

**Society of American Archivists  
Council Meeting Minutes  
May 22 – 24, 2014  
Chicago, Illinois**

*Agendas and background materials for SAA Council meetings are publicly available via the SAA website at: <http://www2.archivists.org/governance/reports>. Each Council meeting agenda comprises Action Items, Discussion Items, and Reports and the number/letter in the minutes (e.g., II.A.) corresponds to an item listed on the agenda. The minutes summarize actions taken and the outcomes of discussions. Reports generally are not summarized in the minutes (with the exception of the Executive Committee report, which details interim actions of the Executive Committee and Council), but provide a wealth of information about the work of appointed and component groups and the staff. To view the reports—and all other background materials—see the SAA website.*

President Danna Bell called the meeting to order at 5:45 p.m. on Thursday, May 22. Present were Vice President Kathleen Roe; Treasurer Mark Duffy; Executive Committee Member Bill Landis; and Council members Terry Baxter, Geof Huth, Elisabeth Kaplan, Michelle Light, Lisa Mangiafico, Tim Pyatt, and Tanya Zanish-Belcher. Council member Helen Wong Smith participated in the mega issue discussion via conference call but otherwise did not attend. Staff in attendance were SAA Executive Director Nancy Beaumont, Publications Director Teresa Brinati, Finance and Administration Director Peter Carlson, Education Director Solveig De Sutter, Program Coordinator René Craig, and, for a portion of the meeting, Web and Information Systems Administrator Matt Black. Also in attendance: Dennis Meissner, who will serve as SAA Vice President beginning in August 2014.

## **I. COUNCIL BUSINESS**

### **I.A. Adoption of the Agenda**

Bell introduced the agenda with changes proposed by the Executive Committee. The Council agreed to 1) move Agenda Item III.A. (Standards Committee: Revision of Procedures for Review and Approval of SAA-Developed Standard) from the Consent Agenda to the Action Agenda (following Agenda Item V.A.) and 2) move Action Items V.D. (Revision of CEPC Description), V.F. (Revision of Journal Editorial Board Description), and V.G. (SAA Records Retention Policy/Schedule) to the Consent Agenda.

The Council further agreed to re-order several agenda items to accommodate schedules and enhance the efficiency of the meeting. (Agenda items are presented in these minutes based on the original sequencing to minimize confusion.) Kaplan moved for adoption of the revised agenda, Duffy seconded, and the Council adopted the meeting agenda unanimously.

### **B. January 2014 Minutes**

Bell noted that the January 2014 meeting minutes were adopted by online vote of the Council on March 3, 2014, and posted on the SAA website immediately. SAA members were notified of availability of the minutes via *In The Loop*, the website, and social media.

### **C. Review of Council Action List**

This internal working document was distributed to Council members and updated by the group.

## **II. STRATEGIC PLANNING**

### **Status of Strategic Plan Activities (Reference)**

Council members reviewed the status of Strategic Plan activities for FY 2015 that the group had developed during and after its January 2014 planning session, made adjustments, and refined timelines for the coming year.

### **MOTION 1**

**THAT, in the spirit of the 2012-2013 Annual Meeting Task Force report, section and roundtable endorsements for the 2015 Annual Meeting be suspended to allow the Program Committee to explore alternative ways to bring broad member input into the session development process.**

**Support Statement:** Administering the endorsement process consumes staff and Program Committee time that needs to be focused on exploring new options for direct member input on Annual Meeting program sessions. Sections and roundtables are encouraged to continue to develop and propose sessions for consideration by the 2015 Program Committee.

**Impact on Strategic Plan:** Working to implement recommendations of the Annual Meeting Task Force requires flexibility to experiment and supports Strategic Plan strategies 4.1. Facilitate effective communication with and among members, and 4.2. Create opportunities for members to participate fully in the association.

**Fiscal Impact:** None.

**Move:** Landis

**Second:** Huth

**Vote:** PASSED (unanimous)

## **III. CONSENT AGENDA**

The following items were adopted by consent (**MOTION 2**).

**Move Consent Items:** Huth

**Second Consent Items:** Landis

**Vote:** PASSED (unanimous)

## V.D. Approve Revised Committee on Ethics and Professional Conduct Description (from Action Agenda)

THAT the description of the Committee on Ethics and Professional Conduct (CEPC) be revised as follows (*underline = addition, strikethrough = deletion*):

### Committee on Ethics and Professional Conduct

#### I. Purpose

The Committee on Ethics and Professional Conduct (CEPC) addresses issues related to ethical and professional conduct within the archival profession. CEPC facilitates, as needed, the creation and promotion of education and outreach resources relating to the *Code of Ethics for Archivists* and the *Core Values of Archivists* statement and periodically reviews each document for currency.

#### II. Committee Selection, Size, and Length of Terms

The Committee on Ethics and Professional Conduct consists of six members, ~~two~~ appointed by the SAA vice president ~~each year~~ for staggered three-year terms. ~~The chair is appointed annually by the SAA vice president from among the members.~~ In consultation with the senior co-chair, the SAA vice president appoints a junior co-chair from among the rising second-year committee members each year for a two-year term, so that the terms of the two co-chairs are staggered.

#### III. Duties and Responsibilities

1. The committee recommends to the Council updates to the *Code of Ethics for Archivists* and *Core Values of Archivists* when these are made necessary by changes in laws governing recordkeeping, copyright, or other pertinent subjects, or by changes in professional procedures and practices.
2. The committee periodically conducts a complete review of the *Code of Ethics for Archivists* and *Core Values of Archivists* statement to ensure that *ad hoc* changes have not compromised ~~its~~ their internal consistency and the documents as a whole continues to meet the needs of the profession. It recommends to the Council revisions as necessary.
3. The committee monitors the rise of new ethical and professional conduct issues due to societal, legal, or judicial and technological developments.
4. The committee solicits or creates case studies and other educational materials in a variety of formats to promote understanding and utilization of the *Code of Ethics for Archivists* and *Core Values of Archivists* statement, and works with SAA staff members to make these available in appropriate ways.
5. The committee reviews its charge every two years and works with its Council liaison to propose any necessary changes for approval by the Council.

#### IV. Reporting Procedures

~~The committee chair presents committee recommendations to the Council. Changes to the Code of Ethics for Archivists are submitted to the Standards Committee according to established procedures. Recommendations related to procedure or ad hoc situations are reported directly to the Council.~~ CEPC reports to the Council and works closely with its Council liaison, the President, and the Executive Director to ensure that it is responsive to the Council's needs. The co-chairs are responsible for submitting an annual report to the Council, and may also submit items for Council action or discussion

and feedback as necessary. The co-chairs also are responsible for ensuring that minutes of CEPC meetings are prepared and posted on the CEPC's SAA-hosted website to inform SAA members of its activities and comply with SAA's record-keeping requirements.

*Revised: June 1, 2009; May 23, 2014*

**Support Statement:** The recommended revisions to the CEPC description more accurately reflect the work with which the committee is currently engaged. Assigning oversight of the *Core Values of Archivists* document to CEPC enhances the document's relationship to the *Code of Ethics for Archivists* and ensures that it is being monitored for currency and relevance to SAA's members and the archives profession.

**Relation to Strategic Plan:** Goal 2: Enhancing Professional Growth. Ensuring that both the *Code of Ethics for Archivists* and the *Core Values of Archivists* are regularly reviewed for relevance, and tasking CEPC explicitly with soliciting or creating and promoting tools for understanding and using these key professional documents, helps archivists to be successful and effective in their careers.

**Fiscal Impact:** None.

#### **V.F. Revise Journal Editorial Board Description (from Action Agenda)**

**THAT the following revised description of *The American Archivist* Editorial Board and Editor be adopted:**

### ***The American Archivist* Editorial Board**

#### **I. Purpose**

The Editorial Board advises and assists the Editor of *The American Archivist* in the editorial review and production of the journal and in establishing and implementing editorial policies and procedures for peer review of submitted manuscripts.

The Editorial Board also assists with the evaluation of the Journal Editor as requested by the Council.

#### **II. Board Size, Length of Terms, and Selection**

The Editorial Board consists of the Editor, who serves as chair of the board, the Reviews Editor, and eight individual board members.

The Editor is appointed by the Council. The Editor's term is three years and customarily begins on or about January 1; however, the exact date on which the individual selected assumes the responsibilities of editorship is negotiated by the individual and the Executive Director. An incumbent Editor may be re-appointed for one additional term as Editor. An individual may not serve more than two consecutive terms, but may apply for the position at a later time.

The Reviews Editor is appointed for a three-year term by the Editor. The Reviews Editor may serve no more than two consecutive terms. The Reviews Editor is selected based on demonstrated excellent writing and editorial skills and knowledge of current research and writing in the archives field.

The eight individuals comprising the board are appointed for four-year terms that are staggered so that one-fourth are appointed each year. Board members are nominated by the Editor and appointed by the

SAA Vice President based on the list of nominees. In the event that the Vice President is unable to appoint a person nominated by the Editor, the Vice President asks the Editor to nominate another person for appointment. Individuals serving on the Editorial Board are selected because of their knowledge of archival theory, methodology, and practice; expertise in research strategies and methodologies; and experience in archival research and publication.

The Editorial Board also reflects a diversity of archival institutions and functional expertise and the demographic and geographic breadth of the profession. An individual may serve no more than two consecutive terms on the board.

The chair of the Publications Board serves as an *ex officio* member of the Editorial Board.

### **III. Duties and Responsibilities**

#### **A. The Editor**

The Editor coordinates Editorial Board activities. To maintain the editorial independence of the journal as a peer-refereed professional journal, the Editor manages the manuscript review process and makes final decisions for publication. The Editor is responsible for the solicitation, selection, peer review, and final approval of articles, features, and photographs. He or she works with authors and prospective authors on necessary revisions, reviews page proofs before publication, and works closely with the Reviews Editor, a copyeditor, an indexer, and the SAA staff, who handle journal production and business matters.

The Editor uses the Editorial Board listserv as the principal means of communication with the Editorial Board about editorial activities, including, but not limited to, statistical summary of submissions and decisions about submissions, negotiations for special issues, special achievements, problems and needs, and suggestions for Editorial Board policies.

The Editor also serves as an *ex officio* member of the Publications Board.

#### **B. Reviews Editor**

The Reviews Editor works in conjunction with the Editor to commission review essays; selects books and exhibits (print and online) to review; assembles, maintains, and refreshes a stable of reviewers; assigns items to be reviewed and oversees the reviews process; and edits copy for the reviews section in each issue of the journal.

#### **C. Individual Board Members**

Individual Editorial Board members assist the Editor in developing and implementing editorial policies and procedures, soliciting manuscripts to be considered for publication in *The American Archivist*, recommending other manuscript reviewers, reviewing manuscript submissions for possible publication in the journal, and contributing as needed with reviews of professional literature and resources.

Individual board members also assist with the review of the Editor's performance and may assist in the search for a new Editor.

#### **D. SAA Office**

The SAA office coordinates production aspects of the journal and handles business matters, including:

- Physical and digital production;
- Content licensing;
- Coordination of cover art;

- Advertising sales;
- Subscriptions and claims;
- Providing reports to assist the Editorial Board in accomplishing its goals;
- Coordinating communication with and among Editorial Board members and with SAA members at large;
- Ensuring the production and distribution of Editorial Board meeting minutes; and
- Negotiating contracts with vendors.

#### **IV. Meetings**

The Editorial Board meets at least annually during SAA's Annual Meeting.

The SAA Executive Director, Director of Publishing, and Editorial and Production Coordinator customarily participate in all meetings of the Editorial Board.

#### **V. Budget**

The Council, as part of its budget process, approves the budget (prepared by the SAA office) for *The American Archivist*.

#### **VI. Reporting and Editor Performance Evaluation Procedures**

The Editor reports to the Council. The Editor submits a report three times a year in advance of each Council meeting. The report includes a summary of the Editor's activities, the production of the journal, issues and concerns, and any changes to editorial policies and procedures.

The following procedures apply to the annual performance evaluation of the Editor, which is based on performance criteria, goals and objectives, and a formal review process. The purpose of this process is to form a basis for considering renewal of the Editor's contract, to provide feedback to the Editor, to discuss issues of common concern, and to recognize achievements. The Executive Director establishes a schedule for this evaluation process based on a timetable for renegotiation of the contract with the Editor.

The Executive Director shares with the Editor the statement of criteria for performance evaluation, stipulating elements considered appropriate and relevant for evaluating the Editor's performance on an annual basis. This statement must be reviewed and approved by the Council.

The Executive Director solicits written and/or oral comments on the Editor's performance from the Editorial Board, Council liaison, various SAA staff, three authors who have recently published in the journal, an author in the process of publishing in the journal, and any others who are in a position to provide useful perspectives. Also to be considered are comments received from SAA members or any other information that the Council deems appropriate. The Editor also completes a self-evaluation.

The Executive Director compiles all feedback received and disseminates this information to the Editor and the Council. The Council reviews the feedback regarding the Editor's performance and takes appropriate action. If feasible, the Council conducts a conference call with the Editor; otherwise, the Council conveys conclusions to the Executive Director to share directly with the Editor.

In years in which the incumbent Editor is eligible for reappointment, the Executive Director contacts the incumbent Editor to determine if he or she is interested in serving a second term. If the Editor expresses such an interest, the matter is referred to the Council for evaluation. The Council makes a recommendation regarding reappointment of the Editor or directs the Executive Director to implement a search for a new Editor as outlined in VII. Editor Search Process.

## **VII. Editor Search Process**

In years in which the incumbent Editor is ineligible for reappointment, is not offered reappointment, or chooses not to serve a second term, the Council and staff work together to conduct a search for a new Editor.

### **A. Qualifications of Editor**

The Editor of *The American Archivist* possesses the following qualifications:

1. Leadership skills that allow him or her to present a vision of the journal that places it at the center of the profession's intellectual dialog.
2. Ability to develop and nurture relationships with authors, both established and newly emerging, to encourage them to explore interesting questions and submit material to the journal.
3. Ability to nurture interesting but not completely satisfactory submissions to successful publication.
4. Ability and willingness to pay special attention to the need to develop ideas in newly emerging areas of the profession, to support the thoughtful re-examination of past professional insights, and to address issues of particular relevance to historically under-represented populations.
5. Excellent personal communication and writing skills, including the ability to edit scholarly material, the ability to communicate successfully with those who make submissions, and the ability to report to those in the Society with oversight responsibility for the journal.
6. Sufficient financial skill to manage the journal within the established budget.
7. Sufficient time-management skills to complete tasks in an acceptable manner and to publish the journal at appropriate and regular intervals as established within the annual budget work plan.

