

DO THE RIGHT THING



Writing a Museum Ethics Policy

Maine Archives and Museums Annual Conference

October 24, 2014

What do you mean, “Ethics”?

Public trust: *collecting institutions are keepers of resources meant for public use*

Public Service: *collecting institutions are here to serve the common good*

Public Accountability:
collecting institutions must do what they say they will do with collections and financial assets



But our institution is private, not public!

Your nonprofit status means you are held in the public trust,
and your 501(c)(3) designation identifies you as a public charity

And we already obey the law!

Ethics go beyond the law to reflect the shared values and obligations of our field.

Why a Written Policy?



Shared knowledge of guiding principles and ethical duties

- Prevent potential crisis and conflict
- Prevent circular conversations
- Enhance sense of shared mission and teamwork

Demonstration to the public of your commitment to serve them

- Your visitors and patrons
- Your supporters, like members and donors to the annual fund
- Your funders, like foundations and government agencies
- Other stakeholders, like your municipality and your professional community

Get your institution on the AAM's Continuum of Excellence

Five core documents

Mission Statement

Institutional Code of Ethics

Strategic Institutional Plan

Disaster Preparedness/Emergency Response Plan

Collections Management Policy

Demystifying the Ethics Policy

1. Governance
2. Guiding Principles
3. Ethical Duties

Who does this plan cover?

From MAM's Ethics Policy: MAM is governed by an elected board of directors, who employ the services of a part-time director who serves as an independent contractor. MAM's governance also includes a committee structure, including standing and ad-hoc committees, generally chaired by Board members but including representatives from MAM's membership at large, constituting the organization's body of volunteers. It is understood that the ethics principles identified in this document cover all MAM-related activities undertaken by individuals serving in any of the above capacities.

What is expected of them?

From MAM's Ethics Policy: MAM's leadership is expected to represent MAM in a positive and supportive manner and be advocates for MAM and for collecting institutions generally, both inside and outside of Maine. MAM's board and staff should have an understanding of the basic documents that provide the organization's direction, including the by-laws, mission statement, and policies, including this one. Each board member must be a member in good standing of MAM at the individual, institutional, or business level.





The following principles guide MAM's collective performance and commitment:

- Strive at all time to endorse and uphold the ethics and best practices of the museum and archives fields.
- Act with honesty and integrity, avoiding actual or apparent conflicts between one's private interests and the interests of MAM.
- Act in good faith and with due care, without misrepresenting or omitting material facts or allowing one's independent judgment to be compromised.
- Avoid competing directly or indirectly with MAM.
- Refrain from using corporate information, corporate assets, corporate opportunities, or one's position with MAM for personal gain.
- Respect the confidentiality of information acquired in the course of the performance of one's responsibilities.

4. Conflict of Interest



Definitions

From MAM's Ethics Policy: A conflict of interest arises when a board member, employee, or committee member involved in making a decision is in a position to benefit, directly or indirectly, from his or her dealings with the organization or person conducting business with the organization. It is the policy of MAM to avoid conflicts of interest where possible, and disclose in

advance all real or apparent conflicts of interest, should they arise.

Procedures for disclosing, reporting, and violations

Statement of good faith

Self-reporting and voting/abstention procedures

Reporting perceived violations

Whistleblower's policy

(may be a separate section, but refer to it here)

Examples

Favors and gifts

Financial gain

Release of confidential information

Competition

Misrepresenting the organization's interests

More Conflict!

Expand on Conflict of Interest Issues that are unique or of special interest to your organization.

From MAM's Ethics Policy:

Outside volunteerism and employment
Advocacy

For museums and other
collecting institutions:

Personal collecting
Purchase of museum property
Outside appraisal practices



Special Bonus Conflict Section!

*The Sarbanes-Oxley Act**



Financial Transactions

From MAM's Ethics Policy: MAM shall not provide personal loans to employees, board members, other volunteers, members at large, or their family members. In addition, employees and board members should be careful to avoid practices that have the actual or apparent outcome of self-dealing or personal gain at the direct or indirect expense of MAM.

**Not included in AAM guidelines*

Document Retention and Destruction Policy

Statement of compliance with federal regulations about investigations

Preservation of documents for institutional archival purposes

Document destruction guidelines table

*Distinguish between institutional documents/archives and accessioned collections

Whistleblowers' Policy

Statement of compliance with Maine state law

Just employees, or others too?

