

Legal and Ethical Issues

Legal issues involved in academic advising generally fall under four categories (D. Parker Young, "Legal Issues Regarding Academic Advising," NACADA JOURNAL, November 1982):

- The contractual relationship between students and the institution
- Guidelines governing privacy of student records
- The concept of privileged communications
- Academic due process and the need for grievance procedures

Advisors need to be concerned that the advice they give might lead to students taking legal action. Anything advisors say or write has the potential to become a part of the implied contract with the subject. Advisors, therefore, need to be cognizant of the important legal principles as they fulfill their roles. Courts today base decisions on contractual relationship between a college and its students; respecting students' legal rights, therefore, is important for both ethical and practical reasons.

Through its publications, most notably the catalogs and departmental materials, the college establishes contractual obligations between the institution and students. Responsibility for knowing requirements ultimately rests with students; advisors will not be held personally liable for negligent, irresponsible, or capricious behavior of students. By keeping complete and accurate notes of advising sessions, advisors can forestall future disputes as well as protect themselves against claims of erroneous advising.

It is good policy to recognize the limitations of an advisor's role. Knowing when and where to refer students who present questions or problems that extend beyond the scope of advising or the individual advisor's knowledge can help avoid charges of inappropriate or inaccurate advising and the possible consequences of such allegations.

Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a Federal law that protects the privacy of student education records. It is a federal law that governs the release of and access to education records.

- Student education records consist of handwriting, print, computer, videotape, audiotape, film, microfilm, microfiche, or e-mail records.
- Student education records include information directly related to a student's academic progress, financial information, or personal interest items and maintained by Guam Community College.
- Student education records are considered confidential and may not be released without the consent of the student.

Examples of Education Records include but are not limited to:

- Personal identifiers
- Student's exams or papers
- Grades
- Transcripts
- Class lists
- Class schedules
- Disciplinary files
- Financial aid information
- Student employment records

- A computer printout with student's information
- A computer screen displaying student's information

Directory Information – Information that can be released without the student's prior consent to individuals/entities with legitimate education interest:

- Student Name
- Current enrollment status (attending/not attending)
- Dates of enrollment
- Degrees or Certificates awarded
- Graduation date(s)
- Program(s) of Study

Non-directory Information – Information that cannot be released without the student's written consent:

- Race
- Social Security Number
- Grades
- GPA
- Religion
- Class Schedule

The purpose of FERPA is to ensure the accuracy, integrity, and confidentiality of education records maintained by GCC.

- A student has the right to inspect and review education records.
- A student has the right to seek to amend education records believed to be inaccurate.
- A student has the right to consent to the disclosure of personally identifiable information from education records, except as specified by law.
- Faculty who maintain education records are obligated to take reasonable precautions to prevent misuse or unauthorized disclosure of education records.

FERPA protects the education records of any individual who is currently a GCC student. Educational record cannot be disclosed to a third party unless student provides a written consent. The legal obligations of GCC faculty are set forth by the United States Department of Education and available at the web site: <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.