### **B. Search Committee**

In January of the year prior to the expiration of the incumbent Editor's term of office, the Executive Director:

1. Forms a search committee consisting of the President (who serves as chair of the committee), the Council liaison to the Editorial Board, the chair of the Publications Board, a member of the Editorial Board selected by the President, the Executive Director, and the Director of Publishing.
2. Consults with the search committee regarding appropriate text for a call for applicants. The deadline for initial applications is no later than May 15.
3. Prepares advertising for the position in all available and appropriate SAA communication outlets.
4. Consults with the search committee to identify other venues for promoting the position and/or identifying prospective candidates who might be encouraged to apply for the position.

The search committee reviews the applications, interviews candidates, and makes a recommendation to the Council on the selection of an Editor. (Should the search committee believe that there are no qualified candidates, or that additional qualified candidates are desirable, the committee is empowered to solicit additional nominations to supplement those already received.)

The Council, with due consideration of the selection committee's recommendation, makes the final decision.

### **C. Suggested Timeline:**

- *January–May*: Advertising of position.
- *May 15*: Application deadline.
- *May 22–June 15*: Search committee receives applications and begins review process to identify candidates who proceed to the next stage.

- *June 15–July 30:* Search committee conducts phone interviews and/or in-person interviews with candidates, deliberates, and prepares report to the Council recommending a new Editor.
- *August:* Search committee delivers its recommendation to the Council. The Council deliberates and either appoints the candidate recommended by the search committee or agrees on a process and timeline for further solicitation and review of candidates. Search committee chair notifies all candidates regarding decision.
- *September/October:* Executive Director executes contract with Editor.
- *November/December:* SAA office facilitates transition between incoming Editor and outgoing Editor.
- *January 1:* New Editor officially assumes duties.

*Approved by the Council: February 5, 2005.*

*Revised: May 23, 2014.*

**Support Statement:** The revised description more accurately reflects current procedures as they have evolved since 2005.

**Relation to Strategic Plan:** None.

**Fiscal Impact:** None.

#### **V.G. SAA Records Retention Policy/Schedule (from Action Agenda)**

**THAT the May 2005 Council action establishing an authorization for an SAA records management program and delegating authority for approving disposition and retention schedules to the Executive Committee be rescinded, and**

**THAT the Records Retention Policy contained in **Appendix A**, which returns authority for approving disposition and retention schedules to the Executive Committee, be adopted as the authorization for SAA’s records management program.**

**Support Statement:** Records retention guidelines, made publicly accessible and commonly understood and implemented, are a critical tool for any organization, but especially one with the mission and complexity of SAA. This RRP provides a general policy framework for ensuring the preservation and accessibility of core documentation of the work of the Society’s members, leaders, and staff; communicates, through specific record series schedules, to SAA leaders and members how most of their records of enduring value will be captured and maintained by UWM; and communicates, through specific record series schedules, to SAA staff which of their records are likely to warrant permanent retention.

**Impact on Strategic Plan:** SAA is committed to transparency, accountability, integrity, and professionalism in conducting its activities. The adoption of a new RRP for SAA supports Strategic Plan Goal 4: Meeting Member Needs, specifically by communicating with and among members about how the record of their activities and the activities of the organization will be captured and retained.

**Fiscal Impact** The adoption of this RRP has little short-term fiscal impact for SAA. Some staff time may be expended to review and discard non-permanent records and to transfer permanent

records to UWM. Fiscal impact may be felt if future Councils determine that enhancements to access mechanisms and interface are warranted beyond the standard Archive-It template for web crawl files. There will be a real dollar cost to SAA if it chooses to use UWM's web archive and servers to provide long-term access to large digital files of audio and video recordings, including oral histories conducted with members and Annual Meeting sessions. Finally, UWM is in the early stages of providing a web archiving service for SAA, which was not considered in the 2001 agreement signed by SAA designating the UWM Archives as the home for its archives. The current assessment of the ongoing costs of providing this web archiving service may lead to a request from UWM for annual support to sustain UWM's efforts to capture, preserve, and provide access to archival files of the SAA website and other future born-digital content.

### **III.A. Standards Committee: Revise Procedures for Review and Approval of an SAA-Developed Standard (removed from Consent Agenda)**

As noted in I.A. above, the Council agreed to take up Agenda Item III.A. as an action item following Agenda Item V.A. The Council noted that the intent of the amendment was to give the Council the opportunity to fast track the process, and that the proposed revision to "Procedures for Review and Approval of an SAA-Developed Standard" included language inappropriately extending fast-track options to component groups. The language was clarified, and the revised procedures were adopted (Motion 4).

## **IV. MEGA ISSUE DISCUSSION: DIVERSITY**

Council members brainstormed about the most important diversity issues that archivists face and about what SAA can do to enhance the diversity of its membership and of the profession. The discussion touched on why a diverse set of perspectives is important in the record. Huth, Zanish-Belcher, and Diversity Committee Chair Tywana Whorley were asked to explore ideas from the discussion, prepare an analysis of what has been proposed and attempted in the past, and recommend strategies and/or activities for possible inclusion in the Strategic Plan.

## **V. ACTION ITEMS**

### **V.A. Proposed FY 2015 Budget**

SAA Treasurer Mark Duffy provided an overview of the budget development process, including review by the Finance Committee prior to the Council's consideration. The staff had prepared a draft based on 1) activities outlined in the current Strategic Plan and 2) operational needs and trends, with an overall goal of achieving a net gain sufficient to allow the organization to continue planning for transition to a more robust association management software system in the next two to three years.

The Council and staff discussed specific proposed activities and considered both operational and budgetary effects. During the course of these discussions, the group agreed to allocate up to \$6,000 in child care subsidies at the 2014 Joint Annual Meeting on an experimental basis.

### **MOTION 3**

**THAT the FY 2015 Budget of \$2,652,109 in revenues, \$2,605,831 in expenses, and a net gain of \$46,278 be adopted, and**

**THAT any net gain realized in FY 2015 be used to fund a Council-designated reserve for technology.**

**Support Statement:** The FY 2015 budget represents a realistic work plan for the Society that places appropriate emphasis on maintaining operations at a sustainable level while addressing SAA's strategic priorities. The organization's ability to succeed in key areas of advocacy, education, knowledge dissemination, and member services is highly dependent on staying current with communication technology and information management systems. Unlike most other strategic priorities, large technology investments cannot be accommodated within normal operating budgets. The FY15 budget projects a respectable net gain that allows staff to plan appropriately to meet member service expectations.

**Impact on Strategic Priorities:** Planning for a contribution to a Council-designated reserve for technology will enable SAA to address a critical component of the new Strategic Plan (Goal 4: Meeting Members' Needs).

**Move:** Landis

**Second:** Huth

**Vote:** PASSED (unanimous).

**III.A. Standards Committee: Revise Procedures for Review and Approval of an SAA-Developed Standard (from Consent Agenda)**

As noted in I.A. above, the Council agreed to take up Agenda Item III.A. as an action item following Agenda Item III.D. The Council clarified that the intent of the amendment to the procedures for approval of an SAA-developed standard was to give the Council an opportunity to fast-track the process and adjusted the proposed language to reflect that intent.

**MOTION 4**

**THAT "Procedures for Review and Approval of an SAA-Developed Standard" be revised to add a new Section VI. as follows (*underline = addition, strikethrough = deletion*):**

**VI. Council Fast-Track Procedures**

In some cases the SAA Council may initiate the standards development process for best practices documents without seeking prior approval from the Standards Committee. In these cases a subgroup of the Council functions as the standard development and review team and the standards approval process begins at step III as described above.

*Revised June 1995, February 2010, January, 2012, August 2013, May 2014*

**Support Statement:** Revising the procedures for standards development in this way allows the Council to act in a flexible and agile manner while preserving appropriate mechanisms for review and feedback from the Standards Committee and membership as a whole.

**Impact on Strategic Plan Goals:** The changes could have an impact on any of the four goals identified in SAA's 2014-2018 strategic plan, but especially relate to the goals of participating in new standards development (3.1) and meeting members' needs as an "agile association" (4).

**Fiscal Impact:** None.

**Move:** Huth

**Second:** Duffy

**Vote:** PASSED (unanimous)

### **V.B. Advocacy Agenda Issue Briefs**

Strategy 1.2.2. in Strategic Plan 2014 – 2018 calls for SAA to “develop and maintain a wide variety of advocacy resources, including up-to-date issue briefs and talking points on a wide variety of topics that can be adapted easily by archivists, supporters, and the media” in support of the Society’s Advocacy Agenda. The Committee on Advocacy and Public Policy presented four issue briefs for Council approval.

### **MOTION 5**

**THAT the following four issue briefs, on the Presidential Records Act of 1978, the Freedom of Information Act, Orphan Works, and Section 108 of the Copyright Act, be approved:**

**Move:** Landis

**Second:** Huth

**Vote:** PASSED (unanimous)

## **Presidential Records Act of 1978**

### **SAA POSITION**

SAA supports all efforts to strengthen the Presidential Records Act of 1978 to ensure that it:

1. Is enforceable on both the President and Vice President,
2. Adequately encompasses electronic as well as paper records and communications, and
3. Cannot be altered at the discretion of a sitting Chief Executive through the use of executive orders.

SAA will join legal actions directed to ensuring proper and thorough application of the Presidential Records Act, advocate for pertinent legislation, and suggest alterations to both court filings and proposed legislation in pursuit of our goals.

SAA strongly supports passage of legislation such as that introduced in 2013 as H. R. 1234, Electronic Message Preservation Act, and H.R. 1233, Presidential and Federal Records Act Amendments of 2013.

## **THE ISSUE**

The Presidential Records Act (PRA) of 1978 (44 U.S.C. Chapter 22)<sup>1</sup> governs the official records of Presidents and Vice Presidents created or received after January 20, 1981. The PRA changed the legal ownership of the official records of the President from private to public and established a new statutory structure under which Presidents must manage their records.

The PRA as adopted had a number of flaws, such as the gap arising from the power of former presidents to invoke executive privilege (§ 2204 [c][2]): “Nothing in this Act shall be construed to confirm, limit, or expand any constitutionally-based privilege which may be available to an incumbent or former President.” A Senate report analyzing a House bill to reform the PRA identifies several of the remaining weaknesses in the PRA: “It has become clear to Congress that the PRA is not sufficiently clear with respect to its disclosure mandates. Without further Congressional action each successive President likely will issue his own executive order interpreting the original PRA, thus making the public's access to Presidential records contingent upon the will of the executive—the avoidance of which was the very goal of the original PRA.”

The PRA has also been challenged by the Vice President. During his term of office, Vice President Richard Cheney advanced several arguments claiming that the records of the Office of the Vice President (OVP) were not Presidential Records as defined by the PRA, with the exception of records resulting directly from tasks explicitly given to the OVP by the Executive Office of the President (EOP). He argued that other constitutionally mandated or implicit duties of the OVP were exempt from the requirements of the Act. This theory was tested in court. A judge ruled in January 2009 that although the PRA may well have been intended to cover the whole of the records of the OVP, the Act itself made no provision for its own enforcement (judicially or otherwise) and thus, in essence, the question of coverage was moot and Cheney could do as he wished with his papers.

## **BACKGROUND**

The impetus for the Presidential Records Act of 1978 came about as a result of legislation to prevent President Richard Nixon from destroying, selling, or taking a large tax break for donating his records and his secretly recorded White House conversations. Congress passed legislation establishing that all Presidential records relating to the duties of the office belong to the American people. This law ended the tradition of Presidential records belonging to former Presidents. Having dealt specifically with Nixon's Presidential records, Congress enacted the Presidential Records Act (PRA) of 1978 (44 U.S.C. Chapter 22), applying it to all Presidents and Vice Presidents taking office after 1981. (Presidents Ford and Carter, like all of President Nixon's predecessors, owned their papers, as did all previous Vice Presidents.)

Under the PRA, all Presidential records are turned over to the Archivist of the United States who, after five years, makes the material available to the public—although a former President is given the option to withhold the material for another seven years. Material that is security classified, or that falls into a few other narrow categories, is withheld from the public for longer periods still. Purely personal records are retained by the President.

Although the PRA states that Vice Presidential records are treated by the law in exactly the same way as Presidential records, the statute in fact allows an important exception (emphasis added below):

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<sup>1</sup> <http://www.archives.gov/presidential-libraries/laws/1978-act.html>

§ 2207. Vice-Presidential records

*Vice-Presidential records shall be subject to the provisions of this chapter in the same manner as Presidential records.* The duties and responsibilities of the Vice President, with respect to Vice-Presidential records, shall be the same as the duties and responsibilities of the President under this chapter with respect to Presidential records. The authority of the Archivist with respect to Vice-Presidential records shall be the same as the authority of the Archivist under this chapter with respect to Presidential records, *except that the Archivist may, when the Archivist determines that it is in the public interest, enter into an agreement for the deposit of Vice-Presidential records in a non-Federal archival depository.* Nothing in this chapter shall be construed to authorize the establishment of separate archival depositories for such Vice-Presidential records.

More importantly, Presidents may invoke executive privilege as a way to avoid the law's intent. President Ronald Reagan began a tradition of issuing executive orders for how the law would be interpreted. President Bush's Executive Order 13233 (2001) was seen by SAA and many in Congress from both parties as an attempt to effectively repeal the PRA. Legislative attempts to amend the PRA to nullify EO 13233 were stymied. President Obama's EO 13489 (January 2009) rescinded his predecessor's order.

During the Bush administration, several additional issues arose that continued to significantly undermine the clear intent of Congress in passing the PRA. In October 2005 the White House Office of Administration (OA) discovered that email messages produced by individuals and offices in the Executive Office of the President (EOP) may not have been archived properly. OA's detailed analysis revealed hundreds of days between January 3, 2003, and July 28, 2005, when email messages were missing for one or more EOP individuals or offices, totaling approximately 5 million distinct emails.

On April 12, 2007, Citizens for Responsibility and Ethics in Washington (CREW) released a report, *Without a Trace*, detailing the loss of the more than 5 million emails. CREW later supplemented this report in August 2010 with *Untold Stories of the Bush White House Emails*. In September 2007 the National Security Archive filed suit against the EOP and others for recovery of the missing emails, followed by a similar lawsuit filed by CREW in the same month. In November 2007 Judge Henry Kennedy of the U.S. District Court for the District of Columbia consolidated the two cases and granted a temporary restraining order, directing EOP to preserve all email backup media in its possession.

In response to court orders, some \$12 million was spent by the EOP in efforts to recover the missing emails from backup tapes and other media. On January 22, 2009, the EOP filed a second notice of compliance, providing the Court with an inventory of 70,000 disaster recovery tapes and informing the Court that it had transferred to the National Archives a 6-terabyte database containing a list of every file contained on 26,000 back-up tapes that were copied as part of email recovery efforts. On December 14, 2009, the parties settled the case, with EOP/OA agreeing to restore at least 33 additional calendar days' worth of email identified by plaintiffs, complete its production of records relevant to the dispute, and provide a written description of the current EOP email system that could be released to the public. The National Archives and Records Administration (NARA) agreed to maintain all restored email in separate collections of federal and Presidential records that would be searched in response to records requests under existing law and procedures. NARA also agreed to retain for a period of 12 years a set of the backup tapes for the period during which the email problems existed.

