There are a number of legal issues that may arise in connection with classroom instruction and advising. This paper identifies a few of the more prominent legal issues that an instructor may face in fulfilling his or her instructional duties.

Privacy of Student Records

The Family Educational Rights and Privacy Act [FERPA], a federal law that protects the confidentiality of a student's educational record, and Montana state statutes, specify that the university and its faculty may not release information from a student's educational record to anyone outside of the university without the express written consent of the student. While a student over the age of 18 is entitled to review his or her educational record, MSU cannot release information contained in a student's record to parents, spouses or other family members without an express release from the student. Education records covered by federal and state privacy laws includes grades, housing information, financial status, results of disciplinary proceedings, class schedules and courses, etc. Faculty may encounter frustrated parents, guardians, or spouses who question why they cannot have information about a student's grades, financial obligations, or standing with the University. However, the law prohibits the release without the student's written permission.

Federal law does allow release of certain information referred to as "directory information." This includes the student's full name, local address and phone number, dates of attendance and degrees, honors and certificates received, class level (e.g. freshman) and academic major(s). The University may also release information without the student's consent in emergency situations if necessary to protect the health or safety of the student or other individuals.
Students may request the university not to release directory information by notifying the Registrar's Office in writing of this request. A student who has requested the Registrar not to release directory information will be denoted in the electronic records. No information, including directory information, may be provided to persons outside the university regarding these students.

Copyright Issues

The U.S. Copyright laws create certain exclusive rights in authors, artists and performers who create copyrightable works such as books, articles, plays, performances, etc. However, the same laws carve out an exception for "fair use" that allows a limited use of copyrighted works under certain circumstances. It is generally understood that limited use of copyrighted works in the classroom setting is a "fair use" that can occur without the copyright holder's permission. In an effort to give guidance to classroom instructors, the Association of American Publishers and the Author's League of America established certain guidelines for the classroom use of copyrighted materials which are viewed as the minimum standards of educational fair use. There may be instances in which copying which does not fall within the guidelines but may nonetheless be permitted under the criteria of fair use. However, the guidelines are considered to be a description of a "safe harbor" wherein the use within the guidelines is conceded as a fair use.

The guidelines allow multiple copies (one copy per student in a course) for classroom use of short portions of works (e.g., not more than one short poem, article, story, essay or two excerpts from the same author). Copying may not be used to create or to replace or substitute for anthologies, compilations or collective works and shall not substitute for the purchase of books, publisher's reprints or periodicals and shall not be repeated with respect to the same item by the same teacher from term to term.

Creating a "coursepack" with combined materials is an appropriate classroom use, but it is recommended that coursepacks should be limited to single chapters, single articles from a journal or other similarly small parts of a work and should include any copyright notice on the original or appropriate citations and attributions to the source. If the same materials
Educational institutions and governmental agencies are also authorized by a separate copyright statute to publicly display and perform others' works in the course of face-to-face teaching activities, and to a lesser degree, in digital distance education. Sections 110 (1) and (2), Copyright Act. The TEACH Act.

Cheating, Plagiarism and Academic Misconduct

MSU and its faculty are committed to the highest ethical and professional standards and behavior in the classroom. The university has adopted a code of conduct for students that requires academic honesty and integrity and prohibits academic misconduct. It is important for instructors to advise students that academic misconduct will not be tolerated and that the instructor impose university adopted sanctions if academic misconduct occurs.

Academic misconduct includes such practices as cheating, plagiarism, tampering or other activities designed to obtain grades or credit through fraudulent means. If an instructor has reason to believe that a student has engaged in academic misconduct, the instructor should personally and privately meet with the student and allow the student an opportunity to respond to the instructor's concern. If the student is unable to explain his or her actions and the instructor continues to believe the student engaged in misconduct, the instructor may impose an academic sanction from oral reprimand to imposition of failing grade. In addition to an academic sanction, the instructor may also request that the Dean of Students file a charge against the student for violation of the Student Conduct Code which can result in a university sanction such as conduct probation, suspension or expulsion depending upon the circumstances and the severity of the academic misconduct.