

**Society of American Archivists
Council Meeting
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Chicago, Illinois**

**Cultural Property Working Group:
Revision of Charge**

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BACKGROUND

The Cultural Property Working Group was charged by the Council in August 2009, populated in March 2010, and asked to submit a work plan with specific activities, outcomes, and timelines for the Council's review and approval at its May 2010 meeting. Although it is understood that the timeline for the deliverables was not realistic, the larger issue is that the vagueness of the original charge is making it difficult for the CPWG to move forward with actions or projects that it can be certain are in line with the Council's intent for the Working Group.

The CPWG requests that the Council reaffirm its desire to have a Working Group dedicated to cultural property issues (as opposed to asking an overlapping group, such as the Intellectual Property Working Group or the Committee on Ethics and Professional Conduct, to take this on); review and reaffirm or modify the list of Strategic Plan measurable activities assigned to the CPWG; and approve a revision to its original charge that would give the CPWG more direction around expected activities and outcomes. Specifically, the CPWG requests the addition of this point to its charge: *Develop a flexible framework for the management of a broad spectrum of archivally sensitive materials for consideration by the SAA Council*, assuming that this is in line with the Council's intent.

DISCUSSION

The creation of a Task Force on Cultural Sensitivity was proposed and adopted by Council at its August 25, 2008, meeting. The following text is from the minutes of that meeting:

Primer indicated that the broad issue of cultural property was raised in the context of a Council discussion about the *Protocols for Native American Archival Materials*. He summarized a general list of issues relating to the rights and responsibilities of cultural groups and stakeholders affiliated with the records and special collections they hold, and recognized that a collection custodian's wish to be responsive to these concerns can run

directly counter to the list of issues. Thus, he indicated, the proposed role for a Task Force on Cultural Property is to identify a process to foster discussion, clarify the issues, and move toward resolution of the various issues spelled out in the report, seeking to harmonize the conflicting best interests of a divergent group of stakeholders. Boles had drafted a substitute charge (Motion 11) that was put forward and discussed.

MOTION 11

THAT the SAA Vice President appoint a Task Force on Cultural Sensitivity composed of seven SAA members;

THAT the Task Force initially be charged to complete for Council consideration at its February 2009 meeting the following: a work plan; desired outcomes; and, if necessary, outside sources of funding. If possible, the Task Force also will draft a preliminary grant application; and

THAT the Task Force serve for three years and report on its activities to the SAA Council at each of the Council's meetings.

Support Statement: This motion represents the beginning of SAA's attempts to open a professional, national, and international discussion regarding the presence of cultural material in repositories. Some challenges in establishing the best practices for the culturally responsive care and use of Native American archival materials are illustrated in a specific discussion of *Protocols for Native American Archival Materials*. This Task Force broadens the discussion to include other repositories, professions, and cultures that face similar challenges when establishing best practices.

Although the motion to appoint the Task Force was approved, the Task Force was not created. Minutes from the August 10, 2009, Council meeting read as follows:

At its August 25, 2008, meeting, the Council adopted a motion to create a Cultural Property Task Force. At its February 2009 meeting, the Council decided to learn more about the American Library Association's Traditional Cultural Expressions and Libraries initiative (as brought before the Council by SAA member Jennifer O'Neal) and determine the possibilities for collaboration on work in cultural property investigations. In response to Gottlieb's report about the ALA initiative at the May/June 2009 meeting, the Council agreed that, although collaboration is something that the Council intends to pursue, SAA can best learn about cultural property issues through the focused work of a working group. The report includes a detailed work plan, a proposed working group structure, and suggested appointees. This Working Group's size, selection, and length of terms is modeled after that of the Intellectual Property Working Group.

MOTION 8

THAT a Working Group on Cultural Property be created to take the lead in fostering discussion, clarifying issues, and investigating a range of alternative approaches to managing, preserving, and providing access to cultural property, given the rights and responsibilities of cultural groups and stakeholders and archivists' interest in providing equal and open access to all.

This group will:

- **Advise the SAA Council, officers, staff, and members concerning cultural property and cultural sensitivity issues;**
- **Prepare draft statements for SAA to issue;**
- **Develop positions for SAA concerning cultural property and cultural sensitivity issues;**
- **Represent SAA on cultural property and cultural sensitivity issues at meetings and in professional discussions; and**
- **Communicate and collaborate with all relevant SAA and external (ALA, AAM, etc.) groups.**

The group will submit a work plan with specific activities, outcomes, and timelines for the Council's review and approval at its May 2010 meeting.

Support Statement: Archivists must address how best to manage, preserve, and provide access to cultural property, given the rights and responsibilities of cultural groups and stakeholders and archivists' interest in providing equal and open access to all. SAA acknowledges the importance of educating its members about broad issues of diversity as contained in cultural property concerns and its role in providing resources that will guide individual archivists and the profession as we address these issues in our work.

The Working Group was populated by spring of 2010 and met for the first time at the August 2010 Annual Meeting. At that meeting SAA Executive Director Nancy Beaumont and SAA President Helen Tibbo addressed the Working Group to provide background about its creation and respond to questions by Working Group members.

During this and subsequent meetings by conference call and at the in-person CPWG meeting in August 2011, the CPWG co-chairs expressed confusion about the mandate from SAA Council and its expected deliverable(s). What is the end product that the Council is seeking? How will the CPWG know they are not wasting their time and efforts on an end product that does not fit the Council's original intention and thus may not be useful to or endorsed by the Council? In an October 2011 phone call with Council Liaison Donna McCrea, the co-chairs asked, "What is the specific question or need that Council has at this time?" and listed the following as potential examples:

- What is an appropriate umbrella structure under which archivists can consider and respond to issues of cultural sensitivity?
- What are the larger principles around issues of cultural sensitivity that American archivists / SAA should endorse?
- Is it possible to create a framework for archivists considering issues of cultural sensitivity?

