

# Proposed Standards for College or University Based Student Legal Services Programs

*Based on Council for the Advancement of Standards (CAS) Professional Standards for Higher Education (2009); Student Legal Services Model Standards (adopted by Student Legal Services Section of NLADA July 26, 1986); and ABA Standards for the Provision of Civil Legal Aid (2006).*

## Introduction

These proposed standards follow the CAS format except where words appear in bold. The bolded language is either from the ABA standards or is meant to further clarify the role of Student Legal Services programs within the context of higher education. Where ABA standards are used, the specific standard is cited.

### Part 1. MISSION

**Student Legal Services Programs (SLSP) provide legal assistance to students to foster and support students' learning development.**

SLSP must develop, disseminate, implement, and regularly review their mission. Mission statements must be consistent with the mission of the institution and with professional standards. SLSP in higher education must enhance overall educational experiences by incorporating student learning and development outcomes in their mission.

**The goals of SLSP must address the institution's needs to:**

- **Assure students' equal access to justice**
- **Protect the rights of students**
- **Enhance students' learning environment**
- **Facilitate and encourage respect for the rule of law**
- **Provide learning experience to students involved in the legal system**
- **Educate the campus and local communities about relevant legal issues**

**Consistent with their authority, SLSP should serve individual students, student groups, and the student community by addressing issues of importance to them, helping to reduce disruption, minimize distraction from other educational goals, and prevent harm. SLSP should be conducted in ways that will serve to foster the ethical development and personal integrity of students and the promotion of an environment that is consistent with the overall educational goals of the institution.**

### Part 2. PROGRAM

The formal education of students, consisting of the curriculum and the co-curriculum, must promote student learning and development outcomes that are purposeful and holistic and that

- responsive to needs of individuals, diverse and special populations, and relevant constituencies

**SLSP must establish the following within the context of its mission and purpose:**

**1. Authority**

**SLSP must have a written statement describing the basis of its authority, its jurisdiction, and eligibility guidelines. The statement must be available to all members of the campus community. The statement must address the authority upon which the office bases its existence, its mission, its governance structure, and client eligibility for its services. The statement must also address the professional independence of SLSP in the conduct of their cases.**

**2. Components**

**SLSP must have a written policy concerning the range of its services. This statement should include the practice areas covered, the scope of representation offered, and any other components or limitations of the SLSP service. The written statement should include a non-discrimination policy and any other relevant policy provisions.**

**3. Learning Outcomes, Goals and Objectives**

**SLSP must set written student learning objectives as well as written program goals and objectives. Student and program success must be measured by appropriate data collection, assessment, and evaluation.**

**Part 3. LEADERSHIP**

**SLSP must have an advisory board with oversight and/or advisory responsibilities (ABA 1.1).**

**Such board must:**

- **Meet regularly to review SLSP policies and operation**
- **Be a resource to SLSP staff**
- **Assist in community relations**
- **Engage in advocacy on behalf of SLSP as needed**
- **Be committed to and operate in a manner responsive to the student community**
- **Include members who are or have been eligible for SLSP services**
- **Receive training as necessary**
- **Refrain from any conflicts of interest**
- **Refrain from interfering directly or indirectly in the representation of any client**

Because effective and ethical leadership is essential to the success of all organizations, leaders with organizational authority for SLSP must:

- articulate a vision and mission for their programs and services;

professional development opportunities to improve the leadership ability, competence, and skills of all employees.

**Attorney staff members must hold an earned Juris Doctor degree, must be in good standing, and must be licensed or eligible to be licensed to practice law in the jurisdiction in which the institution is located.**

All other staff members must hold an appropriate degree in a field relevant to the position they hold or must possess an appropriate combination of educational credentials and related work experience.

**All staff members practicing in specific areas of law, whether attorneys or non-attorney staff must have training and/or experience qualifying them to work in that area.**

Degree- or credential-seeking interns must be qualified by enrollment in an appropriate field of study and by relevant experience. These individuals must be trained and supervised adequately by attorney staff members and staff members holding educational credentials and related work experience appropriate for supervision.

Student employees, **interns**, and volunteers must be carefully selected, trained, supervised, and evaluated. They must be educated on how and when to refer those in need of additional assistance to qualified staff members and must have access to a supervisor for assistance in making these judgments. Student employees and volunteers must be provided clear and precise job descriptions, pre-service training based on assessed needs, and continuing staff development.

Employees and volunteers must receive specific training on institutional policies and privacy laws regarding their access to student records and other sensitive institutional information (e.g., in the USA, Family Educational Rights and Privacy Act, FERPA, or equivalent privacy laws in other states/provinces or countries.) **Employees, interns and volunteers must all be trained in the ethical and confidentiality obligations that pertain to working in the legal profession and any other requirements imposed by the courts of the jurisdiction in which the institution is located.**

SLSP must have technical and support staff members adequate to accomplish their mission. All members of the staff must be technologically proficient and qualified to perform their job functions, be knowledgeable about ethical and legal uses of technology, and have access to training and resources to support the performance of their assigned responsibilities.

All members of the staff must receive training on policies and procedures related to the use of technology to store or access student records and institutional data.

SLSP must ensure that staff members are knowledgeable about and trained in emergency procedures, crisis response, and prevention efforts. Prevention efforts must address identification of threatening conduct or behavior of students, faculty members, staff, and others and must incorporate a system or procedures for responding, including but not limited to reporting them to the appropriate campus officials. **All such action must be undertaken in a manner consistent with client confidentiality and ethical standards established for the practice of law.**

persons with whom they interact.