Although the missing emails may have been inadvertently lost (and it is not clear to this day whether all have been recovered), another glaring loophole in the PRA was exploited intentionally by former Vice President Cheney. During his term of office, Cheney advanced several arguments claiming that the records of the Office of the Vice President (OVP) were not Presidential Records as defined by the PRA, with the exception of records resulting directly from tasks explicitly given to the OVP by the EOP. He argued that other constitutionally mandated or implicit duties of the OVP were exempt from the

requirements of the Act. This position was tested in Federal court. In the end, a judge ruled in January 2009 that although the PRA may well have been intended to cover the whole of the records of the OVP, the Act itself made no provision for its own enforcement (judicially or otherwise) and thus, in essence, the question of coverage was moot and Cheney could do as he wished with his papers (some of which, it should be noted, had already been turned over to NARA). The same judicial logic does not seem to have applied to the suits related to EOP email, in which the Federal court did choose to enforce the PRA.

## ADDITIONAL REFERENCE SOURCES

The Presidential Records Act of 1978, with Executive Orders of Presidents Reagan, Bush, and Obama: <http://www.archives.gov/presidential-libraries/laws/1978-act.html>

Senate report on HR 35, the Presidential Records Act Amendments of 2009: [http://thomas.loc.gov/cgi-bin/cpquery/?&dbname=cp111&sid=cp111ose4T&refer=&r\\_n=sr021.111&item=&&&sel=TOC\\_3607&](http://thomas.loc.gov/cgi-bin/cpquery/?&dbname=cp111&sid=cp111ose4T&refer=&r_n=sr021.111&item=&&&sel=TOC_3607&)

Citizens for Responsibility and Ethics in Washington (CREW) reports on missing EOP emails: <http://www.citizensforethics.org/files/041207WithoutATraceFullReport.pdf>;  
[http://www.citizensforethics.org/files/CREW%20Bush%20White%20House%20Email%20Report\\_0.pdf](http://www.citizensforethics.org/files/CREW%20Bush%20White%20House%20Email%20Report_0.pdf)

National Security Archive chronology of missing EOP emails: <http://www.gwu.edu/~nsarchiv/news/20080417/chron.htm>

CREW v Cheney complaint: [http://www.citizensforethics.org/files/Document%208%20\(9-15-08\)%20Amended%20Complaint\\_0.pdf](http://www.citizensforethics.org/files/Document%208%20(9-15-08)%20Amended%20Complaint_0.pdf)

CREW v Cheney decision: <http://www.citizensforethics.org/files/Kotelly%20Jan%202019%20Opinion.pdf>

H.R. 1233 Presidential and Federal Records Act Amendments of 2013: <https://www.govtrack.us/congress/bills/113/hr1233/text>

H.R. 1234 Electronic Message Preservation Act (2013): <https://www.govtrack.us/congress/bills/113/hr1234/text>

*Approved by the SAA Council: May 2014*

**Support Statement:** This issue brief supports SAA's Advocacy Agenda and reflects the Society's position on the Presidential Records Act of 1978. In addition, it provides background that may be useful to members and others who wish to understand the issue and advocate on behalf of SAA's position.

**Relation to Strategic Plan:** Goal 1, Advocating for Archives and Archivists / Strategy 1.2. Educate and influence decision makers about the importance of archives and archivists.

**Fiscal Impact:** None, unless SAA determines that it will enter into one or more legal briefs to support its position on this issue.

## Freedom of Information Act

## **SAA POSITION**

SAA supports all efforts to strengthen the federal Freedom of Information Act (FOIA) to ensure that:

1. Agencies follow both the letter and the spirit of the law.
2. Delays and backlogs in the FOIA request process are reduced to a minimum.
3. Communication between agencies and FOIA requesters and between the government and the public regarding FOIA matters is improved.

A detailed legislative agenda is appended (Appendix).

SAA also encourages state and local governments to acknowledge the right of citizens to access public records. SAA encourages state and local governments to:

- Adopt and enforce laws and policies that are based on the belief in the public's right to these records.
- Assume that all public records are open for use unless specific and generally agreed upon reasons can be stated as to why access to a particular record must be denied.

SAA will:

- Consider joining legal actions to ensure proper and thorough application of FOIA.
- Advocate for pertinent legislation and agency regulations.
- Suggest alterations to both court filings and proposed legislation in pursuit of these goals.

## **THE ISSUE**

Although the current federal FOIA law has improved citizen access to government records and overall government transparency, it still suffers from some significant flaws:

- A number of federal agencies are resistant to fully implementing FOIA.
- Exemptions granted under federal law for certain types of information are often too broadly applied. This is especially true for Exemption 1 (national security information), Exemption 3 (exempted by statute), and Exemption 5 (the "deliberative process" privilege, in which the internal processes of the executive branch are immune from disclosure)
- Most federal exemptions have no mechanism that allows the public interest in seeing information released to be balanced against the potential harm of releasing the information.
- There is no single federal standard for ensuring the public's "right to know," resulting in varying interpretations of the law by the President and individual agencies. For example, various Executive Orders have significantly affected the ways in which the Act has been administered.
- The federal FOIA process itself suffers from persistent delays and backlogs due to the interagency referrals process, the policy of the Department of Justice to defend all actions undertaken by federal agencies under FOIA, the tendency of agencies to litigate FOIA requests due to this policy, out-of-date regulations, and a lack of incentives for agencies to follow the law.
- Communication between federal agencies and FOIA requesters and between the government and the public can be problematic. Requesters currently have to visit one or more of over 100 sites to track FOIA requests. In the case of interagency referrals, it can be difficult to find out to whom the request has been referred and its status.

- Legislation affecting FOIA can be difficult to ascertain because provisions that affect FOIA may not be clearly stated. This can lead to inadvertent loopholes or to deliberate loopholes that are enacted without the chance for public input.
- There is no federal advisory committee regarding FOIA that would allow non-government FOIA experts to help shape FOIA policy.

## BACKGROUND

In 1966 President Lyndon Johnson signed the Freedom of Information Act (U.S. Code Title 5) into law and it became effective the following year. The Act was designed “to clarify and protect the right of the public to information” and sought to balance the public’s “right to know” with the sensitivity of some government information and private interests. However, President Lyndon Johnson opposed the law, citing concerns over national security, privacy, personnel matters, investigatory records, and records relating to the government’s deliberative process. Amendments to the original legislation followed in 1974, 1976, 1986, 1996, 2002, 2007, and 2010.

**1974:** The 1974 amendments, part of the Privacy Act of 1974, made substantial revisions to the original Act by establishing judicial review of executive secrecy claims; enumerating the specific instances in which Exemption 7, the investigatory file exemption, could be used; and changing certain definition and administrative procedures. Additional amendments in the Privacy Act of 1974 regulated government control of documents that concern a specific individual. President Gerald Ford vetoed the bill over concerns about these changes and the constitutionality of the Act, but Congress overwhelmingly overrode his veto.

**1976:** The Government in the Sunshine Act of 1976 amendments further specified the exemptions under Exemption 3 of the original Act relating to material exempted by statute. Amendments under the 1986 Omnibus Anti-Drug Abuse Act related to the scope of access to law enforcement and national security records and the fees that various categories of requesters were charged.

**1996 and 2002:** The Electronic Freedom of Information Act Amendments of 1996 addressed electronic access to records. These amendments also doubled an agency’s required response time to 20 days. In response to the 2001 terror attacks, Congress in 2002 precluded disclosure of records by U.S. intelligence agencies in response to FOIA requests by foreign governments or international governmental agencies, whether directly or through a representative.

**2007:** The Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007 defined who constituted a “representative of the media”; extended the 20-day deadline by up to 10 days between the FOIA office of an agency and the part of the agency that actually holds the records; required agencies to assign a tracking number to FOIA requests that take longer than 10 days and create a system for determining their status; and directed that attorney’s fees be paid from the agency’s own appropriations. The Act also codified agency annual reporting requirements; directed that data used to create reports be available electronically; required that agencies specify the exemption used for each deletion or redaction; and defined an agency record to include those held for an agency by a government contractor. Finally, the Act required agencies to designate a FOIA Public Liaison to assist in dispute resolution and established the Office of Government Information Services within the National Archives and Records Administration to review agency FOIA compliance.

**2010:** Congress passed legislation that would have shielded the Securities and Exchange Commission from FOIA disclosure, but then almost immediately repealed those provisions.

**Executive Orders:** A number of Executive Orders have greatly affected the administration of the law, including the following:

- President Ronald Reagan’s Executive Order 12356 allowing agencies to withhold a wider variety of information under Exemption 1 (national security information),
- President William Clinton’s Executive Order 12958 releasing previously classified material more than 25 years old and of historical interest,
- President George W. Bush’s Executive Order 13233 restricting access to Presidential records, and
- President Barack Obama’s Executive Order 13489 rescinding EO 13233, and Executive Order 13526 allowing retroactive classification of material after it has been requested.

## **ADDITIONAL REFERENCE SOURCES**

The following government resources include reports and statistics that are useful in tracking the implementation of FOIA by government agencies, as well as information about FOIA generally.

- United States Department of Justice FOIA page: <http://www.foia.gov/>
- National Archives and Records Administration’s Office of Government Information Services (OGIS) page: <https://ogis.archives.gov/>

The National Security Archive FOIA site includes the text of the Act, an extensive legislative history, as well as articles on FOIA, National Security Archive FOIA audits, and Knight Open Government surveys.

- National Security Archive Freedom of Information Act page: <http://www2.gwu.edu/~nsarchiv/nsa/foia.html>

OpenTheGovernment.org is a coalition of 80+ organizations (including SAA) that are interested in government openness and accountability. Its website includes articles on FOIA, activities by members regarding FOIA, and Open the Government’s Secrecy Report, which includes statistics on FOIA requests and backlogs, use of exemptions, and cost of processing FOIA requests.

- <http://www.openthegovernment.org/>

The following watchdog group websites include articles on each group’s FOIA litigation, reports on FOIA, and suggestions on how to improve both the Act and the process.

- Center for Effective Government [formerly OMB Watch] Freedom of Information page: <http://www.foreffectivegov.org/category/categories/open-accountable-government/freedom-information>
- CREW: Citizens for Responsibility and Ethics in Washington Open Government page: <http://www.citizensforethics.org/policy/c/open-government>
- Judicial Watch page: <http://www.judicialwatch.org/>
- Public Citizen Freedom of Information and Government Transparency page: <http://www.citizen.org/Page.aspx?pid=3194>

*All sites were accessed on October 15, 2013.*

*Approved by the SAA Council: May 2014*

**Support Statement:** This issue brief supports SAA’s Advocacy Agenda and reflects the Society’s position on the Freedom of Information Act. In addition, it provides background that may be useful to members and others who wish to understand the issues associated with FOIA and advocate on behalf of SAA’s position.

**Relation to Strategic Plan:** Goal 1, Advocating for Archives and Archivists / Strategy 1.2. Educate and influence decision makers about the importance of archives and archivists.

**Fiscal Impact:** None, unless SAA determines that it will enter into one or more legal briefs to support its position on this issue.

## Orphan Works

### SAA POSITION

In January 2013, SAA responded to the Copyright Office’s Notice of Inquiry Concerning Orphan Works and Mass Digitization.<sup>2</sup> SAA noted that any solution to the orphan works problem must:

- Apply equally to mass digitization and individual items.
- Balance the copyright owner’s interests with the diligence incumbent upon the user.
- Draw a distinction between copyrighted works that were created with material gain in mind and those works that were never intended for the commercial market. Within archives, works created for commercial gain tend to be the exception and should not be the driving consideration in any debate about copyright.
- Make it incumbent upon the rights holders of older works not currently being commercially exploited to record their ownership in a copyright registry. A “diligent search” would consist simply of an automated search of the registry.
- Waive financial liability for those who make a non-commercial use of orphan works after an unsuccessful good faith effort to obtain permission from rights holders.

**SAA will**, via its Intellectual Property Working Group, monitor and recommend appropriate actions on orphan works issues, both nationally and internationally.

### THE ISSUE

Archival holdings consist almost entirely of unpublished works that were not created for commercial purposes. Among them are many orphan works of great research value. Users of archives wish to use such works in a wide variety of projects, and archival repositories wish to digitize them and make them available online to enhance their accessibility. But archivists’ fear of uncertainty and doubt surrounding the use of orphan works can lead to the following challenges for archives and their users:

- Reduced availability of valuable historical resources,
- Prohibitive costs of largely fruitless searches for rights holders,
- Uncertainty about what constitutes a “diligent” search, and

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<sup>2</sup> Dooley, Jackie, SAA President, Response by the Society of American Archivists to the Notice of Inquiry Concerning Orphan Works and Mass Digitization, 29 January 2013, online at [http://www.copyright.gov/orphan/comments/noi\\_10222012/Society-American-Archivists.pdf](http://www.copyright.gov/orphan/comments/noi_10222012/Society-American-Archivists.pdf).

- Little interest by rights holders in exploiting their orphan works because of limited commercial value, rendering even cursory searches a waste of time—whether or not the rights holder responds.

Each of these concerns is discussed in more detail below.

If rights holders cannot be identified or located despite the best efforts of the researcher or the archives, research and digitization projects can be stymied. In theory, the limited damages available for unauthorized use of unregistered works should not serve as an impediment to their use. In practice, however, projects often are changed or abandoned due to fears that 1) some of the material may have been published and registered and hence is subject to the draconian penalties in copyright law or 2) rights holders might surface and complain. In addition, few archival repositories are willing to ignore possibly applicable laws just because the risks involved in doing so are small. As a result, an archives might digitize only a portion of an archival collection, which compromises its integrity by presenting an incomplete picture. Consequently valuable cultural heritage remains hidden and is not available to serve the interests of society in furthering the growth of knowledge and culture.

Documented research has revealed that the cost of the investigation required to identify and locate rights holders of non-commercial unpublished orphan works is inordinately high.<sup>3</sup> What constitutes a “good faith, reasonably diligent”<sup>4</sup> search? The heterogeneous nature of archival holdings means that there is no single strategy to identify or locate rights holders. As the search continues beyond the most likely sources, further sources may suggest themselves but such sources are increasingly unlikely to yield results. There is no clear point at which enough research has been done; the next source might reveal the answer. No matter how diligent, the searches for rights holders have rarely borne fruit. Few rights holders have been identified as a result of time-consuming and costly research.

