

# Commentaries & Case Studies

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The Commentaries and Case Studies department is a forum for sharply focused archival topics that may not require full-length articles. Commentaries and Case Studies articles generally take the form of analyses of archivists' experiences implementing archival principles and techniques within specific institutional settings, or short discussions of common theoretical, methodological, or professional issues. Members of the Society and others knowledgeable in areas of archival interest are encouraged to submit papers for consideration. Papers should be sent to Managing Editor, *The American Archivist*, Society of American Archivists, 600 S. Federal, Suite 504, Chicago, IL 60605.

## Developing a Research Access Policy for Student Records: A Case Study at Carleton College

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Marjorie Barritt's recent *American Archivist* article, "The Appraisal of Personally Identifiable Student Records," brought needed attention to the issue of actual archival policy toward student records.<sup>1</sup> It was an important practical addition to the discussion of the research potential and problems facing many college and university archivists in the administration of student transcripts, applications, recommendations, and financial aid information. The following case study is an effort to follow Barritt's lead, by relating the frustrations and rewards of attempting to fashion re-

search access policies for the once inviolable student records of a small college. This and similar case studies might smooth the path for other college and university archivists considering the development of access policies for student records, stimulate discussion about ways to increase the research exploitation of such records, and refocus attention on the more general issue of the importance and use of college and university records.

Carleton College is a small (1,800+ students), "selective," liberal arts college, located in Northfield, Minnesota. The school

*Mark Greene has been the archivist at Carleton College since 1985. He wishes to thank all the college and university archivists who generously responded to his queries about existing research access policies to student records.*

<sup>1</sup>Marjorie Barritt, "The Appraisal of Personally Identifiable Student Records," *American Archivist* (Summer 1986): 263-75.

has a good archives facility in the main library, though the staff is small: one full-time professional archivist and a few part-time undergraduate work-study students. In January of 1986, a doctoral candidate in sociology at a midwestern university sought permission from the Carleton College Archives to conduct research on the origins and subsequent careers of Carleton students in the nineteenth and early twentieth centuries. Much of the information he needed had been published in the college's catalogs and various alumni directories and surveys. But some of the material he sought—especially parents' occupations, preparatory or high school attended, and age at registration—existed now only on the students' transcripts or application materials, if at all. Less than a year before this, the registrar had transferred all pre-1953 student transcripts for storage in the archives. The transcripts had been moved for safe-keeping, not because the registrar wished to relinquish her authority over them. Hence the archivist contacted the registrar about the question of research access to student transcripts for the years 1870–1920.

The registrar was reluctant to permit such access; she was concerned both about the legal questions involved—was the Federal Educational Rights and Privacy Act (FERPA) of 1974, as amended in 1982, retroactive and/or did it cover the records of both living and dead students?—and about the college's traditional respect for the confidentiality of student records. The complexity of the issue was compounded by the fact that the transcripts were in four chronological series which did not break conveniently either at the termination date of the doctoral candidate's research period nor at the most convenient date of graduation which could be used to divide living and dead students.<sup>2</sup> Because the research re-

quest seemed to be sound scholarship and of potential interest to the college, however, the registrar agreed to discuss the matter further. A meeting was then arranged with the associate dean and the dean of the college; they, together with the archivist and the registrar, were to function thereafter as an ad hoc committee on the subject of research access to student records.

The deans, both of whom are active professors and experienced researchers, were interested in but cautious toward the research proposal. Since none of the four were particularly familiar with FERPA or with how such matters were handled at other institutions, the archivist was deputized to collect information about the law and about policies at other college and university archives. In the course of this research, it became apparent that there was little literature on the subject. Also, most archives did not have policies regarding research access to student records either because the archives did not hold student records or because the question of research access had not yet arisen.

The few archivists at small colleges who proffered advice suggested a policy of limited access, whereby scholars would be screened to ensure that their projects were sound and that only aggregate data from the records would be published (or otherwise circulated). In general, these smaller schools reflected a concern for confidentiality which went beyond a consciousness of legal obligations. On the other hand, several archivists at large universities suggested that research access to the records of deceased students (in practice, those records over eighty years old) could be essentially unrestricted. Their policies generally seemed to be based on the belief that rights to privacy generally, and FERPA particularly,

<sup>2</sup>The most convenient graduation date would have been 1906—eighty years ago. Eighty years is not only a commonly used cut off (see Barritt, "Appraisal of Personally Identifiable Student Records," 272), but one which in this case encompassed all but a single Carleton alumna.

did not apply to dead people. One university had gone so far as to interpret FERPA's "improving instruction" provision (subsection b, paragraph F) to permit fairly wide research access to student records, so long as a copy of the complete project was made available for study by the campus community.