When handling institutional funds, staff members must ensure that such funds are managed in accordance with established and responsible accounting procedures and the fiscal policies or processes of the institution. **Client funds must be managed in accordance with the requirements of the applicable rules of professional conduct of the state in which the institution is located.**

Promotional and descriptive information must be accurate and free of deception.

Staff members must perform their duties within the limits of their training, expertise, and competence. When these limits are exceeded, individuals in need of further assistance must be referred to persons possessing appropriate qualifications.

Staff members must use suitable means to confront and otherwise hold accountable other staff members who exhibit unethical behavior.

Staff members must be knowledgeable about and practice ethical behavior in the use of technology.

#### Part 6. INSTITUTIONAL LEGAL RESPONSIBILITIES

Staff members must be knowledgeable about and responsive to laws and regulations that relate to their respective responsibilities and that may pose legal obligations, limitations, or ramifications **for the SLSP** and for the institution as a whole. As appropriate, staff members must inform users of SLSP, as well as officials, of legal obligations and limitations including constitutional, statutory, regulatory, and case law; mandatory laws and orders emanating from federal, state/provincial, and local governments; and the institution's policies.

SLSP must have written policies on all relevant operations, transactions, or tasks that may have legal implications.

Staff members must neither participate in nor condone any form of **activity that violates the federal constitutions or laws, or those of the state in which the institution is located.**

Staff members must use reasonable and informed practices to limit the liability exposure of the institution and its officers, employees, and agents. Staff members must be informed about institutional policies regarding risk management, personal liability, and related insurance coverage options and must be referred to external sources if coverage is not provided by the institution.

The institution may provide access to legal advice for staff members as needed to carry out assigned responsibilities; **however, that service cannot be provided by SLSP unless specifically authorized to do so.**

The institution must inform staff and students in a timely and systematic fashion about extraordinary or changing legal obligations and potential liabilities.

**SLSP must uphold and model the highest standards in the practice of law within the institution.**

## Part 9. ORGANIZATION and MANAGEMENT

To promote student learning and development outcomes, SLSP must be structured purposefully and managed effectively to achieve stated goals. Evidence of appropriate structure must include current and accessible policies and procedures, written performance expectations for all employees, functional workflow graphics or organizational charts, and clearly stated program and service delivery expectations.

SLSP must monitor websites used for distributing information to ensure that the sites are current, accurate, appropriately referenced, and accessible.

Evidence of effective management must include use of comprehensive and accurate information for decisions, clear sources and channels of authority, effective communication practices, procedures for decision-making and conflict resolution, responses to changing conditions, systems of accountability and evaluation, and processes for recognition and reward. SLSP must, **consistent with their professional obligations**, align policies and procedures with those of the institution and provide channels within the organization for their regular review.

**SLSP must establish an intake system that treats people seeking assistance with respect, accurately identifies their legal needs, and promptly determines the assistance to be offered. (ABA 4.1)**

**SLSP must design and utilize a written service or fee agreement that establishes a clear and mutual understanding with people seeking their services regarding the type, scope and costs of any assistance, if any, they will provide. (ABA 4.2, 4.4)**

**SLSP must establish a procedure for individuals to complain about a denial of service or the quality and manner of assistance. (ABA 4.7)**

**SLSP must have internal file maintenance and calendaring systems to help manage its legal work, note important deadlines, check for potential conflicts of interest, and properly account for client funds. (ABA 5.3)**

**SLSP must have a hard-copy or electronic file in its case management system for each of its cases that records all material facts and transactions, provides a detailed chronological record of work done and sets for a planned course of action. (ABA 5.4)**

**SLSP are responsible for the conduct of representation undertaken by their practitioners and must supervise work of attorneys and non-attorney staff to assure that each client is competently represented. ABA 6.3)**

**SLSP must clearly articulate their service delivery structure and methods including the circumstances under which they will offer full or limited representation, alternative**

**volunteers change.**

When technology is used to facilitate student learning and development, SLSP must select technology that reflects current best pedagogical practices.

Technology, as well as any workstations or computer labs maintained by SLSP for student use, must be accessible and must meet established technology standards for delivery to persons with disabilities.

When SLSP provide student access to technology, they must provide:

- access to policies that are clear, easy to understand, and available to all students
- access to instruction or training on how to use the technology
- access to information on the legal and ethical implications of misuse as it pertains to intellectual property, harassment, privacy, and social networks.

Student violations of technology policies must follow established institutional student disciplinary procedures.

Students who experience negative emotional or psychological consequences from the use of technology must be referred to support services provided by the institution.

**Part 13. FACILITIES and EQUIPMENT**

SLSP must have adequate, accessible, suitably located facilities and equipment to support their mission and goals. If acquiring capital equipment as defined by the institution, SLSP must take into account expenses related to regular maintenance and life cycle costs. Facilities and equipment must be evaluated regularly, including consideration of sustainability, and be in compliance with relevant federal, state/provincial, and local requirements to provide for access, health, safety, and security.

Staff members must have work space that is well-equipped, adequate in size, and designed to support their work and responsibilities. For **all client communications and any other** conversations requiring privacy, staff members must have access to a private space.

Staff members who share work space must have the ability to secure their work adequately. **All client data must be locked when no one is in the office, especially if other staff, such as cleaning crews, or IT personnel have access to the offices.**

The design of the facilities must guarantee the security of records and ensure the confidentiality of **all client material and other** sensitive information.

The location and layout of the facilities must be sensitive to the special needs of persons with disabilities as well as the needs of constituencies served.

SLSP must ensure that staff members are knowledgeable of and trained in safety and emergency procedures for securing and vacating the facilities.