



**Audit of FERPA Compliance**

**Report No. 21/22-07  
May 11, 2022**



**Date:** May 11, 2022

**To:** Kevin B. Coughlin, Jr., Vice President of Enrollment Management and Services; Vice Provost, FIU Virtual Campus  
Jennifer LaPorta Baker, Chief Compliance and Privacy Officer

**From:** Trevor L. Williams, Chief Audit Executive

A blue ink signature of Trevor L. Williams, written in a cursive style.

**Subject:** Audit of FERPA Compliance – Report No. 21/22-07

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We have completed an audit of Family Educational Rights and Privacy Act (FERPA) Compliance for the period August 1, 2020, through July 31, 2021, and have assessed the current practices through March 2022.

FERPA is a federal law that protects the privacy of student education records. During the audit we reviewed University policies and procedures to ensure compliance with federal, state, and University requirements and to ensure that processes were effective at identifying and managing potential violations.

In summary, we concluded that the University generally complies with the federal statute. However, we identified areas for process improvement that could enhance your demonstrated general compliance with the FERPA regulation. We offered five recommendations to address the issues identified during the audit. Management has agreed to implement all recommendations offered.

We want to take this opportunity to express our appreciation to you and your staff for the cooperation and courtesies extended to us during the audit.

Attachment

C: FIU Board of Trustees

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Elizabeth M. Bejar, Interim Provost, Executive Vice President, and Chief Operating Officer

Aime Martinez, Interim Chief Financial Officer and Vice President for Finance and Administration

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## EXECUTIVE SUMMARY

### Introduction

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records, gives students control over their records, including the right to seek to have the records amended, and prohibits the University from disclosing personally identifiable information (PII) from students' education records without consent from the student. FERPA allows the disclosure of education records without student consent when the disclosure meets specific criteria outlined in federal regulations.

### What We Did

We performed this audit to evaluate the effectiveness of the University's efforts to comply with FERPA.


### What We Concluded

We found no repeated or systemic instances of FERPA non-compliance. However, we identified opportunities to enhance current processes pertaining to FERPA. Specifically, processes could be strengthened by the following actions:

- Custodians of Education Records and some employees in support units were not properly identified as needing annual FERPA training. Properly identify all employees required to take FERPA training annually.
- Employees may request access to roles in Campus Solutions, however supervisors do not approve the access request. Ensure supervisor's approval is obtained prior to granting access to a student record role in Campus Solutions.
- Employees are now required to complete FERPA training prior to obtaining access to student data in Campus Solutions, however it is a manual and ineffective process to verify completion. Continue efforts to implement an automated feature in the system to ensure that all employees complete FERPA training prior to obtaining access to student data.
- Privacy related communications to students impacted by a FERPA violation did not always include FERPA information resources and contact information to address further concerns and in some cases, students or impacted parties were not notified. Ensure all impacted parties are notified once a FERPA violation is confirmed and ensure privacy related communications sent to students impacted by a FERPA violation include links to the FERPA website, Regulation FIU-108, *Access to Student Education Records*, and/or other applicable contact information.
- A log of FERPA requests and potential violations was created during the audit. The log should be consistently maintained and updated to document actions taken and the resolution of identified issues.

The reportable conditions found and the background giving rise to the foregoing recommendations are detailed in the Observations and Recommendations section

beginning on page 8 of this report. We have also included the mitigation plans management has proposed in response to our observations and recommendations, along with their implementation dates and complexity ratings.



## **OBJECTIVE, SCOPE, AND METHODOLOGY**

Pursuant to the Office of Internal Audit (OIA) approved annual plan for the 2021-2022 fiscal year, we completed an audit of FERPA compliance. The primary objective of our audit was to evaluate the effectiveness of the University's efforts to comply with FERPA, specifically as it relates to:

- appropriate governance,
- data privacy and security of student education records, and
- adequate practices for the monitoring and reporting of FERPA incidents.

Our audit period was August 1, 2020, through July 31, 2021. Additionally, we assessed the current practices through March 2022.