On the whole, the replies from other schools were consistent in buttressing the archivist's argument to permit some research access to older student records. One particularly persuasive letter asked, "Why do we save students' records beyond the lifetimes of individuals if not to make them available for historical, biographical, sociological, and other kinds of research? While we should be concerned for the rights of living individuals and should be alert to the promulgation of certain types of 'sensitive' information beyond the lifetimes of former students, there must come a time when access barriers are lowered. . . ."

Still, it was clear that access barriers around student records at Carleton could not be lowered as far as they had been at some other universities. Historically, Carleton has been loath to give "outsiders" access to its student records. The earliest formal statement of policy, adopted at the end of the 1960s amidst student fears that transcripts and disciplinary records were open to inspection by police agencies and draft boards, was in many ways as or more restrictive than the FERPA rules that followed a few years later.<sup>3</sup> The main impact of FERPA at Carleton was to increase access by students to their own records. Other changes, such as further restricting access to records by college officials outside the office of origin, also resulted. By and large, an already conservative attitude toward access to student records simply became even more cautious.

In the light of both the information received from other archivists and the firmly-rooted institutional realities, the archivist proposed that the graduate student be permitted to undertake his study under the following conditions: (1) he submit a letter of support from his dissertation advisor; (2) he submit a prospectus of his research, to be evaluated by a professor of sociology at Carleton; (3) he limit his study (or at least that portion which required the use of student records) to the period up to 1906; and (4) he agree not to publish or otherwise disseminate any name-linked data from his research. The ad hoc committee and the researcher agreed to the conditions. Unfortunately, after having his doctoral proposal accepted by Carleton, the student found that he would be financially unable to spend the time in Northfield necessary to conduct the research.

By the time the issue of research access had become, for the moment, moot, the archivist had received permission from the committee to draw up a formal policy incorporating the provisions established for the doctoral candidate. The policy statement and attached researcher agreement were intended to apply primarily to eighty-year-old and older student records. A notice at the beginning of the policy referred researchers to FERPA as governing access to more recent records. The dean submitted the proposal to the college attorney, who found that document quite confusing (so too, upon subsequent reading, did the archivist). The distinction between the records of deceased and of living students was particularly unclear in that first draft. The attorney insisted that the policy spell out how research requests would be administered under FERPA, as well as outside FERPA. Moreover, she was reluctant to conclude that FERPA did not apply to the

<sup>3</sup>Herbert Finch, "The Problem of Confidentiality in a College Archives," *American Archivist* 31 (July 1968): 239-41, provides a good illustration of pre-FERPA issues and attitudes at U.S. colleges and universities.

records of dead students and asked for solid evidence to support such an interpretation.

It might have been well to leave the matter there. With no one asking to use student records for research, the issue probably could have been avoided for several more years or decades. But for a number of reasons, the archivist decided to press on. There was, of course, the matter of all the work which had already been done, as well as the committee's growing belief that the question of research access was likely to come up again. A third reason to keep going was a more selfish one on the part of the archivist: bringing the policy to fruition might demonstrate that the archives could responsibly serve the institution *and* scholarship. It was an opportunity to remind the college community that serious research could be done in this small archives and to illustrate the archivist's commitment to fostering access to the inactive records of the institution. At the same time, by displaying a responsible attitude toward research access, the archivist hoped to stimulate other members of the college to deposit their official records and personal papers in the archives.

To satisfy the attorney's concern, the archivist contacted the Family Educational Rights and Privacy Act Office of the U.S. Department of Education regarding the law's application to records of deceased persons. The swift reply stated that FERPA did *not* apply to the records of deceased students and that research in such records was entirely lawful so far as the federal government was concerned.<sup>4</sup> Next, the archivist converted what had been, in the first draft, one policy into two—one outlining Carleton's approach to dealing with research requests governed by FERPA and one covering requests for access records eighty years and older. The results, eventually approved by the attorney and accepted by the committee, appear as Figures 1 and 2. Much

of the wording of these documents was borrowed from the various access forms used by the institutions with which the archivist had corresponded, although overall the new documents are more conservative than the parts from which they were formed.

