

**Society of American Archivists  
Council Meeting Minutes  
August 11 – 12, 2014  
Marriott Wardman Park Hotel  
Washington, D.C.**

*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 Consent Items, 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, 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 5:06 p.m. on Monday, August 11. Present were Vice President Kathleen Roe; Treasurer Mark Duffy; Executive Committee Member Bill Landis; Council members Terry Baxter, Geof Huth, Elisabeth Kaplan, Michelle Light, Lisa Mangiafico, Tim Pyatt, Helen Wong Smith, and Tanya Zanish-Belcher; SAA Executive Director Nancy Beaumont; and SAA Program Coordinator René Craig. Pam Hackbart-Dean, Dennis Meissner, James Roth, and Rachel Vagts, who would become Council members on August 16, 2014, also attended the entire meeting. SAA Publications Director Teresa Brinati, Finance and Administration Director Peter Carlson, Education Director Solveig De Sutter, and Web and Information Systems Administrator Matt Black attended the Monday session and portions of the Tuesday session. Also attending as invited guests: Institute of Museum and Library Services Associate Deputy Director Robert Horton and SAA Intellectual Property Working Group member William Maher (on Monday, August 11) and National Coalition for History Executive Director Lee White (on Tuesday, August 12).

Additional guests on Monday, August 11: Eira Tansey (SAA Nominating Committee member) and Chris Prom (Publications Board chair).

## **I. COUNCIL BUSINESS**

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

Bell introduced the agenda with changes proposed by the Executive Committee. The Council agreed to remove II.C., Standards Committee: SAA-ACRL/RBMS Joint Task Force for Development of Guidelines for Primary Source Literacy, from the Consent Agenda and address it as an Action Item after III.B., and to discuss V.A., Executive Committee Report, during Council Business so that the report could be placed on the Consent Agenda.

The Council further agreed to re-order several agenda items to accommodate guests and enhance the efficiency of the meeting. (Agenda items are presented in these minutes based on the original sequencing to minimize confusion.) Zanish-Belcher moved adoption of the agenda as revised, Mangiafico seconded, and the agenda was adopted unanimously (**MOTION 1**).

The Council then discussed the merits of placing the Executive Committee report on the Consent Agenda as a means of ensuring that the information contained in it, particularly when the Executive Committee acts on behalf of the Council, is ratified by the Council and is readily available and transparent.

## **MOTION 2**

**THAT for this meeting and all future meetings of the Council, the Executive Committee report be placed on the Consent Agenda for Council ratification.**

**Move:** Huth

**Second:** Duffy

**Vote:** PASSED (unanimous)

**Support Statement:** Placement of the Executive Committee report on the Consent Agenda ensures that the Council ratifies the actions taken by the Executive Committee on behalf of the Council and provides ready and transparent access to those actions.

**Fiscal Impact:** None.

## **B. May 2014 Minutes**

Bell noted that the May 2014 meeting minutes were adopted by online vote of the Council on July 15, 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.

## **II. CONSENT ITEMS**

The following items were adopted by consent (**MOTION 3**).

**Move Consent Items:** Landis

**Second Consent Items:** Mangiafico

**Vote:** PASSED (unanimous)

## V.A. Executive Committee Report (from Reports Agenda)

**THAT the following report on Executive Committee actions and discussions be ratified:**

- Submitted written testimony to the District of Columbia Committee on Government Operations, Budget Hearing for the Office of the Secretary, Archives and Records Center, encouraging the mayoral administration to retain a \$41 million appropriation for a new home for the DC Archives. (May 6, 2014)
- Submitted supplemental comments drafted by IPWG about "Orphan Works and Mass Digitization" resulting from public roundtables held as part of the Copyright Office's Inquiry Concerning Orphan Works and Mass Digitization to Maria Pallante, Register of Copyrights, Library of Congress Copyright Office. (May 20, 2014)
- Signed on to a letter to European Union officers, commissioners, and members of the Council of the European Union and the European Parliament expressing disappointment at the European Union's unwillingness to progress text-based discussions on library and archives exceptions at the meeting of the World Intellectual Property Organization (WIPO) Standing Committee on Copyright and Related Rights (SCCR). (June 18, 2014)
- Discussed formation of a small working group to investigate options about the A&A discussion list and to make recommendations to the Council at or before its August meeting. (June 2014)
- Signed on to two OpenTheGovernment.org letters, one to the Senate Judiciary Committee and the second to Committee Chairman Leahy and Ranking Minority Member Cornyn in support of the FOIA Improvement Act of 2014. (June 24, 2014)
- Approved a CAPP-authored statement in support of David Ferriero's testimony before the House Oversight and Government Affairs committee on the loss of emails from the computer of IRS employee Lois Lerner. (June 26, 2014)
- Following lengthy discussion, approved participation in the Coalition to Advance Learning in Archives, Libraries, and Museums, suggested amendments to Coalition-proposed operating principles, and agreed to participate in the Coalition by appointing one SAA representative to contribute up to 10 hours a month, attend monthly conference calls, attend two in-person meetings (grant-funded), regularly update the Council on Coalition activities, and seek advice if further commitments are needed. (July 29, 2014)

## II.A. Interim Council Actions: March 17 – July 29, 2014

**THAT the following interim actions taken by the SAA Council between March 17 and July 29, 2014, be ratified:**

- Adopted the minutes of the May 22-24, 2014, Council meeting. (Passed unanimously on July 15, 2014.)
- Adopted an *SAA Code of Conduct*, specified a review cycle, and adjusted existing policy to administer the *Code*. (Passed unanimously on July 23, 2014.) **(Appendix A)**

- Approved petition from The Catholic University of America to form a student chapter. (Passed unanimously on July 29, 2014.)

**Support Statement:** Ratification of the Council’s interim actions improves access to the interim decisions of SAA’s elected decision makers.

**Relation to Strategic Plan:** 2.2. Deliver information and education via methods that are accessible, affordable, and keep pace with technological change. 4.1. Facilitate effective communication with and among members.

**Fiscal Impact:** None.

## **II.B. Standards Committee: Review of Best Practices for Volunteers in Archives**

**THAT *Best Practices for Volunteers in Archives* (Appendix B) be adopted;**

**THAT the review period for *Best Practices for Volunteers in Archives* be set at three years; and**

**THAT summary information on the solicitation of comments and responses to *Best Practices for Volunteers in Archives* (see Appendix B) be made available with the document for the purpose of providing context.**

**Support Statement:** *Best Practices for Volunteers in Archives* provides basic guidance for archives institutions and organizations about the use of volunteers to ensure a positive and productive experience for all parties involved. As a complement to *Best Practices for Internships as a Component of Graduate Archival Education*, this document provides a necessary and appropriate context for volunteers as distinct from student interns and distinguishes the work of volunteers from that of paid staff.

**Impact on Strategic Priorities:** *Best Practices for Volunteers in Archives* assists in achieving portions of all four of SAA's Goals as stated in the 2014-2018 Strategic Plan. The clear statement that “volunteers should not replace or displace paid employees in the course of normal business” contributes to achievement of Goal 1 (“advocating for archives and archivists”). The guidelines were developed in response to member comments, notably those representing small organizations, thus contributing to Goal 4 (“meeting members' needs”). Issues of privilege have been prominent in the discussions noted above, particularly the realization that in many cases people experiencing various socio-economic circumstances cannot afford to volunteer to gain archival experience. The statement that “volunteers should not replace or displace paid employees” is a step toward addressing Strategy 4.3 (“Continue to enrich the association and the profession with greater diversity in membership....”).

**Fiscal Impact:** None.

## **II.C. Standards Committee: Proposal for SAA-ACRL/RBMS Joint Task Force for Development of Guidelines for Primary Source Literacy (removed from Consent Agenda)**

As noted in I.A., the Council agreed to take up Agenda Item II.C., Standards Committee: Proposal for SAA-ACRL/RBMS Joint Task Force for Development of Guidelines for Primary Source Literacy, as an action item following Agenda Item III.B.