The audit was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing*, promulgated by The Institute of Internal Auditors. The audit included tests of the supporting records and such other auditing procedures, as we considered necessary under the circumstances. Audit planning and fieldwork were conducted from September 2021 to March 2022.

During the audit, we:

- reviewed University policies and procedures, and applicable laws, rules, and regulations (federal and state, accordingly),
- interviewed responsible personnel,
- obtained an understanding of management's processes for ensuring compliance with FERPA regulation,
- reviewed and evaluated overall controls over access to student records, and
- evaluated the process for reviewing instances of potential FERPA violations.

Sample sizes selected for testing were determined on a judgmental basis applying a nonstatistical sampling methodology.

We reviewed all internal and external audit reports issued during the last three years and found no reports with any applicable recommendations related to the scope and objective of this audit, which otherwise would have required follow-up.

## **BACKGROUND**

The U.S. Department of Education provides the following information pertaining to The Family Educational Rights and Privacy Act (FERPA or the "Act").<sup>1</sup> FERPA is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education (USDOE). FERPA offers parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information (PII) from the education records. When a student reaches the age of 18 years, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student. Students to whom the rights have transferred are "eligible students."

Generally, schools must have written permission from the parent or eligible student to release any information from a student's education record. However, FERPA<sup>2</sup> allows schools to disclose those records, without consent, to the following parties or under the following conditions:

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

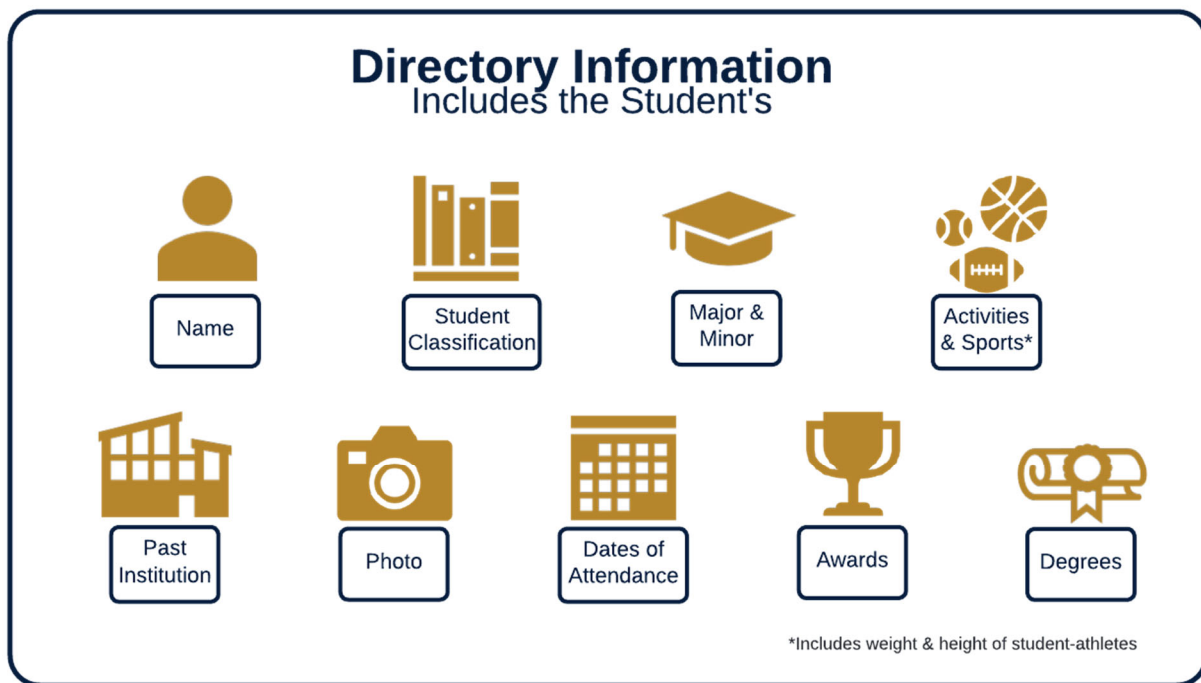
Schools may disclose, without consent, "directory" information. Directory information is the information available about a student that is not considered harmful or an invasion of privacy if disclosed. While FERPA protects the privacy of educational records, directory information is not treated as confidential and may be disclosed by the University without student consent unless the student has placed a FERPA block via their student account.