Finally, when they *have* been located, the owners of copyright in unpublished non-commercial orphan works rarely have any interest in exploiting their works and often grant royalty-free permission to use them. Most unpublished material found in archival repositories lacks sufficient commercial value to justify costly, but largely fruitless, searches.

## BACKGROUND

There have always been works whose copyright owners cannot be identified or located. The problem for published works has been exacerbated by amendments to the Copyright Act that 1) eliminated the requirement for registration and a copyright notice and 2) changed the term of copyright from a fixed term based on the date of publication to one based on the life of the author plus 50 years (lengthened by a further 20 years by the 1998 Copyright Term Extension Act).

The orphan works problem was considered by the Copyright Office in 2006. After consultations with stakeholders, the Office issued a report recommending that users could exploit orphan works only after a “reasonably diligent [unsuccessful] search,” and should a rights holder later emerge, the amount of any penalty would be limited.<sup>5</sup> Legislation to implement these recommendations subsequently was

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<sup>3</sup> Dharma Akmon, “Only with Your Permission: How Rights Holders Respond (or Don’t Respond) to Requests to Display Archival Materials Online,” *Archival Science* 10 (2010):45-64; Maggie Dickson, “Due Diligence, Futile Effort: Copyright and the Digitization of the Thomas E. Watson Papers,” *American Archivist*, 73:2 (2010): 626-636.

<sup>4</sup> “Recommended Statutory Language,” United States Copyright Office. *Report on Orphan Works*. Washington, DC, January 2006, <http://www.copyright.gov/orphan/orphan-report-full.pdf>, 127.

<sup>5</sup> United States Copyright Office. *Report on Orphan Works*. Washington, DC, January 2006 <http://www.copyright.gov/orphan/orphan-report-full.pdf>, 8, 93-122.

introduced in Congress. Vigorous opposition from those whose works do not typically include rights information (particularly photographers) kept the legislation from passing.

The Copyright Office again considered the issue in 2012 when it issued a discussion document<sup>6</sup> and sought input “regarding the current state of play for orphan works, including . . . what additional legislative, regulatory, or voluntary solutions deserve deliberation at this time from stakeholders.”<sup>7</sup> SAA’s submission is summarized in this issue brief. The Copyright Office has not yet issued a report on the consultation.

## ADDITIONAL REFERENCE SOURCES

- Akmon, Dharma, “Only with Your Permission: How Rights Holders Respond (or Don’t Respond) to Requests to Display Archival Materials Online,” *Archival Science* 10 (2010):45-64.
- Dickson, Maggie, “Due Diligence, Futile Effort: Copyright and the Digitization of the Thomas E. Watson Papers,” *The American Archivist*, 73:2 (2010): 626-636.
- Dooley, Jackie, SAA President, Response by the Society of American Archivists to the Notice of Inquiry Concerning Orphan Works and Mass Digitization, 29 January 2013. [http://www.copyright.gov/orphan/comments/noi\\_10222012/Society-American-Archivists.pdf](http://www.copyright.gov/orphan/comments/noi_10222012/Society-American-Archivists.pdf).
- Society of American Archivists (SAA) Intellectual Property Working Group, *Orphan Works: Statement of Best Practices* (Chicago, 2009), <http://www.archivists.org/standards/OWBP-V4.pdf>.
- United States Copyright Office. *Legal Issues in Mass Digitization: A Preliminary Analysis and Discussion Document* (Washington, DC, 2011), <http://www.copyright.gov/docs/massdigitization/>.
- United States Copyright Office. *Report on Orphan Works* (Washington, DC, January 2006), <http://www.copyright.gov/orphan/orphan-report-full.pdf>.
- World Intellectual Property Organization: <http://www.wipo.int/portal/en/index.html>

*Approved by the SAA Council: May 2014*

**Support Statement:** This issue brief supports SAA’s Advocacy Agenda and reflects the Society’s position on Orphan Works. In addition, it provides background that may be useful to members and others who wish to understand the issue and advocate on behalf of SAA’s position.

**Relation to Strategic Plan:** Goal 1, Advocating for Archives and Archivists / Strategy 1.2. Educate and influence decision makers about the importance of archives and archivists.

**Fiscal Impact:** None, unless SAA determines that it will enter into one or more legal briefs to support its position on this issue.

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<sup>6</sup> United States Copyright Office. *Legal Issues in Mass Digitization : A Preliminary Analysis and Discussion Document* (Washington, DC., 2011), <http://www.copyright.gov/docs/massdigitization/>

<sup>7</sup> [Notice of inquiry], 77 FR 64560 October 22, 2012, <http://www.copyright.gov/fedreg/2012/77fr64555.pdf>.

## Section 108 of the Copyright Act

### SAA POSITION

Section 108 of the Copyright Act, the section that stipulates specific exemptions for archives and libraries, requires revision. Even at its inception in 1978, Section 108's exceptions were inadequate for archivists; however, in the digital age the gap has grown ever wider between the statute's provisions and the unchallenged practices of many archivists in support of preservation and increased public access.

A revised Section 108 should:

- Extend the eligibility of 108 to commercial entities, so long as they are not undertaking 108 activities for direct commercial advantage. Exceptions for digital preservation must recognize that many entities are engaged in the important task of preserving and providing access to our heritage.
- Remove the stipulation that digital access to unpublished collections must be limited to the premises of the archives. Authorized users who have agreed to the rules of the repository (including the requirement to respect copyright and privacy when engaging in the general publication of a work) should be able to have remote access to collections in digital form.
- Explicitly recognize that archival collections typically contain both unpublished work and some material that may have been published at one time. That should not affect the inclusion of such published items within an archival collection being made available digitally.
- Remove format-specific restrictions in 108(i). All rights provided by Section 108 should be available to repositories regardless of whether the work in question is a letter, a musical score, a photograph, a sound recording, or a motion picture. The differences in the formats do not justify different treatment under the law.
- Modify 108(f)(4) so that the public benefits guaranteed by Section 108 cannot be limited or annulled by contractual obligations.

SAA adamantly opposes any attempt to restrict further the very limited exceptions in Section 108.

SAA will, via its Intellectual Property Working Group, monitor and recommend appropriate actions on Section 108 of the Copyright Act.

### THE ISSUE

Section 108 was initially proposed as a method to increase scholarly access to unique archival material by allowing archives to make copies of archival collections for deposit in other research institutions.<sup>8</sup> Subsequently provisions regarding library use were added to the text that was adopted in 1976.<sup>9</sup> The section was formulated at a time when typewriters, microfilm, and photocopies were the primary research technologies; archival materials existed primarily on paper, film, or magnetic tape. Subsequent amendments have attempted to keep the law current, but with only limited success. Furthermore, the rise of new services and practices in archives and libraries, and especially the advent of digital technologies, has made Section 108 largely irrelevant.

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<sup>8</sup> Peter Hirtle, "[Digital Access to Archival Works: Could 108\(b\) Be the Solution?](http://fairuse.stanford.edu/commentary_and_analysis/2006_08_hirtle.html)" Copyright & Fair Use web site, Stanford University Libraries (24 Sept. 2006)

[http://fairuse.stanford.edu/commentary\\_and\\_analysis/2006\\_08\\_hirtle.html](http://fairuse.stanford.edu/commentary_and_analysis/2006_08_hirtle.html).

<sup>9</sup> Mary Rasenberger and Chris Weston, "[Overview of the Libraries and Archives Exception in the Copyright Act: Background, History, and Meaning](http://www.section108.gov/docs/108BACKGROUND.PAPER(final).pdf)," (April, 2005)

[http://www.section108.gov/docs/108BACKGROUND.PAPER\(final\).pdf](http://www.section108.gov/docs/108BACKGROUND.PAPER(final).pdf)

Congress has begun the process of reviewing all of Title 17 with an eye toward producing the next general revision to the Copyright Act, and review of Section 108 will be a major point of discussion. In addition, the World Intellectual Property Organization (WIPO) has begun discussion of a possible treaty setting minimum international standards for copyright exceptions for archives and libraries. A modern, coherent, and usable Section 108 could serve as a model for the rest of the world. It is thus timely to focus attention on Section 108 and the need to make it as effective as possible.

Section 108 has two great advantages over the fair use defense. First, Section 108 provides explicit assurance that certain actions are non-infringing. This clarity can encourage hesitant archivists who, because they are uncomfortable with their understanding of fair use or are unable to risk the cost of defending their understanding, needlessly limit public access to archival materials. Second, Section 108 authorizes some socially beneficial activities that may not constitute fair use, such as the copying of entire collections for deposit in other repositories.

The Section 108 Study Group compiled a set of practical (although conservative) recommendations for reform. They include:

- Addition of museums to the list of qualified entities;
- Creation of a preservation exception for all at-risk published material;
- Removal of the “3 copy” limitation on digital preservation copies; and
- Expanded preservation of digital resources, including collection and preservation of publicly accessible networked publications (i.e., websites).

Archives and libraries currently are actively engaged in all of these activities, and the law should be updated to reflect this reality of the digital world. For this reason, SAA endorses in full the Study Group’s recommendations. However, it is unlikely that Section 108 reform will adequately accommodate the archival profession’s mission to increase access to library and archival materials or foster the preservation of our digital heritage unless the amendment goes beyond what the Section 108 Study Group proposed.

## **ADDITIONAL REFERENCE SOURCES**

- Section 108 Study Group. 2008. The Section 108 Study Group report: an independent report sponsored by the United States Copyright Office and the National Digital Information Infrastructure and Preservation Program of the Library of Congress. Washington, D.C.: Section 108 Study Group. <http://www.section108.gov/>.
- Nelson-Strauss, Brenda, Alan Gevinson, Samuel Brylawski, and Patrick Loughney. 2012. The Library of Congress National Recording Preservation Plan. <http://purl.fdlp.gov/GPO/gpo37398>.
- Hirtle, Peter, “Digital Access to Archival Works: Could 108(b) Be the Solution?” Copyright & Fair Use web site, Stanford University Libraries (24 Sept. 2006). <http://fairuse.stanford.edu/2006/09/24/post/>
- Maher, William J. “Statement of SAA Representative to World Intellectual Property Organization Standing Committee on Copyright and Related Rights,” November 21, 2011, Geneva, Switzerland. <http://www2.archivists.org/statements/statement-of-saa-representative-to-world-intellectual-property-organization-standing-comm>

*Approved by the SAA Council: May 2014*

**Support Statement:** This issue brief supports SAA's Advocacy Agenda and reflects the Society's position on Section 108 of the Copyright Act. In addition, it provides background that may be useful to members and others who wish to understand the issue and advocate on behalf of SAA's position.

**Relation to Strategic Plan:** Goal 1, Advocating for Archives and Archivists / Strategy 1.2. Educate and influence decision makers about the importance of archives and archivists.

**Fiscal Impact:** None, unless SAA determines that it will enter into one or more legal briefs to support its position on this issue.

### **C. Committee on Education: Creation of Arrangement and Description Curriculum**

At the May 2013 Council meeting, the Committee on Education proposed creation of new certificate programs (based in part on SAA's experience with the Digital Archives Specialist Curriculum and Certificate Program), beginning with development of an Arrangement and Description certificate to be offered in FY 2015. (See 0513-V-A.) The Council applauded the Committee's initiative, encouraged the group to continue refreshing SAA's Arrangement and Description course offerings, and requested a more in-depth report that 1) outlines the curriculum and 2) analyzes SAA's development and implementation capacity. The Council approved the Committee's recommendation to pursue development of an Arrangement and Description curriculum.

### **MOTION 6**

**THAT the Committee on Education and staff create and implement an Arrangement and Description curriculum.**

**Support Statement:** The success of SAA's DAS program points to the value of providing members with professional development opportunities that include the model of a planned curriculum in a core topic area. Based on previous discussions and the outline provided by the Committee on Education, Arrangement and Description is a topic area that lends itself to this sort of curriculum.

**Impact on Strategic Plan:** Development of the curriculum directly addresses Goal 2: Enhancing Professional Growth, Strategy 2.1.1. Review, expand, and continuously improve SAA's course and conference content to address both archival fundamentals and the latest thinking and best practices in the field.

**Fiscal Impact:** Development requires a significant investment of volunteer and staff time (indirect expense). Direct expenses of \$5,000 for development of three webinars and revisions/update of five workshops are included in the FY 2015 proposed budget. Five additional updates/revisions for the A&D track are expected to take place in FY 2016.

**Move:** Landis

**Second:** Kaplan

**Vote:** PASSED (unanimous)

## **D. Revise Committee on Ethics and Professional Conduct Description**

This item was moved to the Consent Agenda. See Motion 2.

## **E. Revise Diversity Committee Description**

SAA President Danna Bell had consulted with the current and past chairs of the Diversity Committee and staff to gather their ideas about what changes in structure or direction might help the group become more active. Based on these conversations, she recommended several revisions in the Committee's description.

### **MOTION 7**

**THAT the description of the Diversity Committee be revised as follows (*underline = addition, strikethrough = deletion*):**

## **Diversity Committee**

### **I. Purpose**

The Diversity Committee works to ensure that the organization's services, activities, policies, communications, and products support the goal of a more diverse SAA and professional archival community. It functions as a catalyst for new diversity-related initiatives, developed in coordination with various SAA entities, and monitors, evaluates, advocates for, and reports on matters pertaining to the diversity of archival practitioners and documentation.

### **II. Committee Selection, Size, and Length of Terms**

The committee consists of ~~twelve~~ nine members, including the chair, who are appointed by the SAA vice president/president-elect. Committee members, ~~including the chair~~, serve staggered three-year terms, ~~with four appointments occurring annually~~. In consultation with the chair, the SAA vice president appoints a vice chair from among committee members with at least one year of experience on the committee. The vice chair serves a one-year term, then accedes to a one-year term as committee chair. The chair of the Membership Committee serves as an *ex officio* member.

~~In order to provide representation to special interest groups having an explicit interest in diversity, five seats on the committee shall be designated for members of the following SAA roundtables and shall be appointed by the vice president/president-elect in consultation with each roundtable's elected chair:~~

The chairs of the following member affinity groups with interests in diversity issues serve as *ex officio* members of the committee:

- Archivists and Archives of Color Roundtable
- Latin American and Caribbean Cultural Heritage Archives Roundtable
- Lesbian and Gay Archives Roundtable
- Membership Committee

- Native American Archives Roundtable
- Women Archivists Roundtable and Women's Collections Roundtable (This is a joint seat appointed in consultation with both roundtable chairs.)

### III. Duties and Responsibilities

- Guides members and staff to recognize the integral links of diversity to all SAA entities and concerns.
- Develops diversity-related initiatives either on its own or in conjunction with other SAA units or the SAA office. Identifies prospective initiatives through reviews of the annual reports of SAA units and other means.
- Regularly informs the membership of SAA's progress regarding the organization's efforts.
- Monitors within and outside the organization issues that pertain to diversity concerns and advises the Council on how to address them.
- Gathers, reviews, and analyzes feedback from the general membership, SAA leaders, and the Council.
- Explores strategies with the SAA Membership Committee for recruiting and retaining individuals from underrepresented populations into the organization.
- Cultivates relationships with allied professions to seek out opportunities for collaboration.

