The Legal Survival Guide (condensed version)

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• This presentation will be available electronically.

• To access the presentation, go to:

  http://gradlife.uncc.edu/
Overview

- FERPA (Family Educational Rights and Privacy Act)
- ADA (Americans with Disabilities Act)
- Civil Rights
  - Sexual Harassment & Relationships with Students
- Public Records Laws
- Students of concern/disruptive students
- Constitutional Law
  - Establishment Clause
  - Freedom of Speech
  - Due Process
FERPA

• FERPA protects the confidentiality of student records
• FERPA gives students the right to:
  • Inspect their own records
  • Prevent disclosure of their records
  • Amend their records
  • Complain to the U.S. Dept. of Education
FERPA

• A student education record is:
  • Personal information other than directory information
  • Grades
  • Schedules
  • Disability status
  • Academic standing
  • Social Security Number
  • Student ID Number
A student education record may be in any format, including:

- Paper document
- Computer printout
- Class list
- Computer display screen
- Email message
- A photograph or video
- Written notes
FERPA Rules

• Written consent from the student is required to release
• Possession = responsibility to protect
• Directory information may be shared
• Access student records for legitimate educational purpose
• In doubt, contact the Registrar’s Office: 75505
• Is defined by policy statement #69 as:
  • name,
  • local and permanent address,
  • email address,
  • telephone number,
  • date and place of birth,
  • class,
  • major field of study,
  • dates of attendance,
  • enrollment status,
  • degrees and awards,
  • participation in officially recognized activities and sports,
  • weight and height of members of athletic teams, and
  • the most recent previous educational agency or institution attended.
FERPA Commandments

Thou shalt not:

• Use any portion of a student name, SSN, or Student ID # in a public posting of grades
• Link the name of student with SSN or Student ID #
• Leave graded tests or papers in a place where students will retrieve them by sorting through papers
• Discuss the progress of any student with anyone other than the student or other employees with a legitimate purpose without the written consent of the student. (No parents)
• Provide anyone with class roster
• Provide anyone with student schedules or assist anyone other than a University employee with finding a student by using the schedule.
Civil Rights

Do not discriminate (including harassment) on the bases of:

- Gender
- Race
- Color
- National Origin
- Religion
- Age
- Beliefs
- Disability
- Military Service
- Sexual Orientation
• All students with disabilities must register with the Office of Disability Services (ODS)
• ODS will contact you with the proposed accommodations
• Accommodations may include:
  • Extended test times
  • Note takers
  • Text books in alternate formats
  • Interpreting services
  • Moving classrooms or providing different tables or desk
  • Assistive technology
Do not:

• identify a student with a disability
• discriminate against a student with a disability
• modify the accommodation
• make accommodations on your own
• ask for medical documentation
• refuse to provide accommodation
• provide materials in an inaccessible format
Do:

• contact ODS with concerns or suggestions
• ensure that the classroom and other meeting places are accessible
• be prepared to help student with accessible routes
• plan for evacuating students with disabilities
• Questions about ADA, contact the Office of Disability Services at: 74355

• Information regarding evacuating students with disabilities:
  http://www.ds.uncc.edu/StudentServices/evacuationinfo.htm

• Refer to Campus Accessibility website for more information:
  http://accessibility.uncc.edu/
Sexual harassment

- Quid Pro Quo
- Hostile Environment
  - Two-part test
    1. Does it offend the person?
    2. Would it offend the average reasonable person?
Sexual harassment

• Policy Statement #9, Relationships Between Students and Faculty Members or Other University Employees

• You may not have an amorous or familial relationship with anyone whom you evaluate or supervise.

  • This means to assess, determine or influence (1) one’s academic performance, progress, or potential or (2) one’s entitlement to any right, benefit or opportunity.
Survival tip:

1. You are in a position of power – don’t abuse it

2. You are the teacher, NOT the friend, buddy, etc.

3. Do not do anything that would even LOOK questionable:
   - Closed-door meetings
   - Risqué jokes
   - Facebook/twitter
Sexual harassment

Reporting:

• PS #9 – If you are entering into such a relationship, report it ahead of time to allow the conflict of interest to be handled.

• Sexual Harassment: if you see or a student reports sexual harassment, you MUST report it and keep reporting it until someone takes action.
Sexual harassment

Report sexual harassment to:

• Dean of Students – Michele Howard: 76569
• HR Employee Relations - Jeanne Madorin or Cindy Edwards: 72804
• Chair of the program
• Dean of the College
• Confidential discussion – refer to the counseling center
First Amendment to the Constitution guarantees the freedom of religion:

- Reasonable accommodation
- True tenets and beliefs

Most common accommodations:

- Absences
- Materials that may be contrary to a student’s religion
- Clothing
• North Carolina statute 116-11(3a):
• Policy Statement #134 sets forth requirements and procedure: 
  http://legal.uncc.edu/policies/ps-134.html
• Students must complete a Request for Religious Accommodation Form prior to the census date (typically 10\textsuperscript{th} day of class): 
  http://legal.uncc.edu/policies/ps-134-AccommodationForm.pdf
North Carolina Public Records Act

• All documents of any type made or received in the course of business are subject to inspection by the public, except:
  • Student records
  • Personnel records – (the disclosure of which is a criminal offense)
  • A few other narrow exceptions

Survival tip: If you don’t want to read it on the front page of the newspaper, don’t write it or email it.
Disruptive students:

- Code of Student Responsibility – PS #104
- Dean of Students Office – 76569
- Police and Public Safety – 704-687-2200 (program in phone)
- Smart classroom console
Interactive simulation:

• Online training helps you to identify and approach students in mental distress and, if necessary, refer them to the counseling center:

http://aruf.kognito.com

Enrollment key: uncc89

Questions: contact counseling center - 72105
Constitutional Law

First Amendment – Freedom of Religion

• Establishment Clause
  • University employees cannot promote a certain religion or religious belief
Freedom of Speech

- Disruptive speech
- Offensive speech
- Fighting words
- Other ways of speaking:
  - Clothes
  - Art
  - Actions
Due Process – 14\textsuperscript{th} Amendment

- Substantive Due Process
  - Must use processes established in
    - Code of Academic Integrity
    - Code of Student Responsibility
    - Grade Appeal Procedures
    - Grievance Policies
    - Other policy statements
Office of Legal Affairs:  http://legal.uncc.edu/legal.html

FERPA Tutorial:  https://49erconnect.uncc.edu/ferpa/

Code of Academic Integrity:  http://legal.uncc.edu/policies/ps-105.html


Syllabus Guidelines:  http://legal.uncc.edu/syllabus.html

Sexual Harassment:  http://legal.uncc.edu/policies/ps-61.html