

# The Appraisal of Personally Identifiable Student Records

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**Abstract:** The problems of the administration and appraisal of student records have increased due to the growth of academic institutions and the proliferation of laws and regulations pertaining to such records. This article examines three areas: how the laws of the last decade, particularly the Family Education Rights and Privacy Act, have affected record-keeping practices within units at one large public institution; how archivists and records managers at selected universities manage and appraise student records; and the effect on the research community of those appraisal decisions and the limited accessibility of student records and records containing personally identifiable information in general.

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IT HAS BEEN REPORTED that colleges and universities are the most well documented of American institutions. Perhaps that may be taken as a sign of the competence of university archivists and records managers. It does not, however, signify that all the problems of documenting institutions of higher education have been solved. At least one genre of records continues to cause a multitude of administrative problems for generating units and appraisal problems for archivists and records managers. They are those records that document individuals and their relations with the institution and that, therefore, contain personally identifiable information. While these records are also problematical for other institutions and organizations, the university offers an ideal situation in which to study their retention, disposal, and access; the current archival appraisal procedures, approaches, and practices for such records; and the effect of that appraisal on the research community.

The growth of academic institutions has added to the problems related to personally identifiable records. The proliferation of federal and state law also has confused and complicated the situation. Student records, personnel records, and client records, all of which are generated by a university, are subject to freedom of information legislation and privacy laws. The creation, retention, and accessibility of such records are often mandated by federal and state statutes and institutional regulations. Units that must create, store, offer legal access to, and eventually dispose of these records find themselves in a morass of laws and regulations and in the midst of an ever increasing accumulation of files. Archivists and records managers find their appraisal decisions complicated by the bulk of the records and by their limited accessibility for research.

Frequently client records are stored until some physical relocation, retirement, or administrative reorganization threatens the unit; then all but the current files are destroyed.<sup>1</sup> Units with personnel and students records often maintain them within the unit in perpetuity, limiting their access to all but the subject of the record, university officials, and researchers whose requests can be honored within the strictures of relevant laws.

This article focuses on those records generated by the university that are central to its reason for being—student records—and examines three areas: how the laws of the last decade, particularly the Family Educational Rights and Privacy Act, have affected record-keeping practices within units at one large public institution; how archivists and records managers at selected universities manage and appraise student records; and the effect on the research community of those appraisal decisions and the limited accessibility of student records and records containing personally identifiable information in general.

### **Regulation of Personally Identifiable Information and Archival Reaction**

In the last two decades record access has received much attention from legislators and regulators, who created laws and regulations with little thought to the archival life or historical value of records. The laws relating to open access—freedom of information laws and state open records laws—and the laws restricting access—the Family Educational Rights and Privacy Act and privacy legislation in general—are complicated and interrelated often to the point of contradiction. The laws focus on the administrative or active life of the records. They were written to enforce accountability, a concept not alien to archivists, and to

<sup>1</sup>Many university units generate client files, including medical service units and those offering psychological and educational counseling.

protect individual privacy, long a concern of archivists. The nuances of "balancing the competing norms of privacy and information flow," as Virginia Stewart stated in a 1974 *American Archivist* article, are often not addressed by legislation or regulation.<sup>2</sup>

Federal and state freedom of information statutes guarantee access to information about the business that governments conduct on the behalf of their citizens.<sup>3</sup> It is feared that these laws will cause a reduction in the creation of decision-making documentation, that the complete process of decision-making will not be committed to paper. To date there has been little research to prove or disprove this fear.

Laws written to regulate the other side of the information dilemma, privacy protection laws, have affected the accessibility and therefore the appraisal of records containing personally identifiable information. The privacy statutes have attempted to protect individual privacy by legislating what information may be collected, the circumstances under which it may be retained, and to whom the data may be released; and by prescribing remedies for violations and sanctions against violators.