### IV. Reporting Procedures

~~Each year, the committee chair reports on the status of SAA's diversity initiatives at the annual business meeting and in the organization's periodicals and submits an annual report to the Council by December 31. The chair also submits recommendations for action by the Council as necessary. The Diversity Committee reports to the Council and works closely with its Council liaison, the President, and the Executive Director to ensure that it is responsive to the Council's needs. The chair is responsible for submitting an annual report to the Council, and may also submit items for Council action or discussion and feedback as necessary. The chair also is responsible for ensuring that minutes of Diversity Committee meetings are prepared and posted on the Diversity Committee's SAA-hosted website to inform SAA members of its activities and comply with SAA's record-keeping requirements.~~

### V. Meetings

The committee meets once per year at the Annual Meeting and may also meet mid-year when appropriate. In addition, the committee may conduct its business by e-mail or telephone during the course of the year.

*Revised: May 2014.*

**Support Statement:** The change in committee structure allows the committee to recruit members who will do the work of the committee and help SAA work toward its goals of having a diverse membership and a diverse archival record. Having a vice chair allows the chair to share some of the leadership duties and also allows for continuity of leadership. Seating the chairs of member affinity groups with a vested interest in diversity as *ex officio* members of the committee encourages collaboration on actions that will help improve the diversity of the profession.

**Impact on Strategic Plan:** These changes help the Society work toward Goal 4, "SAA is an agile association that delivers outstanding service and fosters a culture of inclusiveness and

participation” and Strategy 4.3., “Continue to enrich the association and the profession with greater diversity in membership and expanded leadership opportunities.”

**Fiscal Impact:** None anticipated.

**Move:** Landis

**Second:** Mangiafico

**Vote:** PASSED (unanimous)

#### **F. Revise Journal Editorial Board Description**

This item was moved to the Consent Agenda. See Motion 2.

#### **G. SAA Records Retention Policy/Schedule**

This item was moved to the Consent Agenda. See Motion 2.

#### **H. Select 2014–2015 Executive Committee Member and Nominating Committee Members**

By tradition the Council has agreed that the two Council members who are in their second year of Council service and who are not elected to serve on the Executive Committee become members of the Nominating Committee. By ballot of those Council members who do not serve as officers, Zanish-Belcher was elected to serve on the Executive Committee in 2014-2015. Light and Huth were selected to serve on the 2014-2015 SAA Nominating Committee.

#### **I. Other Action Items from Council Members**

No other action items were discussed.

##### **J.1. Executive Session: Performance Evaluation: *The American Archivist* Editor**

The Council reviewed evaluation materials associated with Greg Hunter’s performance as editor of the Journal, including Hunter’s self-evaluation.

#### **MOTION 8**

**THAT Gregory S. Hunter be offered a three-year contract as Editor of *The American Archivist*, effective from January 1, 2015, to December 31, 2017.**

**Move:** Huth

**Second:** Zanish-Belcher

**Vote:** PASSED (unanimous)

##### **J.2. Council Exemplary Service Award(s)**

The Council reviewed, discussed, and refined two proposed citations for individuals to receive the 2014 Council Exemplary Service Award.

## **VI. DISCUSSION ITEMS**

### **A. Code of Conduct for SAA Annual Meetings, SAA-Sponsored Events, and Online SAA Spaces**

The idea of creating a code of conduct or anti-harassment policy was submitted for discussion to the January 2014 SAA Council meeting by SAA members Mark Matienzo and Rebecca Goldman (see 0114-III-D). Their petition asked the Council to consider drafting a code of conduct for SAA events and online spaces. The proposers noted that the intent of a code of conduct would be to increase the diversity of participation in SAA events by encouraging open and safe places for members to meet. The Council discussed the petition and asked Council members Terry Baxter and Lisa Mangiafico to work with the proposers and SAA Executive Director Nancy Beaumont to develop a draft code of conduct for discussion at its May 2014 meeting. Council members edited and approved a draft, and agreed to solicit comments from the membership with a goal of having a final code of conduct approved before the 2014 Joint Annual Meeting in August.

### **B. Draft Best Practices for Volunteers in Archives**

*Best Practices for Volunteers* is a set of suggested guidelines for archives institutions and organizations about the use of volunteers. It is a companion to *Best Practices for Internships as a Component of Graduate Archival Education*. The document was drafted by a subgroup of the SAA Council based on the Council's discussions in September 2013 and January 2014 and in response to member feedback. After feedback from the Council in March, it was distributed to selected component groups for initial comment from April 4 to 21, 2014. More than 50 comments were received, and the draft was revised and distributed for public comment with a deadline of May 21, 2014. The Council reviewed the comments on the most recent draft and provided additional input to the drafters. The document will be reviewed by legal experts to ensure accurate information in regard to federal law and will then be referred to the Standards Committee for review and recommendation, most likely at the Council's August 2014 meeting.

### **C. Feasibility of Moving "Winter" Council Meeting to November**

Based on Council discussions about its meeting schedule, Beaumont and Craig evaluated the feasibility of moving the winter Council meeting from January/February to November, in light of the benefits that would accrue by bringing Council members together earlier in their tenure and in consideration of staffing challenges associated with other meetings that traditionally have taken place in the fall. Beaumont consulted with the 2015 Program Committee to determine the committee's interest in, for example, moving its meeting to January. The Council agreed with the staff's recommendation that it proceed with a November 2014 meeting, including a strategic planning component, as one means of engaging new Council members earlier in their tenure.

### **D.1. Annual Meeting Planning: Meeting of Regional Archival Organizations**

Huth, who serves as the Council's liaison to the Regional Archival Associations Consortium (RAAC), updated the Council on RAAC's progress to date and noted that the group will be meeting in conjunction with the Joint Annual Meeting in Washington, DC, on Wednesday, August 13, from 1:00 to 2:30 pm.

## **D.2. Annual Meeting Planning: Leadership Orientation and Forum**

Mangiafico and Pyatt provided an overview of plans for the 2014 Leadership Orientation and Forum, scheduled for Wednesday, August 13, from 10:30 am to noon. Council members provided feedback on the draft agenda.

## **D.3. Annual Meeting Planning: New Member/First-Timer Orientation and Forum**

Baxter, who is the Council liaison to the Membership Committee, provided an overview of the committee's plans for the New Member/First-Timer Orientation and Forum, scheduled for Wednesday, August 13, from 7:30 to 8:45 pm. All Council members plan to attend.

## **E. Other Discussion Items**

Council members received a verbal summary of comments circulated by the Committee on Advocacy and Public Policy, the Issues and Advocacy Roundtable, and the Privacy and Confidentiality Roundtable on the National Security Agency Mass Surveillance Program. Beaumont noted that a draft form for bringing forward an advocacy issue in SAA was in progress. The Council emphasized that more information was needed on the NSA matter and indicated that any or all of the three groups should provide research for the Council to consider.

## **VII. REPORTS**

*Reports are discussed by the Council only as needed and generally are not summarized in the minutes (with the exception of the Executive Committee report, which details interim actions of the Executive Committee and Council). They do, however, provide a wealth of information about the work of appointed and component groups and the staff. To view the reports—and all other background materials—see <http://www2.archivists.org/governance/reports>.*

### **A. Executive Committee**

#### *Executive Committee Actions and Discussions*

- Signed on to an OpenTheGovernment.org letter to members of the House and Senate conference committee working on the Farm Bill in support of efforts to keep a dangerous provision out of the Farm Bill that would cut off access to a broad swath of information about agriculture and livestock operations. (January 10, 2013)
- Signed on to an OpenTheGovernment.org letter urging House Oversight and Government Reform Chair Issa and Ranking Member Cummings to pass the Presidential and Federal Records Act Amendments of 2013 (H.R. 1233), which would ensure an orderly process for

dealing with claims of privilege over the records of former presidents and provide protections for other federal records. (January 13, 2014)

- Discussed an invitation from Christopher Felker for SAA to collaborate on his “Doing Archives” project and determined that “SAA is not interested in pursuing an arrangement at this time.” Danna Bell, in her communication, asked Felker to remove from promotional materials SAA’s name as a potential partner and encouraged him to contact SAA component groups to further develop his ideas and gain member support for them. (January 25, 2014)
- Signed on to an OpenTheGovernment.org letter asking the House leadership to schedule a vote on the Presidential Library Donation Reform Act, a bipartisan bill injecting some transparency into currently unregulated and undisclosed fundraising for presidential libraries. (February 3, 2014)
- Collected feedback from the Council and submitted comments to NHPRC on revisions to its grant program. (February 2014)
- Signed on to an OpenTheGovernment.org letter supporting the FOIA Oversight and Implementation Act of 2014, a bipartisan bill cosponsored by House Oversight and Government Reform Chairman Darrell Issa (R-Calif.), Ranking Member Elijah Cummings (D-Md.), and Representative Mike Quigley (D-Ill.) to amend the Freedom of Information Act to promote greater government transparency and accountability. (February 24, 2014)
- Reviewed agenda materials for the April 10-11 ICA Executive Board meeting in Paris forwarded by Bryan Corbett. (March 2014)
- Approved IPWG’s draft of a letter to the U.S. Copyright Office from SAA providing comments on the “Study on the Right of Making Available.” (April 2014)
- Given the Council’s feedback on the Coalition for National Learning’s proposed operating principles, discussed whether SAA should sign on as a “founding member” of the CNL (soon to be renamed). (April 2014)
- Discussed the review and approval process for a new SAA Records Retention Policy. (April 2014)

### ***Council Interim Actions and Discussions***

- Monitored news regarding the destruction of local records in the courthouse basement of Franklin County, North Carolina. (January 2014)
- Discussed management of internal work document, the Council Action List. (January 2014)
- Received periodic updates via Beaumont from the National Coalition for History. (January – May 2014)
- Reviewed feedback from members responding to Bell’s post, “The Jobs Thing . . .,” on *Off the Record*. (February - March 2014)
- Received a copy of the electronic newsletter of the International Council on Archives from Bryan Corbett. (February 2014)
- Received periodic updates from Roe regarding the Coalition for National Learning. (February – May 2014)
- Monitored a threatened closure of the National Archives for Black Women’s History collection (Mary McLeod Bethune National Historic Site) and provided additional information to SAA groups to clarify the situation. (February 2014)
- Provided feedback on revisions to NHPRC grant program. (February 2014)

- Reviewed and edited two iterations of work plan documents for Strategic Plan. (February – April 2014; see Agenda Item 0514-II-A)
- Monitored news on the closure and consolidation of National Archives facilities in Anchorage, Fort Worth, and Philadelphia. (March 2014)
- Adopted the minutes of the January 23-26 Council meeting. (Passed unanimously on March 3, 2014.)
- Created the Committee on Public Awareness (COPA) to provide strategic information and advice to the SAA Council to enhance SAA’s capacity to promote the value of archives and archivists to institutions, communities, and society. COPA may collaborate with the Committee on Advocacy and Public Policy (CAPP) on the identification of key audiences, messages, and mediums to ensure a coordinated approach to SAA’s priorities and communications. COPA is distinguished from CAPP in that COPA generally is concerned with influencing opinions about the value of archivists and archives among the general public and stakeholder groups other than legislators and regulators (e.g., archives users, institutional resource allocators, etc.). (Passed unanimously March 17, 2014; see [Appendix B](#).)
- Reviewed and provided feedback on the draft *Best Practices for Volunteers*. (March 12-21, 2014)
- Reviewed CAPP’s draft of SAA’s statement on the closing of three NARA facilities. (April 2014)
- Provided feedback on the Coalition for National Learning’s proposed operating principles and discussed whether SAA should become a founding member. (April 2014)

## **B. President**

The Council reviewed, but did not discuss, this report.

## **C. Vice President / President-Elect**

The Council reviewed, but did not discuss, this report.

## **D. Treasurer: YTD**

The Council reviewed, but did not discuss, this report.

### **E.1. Staff: Executive Director**

The Council reviewed, but did not discuss, this report.

### **E.2. Staff: Membership**

The Council reviewed, but did not discuss, this report.

### **E.3. Staff: Education**

The Council reviewed, but did not discuss, this report.

#### **E.4. Staff: Publications**

The Council reviewed the report and briefly discussed the levels of revenue associated with sale of print materials versus e-publications, as well as potential synergies between SAA's publication and education offerings.

#### **E.5. Staff: Annual Meeting**

The Council reviewed, but did not discuss, this report.

#### **E.6. Staff: Technology**

The Council reviewed this report and received an update on SAA's management of its social media presence, clarification about website redesign and vetting, and a very general work timeline. Several Council members voiced concern that a member, as well as staff, perspective be considered in the redesign.

#### **E.7. Staff: Update on Progress Toward Council-Adopted Recommendations of the Communications Task Force (2013)**

The Council reviewed, but did not discuss, this report.

#### **F. *The American Archivist* Editor**

The Council reviewed, but did not discuss, this report.

#### **G. Publications Editor**

The Council reviewed, but did not discuss, this report.

#### **H. Committee on Education Annual Report**

The Council reviewed, but did not discuss, this report.

#### **I. Task Force on Member Affinity Groups (Interim Report)**

The Council reviewed the report in light of the group's charge, noting the absence from the report of both 1) the identification of support and resources needed to allow current and potential affinity groups to work most effectively and 2) the analysis of section and roundtable activities and how they have supported members. Discussion focused on the fifth preliminary recommendation as the place where the Council was looking for input. The Council added two Council members to the task force for mentoring and support, acknowledged that SAA has been having a discussion about enhancing the value of affinity groups for 30 years, and encouraged the task force to focus on finding creative answers associated with the conclusions summarized in its fifth preliminary recommendation.

#### **J. Representative to National Historical Publications and Records Commission**

The Council reviewed, but did not discuss, this report.

#### **K. Representative to ICA Section on Professional Associations**

The Council reviewed, but did not discuss, this report.

#### **L. Other Reports from Council Members / What Are You Hearing from Members?**

The Council discussed communication problems and content issues on the Archives and Archivists discussion list, recognizing the debate as a cyclical conversation. The group also reviewed current policies in place regarding the list and subscription numbers.

### **VIII. COUNCIL BUSINESS**

#### **A. Review of May 2014 Action Items**

Council members reviewed the draft list of action items stemming from the meeting.

#### **B. Review of May 2014 Talking Points**

Council members reviewed the decisions made at the meeting.

#### **C. Adjournment**

Duffy moved and Landis seconded adjournment. The Council meeting was adjourned by general consent at 11:41 am.