The policy governing access to records less than eighty years old (Figure 1) is largely a working translation of the restrictions and mandates of FERPA. While created to be used for research requests, it might, with slight modifications, be used more broadly by the college for other requests for access to those student records covered by FERPA. A clause which gives the archivist the right to refuse any request that would overburden the staffs administering the records in question is included. The policy relating to records over eighty years old (Figure 2) opens student records held by the archives to serious research that will not result in the publication or dissemination of name-linked data. "Serious research" is defined implicitly by the categories of researchers permitted to apply for access: doctoral candidates, college faculty, professional (i.e., published) scholars, and professional researchers attached to recognized institutes or programs. Approval is currently being sought from the deans and the president to include Carleton seniors enrolled in the honors program as "serious" researchers.

The stipulations that such studies relate directly to the history of Carleton and that they not overburden the college's staff were inserted in order to limit the number and size of such studies. By asking that research using student records focus clearly on the history of Carleton, the committee sought to avoid latitudinal studies in which data from Carleton is merely a tiny part. The archives has a professional staff of one, and the registrar's office three (other offices are similarly small); it would be easy

<sup>4</sup>Patricia Ballinger (for Constance Moore) to Mark A. Greene, 6 December 1986.

for a single large research project to hamper seriously the normal work of these offices. Such burdens should be borne only, the committee felt, infrequently and for projects that contributed directly and substantially to the college's understanding of itself. Similarly, the *note bene* at the bottom of the page was a response to the registrar's concern that, given the arrangement of transcripts into chronological series, separating eighty-year-old and older records is potentially a tremendous headache for the small staffs.

Interestingly, some of the provisions of the Carleton access policy are quite similar to the policy governing research into confidential mental health records in the Michigan state archives reported by Roland Baumann in his recent *American Archivist* article. The similarities are coincidental, but may indicate the extent to which issues of access to confidential materials transcend both types of documents and types of repositories. Indeed, the *process* of developing an access policy at Carleton, which included negotiations between the archivist and the registrar, roughly parallels the negotiation of "contracted access" between the Department of Mental Health and the state archives in Michigan.<sup>5</sup>

Such negotiations—indeed the entire process of fashioning an acceptable access policy for one's institution—is time consuming and sometimes frustrating, but there are rewards. Carleton's new policies have already produced some welcome results internally. The dean expressed his pleasure with the documents by discussing them with his peers at a regional deans' conference. The committee process helped bring the archives out of the basement of the library and into the administrative mainstream of the college. This increase in stature and visibility was aided when three other small

schools expressed an interest in studying the Carleton policies for their own use.

The policies have also helped to foster the archives' ability to attract and preserve other college records. Two years ago, the Office of Career Planning and Placement refused to transfer to the archives several file drawers of nineteenth century recommendations for graduate schools and employment. These confidential documents contain an intriguing record of Victorian values, character, and aspirations. Because of the new records access policy, the director of placement has agreed to transfer the files to the archives for processing and storage. Also, the dean of students has expressed his desire to reevaluate his office's retention and disposal policy, adopted in 1975; in light of the research access policy, some records which have been routinely destroyed because of forbidden access under FERPA may now be preserved for future research use.

There is, too, the potential for more general benefits if colleges and their archives are willing to establish research access provisions for student records. Access policies would not only help make the appraisal of student records easier, more systematic, and more consistent; such agreements should also make appraisal decisions more productive. Scholars then could be more confidently and consistently encouraged to exploit those student records that are retained. The potential for research in such records has been pointed out by many writers, but heretofore little of this potential has been realized.<sup>6</sup> Indeed, the potential for scholarly research using the entire universe of college and university institutional records has hardly been tapped. Demonstrating a commitment to effecting legitimate and practical access to student records can and should be part of a broader effort to

<sup>5</sup>Roland Baumann, "The Administration of Access to Confidential Records in State Archives: Common Practices and the Need for a Model Law," *American Archivist* 49 (Fall 1986): 349-70.

woo scholars and other researchers into more actively mining the rich resources of college and university archives. At the most general level, it might well be argued that if more colleges and universities established research access provisions for student records, scholars would eventually be encouraged to undertake more projects based on such records.