### **III. ACTION ITEMS**

#### **A. Advocacy Agenda Issue Brief: Health Information Portability and Accountability Act (HIPAA)**

Strategy 1.2.2. in SAA's 2014-2018 Strategic Plan calls for the organization 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 SAA's Advocacy Agenda. Working in collaboration with the Science, Technology, and Health Care Roundtable, and particularly roundtable members Phoebe Evans Letocha and Lisa Mix, the Committee on Advocacy and Public Policy presented an issue brief on HIPAA for the Council's approval.

#### **MOTION 4**

**THAT the following issue brief on the Health Insurance Portability and Accountability Act (HIPAA) be approved:**

#### **Health Insurance Portability and Accountability Act (HIPAA)**

##### **SAA POSITION**

SAA supports all efforts to strengthen the Health Insurance Portability and Accountability Act (HIPAA) to:

1. Redefine "Protected Health Information" (PHI) to balance privacy and access concerns regarding access to PHI about individuals whose death dates are not known.
2. Allow access to PHI for family members doing medical genealogy research.
3. Clarify which archival repositories holding health-care-related holdings are subject to Business Associate Agreements and provide guidelines for them.
4. Revise the Privacy Rule so that previously published individually identifiable information and photographs are not considered PHI.
5. Support efforts to standardize PHI definitions and requirements in state law and regulation based on federal rules and regulations, with the goal of creating a single, nationally recognized standard regarding PHI.

SAA will:

- Work with the Council of State Archivists to advocate for standardization of state medical record statutes that would bring them in line with federal regulations.
- Encourage the development of standardized best practices by archivists working within Covered Entities.
- Encourage interested SAA Sections and Roundtables to advocate for these changes in partnership with scholarly associations representing researchers.
- Encourage interested SAA Sections and Roundtables to survey repositories documenting the health fields regarding researcher experiences in applying to Institutional Review Boards and Privacy Boards for access to protected holdings.

## **THE ISSUES**

Several issues are in need of resolution.

### ***At the Federal Level:***

- SAA applauds the change in the definition of Protected Health Information (in conjunction with adoption of the Final Rule in 2013) to exclude information on individuals who have been deceased for 50 years or longer. SAA notes, however, that it is not always practical to determine whether the individual(s) has been deceased for 50 years or longer.
- Current rules continue to leave unclear access to PHI for family members conducting medical genealogy research. The change in the Rule allowed Covered Entities to disclose a decedent's PHI to family members involved in the care of a patient, but appears to be limited to information involving the period immediately pre- and post-death. Unresolved is the question of whether disclosures are permitted to family members for medical genealogy requests during the period from death to 50 years after death, when a personal representative would be required to authorize the disclosures.
- Under the 2013 amendments to the Privacy Rule, archival repositories could be subject to Business Associate Agreements if they have health-care-related holdings that originated from a Covered Entity or a former member of its workforce – even if those collections were acquired before the HIPAA Privacy Rule went into effect. This means that many repositories that previously were not subject to the Privacy Rule are now or might be covered. What constitutes a “Business Associate” is not clear.
- A question remains as to whether PHI that was published (for example, photos of patients in hospital annual reports or patient data in medical journal articles) before HIPAA went into effect is still considered PHI and restricted under the Privacy Rule.

### ***At the State Level:***

State medical records statutes differ from the federal law and state records laws vary widely. States tend to place restrictions on records, whereas HIPAA protects information.

The definition of the “medical record” varies from state to state, is vague in some cases, and can encompass documents outside of the unit medical record. The period of protection also varies widely. When a state law is more restrictive than HIPAA, the more restrictive rule prevails.

***At the Institutional Level:***

The Privacy Rule is interpreted differently by different institutions. Archival repositories must follow the policies and protocols set by their parent institutions, which may or may not be Covered Entities under HIPAA. Parent institutions take a range of approaches, and thus policies and procedures vary widely from repository to repository. This situation confuses researchers and makes it difficult for the archives community to develop standardized practices. The recent change in the Privacy Rule continues to allow a Covered Entity to set policies that are more restrictive than HIPAA. As is the case with state medical records laws, the more restrictive rule prevails.

To address these issues, SAA will:

1. Advocate for further changes in HIPAA at the federal level in the following areas:

- In cases in which the date of death is unknown, the federal government should broaden the definition of PHI to exclude information 150 years after the date of record creation. Adding this new provision would balance privacy and access concerns and address the challenge of whether archivists could provide access to records that contain health information about individuals whose death dates are not known. In all but a very small fraction of cases, the individuals involved will have been deceased for at least 50 years.
- The HIPAA Privacy Rule should be modified/clarified to allow access to PHI for family members conducting medical genealogy research. Family members seeking medically necessary information in the file of a deceased relative should be given access to the file, regardless of other HIPAA regulations. SAA should work with genealogy groups on this issue.
- HIPAA should be modified to make clear the extent to which archival repositories that are not part of Covered Entities, and that have health-care-related holdings, are subject to Business Associate Agreements. SAA supports the development of guidelines, similar to those of the Covered Entity Decision Charts (see <http://www.cms.gov/Regulations-and-Guidance/HIPAA-Administrative-Simplification/HIPAAGenInfo/Downloads/CoveredEntitycharts.pdf>), for a repository to determine whether it is a Business Associate under HIPAA.
- The HIPAA Privacy Rule should be modified to make it clear that individually identifiable information and photographs that have appeared in publications or other public venues are not considered PHI under the Privacy Rule.

2. Work with the Council of State Archivists (COSA) to advocate for changes in state medical record statutes to bring them in line with federal regulations to allow for standardization.
3. Encourage archivists working within HIPAA Covered Entities to develop a set of standardized “best practices” to share at the national level. Archivists working within Covered Entities should have available to them standard protocols that could be presented to the HIPAA compliance officers at their parent institutions as the nationally accepted procedures for handling PHI in archival collections. |
4. Encourage interested SAA Sections and Roundtables to advocate for these changes, in partnership with interested scholarly associations representing researchers, such as the American Association for the History of Medicine, and with citizen groups such as genealogists.
5. Encourage interested SAA Sections and Roundtables to survey repositories documenting the history of the health fields regarding the experiences of researchers in applying to Institutional Review Boards and Privacy Boards for access to protected holdings.

## **BACKGROUND**

The Health Insurance Portability and Accountability Act (HIPAA) was adopted by Congress in 1996. The U. S. Department of Health and Human Services developed the proposed Privacy Rule in 2002, and it went into effect on April 14, 2003.

The HIPAA Privacy Rule is intended to protect the privacy rights of individuals, and it defines certain elements of information as Protected Health Information (PHI). Thus the rule governs access to information rather than access to records. It is the first comprehensive federal law on access to and use of health information; the first general federal medical privacy law to extend rights of privacy beyond file unit of the medical record to individually identifiable health information in all types of file systems, documents, formats, and media; and the first federal law to extend rights of privacy beyond health information of living individuals to health information of decedents. Although much of the Privacy Rule was needed to protect individuals’ health information in the digital age, some aspects created compliance requirements that either were overly broad or left gaps in protection. HIPAA also defined “Covered Entities” as those institutions that are subject to HIPAA and must comply with its provisions.

Adoption of the Privacy Rule under HIPAA has had a major impact on archivists who are responsible for collections documenting the health sciences.

Interpretations of and the application of the HIPAA Privacy Rule to archival repositories vary widely based on a number of factors (the most prominent of which is whether the repository is part of a Covered Entity). In the absence of clear guidance and consistent best practices, some repositories can and do restrict access to collections that could be

made available under the terms of HIPAA and state laws governing health information and medical records.

As archivists came to understand the implications of HIPAA for their repositories, they began to advocate for changes to the rule. In 2005, Nancy McCall and Stephen Novak testified to the National Committee on Vital and Health Statistics regarding the impact of the Privacy Rule on archives at Covered Entities.<sup>1</sup> They pointed out that the Privacy Rule applied only to archives designated as part of HIPAA Covered Entities and did not apply to archives that are not part of Covered Entities but that also hold medical records and other related health information. They noted that HIPAA contained no provision for passage of time and questioned whether incidental health information related to long-deceased individuals required protection.