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<sup>1</sup> The Family Educational Rights and Privacy Act 20 U.S.C. § 1232g; 34 CFR Part 99

<sup>2</sup> 34 CFR § 99.31

Pursuant to Florida International University (FIU) Regulation 108, *Access to Student Education Records*, the following has been designated as directory information:



In addition, responsibility for custody of all student educational records and personally identifiable information within them ultimately belongs to the University Registrar. Any University official in possession of education records is required to comply with FERPA and FIU Regulation 108. The University Registrar or designated custodian shall ensure that the procedures required by law and this Regulation are in place to control access to and disclosure of student education records and personally identifiable information contained therein. The following are the types of student records that the University maintains:

- Academic Counseling
- Academic Records
- Athletic Records
- College of Medicine Records
- Continuing Education Records
- Disciplinary Records
- Housing Records
- International Student Records
- Personal Non-Academic Counseling Records
- Placement Records
- Student Financial Aid Records
- Student Financial Records
- Veteran Records

The University has a dedicated FERPA website that discusses the student privacy regulations and student rights, including what is protected, what can be disclosed, how to delegate access to share protected student information, how to place or release a FERPA block, and how to file a complaint concerning alleged failures by the University to comply with the requirements of FERPA. Potential FERPA allegations are reviewed by the



FERPA Committee. The Committee comprises the University Registrar, Chief Compliance Officer, General Counsel, and the Chief Information Security Officer.

The USDOE's Federal Family Policy Compliance Office is responsible for reviewing and investigating complaints of violations of FERPA. If that office confirms that a violation has occurred, it will allow the University to voluntarily comply. If the University fails to come into compliance, the U.S. Secretary of Education can direct that no federal funds (e.g., financial aid, education grants) under his or her administrative control be made available to the University.

## OVERALL ASSESSMENT OF INTERNAL CONTROLS

Our overall assessment of internal controls is presented in the table below.

INTERNAL CONTROLS ASSESSMENT			
CRITERIA	SATISFACTORY	OPPORTUNITIES TO IMPROVE	INADEQUATE
Process Controls	X		
Policy & Procedures Compliance	X		
Effect	X		
Information Risk	X		
External Risk	X		
INTERNAL CONTROLS LEGEND			
CRITERIA	SATISFACTORY	OPPORTUNITIES TO IMPROVE	INADEQUATE
<b>Process Controls:</b> Activities established mainly through policies and procedures to ensure that risks are mitigated, and objectives are achieved.	Effective	Opportunities exist to improve effectiveness	Do not exist or are not reliable
<b>Policy &amp; Procedures Compliance:</b> The degree of compliance with process controls – policies and procedures.	Non-compliance issues are minor	Non-compliance issues may be systematic	Non-compliance issues are pervasive, significant, or have severe consequences
<b>Effect:</b> The potential negative impact to the operations- financial, reputational, social, etc.	Not likely to impact operations or program outcomes	Impact on outcomes contained	Negative impact on outcomes
<b>Information Risk:</b> The risk that information upon which a business decision is made is inaccurate.	Information systems are reliable	Data systems are mostly accurate but need to be improved	Systems produce incomplete or inaccurate data which may cause inappropriate financial and operational decisions
<b>External Risk:</b> Risks arising from events outside of the organization's control; e.g., political, legal, social, cybersecurity, economic, environment, etc.	None or low	Potential for damage	Severe risk of damage

## **OBSERVATIONS AND RECOMMENDATIONS**

### **Areas Within the Scope of the Audit Tested Without Exception:**

#### **Annual FERPA Notification**

Pursuant to FERPA, each educational agency or institution shall annually notify eligible students currently in attendance of their rights under the Act. An institution may provide the notice by any means that are reasonably likely to inform the eligible students of their rights. Among other items, the notice must inform eligible students that they have the right to:

- Inspect and review their student's educational records;
- Seek amendment of their student's education records that they or their parent believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- Consent to disclosures of personally identifiable information contained in their student's education records; and
- File a complaint with the US Department of Education.