**RECORDS RETENTION  
POLICY FOR  
THE SOCIETY OF  
AMERICAN ARCHIVISTS  
(SAA)  
AND  
THE SAA FOUNDATION**

**Adopted:** YYYY Month DD

**RECORDS RETENTION POLICY FOR THE SOCIETY OF AMERICAN  
ARCHIVISTS (SAA) AND THE SAA FOUNDATION**

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## Introduction

### The SAA Archives and SAA's Records Retention Policy (RRP)

Section VII of the *Constitution of the Society of American Archivists*<sup>10</sup> states:

“The records of the Society, of the Council, and other units of the Society shall be preserved by the officers, Councilors, the Executive Director, and unit chairs, and shall be promptly turned over by them to their successors. Noncurrent records shall be appraised by direction of the Council upon recommendation of the Society's archivist, those records of continuing value shall be placed for preservation in the Society's official archives, and the Council shall determine a policy of access to these records.”

In 2001, the Society of American Archivists (SAA) designated the University of Wisconsin - Milwaukee (UWM) as its official archival home, and named the head of its Archives Department as SAA Archivist. SAA's archives dating from the Society's founding in 1936 are described in an online finding aid<sup>11</sup> and open to researchers in the UWM Archives' reading room.

Recognizing that a significant portion of SAA's current records are now shared via the Society's website, in 2014 the UWM Archives, with Council's approval, initiated a web crawling program, still in its early experimental phase, to capture, preserve and provide access to SAA current born-digital permanent records.

SAA's RRP provides a framework for ensuring the preservation and accessibility of core documentation of the work of the Society's members, leaders, and staff. It communicates to SAA leaders and members how their records of enduring value will be captured and maintained either by the UWM or by the SAA Office.

### General Policy Statement for Records Retention

#### *Scope:*

The RRP contains records schedules that identify official SAA records of permanent value and provides direction for their retention and disposition either by the SAA Office or by the SAA Archives. It also identifies non-permanent records that can be kept as long as administratively useful or legally necessary and then destroyed. It applies to records in the existing SAA Archives as well as to current records, and to SAA staff, elected and appointed leaders, component groups, and members.

#### *Retention Period:*

The RRP in most cases deliberately avoids suggesting specific retention periods for temporary records, as SAA records creators are in the best position to determine how long to keep materials

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<sup>10</sup> <http://www2.archivists.org/governance/handbook/section1/constitution>

<sup>11</sup> <http://digital.library.wisc.edu/1711.dl/wiarchives.uw-mil-uwmms0172>

before discarding them. For records scheduled for permanent retention, the SAA Office staff and SAA leaders should work out the best arrangements in collaboration with both the designated records liaison in the SAA Office and the SAA Archivist.

*Disposition:*

The RRP avoids identifying the manner in which records identified for permanent retention will be transferred to the SAA archives. Most permanent records will be harvested by UWM during an annual crawl of the SAA website. In other cases, transfer may be accomplished by shipment of physical records or delivery of electronic records to a file-sharing site, the details of which will be worked out between the SAA Archives and the designated records liaison in the SAA Office.

*Revisions, Additions, and Review:*

The Council delegates to the Executive Committee ongoing authority to review and approve retention and disposition schedules for SAA records on behalf of the Council. Changes to this RRP--discussed by the appropriate SAA leaders, the designated records liaison in the SAA Office, and the SAA Archivist--may be recommended to and approved by the Executive Committee at any time. If ten years have passed from the most recent RRP revision date, or if a determination is made that the general policy statement contained in this RRP requires revision, the Executive Committee will initiate a review of the RRP, to be undertaken, at minimum, by the SAA Archivist, the SAA Office's designated records liaison, and representative members of the Council.

*Roles and responsibilities:*

*SAA Archivist:*

- Develops records schedules in consultation with the records creators including staff, officers, and component group leaders; works primarily with the SAA Office's designated records liaison. The responsibilities and authority of the SAA Archivist are defined in the 2001 agreement between SAA and UWM and include appraisal, processing, preservation and outreach.

*Designated records liaison:*

- A member of the SAA staff who serves as the point person for managing the records of the SAA Office, communicating with the SAA Archivist, referring questions to the Archives, and facilitating transfer of records to the SAA Archives as indicated by the records schedule.

# Society of American Archivists Records Schedules

## Annual Meeting Series Description:

Series includes records created or maintained in conjunction with the Annual Meeting. Generally, records related to planning, publicity, and sessions. Records of the Host Committee and Program Committee should be managed according to the schedule for Council-Appointed Component Groups. Financial records should be managed according to the Finance Series. Legal contracts should be managed according to the schedule for Corporate Records and Governance.

SEE ALSO: Council-Appointed Component Groups and External Representatives Series; Finance Series; Publications and Communications Series; Executive Director Series.

<b>Annual Meeting Series</b>				
<b>Type of Record</b>	<b>Description</b>	<b>Retention</b>	<b>Disposition</b>	<b>* 12</b>
<i>Annual meeting program</i>	The full description of the meeting as it actually happened.	PERMANENT- Archives	Transfer to Archives. Continue to send print programs to the Archives as long as they are produced.	*
<i>Audiovisual information</i>	Logistics of AV setup, essentially the working file for meeting coordination.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Feedback and survey results</i>	Member feedback on sessions and the annual meeting generally	TEMPORARY	Retain in SAA office as long as administratively necessary, summarizing in reports if important for long-term retention, then destroy.	
<i>Hotel and convention center contracts</i>	Contracts and other legal documents relating to SAA annual meeting sites.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Hotel and</i>	Databases, spreadsheets,	TEMPORARY	Retain in SAA office as	

<sup>12</sup> Throughout all the records schedules in this document, a temporary column indicates with an asterisk (\*) the types of records that we hope to capture as the UWM Archives begins to use the Archive-It (<https://www.archive-it.org/>) web archiving service to conduct crawls of the SAA website. This column may be removed once the SAA Archivist has determined that the key records here identified are being adequately captured in website crawls.

<i>meeting room assignments and other logistics documents</i>	and documents used in allocating hotel space and otherwise managing the annual meeting.		long as administratively necessary, then destroy.	
<i>Meeting branding artwork</i>	Graphic design, banners, logos, photographs used in meeting branding artwork.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Photographs</i>	Images taken by SAA's contract photographer	PERMANENT-Archives	Send to Archives annually along with photographer contract information for each batch of photographs so that Archives has necessary copyright-related information. SAA's contract with each photographer should specify whether SAA or the photographer retains copyright for the photographs taken by that photographer. The SAA Archivist may appraise and develop sampling methodology if volume becomes problematic.	
<i>Presentation files</i>	Slides and handouts from speakers' presentations	TEMPORARY	Retain on SAA website for as long as possible.	
<i>Promotional materials and collateral</i>	Chico bags, pens, catalogs, promotional mailers, and other tchotchkes handed out at the annual meeting.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Session recordings</i>	The official session recordings commissioned by SAA.	PERMANENT-Archives	Transfer annual session recordings via CD-ROM once no longer needed by SAA Office.	
<i>Speaker release forms</i>	Contracts that permit SAA to do something with session recordings.	PERMANENT-Office	Retain in SAA office for operational needs. Do not transfer to Archives.	

## Council-Appointed Component Groups and External Representatives Series Description:

Series includes records created or maintained by Council-appointed groups and, when they exist, their sub-groups, including task forces, working groups, boards, and committees, as well as SAA's representatives to external organizations. Some Council-appointed groups (e.g. Awards Committees) may require more detailed record schedules to address confidentiality concerns; these specific schedules should only include elements that differ markedly from this general schedule. In cases of duplication, the copy of record submitted to Council stands as the official record. Additionally, the records of the Nominating Committee, as an elected rather than appointed committee, are scheduled as part of the Council, Executive Committee, Elected Officers, and Nominating Committee Series.

Council-appointed groups should make every effort to post records designated for permanent retention on their SAA microsite, and should be aware that SAA and the SAA Archives will make no special effort to preserve externally hosted content.

SEE ALSO: Council, Executive Committee, Elected Officers, and Nominating Committee Series.

<b>Council-Appointed Component Groups and External Representatives Series</b>				
<b>General Schedule</b>				
<b>Type of Record</b>	<b>Description</b>	<b>Retention</b>	<b>Disposition</b>	<b>*</b>
<i>Charge</i>	Council-appointed groups typically have charges approved by Council and posted on the SAA website.	PERMANENT -Archives	Transfer to Archives. Charges are approved by the Council and will also be captured as part of the agenda materials for meetings of the Council.	*
<i>Correspondence</i>	Communications among component group members on SAA-hosted distribution list or using tools maintained by group members.	TEMPORARY	Retain for some amount of time in the backfiles of SAA's listserv software, then destroy.	

<i>Meeting minutes</i>	Minutes of in-person or virtual meetings.	PERMANENT -Archives.	Transfer to Archives.	*
<i>Reports</i>	Annual reports or situational, one-off reports, white papers, and other documents.	PERMANENT -Archives	Transfer to Archives. Annual reports of Council-appointed groups will also be captured as part of the agenda materials for Council's January meeting each year.	*
<i>Working documents</i>	Working files and planning documents created by Council-appointed component groups in the process of doing their work.	TEMPORARY	Retain as long as files are important to the work of the group, then destroy.	
<b>Awards Committee Sub-Series</b>	<b>Scope note:</b> The following applies, in addition to the general schedule above, to the records generated by the Awards Committee and its Sub-committees.			
<i>Administrative files</i>	Files created and used by SAA staff, Awards Committee, and sub-committee chairs and members in their annual administration and execution of the awards competition. Includes, for example,	TEMPORARY	Retain as long as important to the work of the group, then destroy.	

	procedures, check requests and forms, sub-committee selection files, awards promotion materials, templates used by the committee, and files relating to plaques and certificates.			
<i>Application packets</i>	Packets submitted by nominators for the various awards. These should be treated as confidential	TEMPORARY	Retain as confidential documents while committee is deliberating and destroy once recipient(s) has been selected.	
<i>Information about award recipients</i>	Award citation and biographical data published on the SAA website.	PERMANENT -Archives	Transfer to Archives.	*

## Member-Affiliation Component Groups Series Description:

Series includes records created or maintained by SAA's Sections, Roundtables, and other member-affiliation groups such as Student Chapters. These groups are approved but not appointed by the Council. The focus of electronic-record collection for these groups will be the microsites allocated to the groups by SAA. Member-affiliated component groups should make every effort to post records designated for permanent retention on their SAA microsite, and should be aware that SAA and the SAA Archives will make no special effort to preserve externally hosted content. In cases of duplicated records, the copy submitted to Council stands as the official record.

SEE ALSO: Council, Executive Committee, Elected Officers, and Nominating Committee Series.

<b>Member-Affiliation Component Groups Series</b>				
<b>Type of Record</b>	<b>Description</b>	<b>Retention</b>	<b>Disposition</b>	<b>*</b>
<i>Bylaws</i>	Sections and Roundtables (not Student Chapters) must have bylaws that articulate such important issues as governance structures and elections.	PERMANENT -Archives.	Transfer to Archives. New and revised bylaws of member-affiliation groups other than Student Chapters are approved by Council and will also be captured as part of the agenda materials for meetings of the Council.	*
<i>Correspondence</i>	Communications among members of member affiliation component groups on SAA-hosted distribution list.	TEMPORAR Y	Retain in the backfiles of SAA's listserv software, then destroy.	
<i>Establishing documents</i>	Documents required by SAA in order for Council to approve the creation of a new groups.	PERMANENT -Archives	Transfer to Archives. Information about relevant establishing documents on the creation of member-affiliation component groups is included in the background information of the Council agenda items prepared prior to the Council's approval of	*

			proposed new groups.	
<i>Meeting minutes</i>	Minutes of in-person or virtual meetings.	PERMANENT -Archives	Transfer to Archives.	*
<i>Newsletters, brochures, and other publications</i>	Official publications of the member affiliation component groups posted to their SAA-hosted website.	PERMANENT -Archives	Transfer to Archives.	*
<i>Reports</i>	Annual reports and other reports, white papers, or documents posted by the group on its SAA-hosted website.	PERMANENT -Archives	Transfer to Archives. Annual reports of member-affiliation groups other than Student Chapters will also be captured as part of the agenda materials for Council's January meeting each year.	*
<i>Working documents</i>	Files relating to work and activities of an SAA member-affiliation component group.	TEMPORAR Y	Retained by component group leadership as long as administratively useful, then destroy.	

## Council, Executive Committee, Elected Officers and Nominating Committee

### Series Description:

Series includes records created or maintained by leaders elected by the full membership of SAA. This schedule covers records specific to those positions and not elsewhere scheduled; records created by other groups or units in SAA but used by elected leadership are scheduled in the series related to those units.

SEE ALSO: Executive Director Series

<b>Council, Executive Committee, Elected Officers, and Nominating Committee Series</b>				
<b>Type of Record</b>	<b>Description</b>	<b>Retention</b>	<b>Disposition</b>	<b>*</b>
<i>Council and Executive Committee agendas and meeting minutes</i>	Agendas include the attachments, reports, etc. for review and discussion at meetings. Minutes are a summary of the meetings.	PERMANENT -Archives	Transfer to Archives.	*
<i>Council and Executive Committee meeting logistics and working documents</i>	Includes hotel and restaurant contracts and other files relating to the mechanics of the Council's work, including the Action List spreadsheet maintained and updated between Council meetings.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Discussion listserv and other correspondence of the Council and the Executive Committee</i>	Working communications of the Council; the outcome of online votes conducted on the Council's listserv are recorded for the permanent record in the Executive Committee report at each Council	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	

	meeting.			
<i>Planning documents</i>	Periodically updated documents charting future directions for the organization or requesting member input, such as strategic plans and advocacy agendas.	PERMANENT -Archives	Transfer to Archives.	*
<i>Policies and procedures</i>	<i>Governance Manual</i> and appendices, and other organizational policies and procedures, as posted on the SAA website	PERMANENT -Archives	Transfer to Archives.	*
<i>Working files</i>	Documents maintained by and relating to the work of individual elected officers and councilors.	TEMPORARY	Retain with individual or in SAA office as long as administratively necessary, then destroy.	
<b>Nominating Committee Sub-Series</b>	<b>Scope note:</b> The following applies, in addition to the general schedule above, to the records generated by the Nominating Committee, which is an elected body.			
<i>Candidate statements, biographies, and election-related information for members</i>	Materials posted on the SAA website relating to the annual election for organization-wide offices.	PERMANENT -Archives	Transfer to Archives.	*
<i>Files relating to nominations and candidates</i>	Includes nominations submitted by SAA members and files on potential candidates assembled by members of the Nominating Committee. These should be treated as confidential documents.	TEMPORARY	Retain as confidential documents while committee is deliberating and destroy once an election has concluded.	
<i>Reports</i>	Annual report.	PERMANENT -Archives	Transfer to Archives. Annual report of the Nominating Committee is	*

			captured as part of the Council's August meeting agenda..	
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## Education Series Description:

Series includes records created or maintained by the Director of Education in the course of managing this SAA program area. The series includes both documentation of the administrative work of the Director of Education and documentation of the educational programs offered by SAA as a result of this work. Education Committee records are scheduled under Component Groups, Council-Appointed and External Representatives Series.