In July 2010, as a result of the HITECH ACT, the Office for Civil Rights of the U.S. Department of Health and Human Services (OCR) proposed changes to the Privacy Rule that took into consideration the concerns of archivists and historians, citing the testimony of McCall and Novak. Archivists and historians submitted comments both individually and through their professional organizations regarding the proposed changes.<sup>2</sup>

On January 25, 2013, OCR published in the *Federal Register* its final rule to implement the privacy and enforcement provisions of the HITECH Act (the “Final Rule”).<sup>3</sup> The Final Rule, which was effective on March 26, 2013, with a compliance date of September 23, 2013, modifies the HIPAA Privacy, Security, and Enforcement rules. Covered Entities had a deadline of September 23, 2014, to revise existing Business Associate Agreements in light of the changes in the Final Rule.

In considering these various Rules, SAA’s opinion is informed by the belief that personal privacy should be respected throughout an individual’s lifetime in appropriate ways. Documents that record private information related to the health of living individuals should be disclosed involuntarily only when disclosure accomplishes a greater public purpose. The need for privacy rights to be extended to deceased individuals and the harm of disclosing their health information decreases over time. It is impractical for the staff of archival repositories to “de-identify” health information in all types of documents so that it may not be used to identify an individual. Further, for many types of studies, the removal of identifiers devalues the usefulness of the information and compromises the scope of research. It is impractical and not always advisable to seek out a personal representative for the long-deceased to authorize disclosure of individually identifiable health information. Archivists continue to advocate for a balance between reasonable access to historical documentation and necessary protections of individual privacy.

### **Additional Reference Sources**

Members of the Society of American Archivists Science, Technology and Health Care Roundtable (STHC) and the Archivists and Librarians in the History of the Health Sciences (ALHHS) have compiled a HIPAA resource page that includes links to the Privacy Rule and official resources from the Department of Health and Human Services,

testimony by archivists on HIPAA, background articles, presentations, and other resources and tools for archivists. See [http://www.alhhs.org/hipaa\\_sthc\\_alhhs.html](http://www.alhhs.org/hipaa_sthc_alhhs.html). (Accessed July 10, 2014.)

## Notes

<sup>1</sup> For Nancy McCall's testimony see: <http://www.ncvhs.hhs.gov/050111p6.pdf>. For Stephen Novak's testimony see <http://www.ncvhs.hhs.gov/050111p5.htm>.

<sup>2</sup> For the SAA comment submitted by SAA President Helen Tibbo on September 13, 2010, see [http://www2.archivists.org/sites/all/files/SAA\\_HIPAA\\_091310.pdf](http://www2.archivists.org/sites/all/files/SAA_HIPAA_091310.pdf). On November 27, 2007, SAA had submitted a letter to individual members of the Senate's Health, Education, Labor, and Pensions (HELP) Committee in response to introduction of S. 1814, The Health Information Privacy and Security Act of 2007, authored by Senators Kennedy and Leahy. See <http://www2.archivists.org/news/2007/saa-urges-congress-to-reconsider-hipsa-provisions>.

<sup>3</sup> The final rule is available in full in the *Federal Register*: <http://www.gpo.gov/fdsys/pkg/FR-2013-01-25/pdf/2013-01073.pdf>.

**Support Statement:** This issue brief supports SAA's Advocacy Agenda and reflects the Society's position on the Health Insurance Portability and Accountability Act (HIPAA). In addition, it provides background that may be useful to members and others who wish to understand the associated 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.

**Move:** Huth

**Second:** Landis

**Vote:** PASSED (Yes: Duffy, Huth, Landis, Light, Mangiafico, Pyatt, Roe, Smith, Zanish-Belcher. No: Baxter. Abstain: Kaplan.)

## B. Other Action Items from Council Members

No other action items were brought forward.

The Council then met with two invited guests:

- Institute of Museum and Library Services Associate Deputy Director Robert Horton joined the Council to discuss a new IMLS initiative, The Coalition to Advance Learning in Archives, Libraries and Museums. He noted that the purpose of the

Coalition is “to work in deliberate coordination across organizational boundaries to devise and strengthen sustainable continuing education and professional programs that will transform the library, museum and archives workforce in ways that lead to measurable impact on our nation’s communities.” SAA Vice President Kathleen Roe represented SAA at an early meeting of the Coalition in March 2014. The Council will be considering ways in which to engage effectively with the Coalition going forward.

- SAA Past President and Intellectual Property Working Group member William Maher then discussed with the Council his perspectives as SAA’s representative at the World Intellectual Property Organization’s Standing Committee on Copyright and Related Rights (WIPO / SCCR28) meeting in Geneva, Switzerland, in July 2014. Maher stressed the importance of gathering data regarding use of archival materials to strengthen his positions when negotiating in the international community.

### **II.C. Standards Committee: Proposal for SAA-ACRL/RBMS Joint Task Force for Development of Guidelines for Primary Source Literacy (from Consent Agenda)**

As noted in I.A. above, the Council agreed to take up Agenda Item II.C. as an action item following Agenda Item III.B. Although the Council agreed that development of guidelines for primary source literacy should be pursued, the group chose to defer action until the SAA and RBMS standards bodies revise the group’s description to expand the focus of the Joint Task Force by reflecting a more holistic view of primary sources and including the perspectives of instructors and others.

## **IV. DISCUSSION ITEMS**

On Tuesday morning, August 12, the Council met with Lee White, executive director of the National Coalition for History, for a briefing on the status of funding for archives-related government programs and an update on the NCH. (For related information, see the NCH website at <http://historycoalition.org/>.)

### **IV.A. Considerations Associated with Future Joint Annual Meetings**

In discussing a draft “Principles and Priorities for Planning Joint Meetings with Other Professional Organizations” prepared by a Council subgroup, the Council agreed to add a consideration recommended by SAA member Scott Cline (“From SAA’s perspective, what benefits does it bring to the other prospective associations that would encourage participation in a joint meeting?”) and to seek member comment on the draft on a timeline that would allow Council review of a final draft at its November 2014 meeting.

### **B. Committee on Public Awareness**

The Council briefly discussed a report on the Committee’s July 12-13 meeting, approved its plan to solicit member comments at the Joint Annual Meeting about “What Is An Archivist?” and encouraged the group to involve and seek feedback from members and

component groups across the organization as it develops and implements public awareness campaigns.

### **C. Joint Working Group on Issues and Awareness**

Roe provided a verbal update on discussions with leaders of the Council of State Archivists and the National Association of Government Archives and Records Administrators about forming a joint working group on issues and awareness that would streamline collaboration in this important area. The Council agreed that Roe should proceed with developing a formal description of the group for Council's online discussion and vote prior to its November 2014 meeting.

### **D. Archives and Archivists List Working Group**

In response to ongoing concerns from SAA members, the Council appointed a short-term working group in late June 2014 to consider issues related to administration of the Archives and Archivists Listserv (A&A List). The working group was charged to gather feedback from SAA members and list participants and to explore options for improving the list. The working group's report included the results of a July 8-22 survey that gathered 1,285 completed responses to questions related to list content, accessibility, technical issues, and participant conduct.

The Council discussed such issues as SAA's current and future relationship to the discussion list, the level of involvement in monitoring list content, the distinction between coordination and moderation of a discussion list, the soft and hard costs involved, and the extent to which the list serves as an effective communication tool. Two motions were proposed.

#### **MOTION 5**

**THAT, with thanks to the A&A List working group, SAA wishes to devote its resources to official listservs and communication channels and therefore will end its hosting of the A&A Listserv effective December 31, 2014.**

**Move:** Pyatt

**Second:** Wong Smith (rescinded); Mangiafico

**Vote:** FAILED (Yes: Baxter, Kaplan, Landis, Pyatt, Zanish-Belcher. No: Duffy, Huth, Light, Mangiafico, Roe, Smith. Abstain: None.)

#### **MOTION 6**

**THAT the A&A List working group be thanked for its efforts;**

**THAT the following recommendations of the working group be implemented:**

**1. SAA should continue to host the list;**

2. **Retain the A&A Listserv as a general archives forum not restricted to SAA members; and**
3. **List behavior should be guided by the SAA Code of Conduct and strengthened Terms of Participation; and**

**THAT the outcome of these changes be reviewed and evaluated at the May 2015 Council meeting to determine at that time the continuing value of the list to the Society.**

## **Archives & Archivists (A&A) List Terms of Participation**

Please read the *Terms of Participation* below before subscribing to A&A. By subscribing, you agree to these terms.

