

**My part of “Navigating Ambiguous Waters: Providing Access to Student Records”
MAC Presentation: April 29, 2004 (beginning 50% done by Ellen Swain)**

FERPA Results

After asking questions about records management and student records, we wanted to know about archival policies regarding FERPA regulations. What are the policies and do archivists use them? We asked several questions: what is directory information, what are their guidelines for using records, and have they had any violations? To begin, we asked respondents to list their institutions’ directory information. We did this because directory information is inherently open to the public. Most respondents included traditional FERPA directory information which is listed in your handout.

Even though most of the respondents included the same characteristics, what they added was very different. Some institutions included: gender, photographs (including videotaped and electronic images of students), curriculum or class schedule, name of advisor, as well as parents’ names and addresses. 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 their “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. There are certain fields that should never be considered directory information, such as social security number, student identification number, race, and ethnicity. Although this is not explicitly stated in the FERPA legislation, the list has been expanded in various Department of Education cases where the Department explained their views of directory information in more detail. All other categories are up for interpretation by individual institutions.

We then asked whether or not the archivists' institution had specific FERPA policies. Of the respondents, 75% of institutions have specific policies, and most wrote that their institution follows FERPA restrictions and even uses similar wording. The policies that were different generally added additional restrictions. One unusual policy said: "registration in classes constitutes an agreement by 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 directory information.

Even with the guidelines for student records that follow FERPA, the Act does not cover using student records for research. So we asked archivists whether or not they have specific policies about providing access to student records for historical research. Of the institutions that responded, over 67% have specific policies. The policies range from only allowing access by the individual student or family with notarized proof of the relationship - to the records being open to any researcher upon death of the individual. Between these extremes was the more common answer that student records are open 72-80 years after the record was created. Even after that time, some institutions open records just to family members, while others only provide information to researchers that exists in published sources. Institutions with records from the 19th century are more likely to allow access to this classification of record without restriction.

Historical Value of Student Records

We also asked archivists to comment on their perception of the historical value of student records. Of the respondents, 75% said that student records have value, while 11% said they do not, and 6% said sometimes. The most common reason given for those

who do not believe that student records are valuable is that their value does not outweigh the costs of maintaining and providing access to them. 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, was a great concern as well. Others wrote that aggregate data are more important than individual records for historical research.

Those who believed that student records are historically valuable cited genealogical research as the biggest use of the records. Other reasons included 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.”

For the final question, we asked the archivists whether or not their institution has ever been involved in a FERPA violation case regarding historical records. FERPA and the Department of Education are clear that a violation of the law will lead to a loss of federal funding. Only one institution responded that they had been involved in a violation when records had been left outside a faculty member’s office for retrieval. No other details were given.

Analysis

The survey findings indicate that there is great variance in the administration of student records from institution to institution. Archivists do not follow a consistent

access policy or set of guidelines. Although they understand that FERPA governs the use of student records, archivists 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 conservativeness comes from legal concerns, it may also be connected to 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. 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 in the types of records that are included. A researcher could not assume that having access to certain kinds of information in my institution guarantees that it is available in yours. Archives at institutions who 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 may be interested in the courses that a student took. For instance, one respondent noted that a researcher at their archives was interested in an artist's course work to support a study of the possible influences on his art.

Archivists who have no policy, or who do not know what their institution's policy is, will run into situations that they are unsure how to address. 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 the institution's registrar, archivists should acknowledge that the registrar's concerns may not reflect those of the archivist. Even though most registrars are flexible for family research, many institutions do not have clearly developed policies.

So how can the archivist address registrars who are primarily concerned with living alumni and current students? Ellen and I concluded that 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 non-directory 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

Ellen and I hoped that our study would offer an important step for understanding how archives in the United States are administering student records under FERPA regulations. It showed that archivists continue to be confused about FERPA's ambiguous definition of student records and its lack of guidance on issues of historical research and use. Archivists were not involved in the FERPA legislative process in the mid 1970s and took a passive stance thereafter. Furthermore, we have taken little initiative to promote the value of student records for historical research in the recent decades.

In order to promote access of student records for research use to legislators and college and university administrators, the archival community must strongly express its concerns in collaboration with other organizations such as ARL and the American Library Association. Ellen and I believe that the College and University Archives Section of SAA should 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 guidelines could serve as a “best practices” resource and could be used as a model for the profession in order 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 concerns and defend scholarly research. Guidelines are the logical next step toward broadening the scope of historical research allowed by FERPA throughout the country.

Thank you very much.