The idea of creating a framework within which issues of cultural sensitivity could be considered, as well as a bibliography of relevant readings, was discussed at all the CPWG meetings.

In November 2011 Council member Donna McCrea communicated by e-mail with the CPWG co-chairs about Strategic Plan measurable activities assigned to the Working Group. The e-mail read, in part, as follows:

Hello Jeannette and Marisol,

I'm reviewing the SAA strategic plan to respond to a question Gregor posed to Council and was reminded of the following elements from the Strategic Plan:

Strategic Priority #2 (Diversity) Desired Outcome #3 – in cooperation with appropriate communities, develop SAA guidelines and resources on managing cultural property that will assist the broader archives community in dealing with cultural property issues.

- Measurable activity a – Identify allied professions / professionals and other whose practices could be considered (FY 2010-2011 - Assigned to CPWG)
- Measurable activity b – Appoint an individual or group to work with the ALA on its Traditional Cultural Expressions initiative and make recommendations regarding additional tasks that SAA might undertake to advance this outcome. (FY 2011 - Assigned to CPWG)
- Measurable activity c – Identify major national / international initiatives about managing cultural property, gathered from multiple sources (FY 2012 - Assigned to CPWG)
- Measurable activity d – Establish an online clearinghouse of information about managing cultural property, gathered from multiple sources. (FY 2012 - Assigned to CPWG)
- Measurable activity e – Enter into proactive communication with communities that have created cultural property to share views and, if possible, develop protocols that define mutually acceptable standards for care, access, and use of cultural material. (FY 2012-2014 – Assigned to CPWG)
- Measurable activity f – Identify key cultural property texts and submit proposal(s) to the Publication Board for their addition to the SAA online bookstore (FY 2012)
- Measurable activity g – Develop and implement a strategy for the creation of resources and tools, such as case studies and model policies, that could assist archivists in collecting and developing access policies for property from other cultures (FY 2012-2014)
- Measurable activity h – Identify, develop, and submit proposal(s) to the Publications Board for the addition of appropriate terminology on cultural property issues to SAA's *Glossary of Archival and Records Terminology* (FY 2012-2013)

- Measurable activity i – Promote cultural property issues through the development of annual meeting sessions and articles in *American Archivist* and *Archival Outlook* (FY 2012-2014).

I don't remember that we discussed this list at a CPWG meeting I've attended and I wonder, Jeanette, if this list – especially those activities assigned to CPWG) was ever actually presented to you or discussed with you.

The CPWG co-chairs indicated that they were not aware that the CPWG had been assigned a role in addressing SAAs Diversity Strategic Priority and that they had not been presented with this list of measurable activities. The co-chairs asked that Council confirm that this list of measurable activities accurately reflects what Council wants the CPWG to address.

RECOMMENDATION

THAT in order to provide specificity and direction to the CPWG, the SAA Council reaffirm its desire to have a working group dedicated to cultural property issues;

THAT the Council review and reaffirm or modify the list of Strategic Plan measurable activities assigned to the CPWG; and

THAT the Council adopt the following revisions to the CPWG charge (revisions in *italics*)

- **Advise the SAA Council, officers, staff, and members concerning cultural property and cultural sensitivity issues;**
- **Prepare draft statements for SAA to issue *in the area of cultural property*;**
- **Develop positions for SAA concerning cultural property and cultural sensitivity issues;**
- ***Develop a flexible framework for the management of a broad spectrum of archivally sensitive materials for consideration by SAA Council;***
- **Represent SAA on cultural property and cultural sensitivity issues at meetings and in professional discussions; and**
- **Communicate and collaborate with all relevant SAA and external (ALA, AAM, etc.) groups.**

Support Statement: CPWG activities appear to overlap with the activities of other Working Groups and Committees. The CPWG would like confirmation that the Council feels a Working Group dedicated to cultural property issues is necessary. The CPWG was not aware of its assigned role in moving the Diversity Strategic Priority forward, nor of the measurable activities assigned to it. The CPWG would like confirmation from the current Council that the list of measurable activities created in 2009 or 2010 is in line with what the Council wants the CPWG to focus on today. The vagueness of the original charge is making it difficult for the CPWG to move forward with any definite action or projects. At the same time, the CPWG is hesitant to interpret the charge in a way that the Council did not intend. The CPWG would like the Council to officially endorse the development of a flexible framework for the management of a broad spectrum of

archivally-sensitive materials. When completed, this framework would then come forward to the Council for approval.

Pros: Reaffirming the need for a CPWG and reviewing the list of measurable activities would allow the CPWG to be certain its work would be in line with the wishes of the current Council. Including the creation of a flexible framework in the charge would indicate a specific action the Council wishes the CPWG to take at this time. Adding this deliverable to the CPWG charge could help them get traction as a Working Group.

Cons: It is not really necessary to specify an assignment in the charge. “Developing a flexible framework” easily falls under the purview of the third bullet charging the group to “Develop positions.” Flexible framework is, itself, a vague term and may not ultimately provide the level of specificity desired by the CPWG.

Impact on Strategic Priorities: The activities of the CPWG are directly tied to Desired Outcome #3 of SAA’s Diversity Priority – “Working with appropriate communities, develop guidelines and resources on managing cultural property.”

Fiscal Impact: None.