The privacy statute having the greatest impact on university record-keeping is the Family Educational and Privacy Rights Act, affectionately referred to as FERPA or the Buckley Amendment.<sup>4</sup> FERPA regulates every institution of post-secondary education that receives U.S. Office of Education funds. FERPA

gives the individual the right to inspect, review, and challenge the content of her educational records, and prohibits the release of "personally identifiable records" without consent, except under limited circumstances. When information is released to a third party, the third party may not further disseminate the information without consent. The act provides for sanctions in the form of the loss of federal funds. FERPA does not limit the acquisition of data or its retention. It does allow for dissemination with consent and to certain bodies even without consent. Not only did FERPA limit access to student records in seeming perpetuity, but it originally implied, and even with a clarification still implies, that FERPA restrictions apply to all student records ever created by the institution.<sup>5</sup>

Under FERPA, access is allowed to alumni records without permission if the records were created after graduation or while the individual was not in attendance. Access is also allowed to information that has been defined as public, i.e., directory information. There are ten other exemptions whereby access is allowed without the permission of the subject, including the following two that can be interpreted to allow access for research purposes. Access is allowed to

(A) other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests; . . .

<sup>2</sup>Virginia R. Stewart, "Problems of Confidentiality in the Administration of Personal Case Records," *American Archivist* 7 (July 1974): 398.

<sup>3</sup>For a complete discussion of public records and freedom of information acts, including the nine federal exemption categories, see Gary M. Peterson and Trudy H. Peterson, *Archives and Manuscripts: Law* (Chicago: Society of American Archivists, 1985), 45-60.

<sup>4</sup>Pub.L. 90-247, Title IV, §438, as added Pub.L. 93-380, Title V, §513(a), 21 August 1974, 88 Stat. 571, and amended Pub.L. 93-568, §2(a), 31 December 1974, 88 Stat. 1858. Codified at 20 *United States Code Annotated* (U.S.C.A.) 1232g.

<sup>5</sup>See original law 1232g(a)(1), (2); HEW regulations 45 C.F.R. 99.1(d); amended law 20 U.S.C.A. 1232g(a)(6); 45 C.F.R. 99.3; and the legislative history of the 31 December 1974 amendments, as reported in the *Congressional Record*, 120 *Cong. Rec.* 39862 (1974).

[and] (F) 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.<sup>6</sup>

Other exemptions are for officials of another school for admissions purposes; federal authorities named in the act; purposes of financial aid; state and local officials pursuant to state statutes adopted prior to 19 November 1984; accrediting organizations; parents of a dependent student; or in cases of emergency to protect the health and safety of the subject.<sup>7</sup> These third parties may not redisclose the information without the consent of the subject. Even though an archivist may be considered "other school officials" having a legitimate educational interest, the archivist as a third party may not release the information to anyone else without permission of the subject.

FERPA was offered and passed without public hearings in August 1974 and amended, again without public hearings, in December of the same year. According to Steven N. Schatken of the Office of the General Counsel of the Department of Health, Education, and Welfare, the original FERPA bill was amended due to a storm of protest

primarily from the higher education community.<sup>8</sup> Public reaction continued as 321 public comments were received and taken into account before the "final regulations" implementing the law were published, effective 16 June 1976. The adjusted regulations did not solve the ambiguities in the law that cause confusion for archivists: the implied retroactivity and the closure of student records in perpetuity.

Apparently archivists were not an effective part of the storm of protest over the passage of FERPA. Charles Elston, in his 1976 article "University Student Records: Research Use, Privacy Rights and the Buckley Law," remarks that "archivists have generally been unable or unwilling to effectively represent the needs of research scholars on their own college campuses or at a national legislative level." In the public debate over confidentiality and access "the interest of archivists and researchers have been largely ignored."<sup>9</sup>

Archivists' concern with FERPA's ambiguities and with its clearly stated restrictions has been chronicled in the *SAA Newsletter*.<sup>10</sup> A March 1978 statement prepared by the subcommittee on confidentiality of the SAA College and University Committee contained much of the same language as Elston's earlier article and highlighted the serious impact FERPA could have on archival practice if its ambiguous sections were narrowly interpreted.<sup>11</sup> The statement stressed the value of educational records in general and of student records in particular and underscored FERPA's failure to provide

<sup>6</sup>20 U.S.C.A. 1232g(b)(1)(A) and 1232g(b)(1)(F).

<sup>7</sup>20 U.S.C.A. 1232g(b)(1)(B), (C), (D), (E), (G), (H), (I).

<sup>8</sup>Steven N. Schatken, "Student Records at Institutions of Postsecondary Education: Selected Issues under the Family Educational Rights and Privacy Act of 1974," *Journal of College and University Law* 4 (1977): 147-77.

<sup>9</sup>Charles Elston, "University Student Records: Research Use, Privacy Rights and the Buckley Law," *Midwestern Archivist* 1, no. 1 (1976): 26, 16.

