Navigating Ambiguous Waters: Providing Access to Student Records in the University Archives

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Abstract

Because privacy laws heavily restrict access to student records, archivists are forced to weigh the research potential of these documents against their availability. At the center of this issue is the Family Educational Rights and Privacy Act (FERPA), which protects individual student records from unauthorized third-party review. In 2003, the authors conducted a survey of one hundred Association of Research Libraries (ARL) Archives in the United States to gauge FERPA's impact on current archival appraisal and access policies for student records. Based on their survey findings, the authors suggest guidelines for instituting access policies that comply with FERPA and allow for the greatest possible access.

Although many types of archival records raise problematic access concerns, perhaps none are so confusing as those surrounding student educational records. Found in every academic institutional archives, and even in manuscript collections, student records are governed by privacy laws, especially the Family Educational Rights and Privacy Act (FERPA).[1] Some archivists fear that any action involving student records violates some aspect of FERPA. Without clear direction from the Department of Education, these archivists must follow the frequently restrictive dictates of their institution's registrars and legal counsels. Furthermore, because institutions interpret FERPA requirements differently and within the confines of individual state laws, the academic archival community has not produced its own guidelines for establishing student records policy. This lack of standardization and ambiguity has caused confusion, frustration, and ultimately the destruction of some student records.

Since FERPA's enactment in 1974, scholars and administrators have conducted several benchmark surveys that consider the law's impact on the administrative demands of educational institutions. However, these studies ignore FERPA's crippling effect on historical research, and consideration of archival needs and practices on a national scale are missing from the FERPA debate. To correct this, we have analyzed the current state of archival administration of student records under FERPA based on a survey of the archives of one hundred Association of Research Libraries (ARL) members in the United States. This research is an important first step toward the development of guidelines that will help standardize the ways in which archivists provide access to student records. By presenting an analytical overview of current archival thought and practices, the survey findings bring to light common problems and concerns that any guidelines must address. Once approved by the Department of Education, archival guidelines will serve as a valuable mechanism for support of historical scholarship at the institutional and national levels.

As expected, the survey findings indicate that thirty years after FERPA's enactment, archivists continue to struggle with the ambiguous regulations of the act. Prior to a discussion of

survey results, it is important to understand the implications of FERPA's enactment and the archival community's response.

Historical Background

In strong reaction to the Watergate scandal of the early 1970s, Congress enacted legislation to strengthen individual privacy rights. The Privacy Act of 1974 gave individuals the right to review and challenge federal files about themselves and to restrict the exchange or disclosure of personal information. That same year, Congress enacted FERPA to guarantee students and parents (of students under the age of eighteen) access to students' educational records, which would enable them to challenge their contents. FERPA also prohibits unauthorized third-party disclosure without parental (for students under eighteen) or student consent. Commonly referred to as the "Buckley Amendment" after its principle sponsor, Senator James Buckley of New York, FERPA applies to "all institutions receiving federal funding and encompass[ing] all levels of education from pre-kindergarten through the doctorate level."[2]

Surprisingly, FERPA was offered as an amendment on the Senate floor without committee debate or consideration. Postsecondary institutions were included in the act at the last minute. Due to an outcry from the higher education community over, among other issues, student access to letters of recommendation, FERPA was amended in December 1974. For example, older recommendation letters would still be considered confidential and students could waive their right to view recommendation letters. Final regulations implementing the law were published, effective 16 June 1976. Since letters of recommendation for current students were an administrative issue, archivists did not respond immediately to the new act.[3] However, as archivist Marjorie Barritt has pointed out, "The adjusted regulations did not solve the ambiguities in the law that caused confusion for archivists: the implied retroactivity and the closure of student records in perpetuity."[4]

Since its passage in 1974, FERPA has been amended nine times to address law enforcement and privacy concerns.[5] Although legislators admirably sought to protect students' right to privacy, they gave no thought to FERPA's impact on historical scholarship and research. The act stipulates that administrators can use their institution's student records for research that advances the curriculum or administrative programs at the institution. It provides no stipulation for access by scholars and other researchers conducting historical studies or any other type of research.[6] Under FERPA guidelines, the following research is permissible:

> Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.[7]

According to one FERPA expert and university registrar, "organizational studies" generally fall into two categories: studies striving to review and validate academic issues and longitudinal trend analyses. Whenever possible, registrars redact personally identifiable student references and provide only aggregate data for such requests. When researchers request an

individual student's file, some institutions allow access and require the researcher to sign a form stating that he or she cannot release this information to others. Other institutions deny access to any living student's files. When granted access, a researcher must agree to destroy student identification information in the data as soon as he or she has completed the analysis. Registrars adhere carefully to this stipulation to avoid a significant penalty under the regulations for misuse of data by a third party. Institutions often ask research parties to sign data-use agreements primarily to emphasize what they can and cannot do with the data.[8] Many institutions will not allow researchers to use student data unless the institution mandates and supports their study. Without institutional approval, the study is not considered organizational research and is rejected.

