



## ECS Spiritual Care & Education Center **ANNUAL NOTICE TO STUDENTS** Student Directory Information, Records, and Privacy

Student records at the ECS St. Mark's CPE Center are governed by the Family Educational Rights and Privacy Act (FERPA).

### I. SUMMARY OF STUDENTS' RIGHTS

This ACPE CPE Center/program guarantees to its students the rights to inspect and review education records, to seek to amend them, to specified control over release of record information.\*

**Federal Laws Regulating Student Records and Privacy:** This CPE Center conforms to federal regulations known as the *Family Educational Rights and Privacy Act* ([FERPA](#)). The purpose of FERPA is to provide students with rights regarding access and privacy of their educational records. *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. FERPA guarantees students the right to inspect and view their academic records. It also prohibits this CPE Center from releasing information from students' records to any third party unless the student authorizes the release.

**The Annual Notice:** Every ACPE center must publicize an Annual Notice, a document published annually prior to the CPE program start, describing this CPE Center's protocol for proper handling and maintenance of students' records. Under federal and state law (FERPA), students have certain rights regarding student's privacy and records maintained by this CPE Center. This Center's Annual Notice and Management of Student Records policy make students aware of these rights. Written protocols must include: how long records are kept, where they are kept, who is the custodian; how are they destroyed, as well as a process for a student review of their own record. Protocols must be followed consistently. This Center's Annual Notice is published in the [Center website](#) and available in the Student Handbook, Appendices section.

### II. CONSTITUTION OF DIRECTORY INFORMATION AND HOW TO OPT OUT

#### A. Directory Information

Directory Information is information that is generally not considered harmful or an invasion of privacy if released. The primary purpose of directory information is to allow the Center and students the ability to contact each other in case of an emergency, delays, snow days, unpredictable schedule changes, or when Hospital operators need to reach on-call chaplain residents, etc.

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\* Sentences before this symbol (\*) are required by ACPE Accreditation Manual, Guide for Student Records



Directory information is considered to be public information unless you request that it be kept confidential. **This Center** has designated the following as directory information: \* **student's name, address and telephone** (including local and permanent address), **email address, date and place of birth, religious affiliation/denomination**, previous education, **major field of study, dates of attendance, enrollment status, degrees/awards received, professional certifications, photograph**, student **CPE level**, type of program in which enrolled, **most recent educational agency or institution attended**, employee badge ID number, job title, computer logon and user ID, and full- or part-time status.

The Center may disclose appropriately designated "directory information" without written consent, unless the student has advised the Center to the contrary in accordance with the Center procedures for "opting out." Before the Center releases any information, students must have received the *Annual Notice*, which contains information about the option to opt out. All other information is released only with the student's written, signed, dated consent specifying which records are being disclosed, to whom, and for what purpose.

## B. Option to Opt Out

Current students can restrict directory information and/or record access at any time during attendance.

- Restrictions must be honored even after the student's departure.
- Former students cannot initiate new restrictions after departure.
- **To opt out or restrict**, students need to request and complete the *"Restriction of Release or Opt-Out of Directory Information"* form available with the CPE Educator.
- When the Opt-Out form is not submitted/received, appropriately designated directory information may be released without specific consent.
- Exceptions: See Section IV.D.

## III. DEFINITION OF STUDENT RECORDS

According to ACPE [Student Records](#) is defined as:

- a. any record (paper, electronic, video, DVD, audio, biometric, etc.) directly related to the student from which the student's identity can be recognized; and
- b. maintained by this CPE Center or a person acting for the program/institution.

## IV. DETAILS OF THE CPE CENTER'S RECORD MANAGEMENT PROTOCOLS

This CPE Center has written protocols for student record retention, disposal, release, transfer, and access of student records. Protocols are followed consistently.

### A. Protocol for Retention and Disposal of Student Records

Student Records kept in the Center's files by student's category/status:

- **Applicants for admission to CPE programs:** application materials, references (if applicable), and communication through email/letters, and any past CPE evaluations sent as part of the application materials.