<sup>10</sup>*SAA Newsletter*, January 1975, 4; March 1976, 12; March 1977, 2.

<sup>11</sup>*SAA Newsletter*, March 1978, 9-12.

for scholarly use of student records. It suggested that FERPA provisions were being narrowly interpreted by most university attorneys, especially in their acceptance of FERPA's retroactivity. The subcommittee, which was chaired by Elston, took some heart in citing a more liberal interpretation given by HEW official Thomas S. McFee, who interpreted FERPA as allowing the records of deceased students to be open.<sup>12</sup>

According to the subcommittee, not only did FERPA "... as presently interpreted, impose severe and undue restrictions on the historical use of educational records," but by setting forth minimum standards FERPA allowed institutions to adopt more restrictive policies on closure. The statement recommended the following changes in the guidelines or in the law itself:

- (1) clearly open student records to scholarly research use after the subjects are dead or within a specific period of time after the records have been created, such as 75 years;
- (2) open the records of living students if rigid safeguards are enforced to protect the anonymity of individuals described in personally identifiable records; and
- (3) recognize and sanction the retention of student records for future scholarly research.<sup>13</sup>

FERPA and the federal privacy act were passed in 1974. FERPA's final regulations were written in 1976. The SAA statement describing a situation pregnant with disaster appeared in 1978. More than a decade after the passage of FERPA, what is the situation? Have FERPA and other privacy legislation

changed the creation of student records, modified their active use, or caused them to be destroyed? What impact has FERPA had on the appraisal of student records for archival retention and on the accessibility of student records held by archival repositories? Have FERPA and other privacy legislation inhibited the work of researchers by limiting their use of records containing personally identifiable information? In other words, were the fears of the subcommittee on confidentiality justified?

To answer the questions posed above three sets of interviews were conducted during 1984. Units at the University of Michigan that generate and/or hold student records were interviewed to discover how FERPA has affected the active life of the record. The second set of interviews was conducted with archivists and records managers at selected universities to discuss their management and appraisal of student records. Finally, historians and social science researchers who use records containing personally identifiable information were interviewed to assess the effect of privacy legislation on their research. The discussions with researchers were more general, focusing on their use of any kind of record containing name-related material.

### **Administration of Active Student Records at the University of Michigan**

The following brief description of the status of student record-keeping at the University of Michigan is intended as an example of the kind of information university archivists should have about the student records on their campuses if

<sup>12</sup>Ibid.

<sup>13</sup>Ibid., 12. These recommendations fit within the 1980 archival code of ethics and its commentary, as published in the *American Archivist*. The code stated that "archivists respect the privacy of individuals who created or are the subject of records and papers, especially those who had no voice in the disposition of the materials." The accompanying commentary stated that archivists "determine whether the release of records or information from records would constitute an unwarranted invasion of privacy (privacy is defined to concern only living persons)." Society of American Archivists, "Archival Code of Ethics," *American Archivist* 43 (Summer 1980): 414-16.

they are to make informed acquisition and retention decisions. From the discussions with other university archivists reported later in this article, it is clear that the situation at Michigan is not unique.

The University of Michigan has a "Policy on Student Records," which, while in compliance with FERPA, had its origins in the excesses of the McCarthy-House Unamerican Activities Committee era. (Several other university archivists interviewed also reported that they were operating under procedures that protected confidentiality before FERPA was enacted.) The University of Michigan policy, like FERPA and most other statutes and regulations regarding records, makes no mention of the archival life or historical value of student records. Archival retention is included under the following provisions relating to "retention of information":

Information shall be retained only for the period required to serve the official functions of the units or individuals involved. . . . At the end of that time, information shall be disposed of in a manner which will protect the rights of privacy of the individuals involved.<sup>14</sup>

As at other universities, student record keeping at Michigan is decentralized. At Michigan approximately fifty-one units create and/or hold student records. Interviews were conducted with staff at the following University of Michigan units: College of Engineering; College of Literature, Science and the Arts; Horace H. Rackham School of Graduate Studies; Law School; Medical School; Residential College; School of Dentistry; School of Library Science; and School of Nursing. The university-wide student records policy states that each unit must

draw up a student records policy that complies with FERPA and the Michigan policy. The University of Michigan policy is regarded by university officials as being stricter than FERPA, and several units take pride and comfort in claiming that their policy is stricter than the university's. There are also units that admit to a liberal implementation of FERPA. Needless to say, the student records created and held by the fifty-one units, some of which are service units such as Health Service and Financial Aid, are not uniform; nor is there uniformity among the twenty-nine units that maintain academic student records.