### **Background and Mission**

The Archives and Archivists (A&A) List was established in 1989 by Donna Harlan and John Harlan as an open forum for all topics relating to archival theory and practice. Over the years, A&A has had various homes. In late 1993, the list was migrated to Miami University. In 1998, the Society of American Archivists (SAA) assumed sponsorship of the list as a service to the archives profession. It remained hosted at Miami University under the stewardship of Robert M. Schmidt until September 2006, at which time SAA assumed full ownership of the list and responsibility for its ongoing maintenance.

### **Audience**

The principal audiences include archivists, archival educators, and students enrolled in graduate archival education courses and programs. The list is open to all individuals with an interest in the archives profession and in the preservation and promotion of archival materials. SAA membership is not required for participation in the list. Participants are required, however, to “register” with the Society of American Archivists. Please see “Responsibilities of Participants” below.

### **Scope of the List**

The purpose of the list is to foster discussion of archives and archives issues. Subjects that are appropriate to the list include all aspects of the theory and practice of the archives profession.

***Messages that are unrelated to the archives profession are off topic and are prohibited.***

Other ~~o~~Specific ~~ff~~ topic prohibited subjects include:

- General interest posts unrelated to archives.
- Discussion of the listserv itself or the behavior of individual posters. (Complaints or concerns about the list or individuals on the list should be directed to the list administrators for consideration.)

- Unsolicited commercial advertisements for goods and/or services (a.k.a. spam)\* (Commercial vendors are not prohibited from posting *responses* to list messages, but such postings should contribute in a useful way to an existing discussion or line of inquiry.);
- Messages directed to specific individuals (please contact them directly);
- Flames (personal attacks);
- Political speech unrelated to archival issues, including, but not limited to endorsing or attacking a particular political candidate or party, or the views of any candidate or party;
- Virus warnings (generally, such messages are hoaxes);
- ~~General humor (see below).~~

~~\* Excluding those nonprofit archives and allied associations listed online at <http://www.archivists.org/assoc-orgs>.~~

Links to external content (such as articles, news, blog posts, announcements) should not be posted without relevant commentary that is intended to promote discussion. Merely posting a link and/or excerpt of external content without comment is discouraged.

For those interested in following archives-related news content, we recommend the Peter Kurilecz's "Archives in the News" list:  
<https://groups.google.com/forum/#!forum/archives-in-the-news>.

~~Regarding humor: The posting of humorous anecdotes (a.k.a. "Friday Funnies"), especially as they pertain to archives and/or a current thread, has a long tradition on the A&A List. General humor, however, is off-topic. Participants are especially encouraged to label Friday Funnies for the benefit of colleagues who may wish to filter these messages and to be mindful of the professional nature of the A&A List at all times.~~

## **Netiquette**

Participants are expected to follow the core rules of netiquette. See an excerpted version from the book, *Netiquette*, by Virginia Shea at: <http://www.albion.com/netiquette/corerules.html>. Some key points are summarized below (1):

- Messages should trigger discussion through a question or observation, or should further a discussion by adding something new.
- Participants should remember that other readers receive messages in a different context from the author.
- Messages, especially responses, should be long enough to be understandable, including enough of the original message (by quoting or paraphrasing) to provide context. When replying to a message, avoid including the full text of long messages.
- Avoid inflammatory remarks of a personal nature. Similarly, when reading a message, be slow to take offense. In general, assume that an individual had good intentions when posting a message, but the rapidity of the medium, the lack of visual

cues, and other factors may make an otherwise innocent message seem insulting. Countering with insults on the list is considered off topic.

- Participants should consider whether their reply is of interest to the list as a whole or only to the individual making the posting. Do not automatically use the reply key (which usually responds to the whole list). The best and most experienced participants will occasionally make this mistake, which is entirely forgivable.
- Avoid posting styled text (messages formatted with html code) to the list, as many email readers and the digest readers are unable to read these messages easily.

*Footnote 1: Taken from the SAA Visual Materials Section list Terms of Participation.*

### **Blog Postings**

~~Due to the high volume of list messages, participants are discouraged from advertising blog postings and other content that is frequently updated elsewhere on the Web. Blogs offer the option of subscription through RSS, which enables those who wish to follow the updates to do so. Similarly, participants should consider the medium when posting frequent updates or long expository messages to the list. A blog may be a more appropriate forum for such content.~~

### **Companion Forums**

~~Guided by participant feedback, at times the list administrators will identify content that works best spun off into a separate forum, which may be independently administered or administered in conjunction with SAA. As of June 2014, a separate forum has been established for links to news stories about archives, available at [ ]. List administrators will evaluate on an ongoing basis whether there is other content for which this is appropriate.~~

### **Copyright**

The A&A List is managed in accordance with SAA's copyright policy.

As a professional association concerned with protecting intellectual property rights of authors whose works are held in archival repositories, SAA expects participants to set a high standard of respect for copyright. Copyrighted material beyond brief quotations should not be posted to the A&A List without appropriate permissions. Participants wishing to direct others to copyrighted text are encouraged to post a link to the copyrighted materials.

PARTICIPANTS ASSUME RESPONSIBILITY FOR ALL MATERIALS THEY POST TO THE ARCHIVES & ARCHIVISTS LIST.

### **Copyright and License Agreement**

Participants retain copyright to their individual postings (“the Work”). By posting a message to the list, participants grant to the Society of American Archivists and its agents a nonexclusive, royalty free, irrevocable, perpetual, worldwide, and fully sub-licensable license to use, reproduce, modify, adapt, publish, translate, create derivative works from, incorporate into other works, distribute, publicly perform, publicly display, and otherwise exploit such content, in whole or in part, in any form, media, or technology now known or later developed for the benefit of the archives profession. Nothing in this license is intended to reduce, limit, or restrict any rights arising from fair use, first sale, or other limitations on the exclusive rights of the copyright owner under copyright law or other applicable laws. Posted messages are retained in the list archives and are publically accessible. SAA will delete messages from the list archives in cases of copyright infringement. Otherwise, SAA’s general practice is to decline requests to remove messages from the list archives.

### **Copyright Infringements**

As a professional association concerned with protecting intellectual property rights of authors whose works are held in archival repositories, SAA expects participants to set a high standard of respect for copyright. Copyrighted material beyond brief quotations should not be posted to the A&A List without appropriate permissions. Participants wishing to direct others to copyrighted text are encouraged to post a link to the copyrighted materials on the Web as long as: a) such links do not circumvent any fees charged by the site and b) the URL is not to a site that is itself in violation of copyright. **PARTICIPANTS ASSUME RESPONSIBILITY FOR ALL MATERIALS THEY POST TO THE ARCHIVES & ARCHIVISTS LIST.**

It is SAA’s policy to respond to notices of alleged copyright infringement that comply with the Digital Millennium Copyright Act (DMCA). The agent designated to respond to reports alleging copyright infringements, in accordance with the Digital Millennium Copyright Act, is Nancy Beaumont, SAA Executive Director.

The Digital Millennium Copyright Act specifies that all infringement claims must be in writing (either electronic mail or paper letter) and must include the following elements:

1. A physical or electronic signature,
2. Identification of the infringed work,
3. Identification of the infringed material,
4. Contact information for the complainant, e.g., address, telephone number, electronic mail address,
5. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner or the law, and
6. A statement that the information contained in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the copyright owner.