Of course, this narrow definition of "organizational studies" raised concern among the archival community. The Society of American Archivists (SAA) first alerted archivists to the passage of the act in its January 1975 newsletter, stating FERPA "poses intricate questions of administration that Congress did not foresee."[9] A year later, the newsletter reported that the anticipated flood of student requests for access to their records was overestimated. Still, archivists were "uneasy" because the "vague provisions of the law have been interpreted differently from one institution to the next."[10]

Archivist Charles Elston first addressed archival concerns about the act in his 1976 benchmark article that outlined FERPA's legislative history, provisions, and implications for archival research. Criticizing archivists for their inability or unwillingness to "effectively represent the needs of research scholars on their own college campuses or at a national legislative level," he proposed that archivists collectively recommend changes in the 1975 guidelines from the Department of Health, Education, and Welfare (HEW) that would open student records for scholarly research use after the subject was dead or within a specific time period after the records were created; open the records of living students if rigid safeguards were enforced to guarantee anonymity; and recognize and sanction the retention of student records for future scholarly research.[11] These suggestions were later incorporated into the 1977 statement of the Subcommittee on Student Records, under SAA's College and University Archives Committee. As chair of the subcommittee, Elston encouraged archivists to engage the HEW officials in dialogue.[12]

Other than Elston's article, few archival commentaries addressed FERPA in the years after its passage. Two exceptions include David Thomas's article on legal issues that were not discussed in connection with the Buckley Amendment or state laws and Donald Marks's analysis of the *AACRAO Guide for Retention and Disposal of Student Records*.[13] On the other hand, archivists' interest in student records as an invaluable resource was a popular topic. The social history movement of the late 1960s and early 1970s prompted archivists to re-evaluate the types of materials they saved. Historians studying history from "the bottom up" expressed new interest in understanding the university through the student's experience. Harley Holden extolled the research value of student records with examples of historical research at the Harvard University Archives.[14] Others wrote of the research potential for student correspondence and admission records.[15]

Although they did not address archival concerns, three studies in the 1980s shed new light on FERPA's impact on educational institutions. In 1980, William Schuerman examined college and university written policies on access to faculty recommendations under FERPA.[16] Five years later, Gail Sorenson and David Chapman surveyed high school guidance counselors and principals about their perceptions of FERPA compliance and the release of student records to

several different constituencies. Although conducted at the secondary level, the study "identifie[d] that a misunderstanding often exists as to who has access to student records and what FERPA policies exist to guide access issues."[17] Finally, in 1986, Daniel Horton, Jr. and John Martin examined the effect of FERPA upon the recommendations made by kindergarten through twelfth-grade faculty mentors in their respective roles as cooperating teachers for students participating in university teacher education certification programs.[18]

Bobbye Fry's 1999 dissertation for Texas Tech University comes closest to addressing archival concerns, but it still misses the mark. In an effort to encourage consistency among educational institutions' access policies, Fry investigated procedures for granting faculty access to students' records at educational institutions and the disciplinary procedures evoked when FERPA policies and procedures were breached. Fry found that across the United States, registrars managed faculty administrative requests for student records differently and with some confusion. Fry's study is an invaluable overview of FERPA stipulations, case law, and registrars' administration of the act. However, it does not address faculty requests for access to student records for historical research. Although Fry cited Harley Holden's assertion that student records are of historical value, she interpreted this value in terms of institutional assessment not historical scholarship.[19]

Meanwhile, no large-scale, systematic study of archival policies and practices for student records existed. In 1986, Marjorie Barritt undertook a three-pronged study in which she interviewed heads of units that created or held student records at the University of Michigan to determine how FERPA affected the administration and generation of student records there; interviewed archivists and records managers at twelve public and private institutions to determine how they were dealing with FERPA; and interviewed select historians and social science researchers to determine FERPA's effect on historical research. From her research, Barritt suggested that archivists had made little use of university lawyers in seeking interpretations of FERPA and other statutes and had allowed student records to be destroyed or to languish in departments because of accessibility limitations and bulk.[20] She asserted that the archivist's goal should be to acquire a manageable number of representative records, and she suggested sampling and name masking as additional strategies.[21]

Seven years after the appearance of Barritt's article, archivists and librarians questioned FERPA regulations for undergraduate theses. When queried for clarification on the issue, the Family Compliance Office maintained that undergraduate theses were student records and that therefore access to them required the permission of the student. In response, the SAA's College and University Archives Section authored a resolution for SAA Council's review that outlined the necessity for general access to this research source. Approved in 1993, the "SAA Resolution on Access to Unpublished Dissertations and Theses" sought the protection of the traditional status of unpublished dissertations and theses as research materials rather than as confidential educational records covered by FERPA. At the urging of SAA, the American Library Association, and the Association of Research Libraries, the FERPA compliance office agreed that archives and libraries could provide access to an undergraduate thesis without the author's permission.[22]

Since 1993, archivists have done little to clarify FERPA regulations, and yet this act has had a tremendous impact on the use and availability of student records in archives. Archives and Archivists Listserv postings and SAA's College and University Archives Section study group discussions indicate that archivists are struggling with their responsibility to administer student records under FERPA's ambiguous requirements.[23] By examining current archival practices

under FERPA, the following survey findings bring these problematic administrative issues into focus to provide a solid basis for policy recommendations.

Methodology and Survey Administration

To begin, we hypothesized that the administration of student records varies from one institution to another and that institutions overuse FERPA as a tool for restricting access to records. College and university archivists are unsure how to handle student records and therefore administer their access conservatively. We hoped to discover:

1. Whether archivists are aware of the law and what it covers;
2. What policies are in place for access to student records;
3. Whether violations have taken place at any institution; and
4. Whether or not archivists believe that student records are important for historical research.