In general a student's academic record includes: 1) the official application for admission, including the high school transcript, comments by the high school counselor, and the admissions office's correspondence and notes; 2) test scores, reading scores, and placement exam scores; 3) official academic information, including a copy of the most recent transcript, election and drop/add forms, memoranda, and correspondence (the transcript and all items documenting the fulfillment of requirements is kept by the registrar as the official academic progress record); and 4) "backer cards," which provide a chronological account of the college's contacts with a student.<sup>15</sup> To this basic undergraduate academic record, graduate and professional schools may add documentation of certification, board exam scores, and dissertation requirement fulfillment forms.

FERPA has changed the evaluative portion of a student record in two ways. Less evaluative material is created. The records are created with the knowledge that the student will have access to them.

<sup>14</sup>"The University of Michigan Policies on Student Records," approved March 1977 by the Board of Regents, revised January 1980, 1.

<sup>15</sup>University of Michigan, "College of Literature, Science and the Arts, Administrative Board Policy Statement on College Student Records," April 1977, 1.



Counselor comments are less personal, less opinionated, and, according to one staff member, may be less valuable for the problem student. Indeed, letters of recommendation written under a student access waiver are not accepted as evidence for admission or employment by at least one state, Minnesota, as a result of a strict state public data law.

University units are generally very sensitive to the protection of the confidentiality of student records. For example, some units close records even to parents of minor students and to spouses. Many units interpret the access to "other school officials" allowed by FERPA so narrowly that faculty are denied access unless they are the student's academic counselor.

Because of the narrow interpretation of FERPA restrictions at Michigan, there is almost no access to student records by researchers without the permission of the student. As stated earlier, FERPA allows access to "other school officials, including teachers within the educational institution . . . who have . . . legitimate educational interests" and to persons outside the university for, among other reasons, purposes of "improving instruction."<sup>16</sup> By incorporating "other school officials," "legitimate educational interests," "improving instruction," and the University of Michigan policy's language, "need to know," some record-keepers at that institution have broadly interpreted FERPA restrictions. But FERPA's allowances for access under the above phrases are only permissive; most units routinely deny access to the few research requests they receive unless names can be masked or the researcher has the permission of the student.

It is not surprising that FERPA has had such an impact on the accessibility of student records; that was the purpose of

its enactment. Indeed FERPA was as successful in ensuring access for the students themselves as it was in curbing access for researchers.

FERPA did not directly address the retention and destruction of student records. What, if any, effect has FERPA had on these practices? Retention by the generating units seems little affected by FERPA. Most generating units want to keep student academic files and have thus far managed to do so. The active and semi-active life of the student record depends, of course, on the record's content and administrative use. Many units consider the active/semi-active life of the record to extend beyond the life of the subject; most student records are not destroyed upon or after death or supposed death. Retaining student files within the unit in perpetuity often means storing them in inappropriate storage areas. Affluent units have begun filming student records and, even after weeding, film a more detailed record than is filmed by the registrar's office. There is little uniformity between units in what records or information is filmed. Regardless of whether an academic record is retained two years after graduation or in perpetuity, whether it is kept in hard copy or on film, units are making those decisions based on administrative use of the files and are not considering the historical or research value of the records.

FERPA does not specifically allow for the destruction of student records, but destruction is permitted. Likewise, the University of Michigan policy does not call for destruction, but it does allow "disposal" after "the period required to serve the official functions of the units or individuals involved."<sup>17</sup> The Regents Bylaws mandate the keeping of the official student academic record in perpetuity, but the expanded unofficial

<sup>16</sup>20 U.S.C.A. 1232g(b)(1)(A), (F).

<sup>17</sup>"University of Michigan Policies on Student Records," 1.

academic record found in the units is under the control of the various record-keepers. Records destruction is occurring in units more because of storage problems than because of confidentiality problems.

Due to the lack of uniform campus-wide record-keeping practices, the historical record as documented by student files is an inaccurate one. When units retain only problem student files for legal purposes, the historical record is also biased. If the only undergraduate files extant in 2084 are those of students who had academic or criminal violations, the data available on University of Michigan undergraduates obviously will be flawed.