The University notifies students of their FERPA rights every semester. In addition, information pertaining to the Act is available on the University's FERPA website. We reviewed the University's FERPA website, as well as related emails and messages sent to students during the audit period, and determined that the University's notification of FERPA rights is compliant with the Act, as all the required elements are included therein.

#### **Third Party Contracts**

As part of the FIU Procurement Contract Creation Workflow process, all contracts with suppliers that will have access to any personally identifiable information, student education records, or student financial information are sent to the Office of General Counsel for approval. If the supplier is approved, the University incorporates a FERPA Supplemental Addendum into the agreement between FIU and the supplier, or in some cases, ensures a mutually agreeable provision is incorporated if the supplier does not fully agree with the supplemental addendum.

During the audit period, the University created 49 procurement contracts that required suppliers to have access to student education records, PII, or student financial information and required FERPA review and approval. We judgmentally selected 21 of 49 contracts (43%) to determine if they were properly approved by the Office of General Counsel and contained the FERPA Supplemental Addendum or separate FERPA provisions, as applicable. All contracts were reviewed and approved by the Office of General Counsel and included an appropriate FERPA reference.

## Recordkeeping of Requests and Disclosures

The Family Educational Rights and Privacy Act, §99.32 states:

*An educational agency or institution must maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student...For each request or disclosure the record must include:*

- (i) The parties who have requested or received personally identifiable information from the education records; and*
- (ii) The legitimate interests the parties had in requesting or obtaining the information.*

The FERPA Committee utilizes SharePoint<sup>3</sup> to maintain FERPA-related incidents, emails, requests, and other documentation. Upon our request, the University Registrar created a log of reported potential FERPA violations and requests for student information received between December 2019 and September 2021. The log was compiled from related emails and/or other documentation on the Committee's SharePoint site and included 15 potential FERPA violations and five requests for student information from external parties received.

Overall, we noted that appropriate measures were taken by the University Registrar to prevent improper disclosure of student information, as all five external requests were denied and thus, no FERPA protected data was provided and no issues of noncompliance for recordkeeping with the Regulation were noted.

## Disclosure of Directory Information for Students with a FERPA Block

In May 2020, the University received an anonymous complaint alleging that the FIU spring 2020 Commencement Ceremony featured students with FERPA restrictions on record that prevented the release of their directory information, thus the University disclosed student information without consent. While addressing the violation, the USDOE contacted FIU with the complaint in November 2020.

The Family Educational Rights and Privacy Act, §99.62 states:

*The Office may require an educational agency or institution, other recipient of Department funds under any program administered by the Secretary to which personally identifiable information from education records is non-consensually disclosed, or any third party outside of an educational agency or institution to which personally identifiable information from education records is non-consensually disclosed to submit reports, information on policies and procedures, annual notifications, training materials, or other information necessary to carry out the Office's enforcement responsibilities under the Act or this part.*

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<sup>3</sup> SharePoint is a trademark of the Microsoft group of companies.

Although only directory information was disclosed, the complaint was deemed to be substantiated. Based on our review of the supporting documentation and information provided to the USDOE, we noted that University staff worked quickly to address and resolve the issue. As a result, the University implemented several process improvements, including:

- Updating FIU's FERPA, Commencement, and One Stop-Graduating Student websites to include information regarding students with a FERPA Block. The websites inform students they will be excluded from the Commencement Booklet and any Virtual Commencement Ceremonies if they have a FERPA restriction unless action is taken to remove the restriction. In addition, emails are sent to graduating students with FERPA holds informing them of the above.
- Beginning in summer 2020, the list of students that is submitted for inclusion in the Commencement Booklet and ceremonies, excludes any students who opted-out of disclosure of their directory Information.