- **Students accepted and enrolled in a current CPE program:** application materials, educator's and student's final evaluations, Educational Consultation reports, the Agreement for Education, and the Release of Information-Consent Form.
- **Former CPE Students (from ten years ago to current):** Student records include: the application face sheet, the educator's end of unit evaluations, the student's self-evaluations, the Agreement for Education, and the Release of Information-Consent Form.
- **Former CPE Student (older than ten years ago):** the ACPE Application Face Sheet and the Release of Information-Consent Form.

**ACPE Retention Requirements for Student Records.** ACPE requires that the center retains the following items:

1. The center retains the following items **permanently/indefinitely**:
  - The application face sheet
  - The Use of Clinical Materials Consent Form [Use of Clinical Materials Consent Form](#)
2. The center retains the following items from the student record for **ten (10) years**:
  - Certified Educator's end of unit evaluation
  - The student's response to the end of unit evaluation, if submitted
  - The student's self-evaluation.
3. If a file is incomplete, the ACPE Certified Educator shall document the efforts undertaken to make the file complete, noting what is missing and attempted requests for documents from the student.

**Secure/Locked File:** All files related to students in programs of CPE are to be maintained electronically in G: Drive, Accreditation CPE Center or a locked file in the department.

**Digital and Electronic Files:** digital student records will be kept under the same rules and regulations as paper records. Digital records must have at least one backup separate from the original hardware location. Backups should be dated and updated at least monthly or in accordance with institutional guidelines. Digital student records are password-protected and are regulated by St. Mark's [Confidentiality and Security Agreement](#).

**Disposal of Confidential Material:** This Center disposes of all confidential material by shredding provided by a commercial Records and Information Management company.

**ACPE Application Face Sheet:** The ACPE Application face sheet will be retained permanently in the Center's files for the purpose of maintaining Center records.

#### **Application Materials:**

- The records of applicants not selected are destroyed by the end of the program's selection process with the exception of the application face sheet for Center records only.
- When students choose to be on a waiting list for one of our Center's CPE Programs, their application files will be kept on file for that academic year or until the next program opening.



- In case no openings occur, their file will be disposed in a confidential bin and shredded by a commercial Records and Information Management company used by the Hospital.

**Reference Letters:** When applicable, the recommendations/references are considered to have served their purpose and are destroyed upon a student's acceptance.

**Ten Year Limit for Retention and Disposal of Records:** Our CPE Center will keep student records for ten years from the year the student completed the unit. After ten years, every second semester, the Center will shred/destroy the student record including the educator end of unit evaluation, student self-evaluation, and the Agreement for Education. The Release of Information-Consent Form and the Application Face Sheet with identification information, which will be kept permanently in a digital file.

- **Evaluations:** A copy of the CPE educator's evaluation report will be given to the student. The Center will keep this evaluation for a specified period of time, and it will not be available to anyone else except with written permission from the student.\* This Center considers the student self-evaluation as the primary document of self-assessment, which needs to be read/kept in conjunction with the educator end of unit evaluation report and subject to the same provisions. (Note "Exceptions" below)\*
  - Unless the student requires a paper copy of the educator end of unit evaluation, a digital copy signed and dated by the educator, will be given to the student. The student will sign the document, retaining one copy for their personal file and return the signed end of unit evaluation to the CPE Center to be retained as part of the student's record.
  - The student will be informed that the Center will keep a copy of both student's and educator's evaluations for ten years from the year the student completed the unit. The evaluations will not be available to anyone else except with written consent from the student. When the ten-year retention limit expires, the evaluations will be shredded/destroyed.
  - **Students' Responsibilities:** Students are responsible to maintain their own files for future use; the Center will not be expected to keep files beyond the ten-year limit. Students are informed at the time copies are given to them that it is their responsibility to keep signed copies of all CPE evaluations received and written for future use.

**Consent for Release of Student's Record Form:** This form is required when students want to request their evaluations be released to third parties. These formal requests are to be maintained in the student's file with the same ten-year retention limit as the evaluations being requested. At the ten-year time limit, the request for release will also be destroyed. See Exceptions under Number 5. Form available with the CPE Educator.