For purposes of this study, we used FERPA's definition of "student records": "those records, files, documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution."[24]

To identify and compare archival practices concerning student record access, the authors surveyed ARL member institutions in the United States.[25] Since ARL includes Canadian, state, and public libraries whose records are not governed by FERPA, these institutions were excluded from the survey. Accordingly, the participant pool totaled one hundred institutions, a list not without its limitations. Membership in ARL is confined to research institutions that share "common values, goals, interests, and needs." Successful libraries must have research-oriented collections used by faculty, students, and visiting scholars; participate in national and/or international library-related programs; be involved in academic planning and programs of the institution; and contribute to the leadership and innovation of the library profession.[26] ARL consists primarily of larger institutions, most with enrollments between 15,000 and 35,000 students. Member institutions also are largely public schools. However, the authors decided to use the ARL list because, at this time, no comprehensive list of college and university archives throughout the United States exists. Furthermore, given ARL's emphasis on research collections, its membership represents a likely concentration of U.S. academic archives. Therefore, the ARL list was a logical source because it provided a representative sample of institutions throughout the country.

In June 2003, we distributed a fifteen-question survey, preceded by an initial letter of introduction sent by e-mail to these institutions. Although most respondents were archivists, an institution's registrar or other student record-keeper answered the survey in a few cases. At an institution that does not have an archivist, a survey was sent to the registrar's office. Participants returned the survey by e-mail, fax, or traditional mail. We completed the survey process of the study in July 2003. The answered surveys were printed for ease of use during data analysis. The surveys were numbered and all identifiable information was removed. Of the one hundred surveys sent, sixty-four were returned, a return rate of 64 percent. We used computer programs, including Microsoft Access and Excel, to compile the data.

Survey   Results
Demographics   Section

The majority of the survey respondents come from institutions with a student population of 15,001 to 35,000. Respondents also stated overwhelmingly that their archives report to the libraries at their institutions (80%), while a smaller number of respondents reports to the provost or president's office (17%).[27]

The archivists were then asked about their role as records managers because those responsible for the management of student records often decide what happens to these records, if and when they are available for research, and if they are deposited in the archives. The numbers were surprisingly even between those who are responsible for records management (45%) and those who are not involved (44%). A small percentage (9%) of archivists holds advisory or ad hoc roles on records disposition. When narrowing the results to those archivists who report to the library, a larger percentage is responsible for records management. On the other hand, of those who report to the provost or president, a significant number are not responsible for records management.

This comparison between those who report directly to the president or provost and those who do not indicates that archives that are closer hierarchically to the upper administration in research institutions are less likely to be responsible for the records management of their institution. This finding contradicts what one would expect and may be influenced by the particular pool of participants used in the study. Additional research, such as a larger survey of the relationship between reporting lines and records management, must be conducted to make any concrete conclusions.

Table 1 Respondents' Archives Demographics

Size of student enrollment	5,000-15,000	15,001-25,000	25,001-35,000	35,001–45,000	Over 45,000
Number of institutions	14	20	17	9	4

Table 2 Records Management Responsibilities of Archivists

	Responsible %	Not Responsible %	Ad Hoc Role *%*
Archives reporting to the library (51)	49	41	9.8
Archives reporting to the provost or president (1 1)	36.4	54.5	9.1

Table 3 Enrollment Size of Institution and Records-Management Responsibilities of Archivists

	5,000-15,000	15,001-25,000	25,001-35,000	35,001–45,000	Over 45,001
Records- management responsibilities	43% yes	55% yes	37.5% yes	55.5%	75% yes

After reviewing these results, we were surprised when we compared the sizes of the institutions to their archivists' records-management responsibilities. A higher percentage of archivists at the largest institutions are also records managers, while fewer archivists at middle

and low enrollment institutions are involved in these activities. The middle level, 25,001 to 35,000, came in lowest at 37.5 percent. This finding seems contrary to the belief that at small institutions with fewer staff the archivist would be more likely to take on additional records responsibilities. However, it is possible that these institutions do not have an official records manager or that this duty falls to other departments such as the legal office.

Records Management Policies

Following questions about the demographics of the archives, we asked about records-management policies at the institution. In response to the question of whether or not student records are included as part of records management, 69 percent of the participants answered positively. The categories of student records identified and included for analysis were transcripts, student employment, financial aid, discipline, letters of recommendation, admissions, advising, psychological or counseling, and housing records. The first question of this section asked where inactive student records are held. In no category of records is the archives the primary holding area. Instead, for most of the categories, other offices, including the originating office (e.g., the admissions office), hold the records. An analysis of the results shows that only in one category, transcripts, does the institution's registrar hold a majority of records. Transcripts alone are held in significant numbers by two or more units, often the archives and registrar, at the same time.