Overall, we noted the University Registrar timely communicated the University's status in resolving the issues to the USDOE and submitted the process improvements that were implemented to prevent future occurrences of the issue, which the USDOE found to be acceptable.

### **Employee Completion of FERPA Training**

We obtained and reviewed the FERPA Training Enrollment Report of employees who were identified by Compliance as required to take the FERPA Basics Training during the 2020-2021 campaign. Based on our review of the report, 3,423 out of 3,593 employees (95%) completed training. For the 170 employees (5%) who did not complete the training, we noted that Compliance escalated the issue to Human Resources for a FERPA non-completion memo to be placed in the employee's file, which may impact the employee's performance evaluation through the Performance Excellence Process.

## **Areas Within the Scope of the Audit Tested With Exception:**

### **1. FERPA Training**

The Office of University Compliance & Integrity (“Compliance”) oversees the University’s compliance training campaigns, including FERPA. Information about FERPA is included in the New Employee Experience orientation for new hires, as well as in the FIU Faculty Handbook. In addition, a targeted group of employees is required to complete a FERPA Basics training, which includes employee acknowledgment of the FERPA policy (FIU Regulation 108 - *Access to Student Education Records*), annually through the FIU Develop platform. For fiscal year 2020-2021, the annual FERPA campaign was June 2020 through September 2020.

#### **Identification of Employees Required to Take FERPA Training**

Compliance informed us that the initial methodology utilized to identify employees who should be required to take FERPA training during the 2020-2021 campaign was unknown, as it was overseen by a former employee in the department who had since resigned. Prior to his departure from the University, he sent an email to all employees identified to notify them of their need to take the FERPA training. However, soon thereafter, Compliance received numerous emails and/or calls from employees questioning if they were required to take the training since they did not have access to student records; some employees were in Facilities Management and did not have access to a computer. This among other things, led to several process improvements that Compliance implemented in trying to better manage the FERPA training campaign going forward.

Since an email had already gone out to several employees, Compliance decided to re-identify employees who should be required to take the training and to track their completion status on the backend as opposed to sending another email. To assist with identifying the required employees, Compliance contacted Human Resources and ultimately was provided with a list of all active employees with access to areas that are forward-facing with student records in Campus Solutions. This list was used to populate FIU Develop to enroll the targeted audience into the FERPA Basics course.

We reviewed the list and determined that the methodology used for its development may require further consideration as certain employees (six in total) personally known to us to more than likely have contact with FERPA-related information due to their role or nature of work they perform were omitted from the list. These individuals included one employee designated as a Custodian of Education Records and five employees from the FIU Office of Internal Audit. They were not included because they did not have access to Campus Solutions at the time. However, given the type of work that is performed by the Office of Internal Audit and other support areas, specifically the Office of University Compliance & Integrity and the Office of the General Counsel, it would be beneficial for staff in those areas to be knowledgeable of FERPA and be required to take the training annually, as well.

Through follow-up discussions, Compliance has informed us that they have identified and will include all active employees in the Office of Internal Audit, the Office of University Compliance & Integrity, and the Office of the General Counsel as employees in support units that will be required to take FERPA training, regardless of their access to Campus Solutions.

### **Recommendation**

The Office of University Compliance and Integrity should:	
1.1	Properly identify all employees required to take FERPA training annually, inclusive of current and new account users of Campus Solutions, designated Custodians of Education Records, and employees in designated support units that may routinely come into contact with FERPA-related information.

### **Management Response/Action Plan**

- 1.1 The Office of University Compliance has worked with the Registrar and IT to implement automated FERPA training for new Campus Solutions users and training thereafter (see response to 2.2). The Office of University Compliance will work with the Office of the Registrar and Human Resources to identify designated Custodians of Education Records as well as employees in designated support units who may have routine contact with FERPA-related information and are not otherwise users of Campus Solutions to include in an annual FERPA Campaign administered by our office. Please note that annual training is not required for these employees, but we have nevertheless included it in our Compliance work plan.