### **Student Record-Keeping, Access, and Appraisal at Selected Universities**

Interviews were conducted with twelve archivists, records officers, and records managers: Patricia Bartkowski, Wayne State University; Kay Domine, College of William and Mary; Charles B. Elston, Marquette University; Harley Holden, Harvard University; Frederick Hornhart, Michigan State University; Nancy Kaufer, formerly of the Massachusetts Institute of Technology; David Klaassen, University of Minnesota; Nancy Kunde, University of Wisconsin-Madison; Terry Latour, University of Southern Mississippi; Kevin Leonard, Northwestern University; Marilyn Whitmore, University of Pittsburg; and David J. Whittaker, Brigham Young University. They represented public and private, medium-sized and large institutions, and professionals who have written on the subject of student records. While these interviews may not give a comprehensive picture of student record-keeping practices na-

tionally, they are helpful in describing current practices. Answers were sought to the following questions: How are archivists responding to the situation of student records on their campuses? Are student records a priority for university archivists? Are archivists and records managers offering records management assistance to units by helping to define what student records should contain, by recommending schedules to delineate the active, semi-active, and archival life of student records? Are archivists and records managers suggesting filming, sampling, or other bulk-reducing practices? How are archivists appraising student records?

Each of the universities surveyed maintain an official academic record, usually in an office set up for the purpose, such as the office of the registrar. Generally the official academic record is on film: in some instances, on-line; and in several situations, both on film and on-line.<sup>18</sup> No one office is in charge of determining practices regarding the unofficial student academic record—the files generated and kept by individual units. Administrative retention practices and archival acquisition policies are decentralized and idiosyncratic.

Seven of the twelve archival institutions reported holding unofficial student academic files. Four of these, all at private universities of medium size, had a policy of transferring unofficial student academic files to the archives for permanent retention. In one instance the policy referred mainly to undergraduate records; in another, the records were accessioned from the central records office after the alumni died. The other three archives with unofficial student academic records reported holding the files on a

<sup>18</sup>A comprehensive survey of the keeping of the official academic record can be found in the American Association of Collegiate Registrars and Admissions Officers booklet, *Retention of Records*. For a critique of the booklet see Donald D. Marks, "AACRAO's *Guide for Retention and Disposal of Student Records: A Critical Review*," *Midwestern Archivist* 8, no. 1 (1983): 27-34.



temporary basis. One stored the files in a records center for eight or ten years after graduation, pending a decision to destroy, sample, or film the records. Another reported having no general retention policy for student records but sporadically transferring such records from individual departments, with the intention to destroy them after twenty years.

The other five archives did not transfer unofficial student academic records to either a records center or the archives, although these archives may have fragmentary holdings of student records that were accessioned years ago and/or that were received inadvertently in records from a department. In some cases it was unclear whether a conscious decision not to transfer unofficial student records had been made, or whether the current practices resulted from simply avoiding the issue.

There was no consensus on appraisal procedures, appraisal criteria, or the historical value of unofficial student academic records. One archivist, inclined to transfer student records by applying less rigorous appraisal standards because the records focus on the individual, said that departmental-level student records are often uninformative. He also felt that decisions not to transfer such records have increased since FERPA. Other archivists believed that, given their evaluative nature, student records were of little research value; or were of mixed value and best used for group portraits; or were of limited historical value because of their lengthy closure. Those archivists transferring student records for permanent retention felt that they had inherent historical value, including biographical research value, and were a

necessary component of documenting higher education. This view was also stated in the SAA subcommittee statement of March 1978:

From both a research and an administrative standpoint, institutions of higher learning have a special obligation to preserve the records of individual students, student organizations and campus life. Students are the most important products of higher education. Student records are essential to an understanding of the educational process over time. The impact of higher education in America and the changing lifestyles and experiences of college students can be studied and evaluated only if institutional files are maintained and made available for research use.<sup>19</sup>

Having made a conscious decision that student records have no historical value, some university archivists follow through on that decision by scheduling the destruction of student folders held by generating units. In other cases, departments have been left to cope unaided with burgeoning records whose semi-active life extends, or so the department believes, through the life of the graduate and often beyond.