SEE ALSO: Executive Director Series; Component Groups, Council-Appointed, and External Representatives Series

<b>Education Series</b>				
<b>Type of Record</b>	<b>Description</b>	<b>Retention</b>	<b>Disposition</b>	<b>*</b>
<i>Administrative files</i>	Files relating to routine administration of the education program, including developing the annual education budget and marketing.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Certificate maintenance records</i>	Documentation of DAS certificate renewals.	TEMPORARY	The SAA office, and not the archives, is the appropriate place for longer-term retention of information regarding certification of individuals. Retain as long as administratively necessary, then destroy.	
<i>'Continuing Education Calendar' web pages</i>	Schedule of offerings of SAA.	TEMPORARY	Destroy when information is superseded.	
<i>'Continuing Education Catalog' web pages</i>	Includes information about specific courses being offered by SAA at any given time.	PERMANENT-Archives	Transfer to Archives.	*
<i>Contracts for developing, teaching, and offering workshops</i>	Signed contracts for SAA workshop developers and instructors, and for classroom and lodging facilities associated with physical workshops, or vendors for virtual	TEMPORARY	<ul style="list-style-type: none"> <li>For teaching and facilities contracts, retain in SAA office for duration of contract plus length of IL statute of limitations on civil</li> </ul>	

	workshops.		lawsuits, then destroy. <ul style="list-style-type: none"> <li>For workshop development contracts that explicitly deal with copyright in workshop materials, retain in SAA office for the duration of copyright, then destroy.</li> </ul>	
<i>Course materials</i>	Includes workbooks, pre-workshop assignments, exercises, handouts, and other material provided to workshop participants.	PERMANENT-Archives	Retain master file for each workshop in SAA office until superseded or workshop is no longer being offered, then transfer to Archives.	
<i>Curriculum and workshop development files</i>	All files associated with planning and maintaining the SAA continuing education curriculum, and individual workshops. For the latter, includes initial proposals, ongoing development documentation, and auditor comments.	PERMANENT-Archives	Retain in SAA office as long as administratively necessary, then transfer to Archives.	
<i>'DAS Curriculum and Certificate Program' web pages</i>	Includes FAQs relating to DAS, and detailed information about the structure of the curriculum and certificate requirements.	PERMANENT-Archives	Transfer to Archives.	*
<i>'Directory of Archival Education' and working files</i>	Includes directory and files relating to planning and implementing online directory, including institutional subscriptions.	TEMPORARY	Retain in SAA office and on SAA web server until superseded, then destroy.	
<i>Education matrices</i>	Annual summaries of offerings by the Education Department and included in Council reports	TEMPORARY	Retain in SAA office until incorporated into Education Director's report to the Council, then destroy.	
<i>Exam planning</i>	Includes planning	TEMPORARY	Retain in SAA office as	

<i>and results files</i>	materials relating to exams (individual courses and comprehensive), exam results, and spreadsheet documenting completion of course exams in various tiers required to sit for the comprehensive examination.		long as administratively necessary, then destroy.	
<i>Exams</i>	Final versions of exams as administered, not exams actually taken by students.	PERMANENT-Archives	Retain master files of exams in SAA office as long as administratively necessary, then transfer to Archives.	
<i>Instructor information files</i>	Includes biographical information, statistical summaries of evaluations and assessments from previous teaching experiences, and related general information.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	

## Executive Director Series Description:

Series includes records created or maintained by the Executive Director's office, including official statements, actions, correspondence, initiatives, and projects. Its scope includes the leadership of SAA and the organization as a whole, as reflected in the Executive Director's files. See the Governance Manual, Section V., for the full scope of the position:

<http://www2.archivists.org/governance/handbook/section5>.

SEE ALSO: Council, Executive Committee, Elected Officers, and Nominating Committee Series; General SAA Office Series; SAA Foundation General Corporate Records Schedule

<b>Executive Director Series</b>				
<b>Type of Record</b>	<b>Description</b>	<b>Retention</b>	<b>Disposition</b>	<b>*</b>
<i>Annual business meeting documentation</i>	Agenda includes the attachments, reports, etc. for review and discussion at meeting; minutes and/or recordings may be used to capture the content of the meeting.	PERMANENT-Archives	Transfer final written documentation to Archives. Retain drafts and recordings for as long as administratively useful, then destroy.	
<i>Correspondence</i>	Includes all forms of communication created or received by the Executive Director in the course of conducting SAA business	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Establishing records</i>	Articles of incorporation, constitution, and bylaws	PERMANENT-Archives	Transfer to Archives.	*
<i>Grants, Documentation</i>	Administrative activities relating to grant-funded projects, including documents relating to the application process, the receipt and expenditure of grant funds, and accounting for the performance obligations under grants.	TEMPORARY	Retain in SAA office as long as administratively necessary or required by funding source or statutory retention requirements, then destroy.	
<i>Grants, Project data</i>	Data produced during the course of grant-funded projects.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy. In some cases data may be deemed of permanent value to the organization	

			(e.g., A*Census), in which case it should be retained permanently in the SAA office, or one-off preservation arrangements should be made with the Archives.	
<i>Grants, Reports (interim and final as required by funding agency)</i>	Final copies of reports as supplied to funder.	PERMANENT-Archives	Retain in SAA office as long as administratively necessary, then transfer to Archives.	
<i>Pension documents</i>	Files relating to SAA employee retirement plans.	PERMANENT-Office	Retain permanently in SAA office. Do not send to Archives.	
<i>Personnel files</i>	Documentation relating to the employment of SAA staff.	TEMPORARY	Retain in SAA office as long as administratively or legally necessary. Executive Director to determine what to retain permanently in office and what to destroy.	
<i>Reference files</i>	“Convenience copies.” Includes files made or compiled by the Executive Director solely for their reference convenience. These would often include copies of official records maintained elsewhere in the organization.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Reports</i>	Includes all final reports created or maintained by the Executive Director and not covered in other schedules.	PERMANENT-Archives	Retain in SAA office as long as administratively necessary, then transfer to Archives.	
<i>Speeches and presentations</i>	Official or final version of speeches, presentations, and testimony given by SAA leadership. All drafts and supporting documents should be weeded before sending the final version to the Archives. The	PERMANENT-Archives	Retain in SAA office as long as administratively necessary, then transfer to Archives.	

	annual presidential address is published in <i>The American Archivist</i> , which is the copy of record.			
<i>Subject files</i>	Files maintained only by the Executive Director that broadly document the activities of SAA, including advocacy, annual meetings, marketing, member services, public relations, publications, special projects, and relationships with other organizations, including the SAA Foundation. Records may include correspondence, reports, memoranda and notes, publications, and announcements. The files may include records scheduled elsewhere, which may be removed by the SAA Archives upon receipt.	PERMANENT-Archives	Retain in SAA office as long as administratively necessary, then transfer to Archives. Given the variety of topics that they cover, subject files are likely to include records of both temporary and permanent value. The Executive Director may work with the SAA Archivist to identify records with permanent value and coordinate their transfer to the SAA Archives.	
<i>Working files</i>	Notes, drafts, and other preliminary records created or compiled by the Executive Director in the course of conducting SAA business and frequently used to prepare official reports and other records	TEMPORARY	Retain locally as long as important to the work of the ED. Do not transfer to SAA Archives.	

## Finance Series Description:

Series includes records documenting financial activities of SAA as an organization; finances of component groups or elected officials of SAA are not included except as they relate to activity for SAA itself. In 2011 the SAA Foundation, a 501 c (3), was created and records of the SAA Foundation are managed under a separate schedule.

SEE ALSO: SAA Foundation Corporate Records Schedule; Executive Director Series

<b>Finance Series</b>				
<b>Type of Record</b>	<b>Description</b>	<b>Retention</b>	<b>Disposition</b>	<b>*</b>
<i>Accounts payable (expenditures)</i>	Supporting documentation relating to the purchases of goods or services. These records may include, but are not limited to, vouchers, invoices, travel expense reports and purchase orders	TEMPORARY	Retain for 7 years for audit purposes, then destroy.	
<i>Accounts receivable (receipts)</i>	Supporting documentation related to the receipt of funds, which may include but are not limited to, deposit forms, remittance forms and any documentation that supports charges/bills	TEMPORARY	Retain for 7 years for audit purposes, then destroy.	
<i>Annual financial report</i>	End of fiscal year financials prepared for the Council and posted on the SAA website. Included as part of the Treasurer's report in agenda documents prepared for each meeting of the Council. The report at the August Council meeting includes the entire previous fiscal year.	PERMANENT-Archives	Transfer to Archives.	*
<i>Audit reports</i>	Paper or electronic documents prepared by	PERMANENT-Archives	Retain in SAA office as long as administratively	

	the external vendor SAA hires to audit its books. Paper copy is the copy of record.		necessary, then send to Archives.	
<i>Budget, final</i>	Prepared for the consideration of and approved by the Council at its Spring meeting. Included as part of the agenda documents for the Spring Council meeting.	PERMANENT-Archives	Transfer to Archives.	*
<i>Budget, working documents and notes</i>	Files assembled by the Treasurer, the Director of Finance and Administration, and others as part of their annual work on the budget.	TEMPORARY	Maintain in the SAA office and officer files as long as administratively necessary, then destroy.	
<i>Cash books</i>	Daily bank reconciliations.	TEMPORARY	Maintain in the SAA office as long as administratively necessary, then destroy.	
<i>Chart of accounts / general ledger</i>	Coding system for administration of income and expenses.	TEMPORARY	Maintain in the SAA office as long as administratively necessary, then destroy.	
<i>Financial statements</i>	Statements received from financial institutions that store and/or manage SAA's funds.	TEMPORARY	Maintain in the SAA office as long as administratively necessary, then destroy	
<i>Income tax returns</i>	Returns filed for federal, state, and local governments; publicly available as a 990.	TEMPORARY	Retain in the SAA office for 7 years for audit purposes, then destroy.	
<i>Payroll journal</i>	Record of employee payroll; confidential.	TEMPORARY	Retain in the SAA office for 7 years for audit purposes, then destroy.	
<i>Trial balances, end of year</i>	Work product given to auditors.	TEMPORARY	Retain in the SAA office for as long as administratively necessary, then destroy.	

## General SAA Office Series Description:

Series includes records created or maintained by SAA paid staff in the course of their activities, including contracts and other legal materials, subject files, and miscellaneous correspondence. This schedule is intended as a baseline for records not otherwise scheduled; if a record series has been covered within another general schedule, staff should follow retention and disposition decisions recorded there.

See Also: Executive Director Series, Education Series, Publications Series, Finance Series

<b>General SAA Office Series</b>				
<b>Type of Record</b>	<b>Description</b>	<b>Retention</b>	<b>Disposition</b>	<b>*</b>
<i>Contracts, agreements, and leases</i>	Includes all supporting documentation and related correspondence.	TEMPORAR Y	Retain in SAA office as long as administratively or legally necessary, then destroy.	
<i>Correspondence and memoranda</i>	Relating to routine office matters.	TEMPORAR Y	Retain in SAA office for as long as administratively necessary, then destroy.	
<i>Insurance</i>	Policies, amendments, endorsements, certificates of insurance, summary plans, reports on insurance plans and benefits, and related correspondence.	TEMPORAR Y	Retain in SAA office for as long as administratively necessary, then destroy.	
<i>Records schedules</i>	Schedules and other guidelines relating to SAA records that have been approved by the Council.	TEMPORAR Y	Retain in SAA office until superseded, then destroy.	
<i>Reference and subject files</i>	Topical files used by SAA staff members. The reference and subject files of the Executive Director are scheduled separately.	TEMPORAR Y	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Trademarks, patents, and copyright registrations</i>	Files relating to formal registration of these intellectual property assertions.	PERMANEN T-Office	Retain permanently in SAA office. Do not send to Archives.	

## Member Services Series Description:

Series includes records relating to the administration of member services by SAA, including membership tracking, applications and renewals, and services such as the Career Center and Archives and Archivists electronic discussion list not covered in other schedules. Note that other electronic discussion lists maintained by SAA in direct service of its membership are not covered by this schedule, as they are considered to be records maintained by the related component groups and are covered in other series. Likewise, records of the Membership Committee are covered in the Component Groups, Council-Appointed and External Representatives Series.

See Also: Council. Executive Committee, Elected Officers, and Nominating Committee Series; Council-Appointed Component Groups and External Representatives Series; Member-Affiliation Component Groups Series; General SAA Office Series

<b>Member Services Series</b>				
<b>Type of Record</b>	<b>Description</b>	<b>Retention</b>	<b>Disposition</b>	<b>*</b>
<i>Archives &amp; Archivists listserv</i>	Listserv maintained by SAA as a service to the profession in the United States.	TEMPORARY	Maintain on SAA listserv server as long as is practicable.	
<i>Association management database ("MemberMax")</i>	Confidential. Database documents transactions relating to a person's interactions with the organization, such as attendance at and participation in annual meetings, participation in workshops, component group membership, leadership roles, discussion list subscriptions. Those aspects that are important are published onto the SAA website (e.g., leadership roles, service on Council-appointed component groups) and will be permanently captured and maintained as part of a periodic SAA website crawl. Other	TEMPORARY	Maintain on SAA server as long as organizationally necessary.	

	important statistics gathered from this database are reported as part of the agenda items for each Council meeting and will be captured and maintained there.			
<i>Online Career Center</i>	Web resource of job postings, resume postings, and other career-related services maintained by an external vendor, only the initial landing page is hosted on an SAA web server.	TEMPORARY	Maintain on SAA web server and vendor server as long as organizationally necessary.	

## Publications and Communications Series Description:

Series includes the publications and informal communications of SAA, including SAA’s journal, newsletter, periodic news releases, and social media postings. The series also covers the administrative and production files of the editors of the major publications. Files relating to *The American Archivist* and Publications Editors’ roles as chair of *The American Archivist* Editorial Board and the Publications Board respectively are scheduled with the Component Groups, Council-Appointed and External Representatives Series.

