

CRR: Privacy - Students

Compliance Risk Areas

Compliance Risk Areas	Related Governing Laws, Rules, Regulations, or University Policies
<ul style="list-style-type: none"> • Notifying Students of Rights • Right to Inspection by Students • Record Maintenance • Access to Records • Releasing Student Information and Responding to Requests • Responding to Students' Request for Amendments • Audit Trails and Suspected Breaches 	<ul style="list-style-type: none"> • Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99) • Minnesota Government Data Practices Act (Minn. Stat. §13.32) • Board of Regents Policy: Student Education Records • Administrative Policy: Managing Student Records • Administrative Policy: Maintaining Records of Student Work: Twin Cities, Crookston, Morris, Rochester

General Compliance Question(s)

1. How is compliance in this area monitored and how frequently?
2. What are the current compliance risks in this area (lack of monitoring, lack of resources, education, etc.)?
3. Estimate the number of allegations of misconduct (violation of law, rule, regulation or University policy) that are received annually related to non-compliance, excluding those allegations filed through the UReport system.
4. Explain any audit findings (federal, state, internal, etc.) from the past three years.
5. What are the emerging compliance risks in this area? Is yes, please explain.

Call the Chief Compliance Officer at (612) 626-7852 with questions.

Cost of Compliance Measurement Questions

1. How many employees (FTEs) are dedicated to compliance-related activities in this area?
2. What is spent annually, on average, to perform the compliance-related activities conducted by this unit? Please include only those items that require the purchase of goods or services from an outside entity such as outside consulting services, equipment purchases, non-routine supplies, or fees.
3. Please list all training required to maintain University compliance in this subject area. For each training requirement:
 - a. Identify the primary source of the requirement as (1) federal law, (2) state law, (3) administrative regulations, or (4) University policy.
 - b. Identify categories of employees (e.g., faculty, P&A, etc.) required to take the training.
 - c. Estimate the number of employees in each category required to take the training.
 - d. Identify the frequency (e.g., quarterly, annually) and the length of the training (e.g., 1.5 hours).
4. Estimate the number of employees system-wide who are subject to the compliance requirements in this area.
5. Excluding time required to meet training requirements addressed in Question 3 above, please estimate the time required annually for these employees to comply with other compliance requirements (e.g., record keeping, monitoring, testing, reporting).

Notifying Students of their Rights

1. Administrative Procedure: Assuring Rights Regarding Education Records provides that the University will annually post information about the Student Education Records in the University Bulletin and via e-mail or on a student-accessed website. Does the University take any additional steps to identify students who are not “reasonably likely” to access either the Bulletin or e-mail/website?
 - a. Are any steps made to provide this information to students registered with Disability Services?
 - b. Are any steps made to provide this information in a language other than

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English?

2. Describe the process for publishing information in the University Bulletin about the Board of Regents policy on Student Education Records. Attach the language provided in the most recent Bulletin.
3. Describe the process for identifying and notifying active students via e-mail about the Student Education Records policy. Attach the language provided in the most recent e-mail notice.
4. Do the disclosures describe directory information that can be disclosed and a process for opting out of the disclosure of directory information?
5. How does the University ensure that any form requesting private information includes the following information required by the Minnesota Government Data Practices Act?
 - a. The purpose and intended use of the information
 - b. Whether the individual may refuse or is legally required to supply the data
 - c. Any known consequences arising from supplying or refusing to supply the information
 - d. The identity of other persons or agencies that are authorized to receive the data.

Right to Inspection by Students

1. Describe the process for responding to a student's request for access to records within a reasonable period of time?
 - a. How often does the University fail to meet the 45 day requirement to comply with a request for access to records?
2. Describe the process for determining which records, if any, a student is not entitled to access to.
3. Does the University charge a fee for a copy of an educational record?

Record Maintenance

1. How does the University ensure that a record of each request for personally identifiable information is included with each student record?

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2. How does the University identify who can inspect (the student/custodian/persons authorized to audit)?
3. Does the University confirm there are no outstanding requests to inspect or review educational records before destroying the records?

Access to Records

1. How does the University identify officials whose responsibilities reasonably require access to student records?
2. How does the University define what types of activities constitute a “legitimate educational interest?”
3. How does the University ensure that departments do not post grades or exam results with personally identifiable information?
 - a. Is any training provided to faculty/instructors/etc on how to post grades or exam results?
 - b. Is any training provided to department administrators that have access to the grades or exam results?

Releasing Student Information and Responding to Requests

1. How does the University determine which requests for educational records require written consent and which requests require a student’s signed and dated written consent?
2. Describe the process for having a student provide a signed and dated written consent before releasing personally identifiable information from educational records.
3. How does the University notify students when an educational record is disclosed?
4. Who is responsible for determining whether information can be disclosed in an emergency if the information is necessary for health and safety purposes? What factors go into this determination?
5. Who is responsible for determining whether information can be disclosed in any other instances (court order, juvenile justice system, etc.) in which federal and state statutes

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permit disclosure? What factors go into this determination?

6. If a student prohibits disclosure of directory information, what steps does the University take to make sure directory information is not disclosed?

Responding to Students' Request for Amendments

1. Describe the process for a student to request that a student's educational records be amended.
2. What factors does the University consider in deciding whether or not to amend the educational record?
3. Describe the process for requesting and holding a hearing for students who disagree with the University's determination on amending an educational record.
4. How many requests for hearings does the University typically receive per year?

Audit Trails and Suspected Breaches

1. Describe the process the University uses for logging requests for educational records.
2. Describe the process the University uses for logging when requests are fulfilled and what records were released and to whom.
3. How do students report suspected breaches/unintentional release of education records (or directory information after opt-outs)?
4. Describe the process for responding to breaches/the unintentional release of education records.
5. Describe the process for monitoring access logs to ensure that records are being accessed only for appropriate business purposes.

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