

UPSTATE UNIVERSITY HOSPITAL Clinical Pastoral Education Program
THE FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)
Annual Notice

The Family Education Rights and Privacy Act (FERPA) applies to all ACPE, CPE Programs. FERPA addresses privacy, not confidentiality issues. This means students own the information about them and must know what is being collected and how it is being used. Their information cannot be shared without their written permission. Each CPE center must publicize this Annual notice of its protocols for proper handling of student records.

This ACPE program guarantees to its students the following:

1. The right to inspect and review education records, to seek to amend them, to specified control over release of record information, and to file a complaint against the program for alleged violations of these Family Education and Privacy Act (FERPA) rights.
2. A description of what constitutes directory information at this center and how to opt out.
3. The definition of student records.
4. Details of the program's records management protocols which include a student's right to object to record content. If not negotiable, the written objection will be kept with and released with the record. Grades are exempted from this right.
5. Violations of this protocol may be reported to the Chair of the Accreditation Commission at ACPE, 1 Concourse Place, Suite 800, Atlanta, GA 30328 or via email at accreditation@acpe.edu.

Directory Information is student information not generally considered harmful or an invasion of privacy if released.

This program defines directory information that will be released without specific consent unless a student "opts out". Common directory information at this program will be limited to name, address, email, telephone, date of birth, faith tradition if applicable, previous education and photograph. All other information is released only with the students written, signed, and dated consent specifying which records are being disclosed to whom and for what limited purpose. Before releasing information, students must have received the Annual Notice. Current students can restrict directory information and/or record access at any time during attendance. Restriction must be honored even after the student's departure. Former students cannot initiate new restrictions after departure.

The student record consists of 1.) any record (paper, electronic, video, audio, biometric etc.) directly related to the student from which the student's identity can be recognized: and 2.) maintained by the education program/institution or a person acting for the institution.

Application materials of students admitted and matriculated are considered part of the student record. Application materials for others are subject for state privacy laws for their retention, use and destruction. If no applicable laws exist, the program creates,

publicizes, and follows its own protocol. Subject to notification, the student's name, address, spiritually oriented system and unit of CPE successfully completed will be sent to the ACPE office on the student unit report at the completion of each unit of CPE. ACPE requires that the CPE student record include the face sheet with directory information, the CPE Educator/Candidate's evaluation report and the student's own evaluation report. Materials written by students, such as verbatims and case histories that contain information about other persons, including other students, will either be destroyed or, if they are part of the student's record, will have the identifiable information about everyone other than the student redacted. When peers are referenced in student evaluations, only initials should be used. A copy of the CPE Educator's evaluation report will be given to the student.

The student will be informed that the center will keep this evaluation for a specified period, and it will not be available to anyone else except with written permission from the student. If the student's own evaluation is included, it will be kept with the supervisor's subject to the same provisions. (note "exceptions" below). Students will be informed at the time copies are given to them that it is their responsibility to keep copies for future use. CPE students are expected to give written consent for copies of the CPE Educator/Candidate's evaluation reports (and their own if applicable) to be sent to their identified place needing to receive a copy.

Access to student files is restricted to the Certified Educator/Candidate. although access to an individual student's record may be permitted for the purposes of research, Accreditation review, or in the event a complaint is filed. No evaluation reports will be released from the file without the written request of the student and a signed release. The CPE Educator/Candidate may keep process notes on students. These process notes are for the exclusive use of the writer and are not considered part of the student's record. They are kept separately from the student record.

Exceptions: Certain exceptions concerning the release of information exist to protect the health or safety of the student or others, and for the purpose of accreditation or complaint review, or as required for legal processes. Before releasing material in any of these circumstances the program will consult with the ACPE Executive Director or designee, and any applicable Upstate University Hospital personnel.

Records Management: Protocols for record retention, review and destruction. Programs must have written protocols for student record retention and destruction (how long records are kept, where custodian: how destroyed) and for student review of records. Protocols must be followed consistently.

Retention. The program shall keep educator's evaluations and student's written responses, if submitted, for a minimum of ten (10) years. These records shall not be open to anyone outside the CPE program except with the student's written request. (Note exceptions above). The files are maintained in a locked cabinet in the CPE Training Room/ Certified Educator's office. After (10) years the program must keep the face sheet with identification information but may destroy the educator's evaluation report and the student's written response (if submitted).

Review. Students are allowed to review their record within 45 days of a written request. Record inspection cannot be denied based on the student's inability to come to the site or outstanding financial obligations. In the latter case, a program can note on the copy sent, 'not available for official use.' When a student record contains identifiers of another student, those must be redacted. Students may copy their records following these redactions.

Destruction. When an ACPE program closes, the program's certified educator or appointed designee secures all student records and ships the records to the ACPE office c/o Accreditation. The program's policy and procedure about student record management must indicate the name or role of the appointed designee within the program's institution who is responsible to secure student records in the absence of an ACPE Certified Educator or Associate ACPE Certified Educator. In the absence of either of these roles, only the appointed designee indicated in the program's policy for student record management is authorized to retrieve student records with a student's written request and written authorization.

Health records (mental and physical) are kept in locked, limited access files separate from the other student records. Their use and release are subject to ADA and HIPAA. Certain safety and employment records are also subject to other federal regulations and state laws and are kept separately. At Upstate, health records are maintained at Employee Health.