SEE ALSO: Council-Appointed Component Groups and External Representatives Series; General SAA Office Series; Member Services Series

<b>Publications and Communications Series</b>				
<b>General Schedule</b>				
<b>Type of Record</b>	<b>Description</b>	<b>Retention</b>	<b>Disposition</b>	<b>*</b>
<i>“American Archivist” journal</i>	Print version of journal. (Note: An additional archive of the print version of the journal is maintained by JSTOR, which digitizes directly from a disbound copy of the print publication sent each time an issue is published as part of SAA’s contract with JSTOR. HathiTrust also maintains an archive of the print version of the journal, but updates to this archive will likely be sporadic since it does not happen in collaboration with SAA the way JSTOR does.)	PERMANENT -Archives	Send two copies to Archives as part of print distribution.	
<i>“American Archivist Online Supplement”</i>	Appears occasionally when circumstances warrant publication of peer-reviewed content that cannot be	PERMANENT -Archives	Transfer to Archives only born-digital content not duplicative of the print run of the journal.	*

	accommodated in the regular semi-annual issues of the journal. The supplement is published online and access is unrestricted.			
<i>“American Archivist” online version</i>	Available free to the public and includes more than 260 back issues. No login required to access the publicly available journal content. Please note that in the six most recent issues (approximately three years), only the table of contents, article abstracts, and book reviews are publicly available. Hosted by MetaPress.	TEMPORARY	Maintain as long as external utilities either exist or are willing to maintain.	
<i>“American Archivist Reviews Portal”</i>	Complements the Reviews section in <i>The American Archivist</i> by providing additional information about resources for archives and professional archivists.	PERMANENT -Archives	Transfer to Archives.	*
<i>“Archival Outlook” newsletter, print</i>	Bi-monthly print newsletter of SAA.	PERMANENT -Archives	Send two copies to Archives as part of print distribution.	
<i>“Archival Outlook” online version</i>	Bi-monthly newsletter of SAA currently hosted online by bluetoad.com. As of March 2014 the content of the online version mirrors the print version, which serves as the copy of record for the online version.	TEMPORARY	Maintain on bluetoad.com servers as long as contractually necessary, then destroy.	
<i>“Associated Organizations and</i>	Series of online-only directories (four as of	TEMPORARY	Maintain on SAA web server as long as	

<p><i>Associations” and “Archival Consultants” suite of directories</i></p>	<p>March 2014), maintained by SAA staff, listing archival organizations in the U.S., Canada, and internationally, as well as allied professional organizations and archival consultants. Two additional links provide access to Section XI. Official Representatives to External Groups from the SAA <i>Governance Manual</i>, and to the Repository of Primary Sources list maintained by Terry Abraham at the University of Idaho.</p>		<p>organizationally necessary.</p>	
<p><i>Blogs, Off the Record (President’s blog)</i></p>	<p>Principal blogger is the President of SAA. Other SAA leaders, such as officers and members of the Council, serve as guest bloggers from time to time. <i>Off the Record</i> is an informal communication channel on which conversations can take place about ongoing SAA activities and issues, as well other topics of broad interest to archivists. Intention is to highlight such topics and spark discussion. Hosted by Wordpress.</p>	<p>PERMANENT -Archives</p>	<p>Transfer to Archives.</p>	<p>*</p>
<p><i>Blogs, Others</i></p>	<p>Communications generated by elected and appointed leaders and groups (including</p>	<p>TEMPORARY</p>	<p>Maintain on servers hosted by SAA or vendors as long as is practicable. Need not</p>	

	Host Committee) to communicate about the organization. May exist on a variety of blog platforms, such as Drupal and Wordpress.		be included in periodic SAA website crawl.	
<i>“In the Loop”</i>	Bi-weekly electronic newsletter	PERMANENT -Archives	Transfer to Archives.	*
<i>Monographs</i>	Books published by SAA in both print and online formats.	PERMANENT -Archives	<ul style="list-style-type: none"> <li>• Send two copies to Archives when new monograph or new edition of existing monograph is published in print format.</li> <li>• For monographs compiled and published only online, capture as part of a periodic SAA website crawl and/or, if possible, arrange to contribute to HathiTrust.</li> </ul>	*
<i>News and press releases</i>	Official news items and press releases posted by the organization on its website.	PERMANENT -Archives	Transfer to Archives.	*
<i>Position statements and resolutions</i>	Official pronouncements of the organization approved by the Council and promulgated publicly.	PERMANENT -Archives	Transfer to Archives.	*
<i>Social media sites</i>	Accounts on a variety of social media utilities typically maintained by SAA staff members, such as Facebook, Twitter, LinkedIn, YouTube, and Vimeo.	TEMPORARY	Maintain as long as external utilities either exist or are willing to maintain.	
<b><i>American</i></b>	<b>The following applies,</b>			

<b>Archivist and Publications Editors Sub-Series</b>	in addition to the general schedule above, to the records generated by these Council-appointed employees of SAA.			
<i>Manuscript submissions and evaluations</i>	Original manuscripts submitted for publication and evaluations of the manuscripts, including editor's summaries of evaluations sent to authors.	TEMPORARY	<ul style="list-style-type: none"> <li>● If manuscript is rejected, retain either in editor's or SAA Director of Publishing's files through the end of the review process or withdrawal by author plus 5 years, then destroy.</li> <li>● If manuscript is accepted, retain either in editor's or SAA Director of Publishing's files through publication plus 5 years, then destroy.</li> </ul>	
<i>Solicitation files</i>	Files relating to solicitation of manuscripts from potential authors, correspondence relating to acceptance and revisions, work assignments for reviews, and process and deadline negotiations.	TEMPORARY	Retain in editor's files as long as administratively useful, then transfer to successor or destroy.	
<i>Working files relating to publications</i>	Correspondence and other documents relating to the actual SAA publications. Files relating to the roles of the American Archivist and Publications editors as	TEMPORARY	Retain through the end of the editor's term(s) or as long as administratively necessary, then transfer to successor or destroy.	

	chairs of their respective boards are scheduled in the Component Groups, Council-Appointed, and External Representatives Series.			
<b>Director of Publishing Sub-Series</b>	The following applies, in addition to the general schedule above, to the records generated by this staff position.			
<i>Administrative files</i>	Files relating to routine administration of the publishing program, including developing the annual publishing budget.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Copy editing files</i>	Files relating to revision, editorial work, and copy editing of manuscripts for publication by SAA.	TEMPORARY	Retain in the SAA office through the end of the copy editing process plus 6 months, then destroy.	
<i>Director of Publishing: Press-worthy pdfs</i>	Final electronic copies of monographs retained for use in reprints, new editions, and compilations, not the publications themselves.	TEMPORARY	Retain in the SAA office as long as administratively necessary, then destroy.	
<i>Illustrations</i>	Artwork and photographs used in various SAA publications.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	

## SAA Foundation Records Schedule

### SAA Foundation General Records Series Description:

Series includes records of the SAA Foundation, a not-for-profit (501[c][3]) corporation whose purpose is to promote and support the charitable and educational initiatives of its sole corporate member, the Society of American Archivists (a 501[c][6] corporation). As a separate organization from SAA, all records produced by the Foundation or its staff are scheduled here rather than in their related functional schedules, to account for differences in fiscal, legal, or administrative retention requirements. The SAAF Board is responsible for managing the unrestricted, temporarily restricted, and permanently restricted funds donated to the Foundation.

From 1963 until 2011 SAA maintained “Special Funds” that functioned under Section 501(c)(3) of the IRS Code. During that period, the SAA Council served as the Special Funds board. After separate incorporation of the SAAF in 2011, the board composition was changed to include Class A members (comprising the executive committee members and immediate past president of SAA) and Class B members (between six and 11 individuals who are nominated by the SAAF Board and elected by the SAA Council).

SEE ALSO: in the Society of American Archivists Records Schedules: Council, Executive Committee, Elected Officers, and Nominating Committee Series; Executive Director Series; Finance Series

<b>SAA Foundation General Records Series</b>				
Type of Record	Description	Retention	Disposition	*
<i>Annual appeal, appeal program, endowments</i>	Requests for donations, including sample letters.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Annual reports</i>	Published annual reports made available on the SAA Foundation’s website. (Not currently created as of March 2014. List of donors currently published as part of SAA’s annual report.)	PERMANENT-Archives	Transfer to Archives.	*
<i>Appointment working files</i>	Correspondence, background information, and tracking sheets	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	

	relating to the appointment of members to the SAA Foundation Board.			
<i>Audit reports</i>	Paper or electronic documents prepared by the external vendor SAAF hires to audit its books.	PERMANENT-Archives	Retain in SAA office as long as administratively necessary, then send to Archives.	
<i>Establishing documents</i>	Articles of Incorporation and Bylaws are posted on the SAA Foundation website.	PERMANENT-Archives	Transfer to Archives.	*
<i>Foundation Board and committees charges and rosters</i>	Members of the Foundation Board and its current groups, charges, and rosters available on the SAA Foundation website.	PERMANENT-Archives	Transfer to Archives.	*
<i>Foundation Board listserv</i>	Private forum for interim votes and discussions of the Board. Results of votes reported out in minutes, which are posted online.	TEMPORARY	Retain on SAA listserv server as long as administratively necessary, then destroy.	
<i>Funds documentation (financial records)</i>	The Foundation's budget is currently a part of SAA's budget and is published online. In the future, Foundation will be broken out in a separate budget and published online as well. Donations and accounting information are held in SAA's database.	TEMPORARY	Retain in SAA office for 7 years for audit purposes, then destroy.	

<i>Historical donations (contributions) documentation</i>	Database containing details of individual contributions. Significant contributions will show up in the Annual Report.	TEMPORARY	Retain on SAA server for 7 years for audit purposes, then destroy.	
<i>Income tax returns</i>	Returns filed for federal, state, and local governments; publicly available as a 990.	TEMPORARY	Retain for 7 years for audit purposes, then destroy.	
<i>Investments</i>	Bank statements reflecting the Foundation's investments	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>List of donors and amounts</i>	Annual list; internal document prepared by staff; confidential.	PERMANENT-Office	Retain permanently in SAA office. Do not sent to Archives.	
<i>Meeting agendas and minutes</i>	Agendas include the attachments, reports, etc. for review and discussion at SAA Foundation Board meetings. Minutes are a summary of the meetings. Materials for 2009-2011 are available on SAA's website.	PERMANENT-Archives	Transfer to Archives. Disentangle Foundation documents from SAA website once a Foundation website is created.	*
<i>Meeting logistics and working documents</i>	Includes hotel and restaurant contracts.	TEMPORARY	Retain in SAA office as long as administratively necessary, then destroy.	
<i>Policies and procedures</i>	Official policies and procedures relating to SAA Foundation activities and posted publicly on the SAA Foundation website.	PERMANENT-Archives	Transfer to Archives.	*
<i>Working files</i>	Notes, drafts, and other preliminary records created or compiled by the leaders and staff of the Foundation.	TEMPORARY	Retain locally as long as important to the work of the Foundation, then destroy.	

## Committee on Public Awareness

### I. Purpose

The Committee provides strategic information and advice to the SAA Council to enhance SAA's capacity to promote the value of archives and archivists to institutions, communities, and society. The Committee recommends to the SAA Council the public awareness priorities on which SAA should focus its attention and resources, within the context of the Society's mission and strategic plan. In addition, the Committee works with staff and outside counsel to develop programs that promote the value and role(s) of archivists and archives nationwide.

The Committee on Public Awareness (COPA) is distinguished from the Committee on Advocacy and Public Policy (CAPP) by virtue of the audiences with which each group generally interacts and whose opinions it seeks to influence. CAPP generally is concerned with influencing legislative and regulatory (i.e., public policy) decisions of government at all levels; COPA generally is concerned with influencing opinions about the value of archivists and archives among the general public and stakeholder groups other than legislators and regulators (e.g., archives users, institutional resource allocators, etc.). The two committees may collaborate on identification of key audiences, messages, and mediums to ensure a coordinated approach to SAA's priorities and communications.

### II. Committee Selection, Size, and Length of Term:

The Committee consists of eight members (including a chair and vice chair) who are appointed by the SAA Vice President for staggered three-year terms. The individual who is selected by the Vice President as vice chair, typically from among the incoming third-year members, becomes vice chair in the fourth year of service and accedes to chair in the fifth year. Individuals may be reappointed to the Committee.

### III. Duties and Responsibilities

The Committee has the following duties and responsibilities:

#### A. Acting proactively, the Committee:

- Works closely with SAA staff and, when available and appropriate, outside public relations counsel to develop work plans for enhancing public awareness of archivists and archives.
- Prepares drafts, for Executive Committee or Council approval, of key public awareness messages, seeking input from members, component groups, and experts as appropriate.
- Oversees development and distribution of low-cost, low-barrier tools and training for archivists to use in creating public awareness initiatives in their own local environments.
- Seeks member, public, and media feedback to continuously increase the effectiveness of and involvement with public awareness activities, including but not limited to American Archives Month.
- Determines and implements effective methods for tracking metrics associated with public awareness of and appreciation for archivists and archives.

#### B. Acting in cooperation with other organizations and groups:

- Brings to the Council's attention areas in which collaboration with internal groups and external organizations, including the Council of State Archivists, the National Association of Government Archives and Records Administrators, regional archival associations, and others may advance the Society's public awareness interests.
- At the request of the Council or with its approval, cooperates with such organizations in pursuing public awareness efforts that further the interests of SAA and its members.

### **C. Acting in response to requests or events, the Committee:**

- Responds in a timely fashion to requests from the President (acting on behalf of the Council) or the Executive Director for background information and recommendations on matters related to public awareness issues.
- Develops and coordinates strategies for the Council and SAA to use in responding rapidly and appropriately to public awareness opportunities.
- Collaborates with SAA component groups to ensure that the Committee and the Council are aware of and responsive to the public awareness issues that are of concern to members.

### **IV. Reporting**

The Committee works closely with the President, its Council Liaison, and the Executive Director to ensure that it is responsive to the Council's needs and is working in coordination with the staff office. In certain cases, when time is of the essence, Committee communications with the President and Executive Director may be discussed and acted upon solely by the Executive Committee.

*Adopted by the SAA Council: March 17, 2014.*

**Support Statement:** The tasks associated with accomplishing Goal 1 in SAA's Strategic Plan are many and require a focused effort by not just staff, but also member volunteers. The Committee on Public Awareness would advise the Council on ways in which to promote the value of archives and archivists to institutions, communities, and society. In collaboration with the Committee on Advocacy and Public Policy and staff, the new committee would provide the member expertise and engagement needed to move SAA forward on this important goal.

**Relation to Strategic Plan:** Goal 1: Advocating for Archivists and Archives, Strategy 1.1., Provide leadership in promoting the value of archives and archivists to institutions, communities, and society.

**Fiscal Impact:** Given the importance of beginning work on Goal 1 actions as soon as possible, a face-to-face meeting of the committee in the spring or early summer of 2014 is warranted. The approved FY14 budget includes \$5,210 for an anticipated meeting of the Committee on Advocacy and Public Policy that will not take place (Program 107, Activity 3). Those funds could be redirected to a meeting of the Committee on Public Awareness.