Table 4 "Which department maintains, physically, the following inactive records?" N=64

Record Type	Archives %	Registrar %	Records-Management Office %	Other %	Combination % (Inactive records held by two or more units)	Blank %	Unknown %
Transcripts	9.3	50	1.6	3.1	31	3	1.6
Student Employment	7.8	3.1	4.7	51.5	2.2	3.1	7.8
Financial Aid	10.9	3.1	3.1	56.2	17.2	3.1	6.3
Discipline	14.1	4.7	1.6	56.3	12.5	4.7	6.3
*Letters of Recommendation	10.9	6.3	1.6	48.4	18.8	4.7	7.8
Admissions	10.9	12.5	3.1	53.1	10.9	4.7	4.7
Advising	6.3	6.3	4.7	64.1	4.7	4.7	9.4
**Psych/Counsel	4.7	1.6	3.1	67.2	6.3	4.7	10.9
Housing	4.7	1.6	4.7	67.2	7.8	4.7	9.4

    * One respondent wrote that letters of recommendation are not university records.
    ** One respondent wrote that these records are not applicable.

Table 5 "Do you have a retention schedule for these student records?" N= 64

Record Type	Yes %	No %	Records – Management Office %*	Some (In part) %	Blank %	Unknown %	N/A %
Transcripts	59.4	31.3	1.6	0.0	6.3	1.6	0.0
Student Employment	56.3	32.8	1.6	0.0	6.3	3.1	0.0
Financial Aid	54.7	29.7	1.6	1.6	7.8	4.7	0.0
Discipline	45.3	43.8	1.6	0.0	6.3	3.1	0.0
Letters of Recommendation	45.3	42.2	1.6	1.6	6.3	3.1	0.0
Admissions	53.1	32.8	1.6	3.1	6.3	3.1	0.0
Advising	42.2	43.8	1.6	3.1	6.3	3.1	0.0
Psych/Counsel	43.8	43.8	1.6	0.0	6.3	3.1	1.6
Housing	42.2	42.2	1.6	1.6	6.3	3.1	3.1

Archivists were then asked whether or not these categories of student records are scheduled for retention or disposal at their institution. The most likely categories of records to be scheduled are transcripts, student employment, admissions, and financial aid. The answers for the other record categories were more equal between those who scheduled and those who did not. Records such as housing and counseling are kept on a more random basis. In these cases, where scheduling is not a priority, it is likely that individual departments on campus decide the retention period. Whether or not these decisions result from any legal advice is unknown.
Of the records that are scheduled, we asked whether or not these schedules call for the records to be transferred to the archives. Transcripts are the most likely scheduled records to be transferred, although only 21.9 percent of transcripts are deposited into the archives. It appears that schedules in all the categories do not generally call for the records to be transferred, in a range from 51.6 to 62.5 percent. However, it is important to note that several respondents were unable to answer the question because their institutions do not practice records management or their archives are not involved in records management.

Table 6 "If there is a schedule for the following records, does it call for archival transfer?" N=64

Record Type	Yes %	No %	Blank %	Unknown %	N/A %
Transcripts	21.9	50	7.8	3.1	17.2
Student Employment	6.3	62.5	7.8	3.1	20.3
Financial Aid	14.1	56.3	7.8	3.1	18.8
Discipline	12.5	51.6	10.9	3.1	21.9
Letters of Recommendation	6.3	60.9	9.4	3.1	20.3
Admissions	7.8	60.9	7.8	3.1	20.3
Advising	4.7	62.5	9.4	3.1	20.3
Psych/Counsel	4.7	62.5	9.4	3.1	20.3
Housing	4.7	60.9	7.8	4.7	21.9

Table 7 "Has the Archives accessioned or acquired, either through schedule or otherwise, student records?" N=64

Record Type	Yes %	No %	Some (In Part) %	Blank %
Transcripts	67.2	25	0.0	7.8
Student Employment	25	62.5	3.1	9.4
Financial Aid	26.6	65.6	0.0	7.8
Discipline	42.2	50	0.0	7.8
Letters of Recommendation	35.9	54.8	1.6	9.4
Admissions	31.3	59.4	1.6	7.8
Advising	17.2	75	0.0	7.8
Psych/Counsel	6.3	85.9	0.0	7.8
Housing	17.2	70.1	1.6	7.8

We also asked if student records appear in the archives' holdings either by records schedules or in some other manner. For instance, do letters of recommendation appear in the archives in faculty collections even if they are not scheduled for transfer to the archives? The answers to this question show that the most likely records to appear in the archives are transcripts and discipline records, with 67.2 percent of respondents reporting that transcripts are in the archives. This large percentage is surprising because in an earlier question (see table 4) only 40.3 percent responded that transcripts are either held in the archives or jointly with another office. The disparity may be a result of transcripts that appear in other collections such as department files. The least likely records to appear in the archives are psychological and counseling records, perhaps because of strong privacy laws regarding medical and mental health records.

Table 8 "Are the following records closed to general user access?" N=64

Record Type	Yes %	No %	Blank %	Unknown %	N/A %
Transcripts	76.6	6.3	10.9	1.6	4.7
Student Employment	57.8	7.8	17.2	3.1	14.1
Financial Aid	59.4	6.3	15.6	3.1	15.6
Discipline	70.3	3.1	15.6	3.1	7.8
Letters of Recommendation	64.1	6.3	15.6	4.7	9.4
Admissions	64.1	4.7	15.6	3.1	12.5
Advising	57.8	4.7	15.6	4.7	17.2
Psych/Counsel	54.7	4.7	17.2	3.1	20.3
Housing	46.9	10.9	17.2	6.3	18.8

After asking about records management policies, the survey inquired about the institutions' access policies and how they relate to student records. We asked respondents if student records were closed for general access and if so, for how long. Overwhelmingly, archivists said that student records are closed. In the few cases where respondents reported open transcripts, they specified a certain time frame (for example, before 1920).

