Public University Faculty as Capstone Officials

Society of American Archivists
Session 301
August 5, 2016
#s301; saa16
Context: UK Records Management Task Force

Why:
- Follow Kentucky public record law
- Reduce risk of retaining documents too long or destroying documents early
- Save costs associating with preserving documents beyond their retention date.
- Allow the University to conduct its business effectively
- Preserve University permanent records for legal issues, future business reference, and scholarship

Started in September 2014.

Charge and conveners: Office of Legal Counsel and the UK Libraries with support of Provost;
Formed to address various concerns and propose solutions to standardized records management practices

Main charge: Development of an administrative regulation encompassing records management retention and destruction requirements for the University of Kentucky
In the course of working on the task force, plus other experiences appraising and doing research in faculty papers, I have gone through several ideas or approaches in thinking about appraising faculty papers in relationship to the records series in the existing University Records schedule.

The summary is:

- Faculty role in University life = capstone official
- Capstone official = different appraisal criteria for (permanent) records
- Different appraisal criteria = impact on Task Force work
Individual faculty papers are created and acquired in an organizational context that includes shared governance with administrators; and academic freedom supported by tenure.
Shared governance is outlined at UK through two governing regulations.
From a record-keeping perspective, representing shared governance, the University’s official and routinely transferred permanent records mainly come from the administrative side of the University, particularly the Board of Trustees, the President’s Office, and the Executive Vice President for Finance and Administration (and all that office’s subunits). Educational policy in summary form is documented through the Faculty senate minutes.

Thus, since individual faculty are responsible for educational policy and both individually and in committees or other groups often in (productive) tension with administration, their individual papers can be crucial to providing insight into the operations of the university as a whole, including records that would not normally be a part of the official records routinely transferred from administrative unites.
For example, in 1963, UK home economics professor Abby Marlatt was removed from her administrative post Director of Home Economics (but kept her faculty position), officially for doing not a good enough job, but also possibly because she had been distributing anti-draft leaflets in front of Lexington churches. Her papers don’t include any personal copies of correspondence, memoranda, etc., relating to the dismissal, so we only have the official record and the press record of the situation.

In 1966, UK Choral Activities Director Sara Holroyd was denied tenure, first with no reason given and then, because she didn’t have a Ph.D., which had not been a requirement in granting tenure in the Dept. of Music up to that point. She instituted a grievance procedure and eventually obtained tenure. Her papers do have her personal copies of correspondence, reports, and memoranda relating to the grievance, allowing us a multiple-sided viewpoint on the actions of various individual faculty and administrators.
Context: Public records

- University of Kentucky is a public institution (KRS 171.410 (4); KRS 164; UK GR, Part I, Section A)
- Any record created, used, and/or in UK’s possession is a public record (KRS 171.410(1))

UK is a public institution: a body created and funded by the state

Public record = any item prepared, owned, used, in the possession of, or retained by a public agency (KRS 61.870 (2))
Public records

- Directed by the State Archives and Records Commission (725 KAR 1:020)
- In the State University Model Records Retention Schedule (725 KAR 1:030)
- Records Custodian for University (725 KAR 1:010)

University records are subject to reproduction, preservation, and destruction as directed by the State Archives and Records Commission (725 KAR 1:020) in the State University Model Records Retention Schedule (725 KAR 1:030).

Records Custodian, with the local assistance of the Records Officer and the Records Manager for the University, is required to inventory, analyze, schedule, and record the disposition and any required destruction of University records (725 KAR 1:010)
Model schedule serves all public universities in the state. There is an Advisory Committee on University Records that proposes and discusses changes to the schedule, which are then forwarded to the State Archives and Records Commission for final review.

It is organized into 21 functional areas (such as general records, fiscal records, personnel/payroll records, bookstore records). Within functional areas, there are series by record type, such as official and general correspondence in general records and University operating budget in fiscal records.
As the work of the task force progressed, I began to be more and more interested in and concerned about how we were going to promote and articulate the need for records management to Deans and department chairs when faculty as individuals are intellectually independent (considering their papers as belonging to them as individuals) but yet fiscally and administratively part of the university (their papers are public record).

