

## Are You Legal?

# Graduate Student Rights and Responsibilities

**Y**ou may not realize it, but as a graduate student you are involved in a wide variety of activities with legal implications, from intellectual property to student privacy rights to liability for student injuries. In graduate school and beyond you should be familiar with the basic legal issues you might encounter in the university setting.

### Interacting with Students

First, know and understand the policies and procedures of your institution. Universities have policies covering nearly everything, and you can be held legally liable for not following organizational procedures, particularly when it comes to interactions with students.

**Students with disabilities:** If a student tells you that he or she has a disability and needs an accommodation, refer him or her to the Disability Resource Center, because neither you nor the student may be aware of all the available options. That office will work with the student to determine the necessary accommodation – extended test-taking periods, a note taker, etc. – and inform the instructor. Instructors then work with their departments to arrange the accommodation.

**Student misconduct:** If a student disrupts your class, you are within your rights to ask the student to leave. If he or she refuses, call campus police. If a student's behavior is inappropriate but does not rise to a level that calls for ejecting him or her, meet with the student after class, advising him or her that the behavior must stop or you will be forced to report it to the Office of Judicial Affairs. If students engage in a physical fight, do not risk injury to yourself by trying to separate them. Call campus police, or ask another student to call while you remain in the classroom.

**Student mental health issues:** If you suspect a student has a mental health issue, talk with the professor, department head or someone in Legal Affairs. If you speak with the student, you legally cannot tell the student that you believe he or she has a mental health issue; you can only address the inappropriate behavior. Say, for example, "You can not stumble into my classroom and then pass out at your desk," rather than, "I believe you may have a drinking problem."

**Sexual harassment and discrimination:** As a teaching assistant, you may not engage in a consensual sexual relationship with any student you teach, grade or supervise. The University does not prohibit, but strongly discourages, sexual relationships between graduate students and faculty members. Faculty members may not serve as advisors or committee members for any graduate student with whom they have had sexual relationships. If a student tells you that he or she has been sexually harassed or discriminated against, or if you otherwise become aware of it, you must report it to the Office of Legal Affairs.

### Family Educational Rights and Privacy Act (FERPA):

Under FERPA, you cannot provide anyone outside the University with educational records or information about a student's academic performance without either a court order or a waiver from the student. That means you cannot talk to spouses, parents or parents' lawyers without permission from the student. (The Patriot Act, however, allows federal agencies to access previously protected academic records to gather information about students' campus activities.) Never post students' social security numbers or grades in public and don't release tests or graded assignments to students' friends or roommates.

**Waivers of liability:** If you take students on a field trip that is a requirement of the course, you do not need a waiver of liability. However, if you organize an optional off-campus activity, you must obtain student signatures on a waiver of liability so neither you nor the University can be held liable if a student is injured. Contact the Office of Legal Affairs; University lawyers will provide you with a waiver designed specifically to cover the potentialities of the event.

### Other Professional Activities

Beyond interacting with students, there are other activities you may engage in as a graduate student, or, one day, as a faculty member, that carry legal considerations.

**Consulting and outside professional services:** University faculty members are encouraged to engage in outside activities that promote their reputations and the University of Georgia's; however, they must receive approval from the University before accepting contracts for outside consulting.

Outside contracting may not interfere with a faculty member's ability to maintain the responsibilities of his or her position and may not directly compete with fee-based services offered by UGA. Volunteer activities are not considered competition.

**Open records laws:** Because UGA is a public institution, all documents teaching, research or graduate assistants create as employees of UGA are public records and therefore must be turned over to anyone who files a Freedom of Information request. This includes e-mails composed or sent from your UGAMail account. Educational records are an exception; so are research results unless they have been published.

**Copyright and intellectual property:** When you work as a full-time employee, any intellectual property you create is owned by the University, as is true with nearly any employer. If it becomes marketable, you will receive royalties on sales. As a graduate student, you maintain ownership of intellectual property you create, aside from certain

exceptions, such as research assistants working on projects funded through the University.

**Computer use policies:** You have no expectation of privacy on any computer owned by the University, whether it's in a lab or the workstation provided for your assistantship. University policy is to not perform forensics on a computer used by an employee unless an outside event, such as a criminal investigation, precipitates it. If law enforcement requests access to your hard drive or Internet-use records, though, the University will turn them over. And, remember, agencies other than the University may monitor online activities, such as visits to illegal Web sites. ■

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*Based on the Graduate School seminar "Legal Issues With Which Every Graduate Student Should Be Familiar" by Elizabeth Bailey, Office of Legal Affairs. To view this seminar in full, visit <http://www.grad.uga.edu>.*

## Legal Protection for Graduate Students

As a graduate student and an employee of the University, you are subject to a lot of legal regulations. But, in the event you are sued or otherwise become subject to legal action in the course of performing your job, you are covered by the state of Georgia's liability insurance. (This may not be the case, however, if you work for a private institution in the future.) While you are covered as an advisor for any student club or activity required by your job description, you are not covered if you serve as an advisor on a volunteer basis.

You also have access to the lawyers in the Office of Legal Affairs (<http://www.uga.edu/legal>) to assist you with any work-related legal issue. They can answer even simple questions, review contracts, draft waivers of liability and offer dispute resolution services.

Other sources of important legal information are:

- Reporting academic dishonesty: <http://www.uga.edu/ovpi/honesty/acadhon.htm>
- UGA intellectual property policy: [http://www.ovpr.uga.edu/rpph/rph\\_chp2.html](http://www.ovpr.uga.edu/rpph/rph_chp2.html)
- FERPA information: <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- UGA Non-discrimination and Anti-harassment Policy: <http://www.uga.edu/lega/NDAH.htm>