

INSIDE THIS ISSUE

PG. 1 – 2

Reinstatement of DACA Rules

OCR Releases New Videos Regarding
Title VI

PG. 3 – 4

Annual Risk Assessments

New Video: FERPA Complaint Process
Federal Student Privacy Office

Policy 90 Athletics Integrity

PG. 5

OCR Issues Technical Assistance Q & A
Regarding Title IX Regulations

PG. 6

Regulatory Minute: What's Going On?

PG. 7

Compliance Trivia



COMPLIANCE IN BLUE

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

REINSTATEMENT OF DACA

In a memorandum addressed to the Attorney General and the Secretary of Homeland Security (Homeland Security), the Biden-Harris Administration announced the reinstatement of protections under the Deferred Action for Childhood Arrivals (DACA). The memorandum directs Homeland Security to preserve and fortify DACA actions(cont. on page 2)

OCR Video Release on Title VI

The Department of Education's Office of Civil Rights (OCR) released two new videos on OCR's application and interpretation of Title VI of the Civil Rights Act of 1964 (Title VI). Title VI prohibits discrimination based on race, color, or national origin. Among other regulations, MTSU must comply with Title VI as a public institution that receives federal financial assistance under Title VI for its academic programs and activities. Additional information on Title VI and Title VI training for University employees is available from the University's [Office of Institutional Equity and Compliance](#).

OCR's new Title VI videos for 2021 include the following:

- Racially Exclusive Practices and Title VI – The video provides examples of how racially exclusive policies and practices may violate Title VI and may not satisfy the strict scrutiny analysis required. The video also discusses Title VI implications in grading policies and assignments, as well as in teaching anti-racism based on racial stereotypes and classifications. The video is available [here](#).
- Use of Race in Admissions and Programs – The video summarizes OCR's previously issued guidance regarding how colleges and universities can comply with anti-discrimination laws and regulations relative to the use of race in postsecondary admissions and programs. This video is available [here](#).

Additional information, including other OCR webinars and technical assistance documents, can be found at OCR's Outreach, Prevention, Education, and Non-discrimination (OPEN) Center [website](#) or by contacting OPEN@ed.gov.

REINSTATEMENT OF DACA CONT. FROM PAGE 1

consistent with applicable law. The memorandum follows a December 2020 District Court Order directing the U.S. Citizenship and Immigration Services (USCIS) to begin accepting initial DACA applications, DACA renewal requests, and applications for advance parole documents based on the provisions of the prior DACA policy of September 5, 2017. USCIS additionally has been directed to extend one-year employment authorization documents under DACA to two years for individuals who were issued documentation on or after July 28, 2020.

For additional information regarding DACA renewal requests or initial application requests for students who have graduated from high school or individuals who have been honorably discharged from the Coast Guard or U.S. Armed Forces, guidelines (including age guidelines) and timeframes for meeting the guidelines are available on the USCIS website, which is available [here](#). Full text of the memorandum is also available in the Federal Register

Leadership Quote of the Day

"Before you are a leader, success is all about growing yourself. When you become a leader, success is all about growing others."

--Jack Welch, Former CEO of General Electric and Author

ETHICS **HIPAA** **FERPA**
Risk Management **COMPLIANCE**
Conflicts of Interest **Athletics Integrity**
Insurance

ANNUAL RISK ASSESSMENTS

Annual Risk Assessments (RAs) are in process for the Divisions of Academic Affairs and Business and Finance. As in past years, a University-wide Risk Assessment also will be completed and will be presented for review by senior executive administrators, as well as by the MTSU Board of Trustees.

MTSU conducts annual risk assessments of its operational and academic divisions as part of its compliance and enterprise risk management (ERM) program. The performance and completion of annual risk assessments also aligns with the internal control best practices outlined by the Government Accountability Office, the Committee of Sponsoring Organizations of the Treadway Commission's ERM framework, and the State of Tennessee's Finance and Administration Division.

Risk Management Quote of the Day

"Some risks that are thought to be unknown, are not unknown. With some foresight and critical thought, some risks that at first glance may seem unforeseen, can in fact be foreseen. Armed with the right set of tools, procedures, knowledge, and insight, light can be shed on variables that lead to risk, allowing us to manage them."

--Daniel Wagner, CEO of Country Risk Solutions

NEW VIDEOS: FERPA COMPLAINT PROCESS – FEDERAL STUDENT PRIVACY POLICY OFFICE

The federal Student Privacy Policy Office (SPPO) developed new videos about the Family Educational Rights and Privacy Act (FERPA) complaint process. The videos provide information on: who may file a complaint; common reasons complaints are filed; and the next steps taken by the SPPO whenever a complaint is filed with their office.

The SPPO also redesigned its complaint page to add FERPA complaint forms. Eight, full-color FERPA flyers are also available from the SPPO for free download for posting in classrooms, faculty offices, staff offices, and other areas of the University. The FERPA flyers from the SPPO are available [here](#).