To follow up this question, we asked how long closed records remain so. Instead of answering the question in terms of closing and then opening the records, many of the

respondents provided information about how long records are retained before they are destroyed. For example, the answers for student employment records include responses such as "7 years, then destroy." Records such as these are closed until they are discarded and are therefore never actually open for research. This type of response occurs in all categories except transcripts. For transcripts, only one respondent said they were closed until destroyed. In most cases, access to transcripts is denied until the death of the student. In others, the timeframe ranged from seventy-two to a hundred years after graduation. In some instances, transcripts are closed indefinitely. Transcripts are the only type of student record that archivists overwhelmingly categorize as permanent. This brings into question whether or not archivists see any value in the other records and if these records add anything to the historical record of student life on campus.

FERPA Results

After inquiring about records management and student records, we asked about archival policies regarding FERPA regulations. To begin, we asked respondents to list the kinds of information their institutions would include in a student directory. According to the act, directory information may be released without consent of the student. However, students have the right to restrict this information by requesting the institution in writing to do so. FERPA states that " 'directory information' relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student."[28] Most respondents to the survey listed this traditional FERPA directory information in their response to this question.

While the majority of respondents cited the above fields for their directory information, individual institutions maintained additional, very different directory information. Because the act uses the words "includes the following," institutions may add other types of information to this list, or limit the list, to contain the directory information they consider appropriate. Some institutions added gender, photographs (including videotaped and/or electronic images of students), scholarships, eligibility of membership in honoraries, curriculum/class schedule, name of advisor, residency status, county/state/United States territory student is from (does not include foreign students), as well as parents' names and addresses. One institution even included historical sketches of all nineteenth-century graduates in their directory information. On the other hand, the narrowest description came from a respondent who wrote that his institution's definition had been changed so that today it only reflects the student's name and "presence" on campus.

The differences in directory information show varying levels of concern by institutions about privacy and what can potentially be used to harm current and former students who are still living. According to one FERPA expert and university registrar, certain fields should never be considered appropriate directory information, including Social Security number, student identification number (when different than Social Security number), race, and ethnicity. Although FERPA legislation does not explicitly state this, the list has been expanded in various cases in which the Department of Education explained its views of directory information in more detail. All other categories are open to interpretation by individual institutions and registrars.[29]

We next asked whether or not the institution had specific FERPA policies. Of the respondents, 75 percent have specific policies, 7.8 percent do not, 4.6 percent did not know, and

12.5 percent left the question blank. Most respondents wrote that their institution observes traditional FERPA policies, meaning that it follows FERPA restrictions and even uses similar wording. We examined the FERPA guidelines on the institutions' Web sites to verify this information. Policies that differ generally add restrictions that are not included in the Department of Education's guidelines. California institutions cited that state's Donohoe Act; others added a clause that if the law is silent on a particular type of educational record, the privacy of the student is most important. One unusual policy said, "Registration in classes constitutes an agreement by the student to the University's use and distribution of the student's voice or image in photographs, video, audio, or electronic forms." Students can opt out of this, a requirement for all FERPA information that is considered directory information.

As stated earlier, even if institutions follow FERPA guidelines, the act does not cover the use of student records for historical research. Of the institutions that responded to the next question, 67.2 percent have specific policies about providing access to student records for historical research.[30] The policies range from allowing access only to the individual student or family with notarized proof of the relationship, to the records being opened to any researcher for examination upon the death of their subject. Between these extremes fell the more common answer that student records will be open seventy-two to eighty years after they were created. Some institutions open records after that time only to family members, while others provide information that only exists in published sources. Institutions with records from the nineteenth century are more likely to allow access to this classification of record without restriction.

Historical Value of Student Records

We asked respondents to comment on their perception of the historical research value of student records. Because of ongoing professional debates on appraisal, we deliberately did not give a definition of "research value" and asked an open-ended question to elicit responses based on the archivists' impressions of student records and their experiences. We did not ask participants to comment on each type of student record listed in the survey but rather to consider student records in general terms. We expected an emotional reaction to these questions. Of the respondents, 75 percent said that student records have value, while 10.9 percent said they do not, 6.3 percent said they sometimes do, and 7.8 percent left the question blank. Those who responded negatively most commonly reasoned that the costs of maintaining and providing access to student records outweigh their value. Some respondents said they have chosen instead to document student life through publications and other printed sources. Those who were cautiously positive about student records noted that federal restrictions and privacy concerns decreased the usefulness of student records for historical research. The volume of student records, especially at larger institutions, is a great concern as well. Others wrote that aggregate data are more important than individual records for historical research.

Those who believe that student records are historically valuable cite genealogical research as the most popular use of the records. Other evidence of their value includes administrative uses, educational and social histories, as well as the study of the success of the academic program. One archivist responded that "The main reason for a university to exist is to serve its students-by not documenting their experience, it calls into question the totality of the historical record of an academic institution." Another wrote "It is useful to know what courses an individual took to get an idea of his or her intellectual background. By cross-referencing transcript information with the course catalog, a researcher can find the course description and

faculty who taught it."

