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## ***COMPLIANCE IN BLUE***

*The Compliance and Enterprise Risk Management  
Newsletter for Middle Tennessee State University*

### **STATE MANDATED FREEZER INVENTORY**

In January 2020, the State Claims and Risk Management Division ("Claims and RMD") announced requirements for all State universities and colleges to provide an inventory and monitoring schedule of freezers containing research specimens. State universities and colleges must provide a list of critical freezers and/or refrigerators by July 1, 2020, to ensure coverage for research specimen losses resulting from frozen or refrigerated items. *(cont. on page 2)*



## STATE MANDATED FREEZERS CONT.

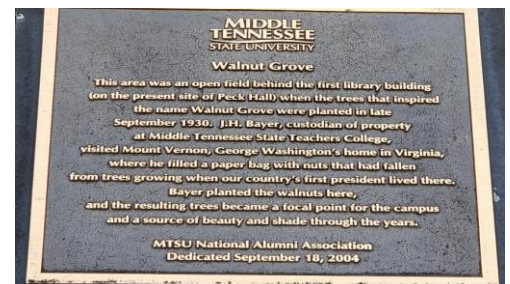
While specific guidance has not been issued regarding the definition of “research specimens,” State Claims and RMD recommends universities and colleges include (on their inventory list) any items not kept at room temperature of academic, programmatic, or research value, including human tissue and/or animal and plant specimens. MTSU Facilities Services and Environmental Health and Safety are coordinating the freezer and refrigeration inventory effort in collaboration with various departments within Academic Affairs. Universities and colleges are additionally required to install, and/or maintain a centralized monitoring and backup system to prevent the risk of freezer/refrigeration power failures, as well as the loss of inventory items.

A “Critical Freezer Register Form” must be provided to the State Claims and Risk Management Division annually. For assistance with inventory collection, please contact Facilities - [facilities.services@mtsu.edu](mailto:facilities.services@mtsu.edu). For additional information regarding the State Claims and RMD insurance coverage requirements, please contact the Office of Compliance and Enterprise Risk Management at [caerm@mtsu.edu](mailto:caerm@mtsu.edu).



## RECORDS MANAGEMENT

Recently, the State’s Records Management Division provided guidance on the treatment of student course assessment materials. While such materials are a part of the student’s educational record, Records Coordinators may continue to utilize State Records Disposition Codes SW17, Working Papers, which has a one (1) year retention, or SWU-02, which has a permanent retention. Input of this information must be included in the proprietary MTSU Records Retention Database (Database). **(cont. on page 3)**



## AUTO ACCIDENT REPORTING

The State of Tennessee Claims and Risk Management Division requires all State employees to report auto accidents within 24 hours of the accident. **(cont. on page 3)**



## Records Management continued

Please note that any student course assessment records destroyed after one year under RDA SW17 must also be included in the Database as a request for destruction (shredding and not recycling) of the record(s) to the Records Officer, which is the current MTSU procedure for Records Coordinators.

For additional information on this issue, or should you have questions on this issue, please contact [gene.stephens@mtsu.edu](mailto:gene.stephens@mtsu.edu) directly. You may additionally contact Hector del Callar at [hector.delcallar@mtsu.edu](mailto:hector.delcallar@mtsu.edu) or [RDARetention@mtsu.edu](mailto:RDARetention@mtsu.edu).

Lastly, MTSU's annual Records Destruction Days will be held in October 2020. Specific dates and details regarding procedures for the pick-up of records scheduled for destruction are forthcoming.



## Auto Accident Reporting continued

The reporting includes accidents that occur in both State **AND** personal vehicles whenever a State employee is traveling on State/University business. Information about the State required reporting requirements that were instituted by the State Claims and Risk Management Division in 2019 are available [here](#).

Please note that the University is assessed financial penalties whenever a State employee fails to timely report an accident while traveling on University business. For any financial penalties assessed to the University, please be advised that the financial penalty will be passed on to the employee's University Department for payment.

Additional information regarding auto accident reporting procedures is available on the Office of CAERM's webpage [here](#).

### Ethics Quote of the Day

**"There is no such thing as business ethics. There is only one kind – you have to adhere to the highest standards."**

**--Marvin Bower**

## FERPA

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student educational records and prohibits the disclosure of such records without the express, written consent of the student. There are, however, exceptions to the consent requirement regarding the disclosure of student records. Specifically, disclosure of a student's educational records to school officials with a legitimate educational interest in the records is one instance in which  
*(cont. on page 4)*

## FERPA Continued

written consent is not required by the student.

If you are uncertain about whether or not disclosure of a student's educational record is permitted, or for a list of additional FERPA exceptions, please contact the following offices:

- Office of University Counsel
- Office of Compliance and Enterprise Risk Management

For any incident involving FERPA related to the unauthorized disclosure of student educational records, the following University offices must be notified:

- Office of the Registrar
- Office of University Counsel
- Information Technology Division, Security Department
- Office of Compliance and Enterprise Risk Management

Additional information regarding access to educational records can be found in [MTSU Policy 500](#).