### *DMCA Agent Contact Information*

Nancy Beaumont, Executive Director  
Society of American Archivists  
17 North State Street, Suite 1425  
Chicago, IL 60602  
Email: [nbeaumont@archivists.org](mailto:nbeaumont@archivists.org)  
Phone: 312/606-0722  
Fax: 312/606-0728

~~On receipt of a conformant complaint of copyright infringement, SAA's response may include removing or disabling access to material claimed to be the subject of infringing activity and/or terminating the participation of the infringer. If material is removed or access is disabled in response to a DMCA notice, SAA will make a good-faith attempt to contact the participant who posted the content so that he/she will be able to make a counter-notification pursuant to sections 512(g)(2) and (3) of that Act. It is our policy to document all notices of alleged infringement on which we act.~~

### **Responsibility of Participants**

~~Participants agree to restrict their messages to the scope of the list; to follow SAA's Code of Conduct (<http://www2.archivists.org/statements/saa-code-of-conduct>) and generally accepted principles of netiquette; to respect the interests and rights of other participants and of the Society of American Archivists; and to respect the law. A&A is an unmoderated forum. Participants are solely responsible for their postings.~~

~~Due to certain technical requirements, subscriber information for all SAA hosted discussion forums must be stored in SAA's central database of member and nonmember contacts. Therefore, b~~ By subscribing to the A&A List, participants also grant SAA permission to record essential contact information (e.g., name and email address) in its central database. Personal contact information will be administered in strict accordance with SAA's Privacy and Confidentiality Policy (<http://www2.archivists.org/privacy> <http://www.archivists.org/privacy.asp>).

The Archives & Archivists List is a professional forum. SAA reserves the right to block or permanently remove participants if off-topic or abusive messages threaten to disrupt the functioning of the list. SAA may also block or remove participants for violating the copyright of others or for any other actions that do not conform to these Terms of Participation. Punitive action is rare and generally follows wanton and/or persistent disregard for these Terms of Participation. In order to ensure due process, punitive action shall take place only after formal notification of an infraction and initiation of a 90-day probation period. Upon additional misconduct within the 90 days, an individual may be banned by approval of the Council. Misconduct after the 90 days will result in a one-year probation. (Upon misconduct within this longer probationary period, an individual may also be banned by approval of the Council.) A banned subscriber may petition the Council for reinstatement after one year. Such appeals must be accompanied by a written and signed statement agreeing to comply with the Terms of Participation.

## List Ownership

The Archives & Archivists List is owned by the Society of American Archivists. The SAA Council is charged with setting policy on the list. Two Council members are assigned the responsibility of monitoring the list and making recommendations for responses on behalf of the Council when issues arise. The A&A List Coordinator, reporting to SAA's Executive Director, oversees the daily operations of the list, including assisting participants with their subscriptions and enforcing the Terms of Participation.  
*A&A List Coordinator: Melanie Mueller ([mmueller@archivists.org](mailto:mmueller@archivists.org))*

## Disclaimer

The opinions expressed on the Archives & Archivists List do not necessarily represent those of SAA and are not endorsed by the Society.

*Revised and approved by the SAA Council, August 1, 2006. Revised August 10, 2009; May 16, 2013; August 12, 2014.*

**Move:** Duffy

**Second:** Zanish-Belcher

**Vote:** PASSED (Yes: Baxter, Duffy, Huth, Kaplan, Landis, Light, Mangiafico, Roe, Smith, Zanish-Belcher. No: Pyatt. Abstain: None.)

**Support Statement:** Recent feedback regarding the list, including the survey conducted by the working group, indicates that the *status quo* for A&A does not meet the needs of many SAA members or the profession at large. Additionally, the current environment on the listserv reflects poorly on SAA as an organization. Strengthened Terms of Participation together with a relatively short review period sends a clear message that the value of the list, in light of SAA's many priorities, is in question. An appreciation for how the list returns value for potential direct and indirect costs is not evident.

**Impact on Strategic Priorities:** These recommended changes directly serve Strategic Priority #4, especially sub-priorities 1 and 2, in that they seek to facilitate effective communication with and among members and to enhance opportunities for member participation.

**Fiscal Impact:** The recommendations result in no immediate direct expenses. However, pivoting to a more actively administered forum will require more time and labor from the A&A List Coordinator, SAA staff, and the Council liaisons. Maintaining a relationship with the listserv may require software costs in the future.

## E. Standards-Related External Representative Positions

Beaumont noted that she is continuing to research the status of two external representative positions related to standards, with a goal of presenting final information to the Council prior to its November 2014 meeting.

### **F.1. Joint Annual Meeting Activities/Assignments**

The Council reviewed a variety of Joint Annual Meeting activities and assignments, including the Leadership Orientation and Forum; the Regional Archival Associations Consortium meeting; the New Member/First Timer Orientation and Forum; forums on Diversity, Ethics Case Studies, Member Affinity Groups, and other topics; component group meetings; the Council Exemplary Service Award; exhibit hall assignments; and the Annual Membership Meeting. (See **Appendix C** for text of the 2014 Council Exemplary Service Award honoring Solveig De Sutter and **Appendix D** for the text of the 2014 Council Exemplary Service Award honoring Gregory Sanford.)

### **G. Other Discussion Items from Council Members**

No other discussion items were brought forward.

## **V. REPORTS**

*Reports are discussed by the Council only as needed and generally are not summarized in the minutes. 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**

This item was moved to the Consent Agenda. See Motion 3.

### **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**

Duffy summarized the report and noted that the Finance Committee will be making recommendations to the Council about SAA's dues structure.

### **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, but did not discuss, this report.

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

The Council briefly discussed conference sponsorships, Beaumont's research and communication on child care options, the requests of three attendees for American Sign Language interpreters, and plans for the All-Attendee reception at the Library of Congress Great Hall.

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

In response to a query from one Council member, staff noted that progress on the website redesign was slowed due to preparation for the Joint Annual Meeting (including launch of the Sched.org native app) and that the staff will gather member feedback prior to launch of the redesign in early 2015.

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

The Council noted that significant progress had been made on the task force recommendations since they were originally presented.

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

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

### **G. Publications Editor**

Editor Chris Prom attended the Council meeting on Monday evening and provided an update on development of the Archival Fundamental Series III, the Trends in Archives Practice Series, and a new series of open access case studies. The Council congratulated

the Publications Board and Education Department on blending information within the Trends modules with Education's webinars.

#### **H. 2014 Nominating Committee**

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

#### **I. SAA Foundation Board of Directors**

The Council noted the increase in contributions to the Foundation in the past year, due largely to a more coordinated and personalized effort on the Annual Appeal.

#### **J. Committee on Advocacy and Public Policy**

Zanish-Belcher (Council liaison to the Committee) summarized CAPP projects in development and agreed to ask the group to review SAA's Advocacy Agenda and recommend any changes for the Council's consideration at its November meeting. The Council briefly discussed CAPP's "Procedures for Suggesting SAA Advocacy Action" (included in the written report) and recommended that the document include other activities that component groups might undertake, such as providing information or education on an issue.

#### **K. 2014 Program Committee: Final Report**

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

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

The Council reviewed this report and received confirmation that a final report containing leadership training suggestions would be submitted for the November meeting.

#### **M. Regional Archival Associations Consortium**

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

#### **N. Mosaic Scholar Reports (2013)**

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

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

No other reports were received.

## **I. COUNCIL BUSINESS (Continued)**

### **D. Review of August 11-12, 2014, Action List**

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

### **E. Review of August 11-12, 2014, Talking Points**

Council members reviewed the decisions made at the meeting.

### **F. Adjournment**

Huth moved adjournment, Landis seconded, and the Council meeting was adjourned by unanimous consent at 11:58 a.m. on Tuesday, August 12, 2014.

**Society of American Archivists  
Council Interim Action  
July 9, 2014**

**Adopt a Code of Conduct  
(Prepared by Terry Baxter and Lisa Mangiafico)**

**BACKGROUND**

The SAA Council discussed a Code of Conduct at both its January 2014 and May 2014 meetings. As recorded in the May Council minutes:

“The Council discussed the petition [in January] 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.”

The draft Code of Conduct was posted to the SAA website with a call for comment on June 3, 2014, and was open for comment through June 22, 2014. During that time SAA received 35 comments (the 35<sup>th</sup> was received on June 24). Of those, 24 were generally supportive of the Code of Conduct, two were generally unsupportive, four were neutral, and five provided supplementary information. All comments are included for the Council’s review in the **Appendix**.

Terry Baxter and Lisa Mangiafico reviewed the comments and met via conference call on June 26 to incorporate revisions into the draft Code of Conduct.