The exercise of developing research access provisions at Carleton may be counted

a success. While the Carleton access policies are thoroughly conservative documents, prior to their development no research access at all would have been permitted to student records. As many colleges of Carleton's size and type either permit no research access to student records or have yet to formulate a rudimentary policy, even so restrictive a set of documents as these is at least a small step forward.

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<sup>6</sup>For example, see Barritt, "Appraisal of Personally Identifiable Student Records," 273-74, and Charles Elston, "University Student Records: Research Use, Privacy Rights, and the Buckley Law," *Midwestern Archivist* 1, #1 (Spring 1976): 16-32, for discussion of social science research projects using student records. Elston mentions a few products of such research, but both authors are concerned primarily about what might be accomplished in the future. Francis Dallett, "University Archives as a Genealogical Resource," *National Genealogical Society Quarterly* 65 (March 1977): 55-74; Harley P. Holden, "Student Records: The Harvard Experience," *American Archivist* 39 (October 1976): 461-67; and Clifford Shipton, "The Reference Use of Archives," *University Archives*, ed. Roland Stevens (Urbana, 1965) also discuss the research possibilities of student records, though from the point of view of more traditional historical methodologies.

**Figure 1**

**Request for Research Access  
to Less Than 80-Year-Old Student Records  
at Carleton College**

Access to personally identifiable information on living Carleton students and alumni, without their written permission, is denied to researchers pursuant to 20 U.S.C. Section 1232g (1982)—Family Educational Rights and Privacy Act (FERPA) of 1974, as amended—unless one of the following criteria is met:

1) The information requested is "directory information." The term "directory information" includes: 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 (20 U.S.C.A. Section 1232g[a][5][1982]);

2) The requestor is an organization 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, and such studies will be 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 purposes for which it is gathered (20 U.S.C. 1232g[b][1][1982]).

Moreover, because Carleton College has historically guarded the privacy of its student records beyond the exigency of the law, all of the following criteria must also be met:

3) The sponsoring institution must submit a letter summarizing the research project, explaining the significance of Carleton student records to that project, and giving the qualifications of the individual(s) assigned to conduct the research;

4) The research proposal must meet with the approval of a Carleton College advisory committee composed of the College Archivist, the Registrar, an Associate Dean of the College, the Dean of the College, and a member of the faculty from a field relevant to the proposal;

5) The proposal must be judged by the committee to be methodologically sound and be likely to reach completion in good time and without placing an undue burden on the staff or facilities of Carleton College. Should the request for access be denied, a written explanation from the committee will be provided to the sponsoring institution; and

6) Within thirty days of the completion of the final draft of the study, one copy of the manuscript will be deposited in the Carleton College Archives for use by faculty, students, and other officers and personnel of the college (if the work is to be published in a reasonable period of time access to the copy on deposit will be either 1) given only with the author's consent or 2) delayed until after a mutually agreeable date).

**Student Record Access Agreement  
for Records Covered by 20 U.S.C. Section 1232G (1982) (FERPA)**

NAME OF RESEARCHER \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

INSTITUTION SPONSORING RESEARCH \_\_\_\_\_

RESEARCHER'S TITLE \_\_\_\_\_

PROJECT DIRECTOR'S NAME, ADDRESS, PHONE \_\_\_\_\_

I have read the stipulations on the reverse, and under the conditions stated there apply for access to the following Carleton College student records—

for the following study (N.B paragraph 3) on the reverse) —

I agree to preserve the confidentiality of the requested records. By agreeing to preserve confidentiality, I agree that any research will be conducted in such a way as will not permit the personal identification of students or their parents by persons other than representatives of the above-named organization sponsoring or supervising this research. I agree that no names or other personally identifying information will be published or otherwise publicly disseminated. "Publish" includes oral presentations, formal or informal, teaching exercises, and any written product of the research.

Further, I agree that any information released to me by the Archivist, Registrar, or other officer of Carleton College will be used only for the purposes stated above.

In addition, upon completion of the research, I agree to completely destroy all personally identifiable information, including copies of the records to which access has been granted. I agree to send notice of destruction of the copies to the Carleton College Archivist by certified mail.