## CENSUS 2020 AND FERPA

The Department of Education ("DOE") recently held a webinar that provided instructions to universities and other higher education institutions regarding Census 2020. The official Census Day is April 1, 2020. Institutions may utilize four methods to obtain Census information from students:

1. Drop-off/pick-up the Census Questionnaire.
2. In person interview by DOE Census staff.
3. Electronic data response to Census questions (FERPA Directory information can be utilized unless the student opted out of the Directory).
4. Paper response to Census questions (FERPA Directory information can be utilized unless the student opted out of the Directory).

# Census 2020 and FERPA continued

The DOE explained that most higher education institutions choose the Drop-off/pick-up method for completing the census information. Use of the drop-off/pick-up method for Census information gathering does not implicate FERPA, according to the DOE official. Specifically, if a university or college chooses to utilize the drop-off/pick-up Census method, student consent is not required; however, to prepare the Census packages, institutions will be asked for a roster of students.

Additional information about Census 2020 can be found [here](#).

## Compliance Quote of the Day

**“Compliance does not foster innovation; trust does. You can’t sustain long-term innovation, for example, in a climate of distrust.”**

**--Steven R. Covey**

## REGULATORY MINUTE: WHAT’S GOING ON?

### 1. New, Civil Rights Compliance Center Within The Office of Civil Rights Announced

The Department of Education’s Secretary Betsy DeVos announced that the Office of Civil Rights (“OCR”) will launch an Outreach, Prevention, Education, and Non-discrimination (“Open”) Center, which will focus on “proactive compliance with federal civil rights laws.” In addition, the OPEN Center will provide support to schools, educators, families, and students regarding enhanced awareness of federal non-discrimination laws.

For further information about OCR’s OPEN Center, please go to their website at [OPEN@ed.gov](mailto:OPEN@ed.gov).

### 2. DOE/HHS Joint Guidance on FERPA and HIPAA

The Department of Education (“DOE”) and the Department of Health and Human Services (“HHS”) issued a Joint Guidance (“Guidance”) in December 2019 to explain the relationship between FERPA and the Health Insurance Portability and Accountability Act (“HIPAA”). The Guidance provides an overview of both FERPA and HIPAA; explains the ways FERPA and HIPAA may intersect; and how FERPA or HIPAA may apply to student records at a health clinic operated by a post-secondary institution.

The full text of the DOE/HHS Guidance is available [here](#).

### 3. Compliance and ERM Hotline Number

As a reminder, the Office of Compliance and Enterprise Risk Management (ERM) has a hotline number to report: (1) University compliance concerns; (2) risk management issues; and (3) other areas of concern regarding student, Faculty, or staff health and safety. Callers can leave their information or report information anonymously.

**For imminent threats, or if you believe you are in immediate danger, please contact the MTSU University Police Department at (615) 898-2424.**



# REGULATORY MINUTE: WHAT'S GOING ON? CONTINUED

The Compliance and ERM Hotline number is as follows:

**615-898-5772**

Callers can leave their contact information on the above Hotline number. When leaving a message on the Hotline number, please speak slowly and clearly and provide any pertinent information that may be necessary for resource referral and/or investigatory purposes.



# COMPLIANCE TRIVIA

1. Which University policy allows a student athlete to consult with the Compliance and Risk Manager in the Office of Compliance and Enterprise Risk Management if they feel uncomfortable speaking with an Athletics administrator or Coach?
  - a. Policy 97
  - b. Policy 85
  - c. Policy 90
2. To whom must you immediately report an auto accident if you are in your personal vehicle or University/State vehicle on University business?
  - a. State of Tennessee Auto Accident Call Center - (855) 253-0629
  - b. Office of University Counsel
  - c. All of the above
  - d. Selection/answer "A" first, then "B"
3. Under what FERPA exceptions may student educational records be disclosed without the express, written consent of the student?
  - a. Student educational records can be disclosed to school officials with legitimate educational interests.
  - b. Student educational records can be disclosed by judicial order or other legal administrative request.
  - c. Student Directory Information can be disclosed (unless the student opts out).
  - d. All of the above.

*ANSWERS: 1. C; 2. D; and 3. D.*



I AM *true* **BLUE**  
MIDDLE TENNESSEE STATE UNIVERSITY

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**Office of Compliance and Enterprise Risk Management**  
Sam Ingram Building, Suite 101

Webpage: [www.mtsu.edu/caerm](http://www.mtsu.edu/caerm)

**Compliance and ERM Hotline Number: (615) 898-5772**

For European Union General Data Protection Regulatory questions: [dpo@mtsu.edu](mailto:dpo@mtsu.edu)

For Records Management or MTSU Records Management Database questions: [RDAretenction@mtsu.edu](mailto:RDAretenction@mtsu.edu),  
[hector.delcallar@mtsu.edu](mailto:hector.delcallar@mtsu.edu), or [gene.stephens@mtsu.edu](mailto:gene.stephens@mtsu.edu).