

**Society of American Archivists  
Council Conference Call  
January 16, 2015  
2:00 pm – 4:00 pm EST**

**Annual Report: Committee on Ethics and Professional Conduct  
(Prepared by Senior Co-Chair Nancy Freeman)**

The year 2014 saw members of the Committee on Ethics and Professional Conduct work extremely hard to reach the goal of publishing ethical case studies online. CEPC, with tremendous assistance from the SAA staff and its Council liaison (Bill Landis), revised the Call and Submission Form, developed a process to publish the case studies, and completed two examples or “seed” case studies to provide guidance to potential writers. Since August, two other case studies have been published with more anticipated.

In late 2013, CEPC developed a work plan. The Committee met the majority of objectives, although not in the timeframes established. Below are the work plan objectives with initial deadlines and actual 2014 accomplishment dates.

**1. CEPC holds regular conference calls.** Timeframe: Monthly and/or as needed.

CEPC held conference calls as needed to communicate regarding case studies and other Committee business.

**2. Chair contacts and begins working with Publications Board regarding case studies and receives input regarding case study template, as outlined in Call for Proposals.**

Timeframe: December 2013 and January 2014.

In January, CEPC Chair Nancy Freeman began working with SAA Publications Director Chris Prom and SAA Director of Publishing Teresa Brinati to develop a Call for Case Studies and a process by which the case studies could be peer reviewed and subsequently published online. Over the course of several months, CEPC, with assistance from Brinati and Prom, merged the Call and Submission Form into one document.

Prom also worked with CEPC to develop a process for publishing the case studies that, once honed, could be used as a model for other SAA groups to publish topical case studies. He created an evaluation rubric for two CEPC members to peer review potential case studies and suggested timeframes for all evaluative steps.

- 3. Committee reviews draft document of criteria for case study evaluation.** Timeframe: Draft done by December 15, 2013. Document discussed and finalized at January 8, 2014, conference call.

See section #2 above regarding case study evaluation form.

- 4. Call for Case Study Proposals issued.** Timeframe: February 1, 2014.

As CEPC developed the Call and Submission form, the Committee decided that it would be helpful for someone within CEPC to write a case study to serve as an example. The Committee then opted to wait to issue a formal call until an example case study existed.

By July, CEPC members Freeman and Robert Riter completed a comprehensive case study entitled “An Online Exhibit: A Tale of Triumph and Tribulation.” In addition, Freeman and SAA member Holly Geist wrote a shorter case study, “FOIA Request,” to give an example of a slightly different yet acceptable format. Both “seed” case studies were finalized in mid-July.

On July 23, the Call and Submission Form for Ethics Case Studies went out through various SAA channels, including the Archives and Archivists Listserv, SAA Leader List, and regional organizations. Reaction to the call seemed swift. On July 25, Freeman received a positive e-mail regarding the “An Online Exhibit” case study. By the time of the Annual Meeting on Thursday, August 14, Freeman had received five inquiries, with one case study submitted.

- 5. CEPC reviews proposals, chooses, and notifies participants regarding writing a full case study. If needed, Committee also solicits other case study writers.** Timeframe: April 2014.

CEPC developed a process to peer review and publish ethical case studies. The process was finalized in spring 2014. The first case study was submitted to the Committee in late August. Thus far, three case studies have come through the process and two have been published.

Additional case study writers have not yet been pursued and this is a 2015 goal for CEPC. On several occasions, the Committee discussed asking specific individuals to write a case study, particularly those who have done so in the past or written in the subject area of archival ethics.

- 6. Initial ethics case studies published online, at least one in each section of the code.** Timeframe: August or September 2014.

The first case study was published in September 2014 with a second one following in October. The two case studies cover the following aspects of the SAA Code of Ethics: privacy; judgment; and access and use. Additional case studies are needed to cover parts of the Code including professional relationships, authenticity, security and protection, and trust.

