

# Academic Advising

## Advising Contacts: Legal Issues and Effective Use

### Legal Issues

<b>NOTE:</b>	These are <u>not</u> intended to dictate policy or procedure to anyone, but to share observations based on experience with electronic advising note-keeping with those who may be using such a system for the first time.
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A good understanding of FERPA will serve advisors well in the appropriate use of Advising Contact notes. As you know, students have specific rights under FERPA

1. The right to inspect and review a student's education records;
2. The right to amend inaccurate or misleading information;
3. The right to consent or not consent to disclosure of personally identifiable information;
4. The right to file a complaint against an educational institution.

There is information about FERPA, including an online tutorial as well as the use of FERPA in SIS at <http://blsis.indiana.edu/reg/Ferpa.shtml> and an FAQ at [http://www.indiana.edu/~deanfac/FERPA\\_faculty.html](http://www.indiana.edu/~deanfac/FERPA_faculty.html)

Many schools & programs at IU have been using computer-based advising contact systems for quite a while. Advising Contacts is the first IU system-wide effort at this functionality. Generally **student viewable** notes have not existed and thus have not been available to students. The purpose of student viewable comments is to provide the student with access to information s/he may need to know or be reminded of, such as, "I met with my advisor but lost the sheet and she said there were two things I really needed to do..." Examples include notes such as

- (Student) should contact former school ASAP and have credits earned sent to Office of Admissions.
- (Student) should update address and phone information in OneStart.

But improved student contact is supported when other kinds of notes can be stored too. In general these will go on the **Advising Notes** tab which is not viewable in self-service. Examples might include student comments relevant to their academic progress or advisors' professional observations

- The student said, 'I am just not at all sure if Psychology is the right major for me, but I'm a junior and just don't know if I can finish...I have to graduate in 4 years.' Were other majors / options discussed?
- Math placement score recommended M 104, but student expressed intention to enroll in calculus.
- Or an advisor may wish note (carefully) that a referral that was made, such as to an academic help program, a job fair, or campus resource.

The standard is that **notes of information (for which an advisor is qualified) specifically relating to the student's academic record are appropriate for this system, and otherwise they're not**, especially notes of a personal nature about the student (sexual assault, substance abuse, etc.) It is appropriate to note that professional behavior and expectations were discussed, it is not appropriate to note that the student had personal hygiene issues or seemed intoxicated.

**Students may request a copy of the advising contact notes entries anytime they wish.** This includes information on the Advising Notes tab as well as the student viewable notes. It is very important that advisors enter only information which they are qualified to give into the system. Advisors are qualified to quote a student's verbal behavior, *as it relates to their academic progress*, but are generally not qualified (in the context of an advising contact) to state that a student is 'depressed.' Advisors may have a need to keep notes of personal information about advisees, and that is fine if it is done in private files which are destroyed when no longer needed, but these do not belong in SIS.

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A distinction problem from the legal issue is **celebrity**, which falls into a special judgment area. This includes not only sports stars and the children of the famous, but think also about high-profile staff on campus whose children may attend IU. Advisors may use the Advising Contact system legally, follow their academic unit policy, and will be on solid ground, yet even so may choose to not enter certain information into SIS. In our culture, celebrity brings certain consequences to all who come in contact with it. Advisors may wish to envision anything they enter into SIS appearing on the national news, through no fault of their own, but with their name all over it. It may be the case that at least some advisors will not use SIS to track contacts with certain students.

### Effective Use

Advising note-writing is an art, and like all art there are many ways to approach it well. The key distinction that an advisor needs to have in mind when entering notes is not "Does this make sense to me (now)?" but "Will this make sense to me and other staff next year?" The goal is that each advisor, or advising group, will constantly work at getting better at being able to quickly and consistently log information that is useful in the long term. A great deal of dispute, unhappiness, and numbers of student petitions can be avoided *or created* by advising notes.

There is a great deal literature about varying schools' policies about what happens when an advisor or school official tells a student something, and how that may or may not be honored, and what liability may ensue. But no matter what policy you work under, or style of note keeping you prefer, three elements should be present.

- **Assumptions:** based on what did I give advisement? What are the assumptions I made? For example, in a graduation check, "Assuming successful completion of current enrollment, the student may complete (five courses) in the spring and graduate in May." This is often the hardest skill to develop, but is most important in being able to understand notes after months have passed: What is my point of reference in giving the advisement? Even the best note writers sometimes later cannot make sense of what they meant in a note, which gets important when a student petitions for a special allowance based on what an advisor said. But this can be kept to a minimum when staff write down the conditions under which their advice is accurate. Advising for post-overseas study is one of many examples: be clear about what the student is expected (assumed) to complete while overseas before attesting in print to what she should enroll in when she gets back to IU.
- **Advice:** be as specific as possible about what it is that you have told the student, and what it is that you and the student have agreed upon. There are countless instances where students have claimed that an advisor told them X, but in fact the advisor told them Y. This gets doubly important when the advisor is in one academic unit and the student is reporting the dispute to a different academic unit. It is so helpful when the advisor has clearly written down *exactly* what s/he told the student. But if the notes are vague, then such disputes can be difficult to resolve.
- **Consequences:** and/or follow-up. What happens if the advice is followed? Should the staff and student expect anything? It is often the case that apparently the student heard something different from what the advisor said, or thought he said. When expectations of all are clearly documented, it helps a great deal to sort out later misunderstanding.

A **caution** about notes: a couple things happen regularly when advisors in an academic unit start keeping contact notes. First they find that when there is a dispute between staff and student about what was said, the notes turn out to be ambiguous and can't resolve the issue. What is your policy in such situations? Second, it will be the case that sometimes advisors have erred and given the student misinformation, and documented this in their notes. What is your policy in this situation? These circumstances are certainly not unique to IU, and further information about them in a national context may be found at the link below. There is also information about Advising Notes policies at other schools, and about many issues related to this topic. <http://www.nacada.ksu.edu/clearinghouse/Links/legal.htm>