**Implementation date:** August 20, 2022

**Complexity rating:** 3

## 2. Access to Student Education Records

University Regulation, FIU-108, *Access to Student Education Records* states:

***Access to and Release of Records without Consent.*** *The following persons and organizations are considered “university officials” and may have access to personally identifiable information without the Student’s prior consent:*

- a. *Faculty, administrators, staff and Agents of the University, the Florida International University Board of Trustees, or the Florida Board of Governors whom the University Registrar or Custodian of Education Records has determined to have a legitimate educational interest in the record...*

FIU primarily maintained student educational records in the University’s PantherSoft Campus Solutions system. Access to PantherSoft systems depends on an individual’s role within the University. Employees may request and obtain specific roles in Campus Solutions through either of the following methods:

1. Complete a Campus Solutions Access Request Form in PantherSoft, which is sent to the “data owner” of the roles or modules requested for approval.
2. Email [pssec@fiu.edu](mailto:pssec@fiu.edu) to request access to Campus Solutions.

However, currently, the employee’s supervisor is not a part of the approval process, though they may receive an email copy of the access request.

Once access is approved and new users log into Campus Solutions, they are required to complete four steps, which include a Data Privacy Introduction and review and acceptance of the following agreements:

- The Family Educational Rights and Privacy (FERPA) agreement
- The Code of Computing Practice
- The Gramm Leach Bliley Act (GLBA)

Additionally, current users of Campus Solutions with the above agreements’ acceptance dates greater than 365 days will be prompted upon login to review and accept the agreements. The user will not have functionality in Campus Solutions without accepting the agreements.



### **Access Management (Pre-access Credentialing)**

Based on our review and evaluation of the process for granting access to Campus Solutions as previously described, we noted the following:

- User access requests for Campus Solutions are not approved by the requester's supervisor.
- Although users were required to complete and accept the noted agreements, they were not required to complete and/or attest to completing FERPA training prior to obtaining access.

In October 2021, the Office of the Registrar also began a manual process to verify whether any user who requests access to student records completed FERPA training prior to access being granted. The Associate Registrar would verify completion by obtaining the course completion certificate from the employee or running a query in Canvas/FIU Develop prior to approving the request. However, they discovered a gap in this process as there are many approvers for the various student system access and there are over 700 different security roles in the system. Moreover, the Associate Registrar does not approve every role and access request and all other approvers may not be manually checking for FERPA training.

In addition, the Chief Compliance Officer and the University Registrar informed us that they have been working with the Division of Information Technology (IT) since November of 2020 on a process improvement. All new Campus Solutions users will be provided with a notification to take the FERPA training to be granted access. They further stated that they will automate the requirement for users to take the FERPA basic training and/or any required FERPA-related course(s) before being allowed to access Campus Solutions. They estimate launching the automated feature in summer 2022.

### **Testing of Employee Access**

We obtained a list of all employees who received access to Campus Solutions during the audit period and judgmentally selected a sample of 35 out of 350 employees (specifically those who received access to a Student Record role in the system).

Overall, we found:

- 35 of 35 employees (100%) were active employees at the time access was given.
- 35 of 35 employees (100%) accepted the FERPA agreement in Campus Solutions.
- 22 of 35 employees (63%) were permanent employees who had job duties that appeared to warrant the need for access to student records, based on their FIU

position description or job duties. The other 13 employees (37%) were temporary employees, who are not tied to a position and do not have formal individual position descriptions. Additionally, the job specifications for temporary positions are typically generic in nature and would not specifically justify the need for access to student data. Therefore, it is imperative that justification and approval for access is obtained from supervisors of temporary employees.

- 27 out of 35 employees (77%) completed FERPA training and eight employees (23%) did not.