In general CEPC business, Bill Landis initiated a review and changes to CEPC's charge. The biggest changes dealt with the leadership structure of the Committee, addition of a section regarding publishing case studies, and adding a duty for CEPC to regularly review the Core Values of Archivists document. The SAA Council approved the revised charge in May.

CEPC's leadership structure changed to be in line with other SAA groups, with a Senior and Junior Co-Chair, the latter of whom steps into the senior position at year two. SAA leadership asked Freeman to stay on one more year, with her extended term ending in 2015. Freeman agreed and Riter became the Junior Co-Chair, effective at the Annual Meeting in Washington, D.C.

Committee member Tiffany Schureman continues to maintain the Committee's website. A 2015 goal is to include a section on the website detailing the history of the evolution of the Code of Ethics.

See Appendix A for the minutes of the Committee's annual meeting in Washington, DC, in August 2014.

See Appendix B for notes taken at the 2014 Forum on Ethics Case Studies, held on Thursday, August 14, at the Joint Annual Meeting in Washington, DC.

**Committee on Ethics and Professional Conduct  
August 12, 2014, Annual Meeting Minutes**

Minutes by Tiffany Schureman.

Attending: Nancy Freeman, Bill Landis, Cybil Powers, Tiffany Schureman, Robert Riter, Marc Brodsky, Pam Hackbart-Dean, and Courtney Rookard (guest and archival graduate student).

Meeting was called to order at approximately 1:05 pm on August 12, 2014.

**Welcome and Introductions**

Everyone introduced themselves. Some people arrived later and introduced themselves then. Nancy welcomed our guest Courtney.

**Committee Updates (Freeman)**

Nancy thanked Paul Lasewicz for his service on the committee as he is rotating off. Nancy also thanked Bill Landis for being our Council Liaison for the past three years.

Nancy introduced our new committee member, Cybil Powers. Cybil works at Ralph Lauren Corporation.

Nancy introduced Pam Hackbart-Dean, our new Council liaison.

Robert Riter will be the Senior Chair next year.

**Council News (Landis)**

Council approved the new Best Practices for Volunteers in Archives document and adopted the HIPAA brief.

He noted that there is now a records retention schedule for SAA, which there wasn't one before despite there being an archives. SAA will now be using Archive-It to archive the SAA website. As a result, we need to post everything on our microsite so it will be crawled and saved. Rene Craig is the records coordinator.

**Call for Case Studies Update (Freeman)**

The call went out on July 23. On July 25, Nancy received an email from a professor stating how great this was and she was going to share this with her class. By today we have received 5 inquiries and one case study submitted. Nancy told the inquiries to attend the forum. When she gets inquiries she copies Robert Riter, Teresa Brinati and Chris Prom. We may still need to seek

out case studies if we do not receive enough. Suggestions were Elena Danielson and Mark Greene. Sharon Silengo has been marketing the call for us.

Nancy asked for two volunteers to be reviewers for six months. Cybil Powers and Tiffany Schureman volunteered. We have a five-week turnaround time: three weeks to get it returned to Nancy and she has two weeks to get it to Chris Prom. We briefly talked about our roles as reviewers. We also discussed how we handle submissions. Robert Riter has created a spreadsheet that he will share with the committee.

Nancy encouraged us all to write a case study.

### **Forum on Thursday, August 14**

Reviewed what we were going to cover. Teresa Brinati made us handouts. Tiffany will give a brief review of the history of the Code of Ethics.

### **Session Proposals**

Nancy suggested we do a session in 2016 about the case studies.

We discussed 2015. There will be no endorsements for 2015. Tiffany suggested we do a panel discussion of 2 or 3 case studies. Bill also mentioned the new format of pop-ups for 2015 and that we wouldn't have to propose a session in October and could wait until more has happened with the case studies. Someone also suggested we have a session with educators about ethics. Also a suggestion was made about a copyright session given the University of Arkansas problem this year. Marc is going to take the lead on developing a session.

### **Previous Codes on Website**

We would like to have the previous Codes of Ethics on the CEPC website. Tiffany will locate them and get them uploaded to our website.

