

"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!

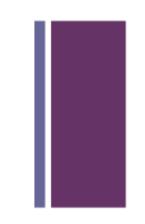


Contractual rights & obligations

- 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 "<u>Terms</u>." 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

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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.