

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

Good afternoon! Welcome to **Navigating Ambiguous Waters: Providing Access to Student Records in the University Archives**. My name is Tamar Chute and I am the Associate Archivist at the Ohio State University. I am the chair of this session as well as a presenter. We will start with a brief introduction of the topic and the speakers, each speaker will give their presentation, and we will have time for questions at the end.

Although many types of archival records raise problematic access concerns, perhaps none are more confusing than student educational records. Found in every academic archives, and even in manuscript collections, student records are governed by privacy laws, especially the Family Educational Rights and Privacy Act (FERPA). Some archivists fear that any action involving student records violates some aspect of FERPA. Without clear direction from the Department of Education, archivists must follow the decisions 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.

Last June, Ellen Swain and I conducted a survey to analyze the current state of archival student records under FERPA. Ellen is the Student Life and Culture Archivist at the University of Illinois at Urbana-Champaign, a position she has held since 1999. Ellen

has a MS in library science from the University of Illinois at Urbana-Champaign, a MA in American history from Indiana University, and a bachelor's degree in sociology and anthropology from Earlham College. Ellen and I will begin the session by explaining what we discovered in our research and providing our ideas for the direction the archival field should follow. One thing I should mention about the session description in the program – we did ask several times for comments from the Department of Education's Family Policy Compliance Office about using student records for historical research. Unfortunately, although they wrote back that they were interested in the project, we were unable to get any real answers from them. The one thing they did say is that the protections in FERPA end at the death of the student.

After Ellen and I discuss the survey, Patricia Hartmann will speak and give us her perspective on student records. Pat Hartmann, MS, is the Registrar and an instructor at Alverno College. Pat has sixteen years of experience working in the Registrar's Office as a staff assistant, Assistant Registrar and Registrar. She is a member of both the Wisconsin and American Association of College Registrars and Admissions Officers. Pat is a graduate of Alverno College and Marian College-Fond du Lac. Her presentation is titled: "Student Records Access Policies From A Registrar's Prospective."

Following Pat will be Robin Van Harpen. Robin is Associate Director and Senior University Legal Counsel in the Office of Legal Affairs at the University of Wisconsin—Milwaukee ("UWM"). She has been with UWM since January of 2001. In addition to assisting in managing the Office, Robin handles a variety of legal matters for the University, including employment and student issues and related litigation, the facilitation and development of university policies, and public records and meetings

issues. Prior to joining UWM, Robin was a Principal Associate at a Milwaukee law firm. She received her law degree from the University of Minnesota Law School in 1995, and graduated from Northwestern University in 1992 with a bachelor of arts in Economics and Art History. Robin's title for her presentation is: "A University Lawyer's Perspective on Balancing Student Privacy Rights and Public Interest in University Records."

Ok, let's get started!