### **Other Business**

The first three chapters of the Benedict book are an introduction to ethics. Do we want to have something similar for the new cases studies? We agreed we should and Robert agreed to work on this.

**Meeting adjourned at approximately 3:15 pm.**

**2014 Forum: Ethics Case Studies**  
**Thursday, August 14, 2014, 12:00pm–1:15pm**  
**(Balcony A, Marriott Wardman Park)**

Description: Interested in writing or hearing about ethics case studies based on the 2012 revision of the *Code of Ethics for Archivists*? If so, join members of SAA's Committee on Ethics and Professional Conduct (CEPC) to discuss how to write and submit case studies to be published online. CEPC members also provide an update of their work. Ample time is allotted to answer questions and exchange ideas regarding case studies.

The meeting started at 12:00. Attendees included members of the Committee on Ethics and Professional Conduct (CEPC): Nancy Freeman, Robert Riter, Tiffany Schureman, Cybil Powers, Marc Brodsky. The final attendance count was 19 plus the committee.

Freeman, current co-chair of the Committee, opened the session with an explanation of the purpose of the committee and an introduction to the purpose of the forum as it related to the call for case studies. She also introduced the members of the committee. Lastly, she introduced Schureman to present a brief history of SAA's Code of Ethics.

Schureman reported that the first official SAA Code of Ethics was adopted in 1980. Prior to 1980, only The Archivist's Code, developed by the National Archives in 1955, offered official guidelines to the profession. In 1992, commentary on the various principles was added. In 1995, that commentary, on the advice of legal counsel, was removed, as were guidelines and procedures for interpretation of the Code and the mediation of disputes. Also removed were portions of the Code that addressed matters of individual professional conduct or institutional best practices, rather than ethical principle, as such. In 2005, again on the advice of legal counsel, the Code was revised further, but in 2006 dissatisfaction with the Code grew and the suggestion to make the Code more aspirational was put forward. Two years later, in 2006, the CEPC submitted a proposal to review and rewrite the Code and in 2012 the current Code was completed and approved by the SAA Council.

Tim Pyatt, who had previously served on CEPC and is now a member of the Council, added that the Core Values Statement that accompanies the current Code was added in place of the commentaries that had, in the early 1990s, been part of the Code itself. He said that the Statement was added to work in conjunction with the Code.

Freeman asked the group to indicate whether they were familiar with Karen Benedict's book, *Ethics and the Archival Profession: Introduction and Case Studies*, which had been published in 2003 and based on the Code of 1995. Most in attendance indicated that they were. Freeman's suggestion that with a new Code in place, there was a need for new case studies served to introduce the Call for Case Studies that had recently been issued by the CEPC.

The Call was a request for case studies that were based in real-life situations and that addressed

one or more of the sections of the Code of Ethics: Professional Relationships, Judgment, Authenticity, Security and Protection, Access and Use, Privacy, and Trust. Further, they could be used as teaching tools or as tools for reflection, while addressing new emerging topics as well as established “classics.” Freeman reported that two case studies that could serve as examples were already available on the CEPC website and that a fair bit of publicity surrounding the Call had been sent out. Additionally, handouts were available onsite should folks want the information. Freeman also volunteered herself if folks had further questions, saying that potential submitters could always seek an opinion or assistance. She also told the group about the rubric for submissions that was available online. Lastly, she announced that our plan was to provide decisions regarding publication of submitted papers in five weeks from the date of submission and that in the three weeks since the call had been issued, five inquiries had been received, as had one completed case study.

With that, Freeman turned to Chris Prom, Assistant University Archivist at University of Illinois and chair of the SAA Publications Board, for his comments. Prom said that the publications program was among the most important of SAA’s activities and that SAA publications help define us as a profession in the public eye. He noted that these case studies will be freely available and published under the rules of open access. Also, he said that any SAA group can set up a similar publishing program. Among the new and ongoing publishing projects, Prom mentioned the new *Trends in Archives Practice* series, in which each volume or module—to be sold at a modest price—will treat a discrete topic relating to the practical management of archives and manuscript collections in the digital age. The original Archival Fundamentals Series of publications will remain available online. With regard to other Case Studies series, he reported that the Diversity Committee was already getting submissions and that a series on Processing Strategies was in the works.