Students have the right to file a complaint with the SPPO if they believe their FERPA rights have been violated. MTSU students may also contact any of the following offices if they have concerns about their FERPA rights:

- Office of Compliance and Enterprise Risk Management
- Office of University Counsel
- MT One Stop/Office of Registrar
- ITD Security

Incidences and/or issues of FERPA non-compliance are investigated by the Office of Compliance and Enterprise Risk Management. Contact caerm@mtsu.edu for more information.

To view the federal FERPA videos, please go to the [SPPO webpage](#).



POLICY 90 ATHLETICS INTEGRITY UPDATES AND NEW CRM

Policy 90, Athletics Integrity and Conduct of Athletics Staff, has been revised to provide clarity that investigation matters covered by MTSU's discrimination-based policies (i.e. Policies 26, 27, and 29), as well as matters covered by NCAA/Conference USA rules, are not subject to review under Policy 90's conflict resolution process.

New Compliance and Risk Manager – Amanda Arnold

The Office of Compliance and Risk Management welcomes Amanda Arnold who serves as a Compliance and Risk Manager (CRM) supporting the work of the department. Amanda will also manage the conflict resolution process and any investigations and/or internal reviews under Policy 90.

Amanda is a native Tennessean from Murfreesboro and is an alumni of MTSU. Previously, Amanda served as a Deputy Sheriff School Resource Officer with the Rutherford County Sheriff's Department. In addition, and prior to her service to Rutherford County in the Sheriff's Department, Amanda worked for State Farm Insurance.

As part of her duties as CRM, Amanda will work closely with Athletics to support student-athletes and coaches under Policy 90.

Amanda's office is located in the Office of Compliance and Risk Management in the Sam Ingram Building, Suite 101. As she begins her work around campus, please welcome Amanda back to her alma mater!

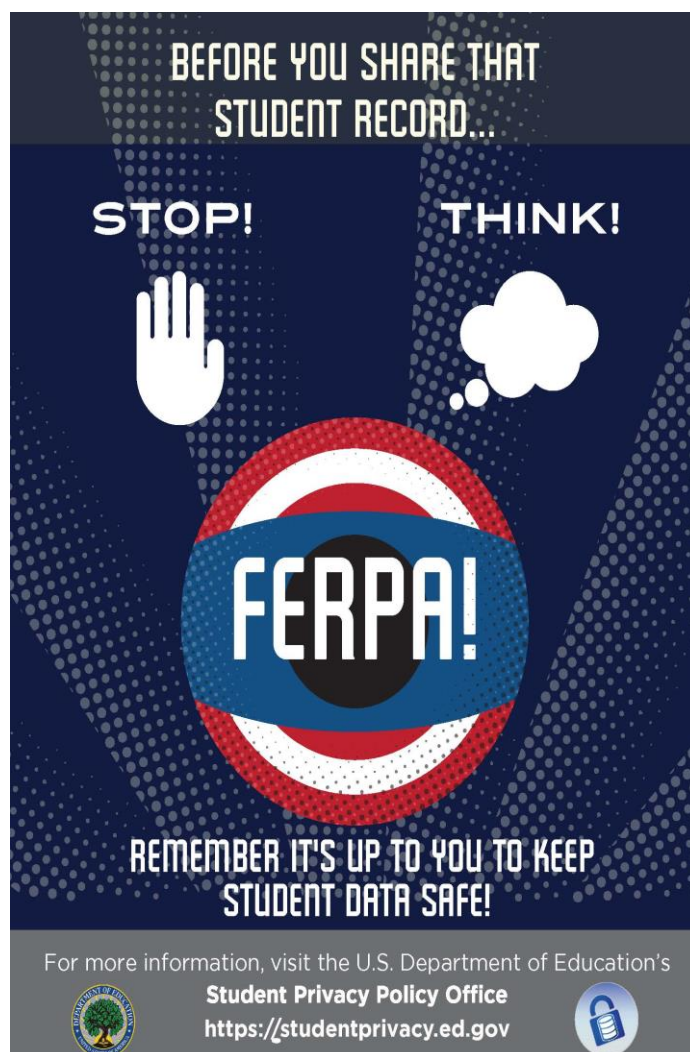
For questions regarding Policy 90, please contact Amanda at Amanda.Arnold@mtsu.edu, or at extension **5375**.



OCR Issues Technical Assistance Regarding Title IX Regulations

On January 15, 2021, the OCR issued a Technical Assistance document to help colleges and universities meet their obligations under Title IX. The Technical Assistance consists of a series of [Questions and Answers](#) in two parts on the OCR's Policy Guidance Portal. The Technical Assistance documents cover guidance on some of the following topics:

1. Applicability of Prior OCR Guidance and how the OCR reconciles changes in the Title IX regulations.
2. Information about the deliberate indifference standard regarding sexual harassment cases.
3. Investigation of complaints under Title IX at off-campus locations.
4. Notification and role of parents regarding the filing of complaints.
5. Applicability of Title IX requirements among employees within an organization.
6. Whether or not Title IX proceedings and the issuance of sanctions need to be handled in a single process, or if sanction and discipline proceedings can be handled in proceedings outside of 34 C.F.R. § 106.45.
7. Record keeping requirements following the seven year retention period for Title IX cases.
8. Applicability of FERPA and confidentiality under Title IX.
9. Clery Act geography.