**Supervisory Notes:** The CPE Educators may keep process notes on a student. These process notes are for the exclusive use of the writer and are not considered a part of the student's record. They will be kept separately from the student record.

**Material written by students:** 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 record, will have the



identifiable information about everyone other than the student redacted. When peers are referenced in student's evaluations, only initials should be used.

**Upon Student's Termination:** Upon a student's termination from the program, all student's records are managed according to the Ten-Year Limit for Retention and Disposal of Records described earlier.

**Custody:** The ECS Director of Operations will be the custodian of Center and student records until an ACPE Certified Educator is employed/contracted or records are secured by ACPE. Administration and departmental personnel will be informed of confidentiality requirements and location of files.

## **B. Protocol for Release and Transfer of Records**

The Center will not release student records, including evaluations, to anyone without the student's written consent. See exceptions.

**Absence of an ACPE Certified Educator:** Student records will be secured digitally and, if applicable, kept in a locked file cabinet until a new ACPE Certified Educator is employed or contract by the Center. In the educator's absence, only the appointed designee, ECS Director of Operations, is authorized to retrieve student records with a student's written request and written authorization.

**Loss of ACPE Center Accreditation:** In the event the CPE Center would have its accreditation suspended, student records will be secured digitally and kept in locked files during the process for reestablishing accreditation. In the event of the Center's closure related to the loss of accreditation, students' records will be under the responsibility of the ACPE National Office through the Center's Accreditation Commissioner.

**Center Closure and Students Records:** In the event that the CPE Center should close, student records will be kept securely. When an ACPE program closes, the center educator(s) or appointed designee secures all student records of the closed program and ships the records to ACPE, c/o Accreditation. In the absence of an educator, the appointed designee is the ECS Director of Operations.

**Release to Third Parties:** Within the ten-year retention limit, students may address requests for copies of their final evaluations to the Center. These requests must be done in writing. Student records will not be open to anyone outside the CPE Center and will only be released to third parties by formal, written request by the student to authorize such disclosure. In the event students want copies of their evaluations sent to their theological schools, they must give written permission for that disclosure as well. The required form, *Consent for Release of Student's Record*, is available with the CPE Educator. Copies of such formal requests are to be maintained in the student's file with the same ten-year retention limit as the evaluations being requested. At the ten-year time limit, the request for disclosure will also be destroyed. See Exceptions below.

**Health Records:** Health records (mental and physical) must be kept in locked, limited access files separate from other student records. Their use and release are also subject to ADA and HIPAA. Certain safety and employment records are also subject to other federal regulations and state laws and are kept separately.



**Research:** If information in student records or in a CPE educator's records is considered of research value, and a CPE Center or ACPE desires to collect and use such material for research, a release form shall be made available for the person's signature. No personally identifiable material will be used for research without the person's written permission for its use.

**Exceptions:** The law provides for certain exceptions concerning the release of information to protect the health or safety of the student or others, and for the purpose of accreditation review or a complaint review, or required for legal processes. Before releasing material in a legal process, the Center will consult with the ACPE Executive Director or Associate Executive Director.

### C. Protocol for Access to Student Records

**Education Officials:** Only education officials have access to this Center student records, which refers to the Center's ACPE Certified Educators, Certified Educator Candidates, administrative assistant, support staff positions, and Professional Advisory Group assigned with Admissions Interviews and Student Consultations.

**Persons with Legitimate Education Interest:** Refers to a person who is working in conjunction with the CPE Center and needs to review an educational record in order to fulfill their professional responsibilities for the Center (accreditation processes, ethics and educational complaints inquiries, research, curriculum design and development, educator peer reviews and consultations) and its responsibilities to ACPE and ACPE processes (ACPE Accreditation, Certification, and Ethics Commissions and/or other ACPE delegates). In this Center, these people may have access to students' records [without student consent](#).