Often, their papers contain a mix of different record series, including some which, as University Archivist, I would select for permanent retention to fill in gaps in the official record, but which, according to the schedule, should be discarded as non-permanent.
Scholarly products include articles and reviews, works of art, and course materials

Syllabi became best case example (retain 5 years from last offered by department), but also research data (retain 5 years after project is complete; U may retain some past this date) and grievance records (grievances against the university resolved without litigation: retain 3 years from case resolution)

<table>
<thead>
<tr>
<th>Some records not in schedule</th>
<th>Some records in schedule, permanent retention</th>
<th>Some records in schedule, temporary retention</th>
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<tr>
<td>“Scholarly products”</td>
<td>Official correspondence (U0100)</td>
<td>Research data (U0120)</td>
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<td>Minutes (U0104)</td>
<td>Class schedules (U0411)</td>
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<td>Photographs (U0107)</td>
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<td>Course syllabi and curriculum</td>
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<td>and instruction files (U0415, U0418)</td>
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<td>Reports of unit activities</td>
<td>Course syllabi and curriculum and instruction files (U0415, U0418)</td>
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<td>and of research projects</td>
<td>Student-faculty course evaluations (U0643)</td>
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<td>(U0112-U0113, U0115)</td>
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<td>Speeches/papers/presentations (official business not scholarly work) (U0116)</td>
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<td>Individuals’ grievance and litigation files (U0644, U2000)</td>
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<td>Theses and dissertations</td>
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<td>Medical/patient records used for research (U170x)</td>
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<td>Policies and procedures</td>
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Within the definition of a public record (all materials prepared, owned, used, in the possession of, or retained by a public agency), might there be the option to identify certain record types owned or held by individuals as personal copies and thus not subject to the disposition requirements of the schedule?

The concept was based in an existing University AR which defines intellectual property and articulates the position that the University owns and controls all intellectual property (through the University of Kentucky Research Foundation UKRF), but also disclaims the University’s ownership rights to “traditional scholarly output”
In this approach, there would four categories of ownership: official records and shadow records held by responsible units and individuals or non-responsible units, respectively, owned by the University, and subject to retention and disposition as outlined in the schedule;

Personal records held by individuals, jointly owned by faculty and the University, and retained longer than the retention period in the schedule;

And products of scholarship held by individuals and faculty owned and not covered by the schedule.
At SAA’s 2015 Records Management Roundtable, I heard Arian’s capstone officials lighting talk.

Since NARA’s doing it because of the President’s 2011 mandate to manage e-mail electronically by the end of 2016,

UK’s mission/direction change is two-fold: need for more standardized records management practices and training/buy-in from university employees.

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**Approach 2: Capstone official**

- Faculty are “Senior officials” responsible for agency and program policy- and mission-related actions
  - Set educational policy within individual departments and units
  - University (faculty) senate as a group establishes academic policies
  - Allows for varying/permanent retention by individual’s role rather than by unit function or record type
  - In response to a change in mission/direction
While the Task Force was considering the Capstone Official idea, we realized we had a major unanswered question, which was...

**Approach 3: Mandatory disposition?**

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<td>Disposition is mandatory</td>
<td>Disposition per series in the schedule will need to be revised for faculty/scholarly retention</td>
<td>“Personal copies” or “faculty” record series will need to be added to the schedule</td>
<td>The University will need to create its own, agency-specific schedule</td>
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<td>Disposition is optional</td>
<td>Faculty papers can be scheduled individually/case-by-case</td>
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Memo to and response from the Advisory Committee on University Records to the State Archives and Records Commission
“Destruction is not compulsory and there are no legal penalties for not destroying records.”
In this exploration of faculty papers in relation to the State University Model Records Retention Schedule and KY public records statutes...

In my opinion, the NARA Capstone Official approach to e-mail validates the possibility of a personal papers approach to other public officials papers.
Where we are now

- Draft records management Administrative Regulation
- Articulates retention requirement but not disposition requirement
- More confident in appraising faculty papers for permanent retention
  - To keep
  - To discard
  - But, needs more review by Legal Counsel and others

Regulation is in review

Keep: syllabi and other course materials; departmental committee records; the individual's grievance and litigation files; research data
Discard: Other’s grievance and litigations files; other’s personnel/evaluation files; student records with personally identifying information and/or grades
Sources: faculty


Sources: capstone officials