With that, Freeman opened the floor for questions and discussion.

Pyatt reminded folks that the case studies presented in the Benedict book were all fictional and that there will be challenges in the real life, “ripped from the headlines” approach being taken by the current series.

Freeman replied that case studies can be anonymized, and that one of the two studies already online was produced in that fashion, while noting that this process can be problematic.

A questioner pointed out that many folks work very closely with donors and that there is often a significant relationship in place and asked after the implications of potentially—if indirectly—involving a donor in a case study.

Council Liaison Bill Landis said that there were a couple of ways to approach this. While one might involve a single incident in the case study, one might take a single issue and make a composite of several instances, thereby avoiding having to anonymize the approach of the composite to get one’s point across. One could also seek the feedback of CEPC members when submitting a potential piece.

Speaking to the inquiries received so far, Freeman said it was/would be helpful to identify the elements of the Code or Core Values Statement that were being addressed. Also, if one knew of an institution that had a similar situation to that intended for the case study, as was mentioned earlier, a composite could be drawn to avoid over-identification.

Another questioner asked about the intended goal of publishing these studies.

Freeman replied that the first goal was to present an issue and a story for teaching purposes. (We also ask for discussion questions.) Secondly, the texts should provide a basis for reflection on one's own professional practice.

She went on to describe the first of the published studies that had to do with an online exhibit that had received negative comment due to the selection of materials included in the exhibit. The case study describes the process that addressed the problem. Within three days of the case study being posted, a comment had also been posted.

Another attendee said that she uses Benedict's book and likes it very much. Also, that students love it for the examples it offers.

Landis noted the advantages of posting the studies online, including the ability of an author to get into the conversation. In fact, an online reader with a different opinion might be prompted to write a related case study to illustrate another perspective, one from a different context and, perhaps, with a different outcome. This is something we would encourage, as it would leave a broader view of how an ethical quandary might be negotiated. Our goal, as Landis said, is to get people to think.

Pyatt noted just how complex legal entanglements are these days, with donors, for example, saying one thing and legal counsel saying another. The point would be to get a lot of guidance through consultation; that it is best to bring others in to consult, thus offering additional viewpoints that, perhaps, had not yet been considered.

Another person raised the question of institutional resistance to the publication of an ethical case study that might be seen as damaging to the institution's reputation.

Freeman said that we haven't encountered this, though we're quite new at this. She suggested that it would be possible to anonymize a situation by picking out part of what occurred and addressing the relevant part of the Code. Of course, once a piece is published, it is out there, and the author (and the editors) must be comfortable with it.

Someone else brought up the point that medical ethics were different from archival ethics, that the medical world would not allow the kind of discussion that we do. Freeman agreed that this was very appropriate. Someone else noted the kinds of restrictions that FERPA and HIPPA place on access to specific kinds of information.

Landis pointed out that in the area of access and ethics, the business world, too, has differences with the academic sphere. How might these be negotiated? he asked. For example, might a

situation arise when future donations are anticipated from a current and ongoing corporation that had already donated materials?

Pyatt brought out another example of potential conflict of interest when a choice to make the historical record accessible might only be accomplished via potentially unethical behavior. He cited the example (and told the story) of a group of Warren G. Harding letters, which had recently been released (after having been sealed for fifty years by a judge in 1964), and where the family's wishes had been for material not to be made public. Does the end result justify the actions taken to make this material public, was Tim's question. What of the struggle between being responsible to a donor and to the historical record?

Freeman made the point that since these situations are often not a matter of black and white, this precisely suggests the value of the Case Studies, to illustrate the often unclear nature of situations that we all may or may have already encountered in our work.

Freeman ended the session by thanking all present for their attendance and by reminding folks about the handouts, should more information about the Call for Case Studies in Archival Ethics be of interest.

The session ended at 12:45 pm.