**DISCUSSION**

The comments contained a variety of suggestions. We grouped them under the following categories and included an explanation of how those suggestions would be dealt with either in the Code itself or in supporting sections of the Governance Manual:

1. *Review Process*. Commenters wanted to see the Code reviewed by the Council on a regular basis. Our suggestion is to include the Code of Conduct with the regular review of the Equal Opportunity/Non-Discrimination statement. As of 2014, this review occurs every three years, with the next review scheduled for 2016.

2. *Definition of “discriminatory image” in ¶2.* Several commenters were unclear about what constitutes a discriminatory image. We believe that the term is clear in intent, especially when connected to the “abusive” modifier, and we left it unchanged.

3. *Review process for Code violations/punishments.* There were numerous comments about the need for some sort of review/appeal process for code violations. We believe that the draft Code is made stronger both by adding a sentence to ¶3 stating a right to appeal and by amending the description of the Executive Committee in the Governance Manual to explicitly include this situation.

4. *Mentoring relationships.* Although only one commenter mentioned this, we believe the draft Code is made stronger by including “formal SAA mentoring relationships” in the categories of interactions covered in ¶1.

5. *Relationship of the Code to existing terms of participation.* Although this Code would not necessarily supersede terms of participation, it would trump them in the case of any conflict. This is not included in the Code itself, but would be added to the explanatory note that accompanies policy documents included in the Governance Manual. We also propose a revision to the Uniform Guidelines for SAA Websites and Online Communications.

6. *Roles and responsibilities.* There were comments about the fact that ¶3 seems to be unclear about the authority to enforce the Code. In our minds, organizers (of events), administrators (of online spaces), and the executive director are all operating with delegated authority from the SAA Council. We have not proposed a change to the Governance Manual, but one could be included in the duties of the executive director if the Council felt the need to be prescriptive.

7. *Definitional issues.* There were a number of comments about the use of a laundry list (in ¶1 and ¶2) instead of a broader definition, especially for the term “harassment.” Although we sympathize with this position to some degree, we decided that the clarity afforded by examples was more useful than the inclusiveness afforded by a more general definition.

8. *Tone issues.* Commenters also felt that the tone of the Code could be seen as negative and chilling to free discussion. Again, there is some merit to this concern. We would counter that the Code bolsters free discussion by attempting to expand diversity and inclusion by reducing barriers to participation.

9. *Reasonable use.* One commenter made the observation that the Code needs to be seen as a document based on the standards of a “reasonable person.” We agree. With enough imagination, one can devise all sorts of what-if scenarios. We believe that this Code, when approached with good intent by reasonable people, makes SAA a more welcoming and inclusive organization that protects its members from harassment as best as it can.

## **RECOMMENDATION 1**

**THAT the following Code of Conduct, as revised from the May 2014 draft (additions underlined, deletions ~~struck through~~), be adopted:**

## **SAA Code of Conduct\***

SAA does not tolerate harassment in any form. In keeping with the core principles stated in its "[Code of Ethics for Archivists](#)" \*\* and "[Equal Opportunity/Non-Discrimination Policy](#)," the Society of American Archivists is committed to providing a harassment-free environment for its members and others who participate in its conferences, events, meetings, formal mentoring relationships, and online spaces, regardless of age, color, creed, disability, family relationship, gender identity/expression, individual life style, marital status, national origin, physical appearance, race, religion, sex, sexual orientation, or veteran status.

Harassment may include abusive verbal comments and/or discriminatory images in public spaces, deliberate intimidation, stalking, harassing photography or recording, sustained disruption of talks or other events, inappropriate physical contact, and unwelcome sexual attention.

Conference, event, meeting, and online participants who are asked to stop any harassing behavior are expected to comply immediately. Those who violate these rules may be expelled from the conference, event, or meeting at the discretion of the SAA Executive Director or organizers or may be denied access to the online space at the discretion of the administrator or the SAA Executive Director. Persons who have been expelled or denied access may appeal to the SAA Executive Committee.

**If you feel that you are in immediate danger at any time during an SAA Annual Meeting or event, contact law enforcement (by dialing 911) or the facility front desk without delay.** If you are not in immediate danger but feel that you are being harassed or that someone else is being harassed, or if you have other concerns, please contact the SAA Executive Director immediately.

***At the SAA Annual Meeting:*** Go to the Onsite Registration Desk and ask the SAA staff member there to contact the Executive Director. You may be asked for a cell phone number at which the Executive Director can reach you.

***At Other SAA Events/Meetings:*** Discuss your concerns with the presiding officer or instructor and/or contact the SAA Executive Director at 866-722-7858 or [nbeaumont@archivists.org](mailto:nbeaumont@archivists.org).

***In SAA Online Spaces:*** Contact the administrator or the SAA Executive Director.

Content presented at SAA conferences or meetings or online may at times deal with sensitive subject matter, ranging from visually sensitive historical material (such as images related to acts of genocide) to sexually explicit language or images (such as in

archival letters, nude photographs, or film or audio recordings). This policy is not intended to constrain scholarly or professional presentation, discourse, or debate, as long as these exchanges are conducted in a respectful manner.

*Adopted by the SAA Council: July 2014. Next review date: January 2016.*

\* This policy is based on *US OpenGLAM Friendly Space Policy* ([https://meta.wikimedia.org/wiki/US\\_OpenGLAM\\_Launch/Friendly\\_space\\_policy](https://meta.wikimedia.org/wiki/US_OpenGLAM_Launch/Friendly_space_policy)), which in turn is based on the *Geek Feminism Wiki sample policy* ([http://geekfeminism.wikia.com/wiki/Conference\\_anti-harassment\\_policy](http://geekfeminism.wikia.com/wiki/Conference_anti-harassment_policy)).

\*\* See particularly “Archivists cooperate and collaborate with other archivists, and respect them and their institutions’ missions and collecting policies. In their professional relationships with donors, records creators, users, and colleagues, archivists are honest, fair, collegial, and equitable.”

**Support Statement:** A Code of Conduct may serve to increase the diversity of participation in SAA events by encouraging open and safe places for members to meet.

**Impact on Strategic Priorities** The Code of Conduct responds directly to Strategic Priority 4.2, “Create opportunities for members to participate fully in the association,” and especially to 4.2.2., “Remove barriers, perceived and actual, to broad participation by SAA members in the activities of the organization.”

**Fiscal Impact:** The fiscal impact of adopting a Code of Conduct is unknown. There will certainly be some staff time involved, but the extent of that time is unclear. There are no other direct costs associated with the Code’s adoption.

## RECOMMENDATION 2

**THAT the Code of Conduct be reviewed in conjunction with SAA’s Equal Opportunity/Non-Discrimination Policy (next review: January 2016).**

**Support Statement:** This revision is needed to allow for periodic review of the Code of Conduct.

**Impact on Strategic Priorities:** The Code of Conduct responds directly to Strategic Priority 4.2 “Create opportunities for members to participate fully in the association,” especially 4.2.2., “Remove barriers, perceived and actual, to broad participation by SAA members in the activities of the organization.”

**Fiscal Impact:** The fiscal impact of adopting a Code of Conduct is unknown. There will certainly be some staff time involved, but the extent of that time is unclear. There are no other direct costs associated with the Code’s adoption.

## RECOMMENDATION 3

**THAT Section III. Executive Committee, B. Duties of the SAA Governance Manual be revised as follows: (additions underlined, deletions ~~struck through~~)**

6. Review and respond to appeals made in response to actions related to Code of Conduct violations.

**Support Statement:** This revision is needed to allow SAA to administer the Code of Conduct.

**Impact on Strategic Priorities:** The Code of Conduct responds directly to Strategic Priority 4.2 “Create opportunities for members to participate fully in the association,” especially 4.2.2., “Remove barriers, perceived and actual, to broad participation by SAA members in the activities of the organization.”

**Fiscal Impact:** The fiscal impact of adopting a Code of Conduct is unknown. There will certainly be some staff time involved, but the extent of that time is unclear. There are no other direct costs associated with the Code’s adoption.