I agree to hold harmless and to indemnify the Trustees of Carleton College, its officers, agents or employees, for any loss or damage to them, including attorney's fees, occasioned by the release of the informational content of these records.

I HAVE READ THIS AGREEMENT (CONSISTING OF TWO (2) PAGES) AND AGREE TO COMPLY WITH IT.

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

Figure 2

**Request for Research Access  
to 80-Year-Old and Older Student Records  
Deposited in the Carleton College Archives**

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Access to records less than 80 years old is strictly governed by the provisions of 20 U.S.C. Section 1232 (g) (1982)—the Family Educational Rights and Privacy Act of 1974, as amended—and is covered by a separate policy and agreement.  
\*\*\*\*\*

While all rights and obligations under 20 U.S.C. Section 1232 (g) (1982)—the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended—cease with the death of a student, Carleton College has historically guarded the privacy of student records beyond the exigency of the law. However, the college seeks to balance its commitment to its alumni with its equally strong commitment to assisting and sustaining legitimate scholarship. Hence, **research access to the records of deceased Carleton students—generally, records older than 80 years—may be granted, if all of the following conditions are met:**

- 1) The researcher must be a) a candidate for an advanced degree, or a faculty member, at an accredited university, b) a qualified professional employee of a legitimate research agency, or c) a published author;
- 2) The researcher must submit a letter summarizing his/her research project and explaining the significance of Carleton student records to that project—degree candidates and research assistants must also submit a letter from their thesis advisor, dissertation chairperson, or project director in support of their request for access;
- 3) The research proposal must meet with the approval of a Carleton College advisory committee composed of the College Archivist, the Registrar, an Associate Dean of the College, the Dean of the College, and a member of the faculty from a field relevant to the proposal;
- 4) The proposal must be judged by the committee to: be methodologically sound, contribute significantly to the appropriate field, be likely to reach completion in good time and without placing an undue burden on the staff or facilities of Carleton College, contribute to a knowledge or understanding of the history of Carleton College. Should the request for access be denied, a written explanation from the committee will be provided to the researcher;
- 5) **The researcher must be willing to sign a statement pledging not to publish or otherwise reveal personally identifiable information gleaned from the student records (except with the explicit, written consent of the student's heirs)—in other words, such records may be used to produce aggregate data only; and**
- 6) Within thirty days of the completion of the final draft of the study, one copy of the manuscript will be deposited in the Carleton College Archives for use by faculty, students, and other officers and personnel of the college (if the work is to be published in a reasonable period of time access to the copy on deposit will be either 1) given only with the author's consent or 2) delayed until after a mutually agreeable date).

**N.B. In those cases where it is impractical to separate the records of living and deceased students (e.g., where records for several years are filed together alphabetically), access to the latter may be denied.**

### Student Record Access Agreement

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

INSTITUTIONAL AFFILIATION \_\_\_\_\_

STATUS \_\_\_\_\_

THESIS/DISSERTATION ADVISOR OR PROJECT DIRECTOR (NAME, ADDRESS, PHONE)

I have read the stipulations on the reverse, and under the conditions stated there apply for access to the following Carleton College students records—

for the following study (N.B. nos. 2 and 3 on the reverse)—

I agree to preserve the confidentiality of the requested records. By agreeing to preserve confidentiality, I agree that any research will be conducted in such a way as will not permit the personal identification of students or their parents by persons other than representatives of the above-named organization sponsoring or supervising this research. I agree that no names or other personally identifying information will be published or otherwise publicly disseminated. "Publish" includes oral presentations, formal or informal, teaching exercises, and any written product of the research.

Further, I agree that any information released to me by the Archivist, Registrar, or other officer of Carleton College will be used only for the purposes stated above.

In addition, upon completion of the research, I agree to completely destroy all personally identifiable information, including copies of the records to which access has been granted. I agree to send notice of destruction of the copies to the Carleton College Archivist by certified mail.

I agree to hold harmless and to indemnify the Trustees of Carleton College, its officers, agents or employees, for any loss or damage to them, including attorney's fees, occasioned by the release of the informational content of these records.

I HAVE READ THIS AGREEMENT (CONSISTING OF TWO (2) PAGES) AND AGREE TO COMPLY WITH IT.

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_