

ACWR presentation

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Introduction: Amy Cooper Cary is Head of the Archival Collections and Institutional Repository at Marquette University. This presentation is based on best practice in the profession and on personal experience, and some of it comes from the position of the repository – which is important for you to know both if you are a donor, or if you are collecting.

SAA Core Values and Code of Ethics: <https://www2.archivists.org/statements/saa-core-values-statement-and-code-of-ethics> -- I mention this because it covers all areas of archival practice, but I want to highlight some key points:

- Judgment – “archivists should be transparent about their role in the selection, retention, and creation of the historical record by carefully documenting all collections-related policy decisions.”
- Access and Use – We “strive to minimize restrictions and maximize ease of access.” Archivists “work with creators, donors, organizations, and communities to ensure that any restrictions applied are appropriate, well-documented, and equitably enforced.... Archivists should seek to balance the principles of stewardship, access, and respect.”

Repositories

Repositories will have different deeds of gift and different expectations of donors (see examples on the Resources page), but the guidelines that I will lay out here will help you think about each area of a donation.

Donors need to consider where records will be best stewarded. Questions to consider:

- Are you expected to pay a fee for inclusion?
- What rights do the Deed of Gift turn over?
- What materials and formats will they accept?

By reviewing Deeds of Gift, Transfer Agreements, and Use Agreements (see examples from Marquette), you will understand more about the decisions you are making (and perhaps gain some practical advice if you are still collecting.)

Getting to Donations

Sometimes easier than others.

Consider what you want to acquire

- Correspondence
- Memoirs / Diaries
- Scrapbooks / Photos
- Professional papers

Consider what formats you have:

- Correspondence these days is largely digital
- Diaries may be blogs, web pages, or other social media
- Images are almost exclusively digital

Be prepared to say no. Or if you take something, be sure the donor is aware that you will reserve the right to deaccession it. If you are making a donation, consider whether you want to retain the right to have materials returned to you, or whether you want to waive that right and allow the institution to deaccession as appropriate.

Part of an institution's responsibility in acquiring material is the ability to not only keep it, but to be able to provide access to it over the long term.

- The institution needs to have the resources to keep and preserve the material (resources such as physical and digital storage space; appropriate containers, appropriate storage conditions, etc.)
- The institution needs to be able to provide finding aids, access tools, digital platforms and reference work to appropriately provide access to the material.

Deeds of Gift

Institutions typically have donor agreements vetted by legal counsel. We had our form vetted, and use that as the template for all of our agreements.

What happens to a collection with no deed of gift?

- Donor may rescind the donation, or worse claim the material was placed there unethically
- Researchers may want to use the material but not be able to publish from it (images / lengthy quotes).
- You may not have the ability to transfer it to another repository without, or the collection could become an orphan work (a collection whose ownership and copyright status is unknown because it has never been documented).

Structure

- Donor name(s) / Recipient
- Description of gift – typically also including number of boxes or linear ft. of material. If the donor can provide an inventory, so much the better!
- Transfer of OWNERSHIP (materials)
- Transfer of copyright (intellectual property) – the “orphan works” problem
- Access terms (avoid limiting access to specific groups)
- Separation of materials – what you will do with what you don't want to keep
- Restrictions may appear here
- Signed by the donor

- Countersigned by the repository
- A copy is returned to the donor and kept in your files

Restrictions

- Privacy
- Donor-imposed time limitations
- Archivist-imposed restrictions

Records Transfer Agreements

- Typically internal
- Less complex than Deeds of Gift
- Description of material – this often includes a brief inventory.
- Records Schedule – when will certain materials be destroyed, or returned to the transferring office to be destroyed?
- Restrictions / Retention – For example, at Marquette Presidential Records and records of many other administrative offices are closed for 25 years after the individual has left office.
- Identifying information – Names of individuals involved, offices involved, number of containers, etc

Interview / Oral History Agreements

- All of the concerns of Deeds of gift
- Legal release (permission, copyright, etc) – Permission for others to access the interview, and assigns copyright to the archive.
- Can interviewees edit a transcript, restrict certain segments, or withdraw the interview? You need to specify.
- Access – especially if interviewees are concerned about privacy
- Intended Use – Interviewees need to know how their interviews will be used over the long term, including any kind of sharing or streaming via a website [Tolkien Oral History Project]

Finally, I want to discuss use, because use of materials – especially for publication – should be documented, and also forms an agreement between the repository and the researcher. You need to consider how to transfer material so that they are accessible....

Use of materials also must be determined when the repository accepts the donation – either the donor retains the right to grant permission; or they give permission to publish to the archives. Otherwise, you may wind up with orphan collections – materials that are essentially unusable because the creator / owner has passed, and the rights were never transferred on death.

Use of Materials

- Researchers requesting permission to publish should provide the nature / title of the publication prior to granting permission.
- Providing researchers with material does not constitute permission to publish
- Permissions should be for one-time, non-exclusive use of material
- Be clear about any fees. Ideally, you would have a fee structure -- <https://www.marquette.edu/library/archives/fee-schedule.php>
- Specify the credit / citation and how you expect it to appear – it doesn't always happen, but it helps for them to know.
- You may be granting copyright. If you do not have copyright, you need to be clear that you can provide materials, but securing copyright is their responsibility.
- Note that materials cannot be altered.
- Reserve the right to decline permissions

CONVERSATION / QUESTIONS