We expected different answers to this question about the historical value of records, but the connection between responses and writers was unusual. We assumed that responses regarding the value of student records would relate to the size of the student population and whether or not the archives had responsibility for records management. In other words, we believed that larger institutions with records-management programs would be better equipped to preserve student records and make them accessible. This did not turn out to be the case. Instead, the "no" answers came from a full range of large to small institutions and were divided between those archivists who had records management responsibilities and those who did not. The answer to whether or not student records have historical significance seemed to come more personally from the archivists as opposed to originating with any specific policy of the archives.

Finally, we asked the archivists whether or not their institution had ever been involved in a FERPA violation case regarding historical records. FERPA and the Department of Education make it clear that a violation of the law will lead to a loss of federal funding. Only one institution responded that it had been involved in a violation when records had been left outside a faculty member's office for retrieval. No other details were given. The only other detailed response to this question was a comment by one archivist about the security measures in place to make sure that violations do not occur. The archivist wrote

> Thank goodness, no. But we have a number of safeguards in place to ensure against the accidental release of living alumni records, including storing them in a separate area of the building (though this is more serendipity than planning), signage that warns material is closed, and in some cases, having the material under an additional lock.

Analysis

The survey findings indicate a great variance in the administration of student records from institution to institution. Archivists do not follow consistent access policies or sets of guidelines. Although they understand that FERPA governs the use of student records, they are most unclear about FERPA's lack of direction concerning time restrictions for the release of personal student information. Institutions tend to be conservative in regard to student records and do not support the release of information. While some of this conservatism comes from legal concerns, it may also be connected to maintaining good public relations with family members. Some archivists are unsure whether or not they even support holding individual student records in the archives for eventual research.

The volume of these records is staggering, and archivists are concerned about processing and staffing costs. At the same time, because records management is not a responsibility or priority for some archivists, and therefore they are not in charge of the records outside of the archives, many records do not make it to the archives and are destroyed. On the other hand, most archivists surveyed valued the research potential of student records, either individually or in aggregate form.

Even when researchers are allowed access to directory information, the survey's respondents contradicted each other as to the types of records that are included. A researcher should not assume that having access to certain kinds of information in one institution guarantees that it is available in every institution. Archives at institutions that allow more access to

information have more to give researchers such as genealogists who undoubtedly are interested in parents' information, the hometown of the student, and photographs. Other researchers, including genealogists but also biographers and scholarly researchers, may be interested in the courses that a student took. For instance, one respondent noted that a researcher was interested in an artist's course work to support a study of the possible influences on his art. Clearly, the value of student records for historical research requires further study. Marjorie Barritt's limited survey of six historians in 1986 underlines the importance of name-related records to social history research. A systematic study of the research-use trends and requests associated with student records for historical research is needed to determine which student record types have the most research value.[31]

Archivists who have no policy, or who do not know what their institution's policy is, will be unsure how to address certain situations. Because student records can appear in collections without the knowledge of the archivist, archivists must know what they are allowed to release. In addition, when working with their institution's registrar, archivists should acknowledge that the registrar's concerns may not reflect those of the archivist who is dealing with historical documents. According to one FERPA expert and registrar, registrars should consider the following questions when determining what falls under directory information:

1. Are you making it easy to verify appropriate student data with the business community?
2. Are you trying to match items you plan to list in a printed student directory?
3. Are you developing a list that appropriately responds to the more frequent requests for information?
4. Are you concerned about misuse of the information?[32]

This expert added that many institutions' registrars are flexible for family research, particularly since they view the family as the record holders after a former student's death. Even so, from his perspective, most institutions do not have clearly developed policies regarding research using historical records. The survey's responses concerning the policies for student records support this observation.

So how can the archivist address registrars who are primarily concerned with living alumni and current students? Especially in this time of electronic records, archivists must stress the importance of historical records to the registrar. What kind of list should archivists have? Taking a lead from this expert's advice, archivists should think about the following points when determining what student records should be available:

1. Are you making it easy for researchers to verify appropriate student data?
2. Are you careful about the privacy of nondirectory information?
3. Is the student information available in published sources?
4. Are you developing a list or guidelines that respond to the most frequent requests for information?
5. Do you have uniform policies that are used for every researcher?

Conclusion: The Next Step

This study offers a critical first step for understanding how archives in the United States

administer student records under FERPA regulations. It illustrates that, as Barritt discovered eighteen years earlier, archivists are allowing offices to destroy their student records instead of transferring them to the archives. They continue to be confused about FERPA's ambiguous definition of student records and its lack of guidance on issues of historical research and use. The first step in addressing this issue is for SAA to conduct workshops in conjunction with the American Association of Collegiate Registrars and Admissions Officers that address both current records and those of historical value and explain FERPA restrictions and any relevant in-state laws that affect student records. Archivists could use this information to create more informed policies at their own institutions.