Although FERPA training is not a requirement of the Act, the University utilizes the FERPA Basics course to educate employees about the Regulation and what constitutes a violation of FERPA, including inappropriate release or disclosure of student records and personally identifiable information within them. Therefore, providing this FERPA training to all employees with access to student education records prior to being granted access and annually thereafter, reduces the risk of violating the Regulation.

## **Recommendations**

The Office of the Registrar should:	
2.1	Data owners ensure that supervisors approve all requests for Campus Solutions prior to granting staff members with access to a Student Record role or other roles (and rows) that contain FERPA-protected information.
2.2	Continue efforts to implement an automated feature to ensure that all employees complete FERPA training prior to obtaining access to student data in Campus Solutions.

## **Management Response/Action Plan**

- 2.1 Student Records (SR) will work with IT to transition from a custom security request workflow from the current multi-platform (archaic) context into a Campus Solutions AWE (approval workflow engine) driven process. IT and SR will base the proposed AWE on the workflow currently used in the HR security approval process. The HR AWE contains the workflow and logic involving approval from direct supervisors. The updated access request process will provide supervisors with specific information concerning privileges and access associated with each role as part of the approval process itself. To future proof the newly retrofitted security process, we will ensure that the approval process can be managed via set-up screens as opposed to hard-coding specific steps. This will be a large and complex project and implementation is expected by summer of 2023 so that it does not adversely impact other student success projects/initiatives. An IT ticket (PAWS) has been opened for this project.

**Implementation date:** August 30, 2023

**Complexity rating:** 3

- 2.2 Compliance, SR, and IT started this project in November 2020. We are currently working with FIU develop to finalize, test, and publish a suite of courses that facilitates FERPA learning and tracks completion. We expect the training interface to be completed by August 2022. This will ensure that all staff members complete training prior to gaining access to the Campus Solutions modules of PantherSoft. Please note that this functionality will also be used to certify staff members compliance each year.

**Implementation date:** August 20, 2022

**Complexity rating:** 3

### **3. Monitoring and Reporting of Violations**

University Regulation, FIU-108, *Access to Student Education Records*, requires any violations of the Regulation to be reported to the University Registrar at [ferpa.fiu.edu](https://ferpa.fiu.edu) or confidentially reported to the Ethical Panther Line by visiting <https://compliance.fiu.edu/hotline/>.

The University has a dedicated FERPA Committee that investigates reports received of FERPA violations. FERPA violations are handled on a case-by-case basis, depending on the reported incident. According to the University Registrar, a three-step process is typically followed when a violation occurs:

- i. An email is sent to the person who violated FERPA. The Committee checks to see if the employee has completed FERPA training and advises them to do so, if not. Additionally, their supervisor and/or Dean/VP, Office of Compliance, General Counsel, and Employee and Labor Relations (ELR) are copied on the notification.
- ii. An email is sent to the student(s) who were impacted (i.e., their personally identified information or other student data may have been disclosed). A message is also posted on the student's message board in Campus Solutions.
- iii. An email is sent to other parties that may have received personally identified information or student information in error (e.g., an email that is sent to the wrong recipient).

#### **Email Communications**

From July 2020 to September 2021, the Office of the Registrar sent 629 FERPA and FIU student privacy related communications to students. These communications included messages to students regarding:

- FERPA information released in error,
- FERPA information shared by an FIU employee in error, and/or
- consent for FIU commencement services, specifically for students who had an active FERPA restriction on the release of directory information at the time of the Spring 2020 Commencement.

Our review of a sample of the board messages and emails sent to students in response to a FERPA violation found the messages appropriately provided the specific case-related issues. However, the communication did not always include links to the FERPA website, the FIU Regulation, and/or other applicable contact information as resources for the students if they had further questions or concerns related to the violation.

## **Reported Potential FERPA Violations**

There were 15 potential FERPA violations received during the audit period. We evaluated the appropriateness of actions taken by the University Registrar and/or FERPA Committee in response to the reported incidents. No issues were noted with 13 out of 15 (87%) reported potential violations reviewed. The following observations were noted for the remaining 2 (13%).