- **Accreditation Review:** Periodically, the ACPE Accreditation Commission will review the Center's compliance with ACPE Standards. During that process, they may have access to students' records, yet they are bound by mandatory confidentiality procedures. See Clinical Materials Consent Form.
- **Complaints:** In the event a complaint/appeal is filed, the law provides for certain exceptions concerning the release of information as otherwise permitted and required for legal processes. The Center will consult with the ACPE Executive Director before releasing material in a legal process.

**Student Access, Inspect, and Review to Records:** Under FERPA, this ACPE CPE Center/program guarantees to its students the rights to:

- review their record within 45 days of a written request,
- inspect and review education records,
- seek to amend them, and
- specified control over release of record information.

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 center can note on the copy sent, "not available for official use." The *Annual Notice* details records maintenance protocols and should include whether/how students may copy their records. In this Center, copies may be requested, but the center records cannot be removed from Center files.





**Students have the right to object to record content.** If not negotiable, the written objection will be kept with and released with the record. \*

- **Amending Records:** Students may request to amend records about themselves for the purpose of correcting inaccurate or misleading records, or records that violate their privacy or rights. Students may place in their records a written statement/addendum with their disagreement with the Center only if the Center does not amend records after they have requested amendment.
- **Adding Addendum to Evaluation:** Students have the right to respond formally to the educator end of unit evaluation report by writing an addendum, only after discussing the report with their educator. This addendum (written response) then becomes part of the student's record.
  - **Timeline for Addendum:** Upon receipt of the educator end of unit evaluation report, students have ten (10) working days to be in conversation with their educator about the report. Students can respond formally with a written addendum, if they choose, only after they have discussed the evaluation report with their educator without common agreement. If they choose to respond by writing an addendum, they will have ten (10) working days from the time their educator gave them the report in which to file a written addendum. This addendum (written response) then becomes part of the student's record.
  - The certified educator will acknowledge receipt of the addendum, if filed within the time lines indicated above, with their signature on the unit evaluation with a handwritten note to the following: "see student addendum attached."
  - Any student who does not file an addendum within the structure and time frame cited above forfeits the right to add an addendum.

#### **D. Written Request Required from Students**

**Request to Restrict Directory Information:** Current students can restrict directory information and/or record access at any time during attendance.

- Restrictions must be honored even after the student's departure.
- Former students cannot initiate new restrictions after departure.
- To opt out or restrict, students need to complete the "*Restriction of Release or Opt-Out of Directory Information*" form available in the main office and return to your educator. This applies to any requests generated any time after the acceptance into the CPE Program.
- Exceptions: See Number 5 above.
- All other information is released only with the student's written, signed, dated consent specifying which records are being disclosed, to whom, and for what limited purpose.

**Request to Review Student's Record:** Students are allowed to review their record within 45 days of submitting a written request. Copies may be requested, but the center records cannot be removed from Center files.

**Request to Release Evaluations to Third Parties:** Students must complete the *Consent for Release of Student's Record(s)* which is available with the educator. This form will then become part of the student record documenting record release.



## **E. Clinical Materials Consent Form**

CPE students shall be informed prior to acceptance into the program about the Clinical Materials Consent Form.

- This form must be:
  - reviewed and signed by the CPE student prior to formal admission (prior to acceptance) to an ACPE accredited CPE program and
  - reviewed and signed by the CPE student at the start of each subsequent unit in which the student enrolls.
  
- Informs the student that their clinical materials and recorded and/or live observation media that are pertinent to the certification processes for Certified Educator Candidates or Associate ACPE Certified Educators, that are pertinent to the peer review process for ACPE Certified Educators, that are pertinent to a center's accreditation process, or that are pertinent to ACPE approved research studies, may be used from the unit. All identifying information shall be redacted from written documents. A copy of this signed agreement shall remain a part of the center's files indefinitely. Materials that are not supported with this signed Consent Form may not be used.

## **V. REPORTING VIOLATIONS**

Violations of Annual Notice protocols may be reported to the Chair of the Accreditation Commission at: ACPE, 55 Ivan Allen Jr. Boulevard, Atlanta, GA 30308. \*

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