As Chuck Elston has pointed out, archivists were not involved in the FERPA legislative process in the mid-1970s and took a passive stance thereafter. Furthermore, the archival community has taken little initiative to promote the value of student records for historical research in recent decades. To lobby legislators and college and university administrators for greater access to student records for research use, the archival community must strongly express its concerns in collaboration with other organizations such as ARL and the American Library Association. This study provides the background data to move forward with this effort. A follow-up investigation of research trends using different types of student records for historical research would bolster archivists' lobbying efforts for greater access, as well as enable archivists to make informed appraisal and preservation decisions. With these studies in hand, the College and University Archives Section of SAA must establish guidelines for using student records for historical research and advocate for their endorsement by the Department of Education and the American Association of Collegiate Registrars and Admissions Officers. These two organizations have the authority to enforce any new interpretations of FERPA and are essential to success in this area. The guidelines would be added as an appendix to the College and University Archives Section's *Guidelines for College and University Archives* and serve as a "best practices" resource. They should address the following points:

1. Archivists acknowledge that privacy laws are important; however if privacy is extended broadly after the death of the individual, much archival work is undermined.
2. Directory information should be open without restriction to all researchers.
3. Researchers should be able to use student records even if still under FERPA regulations for any *organizational or historical study* as long as they follow procedures to destroy all personal identifying information.
4. Postsecondary student records should be open seventy years after creation or death, whichever comes first.
5. Archives should not discriminate among types of users.
6. The laws of individual states may alter these guidelines.

These guidelines must be used as a best practices model for the profession to standardize the administration of student records in the United States. If approved by the Department of Education, they would give archivists the authority to answer institutional legal concerns and defend scholarly research. They are the logical next step toward broadening the scope of historical research allowed by FERPA throughout the country.

Appendix
Student Records Survey Questions

To assist you while completing this questionnaire, the following is the definition of education records by the Family Educational Rights and Privacy Act (FERPA): "those records, files, documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution." (Authority: 20 U.S.C. 1232g(a)(4))

Section 1: General Questions about your institution:
1. What is the student population of your institution?
2. Does the archives physically share its building with another unit?
3. Where does the archives fit administratively within the university hierarchy?
4. Is the archives responsible for records management?
5. If yes, does this include student records?

Section 2: Legally Restricted Records:
6. Who maintains, physically, the following **inactive** records at your institution? Please place an "x" in the appropriate column and check all that apply.

Record Type	Archives	Library	Registrar	Other (name)
Transcripts				
Student employment				
Financial student aid				
Discipline/academic misconduct				
Letters of Recommendation				
Admission files				
Advising files				
Psychological and counseling				
Housing				

7. Do you have a retention schedule for these student records? Please answer yes or no.
Transcripts
Student employment
Financial student aid
Discipline/academic misconduct
Letters of Recommendation
Admission files
Advising files
Psychological and counseling
Housing

7a. If there is a schedule for the records above, does the schedule call for archival transfer? Please indicate which record types do.
Transcripts
Student employment
Financial student aid
Discipline/academic misconduct
Letters of Recommendation
Admission files
Advising files
Psychological and counseling
Housing

7b. Has the archives accessioned or acquired, either through schedule or otherwise, student records? Please answer yes or no and indicate which record type.
Transcripts
Student employment
Financial student aid

Discipline/academic misconduct
Letters of Recommendation
Admission files
Advising files
Psychological and counseling
Housing

8. Are the following records closed to general user access and if so for how many years?
Transcripts
Student employment
Financial student aid
Discipline/academic misconduct
Letters of Recommendation
Admission files
Advising files
Psychological and counseling
Housing

9. Does your institution have a definition of "directory information" which it will release to the public? If so, could you list what falls under the definition.
10. Does your institution have specific policies regarding FERPA?
11. If so, and you are willing, please provide a short description of the policy.
12. Does your institution or repository have specific policies regarding releasing student information for genealogical or historical research?
13. Do you think student records have archival research value? Please answer why or why not.
14. Has your repository ever been involved in litigation or administrative/ regulatory action as a result of alleged FERPA infraction?
15. If so, and you are willing, please provide a short description of the case and the outcome:

Notes:

[1] For the purpose of this study, the term "student records" includes transcript, student employment, financial aid, discipline, letters of recommendation, admissions, advising, psychological and counseling, and housing records. See table 4 for additional information.

[2] Bobbye Fry, *An Academic Dilemma: Student Records, Faculty Access, and the Family Educational Rights and Privacy Act* (EdD diss., Texas Tech University, 1999), 24.

[3] Charles B. Elston, "University Student Records: Research Use, Privacy Rights and the Buckley Law," in *College and University Archives: Selected Readings* (Chicago: Society of American Archivists, 1979), 73. Elston's article was first printed in *Midwestern Archivist* 1 (Spring 1976): 16–32.

[4] Marjorie Rabe Barritt, "The Appraisal of Personally Identifiable Student Records," *American Archivist* 49 (Summer 1986): 266.

[5] A good history of the amendments and law can be found on the Department of Education's FERPA Web site at http://www.ed.gov/print/policy/gen/guid/fpco/ferpa/leg-history.html (accessed 27 July 2004).

[6] Information about conducting research is found on the Department of Education's FERPA Web site at http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html (accessed 27 July 2004).

[7] http://www.ed.gov/policy/gen/guid/fpco/ferpa/leg-history.html (accessed 27 July 2004).

[8] E-mail correspondence from Brad Myers, The Ohio State University Registrar, to the authors, 8 October 2003, in

possession of the authors.

9 *Society of American Archivists Newsletter*, January 1975.

