

## FERPA REFERENCE GUIDE FOR ACADEMIC ADVISING

Generally, FERPA prohibits NC State from disclosing student education records (or information from student records) to anyone other than the student to whom the records pertain, unless NC State has the student's consent or an exception applies.

*“It is best to assume that all records concerning students are covered by FERPA”*

Education records are not limited to academic records but records that are directly related to a student and maintained by NC State. This includes grades, transcripts, and exams and includes *all other* records in *any* format that contain personally identifiable information – such as schedules, accounts, financial aid records, and e-mails.

**Letters of Recommendation.** It is best practice for NC State Faculty and Staff to obtain a student's consent, in writing, prior to writing any letters of recommendation or serving as a reference. Faculty and Staff should have students complete a FERPA waiver and return it to them before serving as a reference. Letters of recommendation and references are education records and therefore covered by FERPA – which means a student has the right to inspect these records. However, students may prospectively waive this right – and often times do – by indicating so on the NC State FERPA Release for Letters of Recommendation.

### **Directory Information.**

NC State may disclose student directory information without the student's consent. This includes a student's name, e-mail address, home address, telephone number, major and similar information. Students have the right to “opt out” of the release of this information.

Disclosures must be made “in connection with an emergency,” which means it must be related to an actual or imminent emergency such as when a student is injured or is a threat to others.

### **School Officials with a Legitimate Educational Interest.**

NC State is may release FERPA education records to any school official with a legitimate educational interest. In this context, this means the information is necessary for the school official to perform a task that is specified in his or her job responsibilities, to perform a task related to discipline of a student or to maintain the safety and security of campus.

### **Student records may be disclosed in the event of a health or safety emergency.**

Disclosures are permitted, without the student's consent, if necessary to protect the health or safety of the student or other individuals.

### **When does FERPA not apply?**

**Personal Knowledge or Observation.** FERPA does not prohibit a school official from disclosing information about a student that is obtained through personal knowledge or observation.

For example, if a professor overhears a student making threatening remarks to others, FERPA does not protect that information from disclosure.

*However*, this does not apply where a school official personally learns of information about a student after reviewing or reading an education record.

Information can be shared with “school officials” who have a “legitimate educational interest”