While some generating units destroy student records because of space problems, archivists seem to destroy them or allow them to languish in the departments because of the limitations on the records' accessibility. That is not to say that quantity is not an important factor in the archival appraisal of student records. Archival transfer of student records has long been complicated by the bulk of the records.<sup>20</sup> The problematic nature of student records now has been underscored by the limitations on their use for research. Many archivists were

<sup>19</sup>SAA *Newsletter*, March 1978, 10.

<sup>20</sup>The University of Michigan College of Literature, Science and the Arts generates approximately forty-seven feet of undergraduate student folders per year.

reluctant to transfer student records before FERPA; in some cases their reluctance now has hardened into a decision not to acquire student records. The appraisal of student records hinges on the archivist's knowledge of the content of student folders, the evaluation of their historical value, the quantity of records involved, and their future accessibility to researchers. On most campuses, gaining an adequate knowledge of the whereabouts, contents, and quantity of all student folders is a time-consuming venture.

Even those archives that do not routinely transfer unofficial student academic records may have such records, acquired during an earlier period. Whether there by chance or design, student records are almost uniformly reported to be closed to general research without student permission. Exceptions to this blanket closure may be granted by the generating unit, the central administration, and/or the archivist. Most archives, operating on the custodial model, refer access requests back to the generating unit. Four archives routinely open student folders after seventy-five or eighty years, a period designed to keep the records closed for the life of the student, in compliance with the interpretation that privacy protection is extended to living persons. Several archives reported that individual departments have opened student records after a much shorter period, in one case thirty years. No archivist or records manager reported trying to dissuade departments that were making records accessible in violation of FERPA. There seemed to be few attempts by the archivists interviewed to initiate information programs for depart-

ments regarding access restrictions to student records. This may be seen as the province of university attorneys on most campuses.

Archivists have made little use of university lawyers in seeking interpretations of FERPA and other statutes affecting archives. In general archivists seem to have negative expectations of legal interpretations regarding access to student records. Only three archivists reported positive interactions with counsel over the interpretation of FERPA, and a liberal interpretation was given in only one case. One participant suggested that archival discontent with legal advice may be the result of the narrow interpretations given by most university lawyers.

Archivists reported few requests for access to student records by outside researchers, although some recent studies have been written using data from student records.<sup>21</sup> More in-house staff use was reported.

The University of Wisconsin has a procedure, similar to those developed by repositories under the Copyright Law, which enables researchers to use student records without student permission. The researcher must use the form, "Request By Non-University of Wisconsin-Madison Personnel to Conduct Research in Personally Identifiable Student Records Deposited in the UW-Madison Archives"; he must have his request screened by various university officials and agree to make his research available for use in "improving instruction." The researcher must also agree to comply with other FERPA provisions.

<sup>21</sup>These studies include David F. Allmendinger, Jr., *Paupers and Scholars: The Transformation of Student Life in 19th Century New England, 1760-1860* (New York: St. Martin's Press, 1975); Joseph R. DeMartini, "Student Protest During Two Periods in the History of the University of Illinois: 1867-1894 and 1929-1942," Ph.D. diss., University of Illinois, 1974, see chap. 2, pp. 50-102; and Donald Spivey and Thomas A. Jones, "Intercollegiate Athletic Servitude: A Case Study of the Black Illini Student-Athletes, 1931-1964," *Social Science Quarterly* 55 (March 1975): 939-47.

When asked about the ethical considerations involved in making records containing personally identifiable information available for research regardless of statutes, most archivists interviewed agreed that the privacy of the living must be protected. One archivist questioned whether binding a researcher by the use of a form was protection enough. As part of their general endorsement of protecting the privacy of the living, several archivists included the purpose of the research project, the contents of the records and how they were to be used, and the credentials of the researcher among the mitigating factors that might convince an archivist to open records containing personally identifiable information to a researcher. Archivists are in a difficult position; they are often the first line of defense in the protection of confidentiality and must weigh the balance between the public right to know and the individual's right to privacy.

### **The Impact on the Research Community**

To assess the impact of the records management and archival practices described above, i.e., the destruction of student records by some generating units, archivists' reluctance to accession student records, and the limited access to existing holdings of student records, the following historians and social science researchers, all of whom use name-related records, were interviewed: Robert Blackburn, School of Education, University of Michigan; Ruth Bordin, Associate, Bentley Historical Library; Jerome Clubb, Institute of Social Research, University of Michigan; Glenn Jensonne, Department of History, University of Wisconsin-Milwaukee; Leslie Tentler, Department of History, University of Michigan-Dearborn; and Maris Vinovskis, Department of History, University of Michigan. The discussions

were broadened to include use not just of student records but of all kinds of records containing personally identifiable information.

