disruptive behaviors should be addressed as they occur:**
 - Consider first cautioning the entire class rather than warning a particular student.
 - If the behavior is irritating, but not disruptive, try speaking with the student after class.
 - In rare circumstances when necessary to speak to a student during class, do so in a firm, friendly manner, and say that further discussion can occur after class.
 - If necessary, remind the student that continued disruption may result in removal from the class.



Disruptive Behaviors

- **A student who persists in disrupting a class may be asked to leave the classroom for the remainder of the class period.**
 - Tell the student the reason(s) for such action;
 - Give the student an opportunity to discuss the matter ASAP;
 - Document the incident promptly consult with the department chair;
 - Suspension for more than one class period requires appropriate disciplinary action through the DOS office.
(incidentreport.uncc.edu)
 - Contact Police and Public Safety if the student does not leave the class promptly or there is a safety issue involved
 - If necessary, dismiss the entire class.



Classroom Control Examples

- Student refuses to engage in a course assignment on religious grounds (e.g. dissection, reading curse words from a script).
- Students come to class unprepared. Teacher dismisses the whole class and counts each student absent.
- Student wears a t-shirt with the words "f--- racism" on the front. Instructor tells the student that she must wear the t-shirt inside out or leave the classroom.
- Students leave the class after waiting 15 minutes for the professor. Instructor arrives five minutes after the students leave and counts all students absent for the day.
- A student says aloud in class: "This test was bulls---." Instructor demands an apology and student refuses. Instructor directs student to officially drop the class.



Suggested Syllabus Policies

- **Things to include:**

- Classroom Expectations/Conduct Issues

- Behaviors
- Cell phone/computer use
- Recording lectures

- Notice of ability to revise syllabus

- Coursework/Grading

- Tardiness/Absences

- Turnitin.com

- <http://legal.uncc.edu/legal-topics/standard-syllabus-policies>



Resources

1. [Faculty Policy Guidance and Quick Reference Chart](#)
2. [Policies and Regulations](#)
3. [Suggested Standard Syllabus Policies](#)
4. [Civility in the Classroom – practical guidance](#)
5. [Planning Field Trips](#)
6. [Public Records Act](#)
7. [Office of Disability Services – Faculty/Staff Handbook](#)
8. [FERPA Tutorial](#)



Questions?