Quotes of the Day

“In all my work, what I try to say is that as human beings, we are more alike than we are unlike.”

--Maya Angelou, Poet/Author

“From what we get, we can make a living. What we **give**, however, makes a life.”

--Arthur Ashe, Professional Tennis Player

Regulatory Minute: What's Going On?

1. Letter of Support for International Students and Foreign Scholars by the AACU

The Association of American Colleges and Universities (AACU), along with other higher education associations, provided three letters to the U.S. Department of State and Homeland Security recommending specific actions to facilitate the enrollment of international students and foreign scholars.

2. OCR Issues Q&A Regarding Title IX and Single Sex Scholarships, Clubs, and other Programs

In addition to its other guidance issued in January 2021, OCR provided a series of questions and answers regarding how it evaluates Single Sex Scholarships, courses, clubs, extracurricular activities, school facilities, and other programs that impose certain preferences or restrictions based on sex. The guidance document is meant to assist and support colleges and universities with meeting the regulatory obligations under Title IX. Additional information can be obtained on the OCR's Policy Guidance Portal, which is mentioned on Page 5 of this newsletter.

3. Executive Order Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation

A federal Executive Order under the Biden-Harris administration extends federal nondiscrimination protections to members of the LGBTQ community, aligning with the Supreme Court decision in *Bostock v. Clayton County, Georgia* opinion. Nondiscrimination protections under the Executive Order include sexual orientation, gender identity, and gender expression.

Gentle Reminders

1. Remember to keep student educational records confidential. Please also be mindful of communications to students over Zoom courses when it involves another student's educational progress and/or records.
2. Don't forget to complete your MTSU ITD Security training for 2021.
3. Mask wearing helps keeps everyone safe and complies with MTSU COVID-19 policies and protocols.
4. If you see a Facilities Custodial staff member, thank them for their service and work throughout the pandemic.

Life Quotes of the Day

"Keep going; no matter what."

--Reginald Lewis, Businessman

"Be passionate and move forward with gusto every single hour of every single day until you reach your goal."

--Ava Duvernay, Film Director

COMPLIANCE AND ERM HOTLINE VOICEMAIL

If you see something, say something. The Compliance and Enterprise Risk Management (“ERM”) hotline voicemail is monitored daily. 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. The Compliance and ERM hotline voicemail number is: **(615) 898 – 5772**.

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

COMPLIANCE TRIVIA

1. If a student believes their FERPA rights have been violated, they are able to file a complaint with _____.
 - a. The Office of University Counsel
 - b. MT One Stop
 - c. The Office of Compliance and Enterprise Risk Management (CAERM)
 - d. All of the above
2. As of January 6, 2021, who will serve as the State’s third party administrator for claims management and tort claims?
 - a. Sedgwick
 - b. CorVel
 - c. HITRUST
3. Which of the following is NOT correct regarding MTSU’s COVID-19 policy?
 - a. Masks or face coverings are required inside all campus buildings, including classrooms, labs, offices, and common areas such as hallways, stairways, elevators, restrooms and other shared spaces.
 - b. The University is providing reusable masks to all employees and students, along with reusable microfiber cloths, spray disinfectant, and no-touch thermometers to campus departments.
 - c. Face shields can be used in lieu of a mask.
 - d. If a visitor refuses to wear a mask, they should be asked to set up a telephone or virtual meeting with the individual whom they came to see.
4. For information regarding Policy 90, or for questions regarding the Student-Athlete Conflict Resolution Process, you can use which of the following resources?
 - a. The Compliance and Risk Manager in the Office of Compliance and Enterprise Risk Management at extension 5375.
 - b. The Office of Compliance and Enterprise Risk Management email address of caerm@mtsu.edu
 - c. Utilize the Policy 90 Athletics Integrity *new* Online Complaint Form available [here](#).
 - d. All of the above.

ANSWERS: **D, B, C, D**

NEWSLETTER CREDITS

Content and design: Gené Stephens, J.D., LL.M.

Compliance Trivia: Amanda Arnold

Photos: Gené Stephens, J.D., LL.M.

Abstract design photos: Free Microsoft Office stock-photo

FERPA Flyer: Federal Student Privacy Policy Office, available [here](#).

Office of Compliance and Enterprise Risk Management

Sam Ingram Building, Suite 101

Webpage: www.mtsu.edu/caerm

Compliance and ERM Hotline Voicemail: (615) 898-5772

For Records Management or MTSU Records Management Database questions: RDAretenction@mtsu.edu

For European Union General Data Protection Regulatory questions: dpo@mtsu.edu

For ethics, conflict of interest, HIPAA, FERPA, or insurance liability questions: caerm@mtsu.edu

For questions, concerns, or complaints related to MTSU Policy 90 Athletics Integrity: Amanda.Arnold@mtsu.edu
or caerm@mtsu.edu