The researchers interviewed had worked with student records, faculty vitae, hospital patient records, census records and other similar large bodies of data, survey research data, personnel files, administrative records, and institutional files. Most had been initially denied access to one or another series of records containing personally identifiable information but often had successfully negotiated access.

All of these researchers stressed the importance of having access to name-related records. The researcher who most often used large bodies of coded data said that the name-code linkage must be available: names are necessary to link one set of data to another, to conduct longitudinal studies, to follow up and track down individuals. A social historian stated that names are vital when doing social history, and that name-related university records are particularly valuable for intellectual historians who might use scholarship aid records, grant fund records, student records, and faculty papers to trace intellectual lineage or to conduct studies of scholars and students, mentors and disciples.

These researchers agreed that to use sanitized records, to be prohibited from using names in their notes, or to be required to get individual permissions would be ruinous for their research. For instance, one researcher who had conducted an administrative study for the history department reported that only fifty percent of the students he attempted to contact could be located ten years after they took history courses. If permissions had been required, the study would have been impossible.

The seventy-five year closure of

records containing personally identifiable information would "ruin twentieth century social science research," one researcher explained. For any historian of the twentieth century or for social science researchers studying contemporary problems, such a closure would be disastrous.

These researchers had given considerable thought to the ethical considerations of using name-related material. Cognizant of the harm that the publication of embarrassing information could have on an individual, they felt that name-related material should be used only when necessary to their story or essential to make their point. Some researchers had fictionalized anecdotal material to protect confidentiality yet had fulfilled their obligation to provide tracks for other researchers seeking to verify their sources by including real names in sealed notes. This is a delicate point for historians and other researchers, who realize that the protection of confidentiality could be misused to cover shoddy research or to prevent others from using their data. Few of the researchers had worked with data that was as specifically closed by statute or regulation as are student records, although one researcher reported that in France all state records containing personally identifiable information recently had been closed for one hundred years.

### Conclusions and Recommendations

Most of the fears of the SAA subcommittee on confidentiality were justified, even though federal officials have used a common sense approach in administering FERPA. FERPA has changed the creation of student records and modified their active use. The record as created has been subtly changed to include less evaluative material. Access has been increased for the student and limited for researchers. The limitation of access has affected archival appraisal of student records; bulk has caused more records'

destruction by generating units. In general, few archives are transferring student records for long-term retention.

Student records are low priority for most archivists and records managers, who have concentrated on university administrative files. Consequently, many departments have been left virtually unaided to cope with proliferating student files. If archivists believe that student records have historical value, those records should be identified and transferred. If archivists decide that student records are of insufficient historical value to warrant long-term retention, they should support that decision by helping departments dispose of student records in an orderly manner.

Between the decisions to accession all student records or to destroy all student records there are many possibilities. Archivists and records managers must be more active in solving the dilemma of student record holdings within university departments. Archivists could advise departments on records creation, administrative use of records in compliance with FERPA, various bulk-reducing methods, and the possible research use of the records.

*The archivist's goal should be to acquire a manageable amount of representative student records.* This goal demands a thorough knowledge of student records held by university departments and a method of sampling that will result in the acquisition of a group of records representative of the universe of existing student records. A manageable amount will vary from archive to archive depending on the space and staff available; such practical considerations have always been an integral part of appraisal decisions.

Archivists can be helpful in increasing access as much as possible under the statutes and institutional regulations. Archivists should explain FERPA allowances for research to researchers

and generating units alike. They can explore name-masking or research compliance forms as well as other procedures. Archivists should be aware of current uses of student records for research both within and outside of their institutions. Lastly, archivists should try to improve the awareness and understanding of legislators and university regulators about the archival life and research uses of student records.

Student records should not be written off as valueless or even as "more trouble

than they are worth." Neither can archivists underestimate the difficulties of their efficient administrative use and possible archival retention. As archivists our job is to educate ourselves about the student records generated and held by units in our institutions; to assist in their proper management as active, semi-active, and archival records; and to educate administrators and researchers about their value and possible research use.



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