10 *SAA Newsletter*, March 1976. The newsletter article states that "some schools, for example, refuse to publish even a list of honor students without asking each student's permission. Other institutions have seen the law as a mandate for restricting all but first person access to student records." The article reports that Charles Elston at the University of Illinois had voiced the concern that lawyers are not allowing access to records until they have a court precedent; Frank Cook at the University of Wisconsin was concerned that the law was being used as an excuse to destroy records; and Harley Holden of Harvard University asserted that it adversely affected creation of historically valuable materials.

11 Elston, "University Student Records," 79. The education component of HEW became part of the Department of Education in 1980.

12 *SAA Newsletter*, March 1977.

13 David A. Thomas, "Legal Issues in Use and Abuse of Student Records," *Midwestern Archivist* 3, no. 1 (1978). Donald D. Marks, "AACRAO's Guide for Retention and Disposal of Student Records: A Critical Review," *Midwestern Archivist* 8, no. 1 (1983). AACRAO stands for American Association of Collegiate Registrars and Admissions Officers.

14 Harley Holden, "Student Records: The Harvard Experience," *American Archivist* 39 (October 1976).

15 See for example, Timothy Walch, "Student Correspondence: A New Source for the History of Higher Education," *Midwestern Archivist* 1 (1976): 33–42; and Marcia Synott, "The Half Opened Door: Researching Admissions Discrimination at Harvard, Yale, and Princeton," *American Archivist* 45 (Spring 1982): 175–87.

16 William Charles Schuerman, *A Model Institutional Policy on the Privacy of Student Records in Compliance with the Family Educational Rights and Privacy Act of 1974 as Amended* (PhD diss., The American University, 1980).

17 Fry, *An Academic Dilemma*, 32. Fry refers to Gail Paulus Sorenson and David W. Chapman, "School Compliance with Federal Law Concerning the Release of Student Records," *Educational Evaluation & Policy Analysis* 7 (Spring 1985): 9–18.

18 Daniel Horton, Jr. and John Gares Martin, *Buckley: One Decade Later—Impact on the Profession* (Terre Haute, Ind.: Association of Teacher Educators, Indiana Unit and Curriculum Research and Development Center, School of Education, Indiana State University, 1986).

19 Fry, *An Academic Dilemma*, 13.

20 Barritt, "The Appraisal of Personally Identifiable Student Records," 272, 271.

21 Barritt, "The Appraisal of Personally Identifiable Student Records, 274. For a case study concerning establishing a student records access policy, see Mark Greene, "Developing a Research Access Policy for Student Records: A Case Study at Carleton College," *American Archivist* 50 (Fall 1987): 570–79.

22 College and University Archives Section correspondence, 1993 and report, 1993–94 in Records, 1936–[ongoing], Society of American Archivists, UWM Manuscript Collection 172, Golda Meir Library, University Manuscript Collections, University of Wisconsin-Milwaukee.

23 Listserv topics over the past ten years largely center on debate regarding time restriction for providing access to student records. See for example, the archives of the Archives and Archivists Listserv (http://listserv.muohio.edu/archives/archives.html) entries for June 1994 (what student records archives are retaining); 3 May 1995 (cooperation with registrar concerning storage of student records); 28 February 2001

(FERPA and access policy); and 12 March 2003 (how archives are dealing with transcripts). The College and University Archives Section held discussions on FERPA at meetings in 1993 and 2000. See *Academic Archivist: The Newsletter of the College and University Archives Section of the Society of American Archivists* 12 (January 1994) and 18 (Fall 2000).

[24] Authority: 20 U.S.C. 1232g(a)(4).

[25] See appendix for a copy of the survey questions. The authors would like to thank all of the respondents for their assistance.

[26] The ARL Web site of qualifications can be found at http://www.arl.org/stats/qualprin.html (accessed 27 July 2004).

[27] 3 percent of the respondents did not answer this question.

[28] Authority: 20 U.S.C. 1232g(a)(5)(A)

[29] Brad Myers e-mail to authors, 15 October 2003. Myers also mentioned that some restrictions are responses to students' concerns. The Ohio State University removed age from its list of directory information when older women students requested it due to age discrimination in the workforce.

[30] 6.25 percent left the question blank and 26.6 percent said they do not have specific policies.

[31] Barritt, "The Appraisal of Personally Identifiable Student Records," 273.

[32] E-mail correspondence from Brad Myers to the authors, 8 October 2003, in possession of the authors. His full response included the following information:
 A. Are you making it easy to verify appropriate student data with the business community? If so, then enrollment information, part-time/full-time, graduation information, etc. should be on the list. And you should make it easy for folks to obtain that data. We are only helping ourselves and our students.
 B. Are you trying to match items you plan to list in a printed student directory? If so, then make sure you think of that when choosing data items.
 C. Are you developing a list that appropriately responds to the more frequent requests for information? If you're trying to make it easy for us to answer typical questions, and it's not a privacy issue, then put it on the list.
 D. Are you concerned about misuse of the information? For example, date of birth used to be on OSU's list, but it was taken off after repeated requests from students who were concerned about age discrimination in the employment process. Pictures have only recently been acceptable according to the DOE. They were supportive of class schedules a few years ago, but after significant feedback from institutions, they have been less encouraging about that data element being directory information. It is still up to the institution though.