#### **RECOMMENDATION 4**

**THAT Section A of the Uniform Guidelines for SAA Websites and Online Communications be revised by adding a third paragraph as follows: (additions underlined, deletions ~~struck through~~)**

The entire SAA network, as defined above, is subject to the SAA Code of Conduct.

**Support Statement:** This revision is needed to allow SAA to administer the Code of Conduct.

**Impact on Strategic Priorities:** The Code of Conduct responds directly to Strategic Priority 4.2 “Create opportunities for members to participate fully in the association,” especially 4.2.2., “Remove barriers, perceived and actual, to broad participation by SAA members in the activities of the organization.”

**Fiscal Impact:** The fiscal impact of adopting a Code of Conduct is unknown. There will certainly be some staff time involved, but the extent of that time is unclear. There are no other direct costs associated with the Code’s adoption.

## Appendix B: Best Practices for Volunteers in Archives

### Introductory Narrative for *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. The best practices may also be of interest to individuals who are considering volunteer work in an archives institution or organization. *Best Practices for Volunteers* includes the following sections: Background; Introduction; Recommendations; and Additional Resources. It is a companion to [Best Practices for Internships as a Component of Graduate Education](#).

The document was drafted by a subgroup of the SAA Council based on Council discussions in September 2013 and January 2014 and in response to member feedback. It was presented to Council by email in March 2014, and after feedback from Council, the draft was distributed to selected SAA component groups for initial comment between April 4-21, 2014.

Approximately 50 comments were received on the first draft. The majority of comments suggested other topics that might be addressed within the best practices document, including differentiating between larger institutions and those organizations which rely primarily on volunteers; developing more specific language in regards to volunteers not doing the work of paid staff; stating the difference between interns and volunteers; revising the language regarding voluntary work must be voluntary (and not coerced); fixing the links to various urls; expanding the categories of volunteers; and developing additional resources.

The drafting group considered all the comments received, coming to consensus on the following major revisions:

- 1) Stating the applicability of these guidelines for larger institutions with paid staff as opposed to smaller institutions who rely on volunteers to function;
- 2) Providing definitions of interns compared to volunteers;
- 3) Being more specific about volunteers not permanently replacing paid staff;
- 4) Adding language regarding voluntary work not being coerced; and
- 5) Removing examples of unacceptable volunteer examples, and focusing on the positive examples instead.

Several comments requested additional specific information on community service in archives for offenders, recommendations for advertising for volunteers, and aligning volunteer opportunities more clearly with lifelong learning. The drafting group chose to emphasize broad parameters applicable to a wide variety of institutional differences and to add additional resources for further information about implementing or managing a volunteer program.

A second draft was made available for public comment on the Society of American Archivists' web site between May 1-21, 2014. Nine comments were received. The comments were more positive, but some commenters suggested revisions to

recommendations 3, 6, 7, and 9. The drafting group addressed these by adding language about not replacing volunteers in the “normal course of business;” encouraging organizations to inform volunteers about professional ethics and standards, such as confidentiality or privacy; recommending that organizations carry liability insurance to cover volunteers only when feasible or that organizations consider other options for reducing risk; and replacing mention of grievance procedures with processes for resolving conflict. One commenter suggested that we encourage use of retirees, but another suggested that using retirees was problematic; the drafting group decided that the guidelines could apply to retirees without explicit mention. One commenter suggested that we emphasize the amount of work required to manage volunteers, so a sentence was added to the first paragraph. Two commenters also suggested revisions to example 4, so the drafters revised the language to emphasize that volunteers should assist a professional archivist with processing.

The drafting subgroup then had SAA’s legal counsel review the document. Based on this feedback, the examples were removed because, when read on their own, could be construed as employment relationships.

## **Best Practices for Volunteers in Archives**

**Prepared and submitted by the SAA Council, June 2014**

*Best Practices for Volunteers* is a set of suggested guidelines for archives institutions and organizations about the use of volunteers. The best practices may also be of interest to individuals who are considering volunteer work in an archives institution or organization. *Best Practices for Volunteers* includes the following sections: Background; Introduction; Recommendations; and Additional Resources. It is a companion to [\*Best Practices for Internships as a Component of Graduate Education\*](#).

### **INTRODUCTION**

Some 65 million people volunteer each year in the United States.<sup>1</sup> Volunteers may provide unpaid, charitable assistance to nonprofit cultural organizations or public institutions with responsibilities for archives. In turn, voluntary service provides volunteers with valuable experiences and personal satisfaction. Individuals who volunteer their time and expertise provide important services that help further an organization’s mission and ensure the survival of and access to our nation’s heritage. Volunteers can be essential to community-based archives that help ensure the diversity of our historical record. There are community-based historical organizations whose doors would close without the support of local volunteers. Volunteer opportunities help increase community involvement in and support for an organization and the archival enterprise. There are also online opportunities for volunteers to assist in increasing access to the archival record. Volunteers require a significant commitment on the part of the hosting institution,

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<sup>1</sup> In the United States, about 64.5 million people (about 1/5 the population) volunteered for an organization at least once between Sept 2011 - Sept 2012. For more information, see the Bureau of Labor Statistics report on “Volunteering in the United States in 2012” at <http://www.bls.gov/news.release/pdf/volun.pdf>.

however, as organizations must invest a great deal of staff time and expertise in creating and managing a volunteer program.

SAA members have voiced concerns about the possible misuse of volunteers, especially of volunteer graduate students or new archives professionals. In lean economic times, some institutions might be tempted to turn to skilled but unpaid volunteers to get work accomplished. These best practices recognize that there is an important role for volunteers in the preservation, use, and appreciation of our cultural heritage, but also caution institutions against using volunteers as substitutes for the knowledge and skills of fairly compensated, professional archivists. Volunteers must enhance, not depreciate, the value of professional archival work. Similarly, in a competitive job market, new professionals and graduate students may seek volunteer work to gain additional professional experience. In these situations, it may be more appropriate to define an internship and clarify expectations about learning outcomes.

Volunteers are distinct from interns. An internship is an educational experience designed to benefit the intern and is under the mentorship of a professional. SAA has also provided *Best Practices for Internships as a Component of Graduate Archival Education*.<sup>2</sup> A volunteer offers service for a civic, charitable, religious, or humanitarian purpose without any promise or expectation of compensation or reward.

These guidelines are intended for institutions that employ archivists and also use volunteers. Some recommendations may not be applicable to smaller archives or historical societies that are sustained exclusively by volunteers.

## RECOMMENDATIONS

For institutions that employ archivists but seek additional volunteer assistance, SAA recommends the following best practices:

1. Organizations should be aware of and follow all applicable labor laws, regulations, and bargaining agreements governing volunteer activities.<sup>3</sup>

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<sup>2</sup>“Best Practices for Internships as a Component of Graduate Archival Education,” Society of American Archivists (2014). Available at <http://www2.archivists.org/standards/best-practices-for-internships-as-a-component-of-graduate-archival-education>

<sup>3</sup> The U.S. Department of Labor has provided online resources to clarify the definition of volunteer work under the Fair Labor Standards Act (FLSA). See the U.S. Dept. of Labor, FLSA Advisor on Volunteers at <http://www.dol.gov/elaws/esa/flsa/docs/volunteers.asp>. Several opinions offered by the Wage and Hour Division provide further guidance, for example: **“In determining whether a particular activity involves ‘ordinary volunteerism,’ the Department considers a variety of factors, including the nature of the entity receiving the services, the receipt by the worker (or expectation thereof) of any benefits from those for whom the services are performed, whether the activity is less than a full-time occupation, whether regular employees are displaced, whether the services are offered freely without pressure or coercion, and whether the services are of the kind typically associated with volunteer work.”** (FLSA2001-18 at [http://www.dol.gov/whd/opinion/FLSA/2001/2001\\_07\\_31\\_18\\_FLSA.htm](http://www.dol.gov/whd/opinion/FLSA/2001/2001_07_31_18_FLSA.htm))

State laws, institutional policies, and bargaining contracts may also apply to volunteer labor in certain contexts.