- One reported violation was not timely followed up due to oversight. The Registrar did eventually send a notification to the instructor, their supervisor, and ELR regarding the incident. However, since the violation had occurred in Summer A and the information had been taken down, a notification was not sent to the impacted students.
- Another alleged violation neither had been confirmed nor fully investigated or resolved at the time of our review. After follow-up by the Registrar, it was determined that the instructor who committed the alleged incident had since retired.

We found that it may be beneficial for the University Registrar to consistently maintain and update a log of all reported potential violations to ensure all items reported are investigated and the mitigation and resolution of each violation is documented.

## **Recommendations**

The Office of the Registrar should:	
3.1	Ensure all privacy related communications sent to students impacted by a FERPA violation include links to the FERPA website, Regulation FIU-108, <i>Access to Student Education Records</i> , and/or other applicable contact information.
3.2	Maintain and update a log of all potential FERPA violations and requests for student information. The log should include appropriate actions taken and resolution of the identified issues to ensure all reported potential violations are investigated and impacted parties are notified once a FERPA violation is confirmed.

## **Management Response/Action Plan**

- 3.1 The University Registrar and the FIU FERPA Committee completed this project. Our communications template for students includes the information to the FERPA website, Regulation FIU-108, and/or other applicable contact information. Please note that instances where this may not have been in the communication to the student(s) were due to the recommendation of the FERPA committee and/or GC. This is based on the specific nature of each case.

**Implementation date:** December 1, 2021



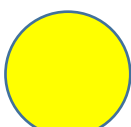



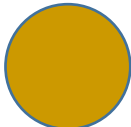
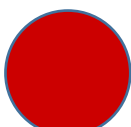

**Complexity rating:** 1

- 3.2 The Office of the Registrar will continue to maintain an Excel spreadsheet log of any reported violations and requests for information, with all appropriate information. Meanwhile, the Office of Compliance continues to work with the Human Resources Information Systems (HRIS) to determine if/how the case management system can be used to track cases moving forward. An enhancement must be made in order to accommodate the system to address this issue efficiently. At this time the Office of Compliance is waiting to hear back from the company. Currently we do not have a time-frame estimate.

**Implementation date:** October 1, 2021

**Complexity rating:** 2

## APPENDIX I – COMPLEXITY RATINGS LEGEND

Legend: Estimated Time of Completion		Legend: Complexity of Corrective Action	
	Estimated completion date of less than 30 days.		<b>Routine:</b> Corrective action is believed to be uncomplicated, requiring modest adjustment to a process or practice.
	Estimated completion date between 30 to 90 days.		<b>Moderate:</b> Corrective action is believed to be more than routine. Actions involved are more than normal and might involve the development of policies and procedures.
	Estimated completion date between 91 to 180 days.		<b>Complex:</b> Corrective action is believed to be intricate. The solution might require an involved, complicated, and interconnected process stretching across multiple units and/or functions; may necessitate building new infrastructures or materially modifying existing ones.
	Estimated completion date between 181 to 360 days.		
	Estimated completion date of more than 360 days.		<b>Exceptional:</b> Corrective action is believed to be complex, as well as having extraordinary budgetary and operational challenges.

\*The first rating symbol reflects the initial assessment based on the implementation date reported by Management, while the second rating symbol reflects the current assessment based on existing conditions and auditor's judgment.

## **APPENDIX II – OIA CONTACT AND STAFF ACKNOWLEDGMENT:**

**OIA contact:**

Joan Lieuw 305-348-2107 or [jlieuw@fiu.edu](mailto:jlieuw@fiu.edu)

**Contributors to the reports:**

In addition to the contact named above, the following staff contributed to this audit in the designated roles:

Tranae S. Rey (auditor in-charge);  
Vivian Gonzalez (supervisor and reviewer); and  
Manuel Sanchez (independent reviewer)



### **Definition of Internal Auditing**

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.