



“Know your rights.”

...Helping students be their own advocates.

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Personal Background



- R.A.(SID) at Hampshire College for 5 semesters;
- Student Defender at UB Law for 2 years
- UB (SubBoard I, Inc.) Group Legal Services staff attorney for 3 years.
- General Counsel, Niagara University (4 years and counting!)



Goal: convey some bright-line legal rights of our students



Legal status: *Who does the law think you are?*

FERPA & privacy: *Treasure your privacy.*

Contractual rights & obligations: *Read before you sign things.*

Intellectual property: *You own your work!*

Disciplinary proceedings & academic integrity matters: *Can have real-world consequences!*

Civil rights: *Protect yourself, respect others.*

Licensed professions: *Construct a foundation for the future.*

+ Legal Status



- In New York, you are an adult at 18.
- ...except with regarding to alcohol, in which case you are still an “infant.”
- You can sign a contract, and be held to the terms.
- Even if you are aren’t a U.S. citizen, you are accorded this status, and have civil rights from the local, state, and federal governments.
- At a public institution (SUNY), these rights are owed to by your school, as well. At a private, there are some exceptions, but they may be enforceable via contract.



FERPA & Privacy



- School may not disclose your education records to third parties.
- Big Exception: health & safety concerns.
- You, and any person you give permission to (the FERPA “waiver”) are entitled to copies of these records
- However, after 18, only you are entitled to contest the contents of the records.
- You are entitled to notice if the records are subpoenaed.
- Under state and federal law, you have certain privacy rights.
- You are the guardian of your privacy!



Contractual rights & obligations



- The terms of your admission and enrollment at the college or university are set by contract.
- This both obligates and benefits you.
- If there is a policy or procedure, your institution must follow it, and if you expect to benefit under it, you should, too.
- Read before you sign things. If you don't understand, ask.
- Good contract to read: Facebook "[Terms](#)." Covers: privacy, respect for others, intellectual property.



Intellectual Property



- Copyrights: *Students own the copyright to their academic work.*
- Plagiarism can also be a copyright violation.
- Trademarks: Students should be mindful of the trademarks (slogans, logos, names) of others.
- Read and question before signing confidentiality agreements and non-compete clauses



Disciplinary hearings and Academic

Integrity matters

- Material generated by the institution or student can be subpoenaed during a criminal proceeding.
- Material generated by the institution or student can be subpoenaed during a civil proceeding.
- The education records are accessible to the student.
- Students are entitled to due process and, when necessary, should consult legal counsel...even though the purpose of discipline in the academic setting should be educational, not “legal.”
- Collateral consequences: future professional license, restraining orders, loss of aid, deportation, loss of athletic scholarship, loss of employment, incarceration, publicly accessible record....





Civil Rights



- age
- race,
- creed,
- color,
- national origin,
- sexual orientation,
- military status,
- sex
- disability
- predisposing genetic characteristics
- marital status
- domestic violence victim status



Professional license

Acupuncture
Architecture
Athletic Training
Audiology
Certified Shorthand
Reporting
Chiropractic
Clinical Laboratory
Technology
. Clinical Laboratory
Technologists
. Cytotechnologists
. Clinical Laboratory
Technicians
. Certified Histological
Technicians
Dentistry
. Dentists
. Dental Anesthesia/Sedation
. Dental Hygienists
. Certified Dental Assistants
Dietetics-Nutrition
Engineering
Interior Design
Land Surveying
Landscape Architecture
Massage Therapy
Medical Physics
Medicine
. Physicians

. Physicians, 3-year limited
license
. Physician Assistants
. Specialist Assistants
Mental Health Practitioners
. Creative Arts Therapists
. Marriage and Family
Therapists
. Mental Health Counselors
. Psychoanalysts
Midwifery
Nursing
. Registered Professional
Nurses
. Nurse Practitioners
. Licensed Practical Nurses
Occupational Therapy
. Occupational Therapists
. Occupational Therapy
Assistants
Ophthalmic Dispensing
Optometry
Pharmacy
. Pharmacists
. Pharmacy Establishments
Physical Therapy
. Physical Therapists
. Physical Therapist Assistants
Podiatry
Psychology
Public Accountancy

. Certified Public Accountants
. Public Accountants
Respiratory Therapy
. Respiratory Therapists
. Respiratory Therapy
Technicians
Social Work
. Licensed Master Social
Worker (LMSW)
. Licensed Clinical Social
Worker (LCSW)
Speech-Language Pathology
Veterinary Medicine
. Veterinarian
. Veterinary Technician



+ Summary



- You are an adult.
- You have right to privacy, to contract, and to be free from harassment and discrimination.
- You have an obligation to honor those rights in others.
- You have a future you are now responsible for protecting, and you must consider the publicly accessible record you create that may affect it.
- When in doubt, seek assistance from qualified individuals to assist you in being your own advocate.