



FERPA: Legal Considerations in Advising

Navigate Notes: Advising Summaries and Note Content

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.



FERPA

Family Educational
Rights & Privacy Act

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 monies. 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: 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

Directory vs. Protected Information

Directory Information	Protected Information
<ul style="list-style-type: none"> ➤ Full name ➤ Major or Program ➤ Previous Colleges Attended ➤ Full/Part-time status ➤ Home town ➤ Photographs ➤ Academic honors ➤ Email address ➤ Athletic Achievements ➤ Athlete height & weight ➤ Class level (Fr., So., Jr., Sr.) ➤ Address (campus & home) ➤ Withdrawal date ➤ Dates/terms enrolled ➤ Degrees/certificates awarded and date conferred ➤ Phone numbers 	<ul style="list-style-type: none"> ➤ Date of birth ➤ Class schedule/roster ➤ Age ➤ Transcript ➤ Gender ➤ Citizenship ➤ Academic standing ➤ Social security number ➤ Parent's address(es) ➤ Student I.D. number ➤ Race/ethnicity ➤ Country of origin ➤ Entrance exam results ➤ Grades ➤ Semester GPA ➤ Cumulative GPA ➤ Student account information ➤ Financial aid information

Official Educational Record

Discoverable	Not Discoverable
<ul style="list-style-type: none"> • With certain exceptions, an "educational record" is any record in any media: <ul style="list-style-type: none"> *Related to a student maintained by UW-GB or party acting on behalf of the university <i>and</i> *Any piece of information that could personally identify a student 	<ul style="list-style-type: none"> • "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 Notes: Do(s) and Don't(s)

DO: Include notes that will help the student and 'jog' the advisor's memory

- "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 due to a work conflict. Will need to reschedule as soon as possible."
- "Discussed importance of repeating WF 100 and MATH 094 in spring semester."
- "Encouraged student to enroll in EDUC 206 because of interest in Elementary Education."
- "Student took DJS 101 out of interest/exploration even though student already has credit for PSYCH 102 and SOCIOL 202 to fulfill SS Category. Understands DJS 101 will be elective if DJS is not chosen as a major."
- "Explained general education courses and special requirements for EDUC students."
- "Student intends to go to CHESW for nursing. Is only taking prerequisite courses to get admitted there."

DO: Include list of courses approved, along with alternatives

- We agreed to the following 15 cr. for spring semester: MATH 101, PSYCH 102, COMM 101, ENG 214, ART 102. Will use xxxxx as alternate classes (share actual classes you recommended). Determined History 104 would be good general alternative."
- "Summer classes we discussed were HUM BIOL 102 and HUM STUD 100 for 6 credits. Will take ENV SCI 102 if HUM BIOL fills."

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

- "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

- "Discussed need to take MATH 101 during the spring semester so MATH 104 can be taken in fall and the student can start on a CHEM sequence. Explained how this will impact the student's 4-year plan"
- "Student wants to enroll into 18 credits hours. Caution shared regarding the 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

- “Student was well-prepared for advising session. Had tentative schedule already worked out
- “Student has consistently expressed an interest in attending graduate school at GB. I connected the student with Graduate Studies advisor
- “Student requested letter of recommendation for scholarship. I will put it on my calendar to complete”

DO: Include referrals

- “Encouraged student to make appointment with Career Services”
- “Student is interested in becoming a Peer Mentor: referred to appropriate office to begin the process”
- “Student should contact Veteran’s benefits advisor in FA”
- “Shared contact information about Learning Center and Academic Coaches”

ADA Don’ts and other sensitive offices

- Never, ever suggest a student might have a disability to the student or another staff member
- Never place disability information in Advisor Summary reports
- If a student self-discloses, make the appropriate referral. You may put the referral in the notes ONLY: “Referred to _____ in Accessibility Services
- Never include: “Referred student to the Learning Diagnostic Clinic for testing since I suspect a learning disability”
- Never state: “Asked student to confer with the Accessibility Coordinator about difficulty getting accommodations for visual disability
- Never: “Student will see the Associate Dean about experiences of being stalked by an ‘ex’”

Don’t: Include your subjective judgments/opinions about the student, names of instructors, or personal concerns

- “Student is not motivated to succeed in classes this semester”
- “I think the student would have been better off at the Community College”
- “I doubt the student’s ability to succeed in this major”
- “Student is having a personality conflict with the COMM 102 instructor”
- “Student is considering dropping HISTORY 101 due to a problem with the professor”
- “Parents are going through a divorce this semester”
- “Student was assaulted earlier this academic year”
- Sister has cancer; student is having a very difficulty time staying focused on academics

REMEMBER:

- If a note contains any specific information about academics or any information that identifies the student, it is 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 the 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!**