2. Individuals may volunteer their services to public institutions or religious, charitable or similar non-profit organizations, “usually on a part-time basis, for public service, religious, or humanitarian objectives.” Individuals should not serve as volunteers to for-profit, private sector institutions.<sup>4</sup>
3. Volunteers should not replace or displace paid employees in the course of normal business.<sup>5</sup> Volunteers should support and augment the work of paid employees.
4. Volunteers should volunteer their services freely, without pressure, coercion, or promise of compensation or future employment.
5. To ensure success, an institution should ensure that volunteers have adequate training and supervision and have access to a designated staff member for questions. Volunteer work should be evaluated periodically by a designated staff member and volunteers should receive feedback about their contributions.
6. Organizations should consider developing written policies and procedures for volunteers so they know what is expected of them. This documentation might include position descriptions, tasks and instructions, professional ethics and standards, expectations for confidentiality, required qualifications, preferred schedules, and expected time commitments.<sup>6</sup> Organizations should also consider keeping records about the number of volunteers and the number of hours contributed.
7. Organizations should provide a safe work environment for volunteers. When feasible, organizations should consider liability insurance to cover volunteers, or investigate options for protecting the volunteer and the organization from risks.
8. Organizations should recruit, interview, and screen volunteers in equitable, nondiscriminatory ways that respect the diversity of their communities and ensure protection of their communities’ historical assets. Volunteers and organizations should share responsibility for ensuring that their expectations about the volunteer experience are compatible.
9. An equitable procedure should be followed to resolve conflicts with volunteers or when a volunteer is asked to leave.
10. Organizations should strive to give volunteers a satisfying experience. An organization should consider ways to recognize or celebrate the important contributions of its volunteers.

## FOR ADDITIONAL INFORMATION

“Resources for Volunteer Programs in Archives.” National Archives and Records

<sup>4</sup> See the U.S. Dept. of Labor, FLSA Advisor on Volunteers, at <http://www.dol.gov/elaws/esa/flsa/docs/volunteers.asp>.

<sup>5</sup> See, for example, FLSA2002-9 at [http://www.dol.gov/whd/opinion/FLSA/2002/2002\\_10\\_07\\_9\\_FLSA.htm](http://www.dol.gov/whd/opinion/FLSA/2002/2002_10_07_9_FLSA.htm): “**The Wage and Hour Division has recognized that a person may volunteer time to religious, charitable, civic, humanitarian, or similar non-profit organizations as a public service and not be covered by the FLSA. ... Typically, such volunteers serve on a part-time basis and do not displace regular employed workers or perform work that would otherwise be performed by regular employees.**”

<sup>6</sup> *Resources for Volunteer Programs in Archives*, compiled by the National Archives and Records Administration and published by SAA in 2012, provides some examples. See [http://files.archivists.org/pubs/free/Resources\\_for\\_Volunteers-Final-V2.pdf](http://files.archivists.org/pubs/free/Resources_for_Volunteers-Final-V2.pdf)

Administration and the Society of American Archivists (2012). Available at [http://files.archivists.org/pubs/free/Resources\\_for\\_Volunteers-Final-V2.pdf](http://files.archivists.org/pubs/free/Resources_for_Volunteers-Final-V2.pdf). This publication contains valuable information and tools, but does not fully consider the ethical and legal contexts of volunteer activities.

“Standards and Best Practices for Museum Volunteer Programs in Museums,” American Association of Museum Volunteers. (Revised May 2012). Available at <http://web.archive.org/web/20130205020010/http://www.aamv.org/resources/standards-and-best-practices/>.

National Park Service Director’s Order #17: Volunteers in Parks  
<http://www.nps.gov/policy/DOrders/DO-7.htm>.

“Advice for Volunteers,” RGK Center for Philanthropy and Community Service. Available at <http://www.serviceleader.org/volunteers/advice>.

“Volunteer resource management: What is it and how is it done?” RGK Center for Philanthropy and Community Service. Available at <http://www.serviceleader.org/leaders>.

Herman, Melanie Lockwood, “Employee or Volunteer: What’s the Difference?” Nonprofit Risk Management Center. Available at [http://www.nonprofitrisk.org/library/articles/employee\\_or\\_volunteer.shtml](http://www.nonprofitrisk.org/library/articles/employee_or_volunteer.shtml).

“Need to Know Basics of Managing Volunteers.” Volunteer Maine: Maine Commission for Volunteer Service (2008).  
[http://www.volunteermaine.org/shared\\_media/publications/old/E245B0A4d01.pdf](http://www.volunteermaine.org/shared_media/publications/old/E245B0A4d01.pdf).

“Best Practices for Volunteer Management Professionals,” Action Without Borders/Idealist.org. Available at <http://www.idealists.org/info/VolunteerMgmt/Best>.

“Volunteer Management Resource Library,” Energize, Inc. Available at <http://www.energizeinc.com/art.html>.

**Council Exemplary Service Award  
Honoring  
Solveig De Sutter**

WHEREAS Solveig De Sutter joined the staff of the Society of American Archivists as a part-time co-director of the education program on November 1, 2000; and

WHEREAS Solveig now serves as Director of Education and has worked with the Committee on Education to develop a world-class continuing education program that includes workshops, seminars, and webinars on a wide variety of topics; and

WHEREAS Solveig has in the past year scheduled a whopping 115 education offerings in a dizzying array of locations across the country; and

WHEREAS Solveig has coordinated the work of the DAS Subcommittee in the development of the pioneering Digital Archives Specialist Curriculum and Certificate Program, which now boasts nearly 900 participants; and

WHEREAS Solveig has provided encouraging guidance and direction to new and seasoned instructors; and

WHEREAS Solveig's expansion of the Directory of Archival Education has made it the go-to resource for prospective students; and

WHEREAS throughout Solveig's tenure her Teutonic malapropisms have been a source of good-natured ribbing and humor by her beloved colleagues;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Society of American Archivists recognizes and thanks Solveig De Sutter for her fifteen years of outstanding service to SAA and the archives profession.

PRESENTED AUGUST 15, 2014

**Council Exemplary Service Award  
Honoring  
Gregory Sanford**

WHEREAS Gregory, who was first hired as the Editor of the Vermont State Papers, became Vermont's first official state archivist because of his leadership and commitment to the establishment of a "real" archival program; and

WHEREAS he transformed a state archives of one person (himself) with a half-time secretary/receptionist, housed in two tiny offices, with a basement storage area for records, tucked away in the Secretary of State's building, into a dynamic institution with now more than 20 staff members; and

WHEREAS he authored a new archives and records law and worked tirelessly to create a new purpose-built archival and records center building—all the while working with legislators, educators, media, and anyone who would listen to raise awareness of records (particularly electronic records) management issues; and

WHEREAS as a frequent witness at legislative hearings, Gregory earned a reputation as a strong voice for improving public access to government records and was recognized for his work in 2011 with a Vermont Press Association First Amendment Award; and

WHEREAS for Gregory, the end goal was always to preserve archival records so that they could be used to inform citizens and decision makers, as perhaps best exemplified in his work Vermont State Archives: Continuing Issues of Government and Governance, which was awarded SAA's 2002 Philip M. Hamer-Elizabeth Hamer Kegan Award for increasing public awareness of documents; and

WHEREAS during Vermont's bicentennial celebration in 1991 Gregory organized a series of debates—held in each of the several cities that had served as the state's capital—to engage Vermont citizens around issues of current importance; and

WHEREAS his state archives website column, Voices from the Vault, gave him a regular opportunity to demonstrate the relevance of records to current debates in meaningful ways and to display his very special humor and sense of wonder; and

WHEREAS Gregory's many innovations in archival leadership, management, and advocacy have become part of the standard readings in many archives graduate courses; and

WHEREAS over the course of their careers some archivists have the opportunity to participate in the design of new archival buildings; a mere handful are privileged to lead teams to conceptualize, plan, design, build, and occupy a combined historical archives and records center; but only rare and very special archivists do all that and then have such multi-purpose buildings named in their honor—as has Gregory, with the naming of the

new Vermont State Archives and Records Center in Middlesex as the D. Gregory Sanford Jr. Building;

NOW, THEREFORE, BE IT RESOLVED that Gregory Sanford be awarded the Society of American Archivists Council Exemplary Service Award for his many contributions to the archival community throughout his distinguished career.

PRESENTED AUGUST 15, 2014