5. Collections

Your Ethics Policy will refer to, but not repeat, your collections management policy and/or procedure manual. To consider here:

- Purpose of collection and how it promotes and serves the public good
- Considerations regarding acquisitions and deaccessions
 - *Required: address the use of proceeds from disposal of deaccessioned objects, limiting their use to new acquisitions and/or direct care/preservation
- Guidelines for illicitly acquired objects
- Collections care and conservation guidelines
 - *Code of Ethics for the American Institute of Conservation: documentation; changes are reversible



- Record-keeping
- Considerations regarding loans (incoming and outgoing) and their care; also loan fees
- Access to collections
- Truth in presentation
- Values and appraisals

6. Programs*

From MAM's Ethics Policy: MAM serves its members, and society at large, by advancing an understanding and appreciation of cultural heritage through research, publications, and programs geared toward professionals in the field as well as the general public. These programs further the organization's mission and are responsive to the concerns, interests, and needs of its constituencies. Thus, MAM ensures that its programs:



**Not part of AAM guidelines*

- support its mission and public trust responsibilities.
- are founded on industry best practices and marked by intellectual integrity.
- are accessible and encourage participation of the widest possible audience consistent with its mission and resources.
- respect pluralistic values, traditions, and concerns.
- are compatible with the organization's mission and support its public trust responsibilities, especially whenever revenue-producing activities and activities involve relationships with external entities.
- promote the public good rather than individual financial gain.

7. Management Practices

Fundraising

Commercial activity (store)

Personnel (hiring practices, compensation and benefits, relationships among trustees and employees)

Ownership of scholarly material



8. Compliance with Laws

Maine Whistleblowers' Protection Act

Sarbanes-Oxley Act

Federal limitations on non-profits and public charities

NAGPRA

Maine Human Rights Act

From MAM's Ethics Policy:

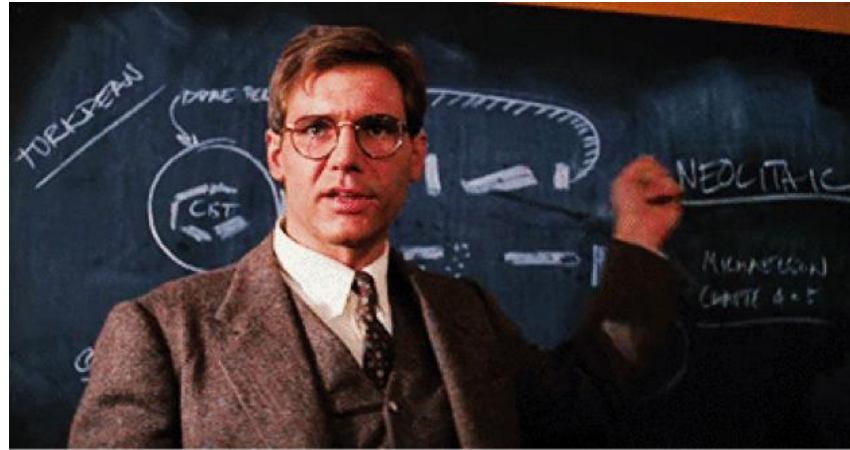
Non-discrimination

MAM's duty to the public trust requires all staff, board members, and volunteers to be civil and respectful in professional interactions, avoiding discrimination based on race, religious creed, ancestry, organizational membership, age, gender, sexual orientation, national origin, or non-job related handicap or disability. All individuals representing MAM must treat other members of MAM's community, and all members of the general public, with dignity and fairness.

MAM's employees are protected from employment-related discrimination under the Maine Human Rights Act (Title 5, section 4572), including sexual harassment, a form of sexual discrimination, additionally covered in Title 26, section 807. MAM will strive at all times to provide a safe, professional, and non-discriminatory working environment for all staff, contractors, board members, and volunteers.



9. Implementation



From MAM's Ethics Policy:

This Ethics Policy shall be reviewed annually by the Board of Trustees, and each Board member (current and incoming) will be required to sign a form indicating that they have received and will abide by the guidelines of the Ethics Policy (see attachments). Committee chairs will be responsible for sharing a copy of the Ethics Policy with all members of their committees; however, signatures are not required from at-large members of MAM or other parties who serve on MAM committees.

MAM will also endeavor to encourage its member institutions to undertake the drafting and adoption of their own Ethics Policies, in alignment with the standards of the field.

10. Forms



ANNUAL ETHICS POLICY CONFIRMATION STATEMENT

Employee, principal officer, or committee member (please print)

By my signature below, I affirm that I have:

- received a copy of MAM's Ethics Policy.
- read and understood the policy.
- agreed to comply with the policy.

In addition, I understand that MAM is a charitable, 501 (c) 3 educational organization and that in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Signature

Date

Please return this form to MAM at:

P.O. Box 46
Cumberland Center, ME 04021
info@mainemuseums.org



How do I start?

1. Gather your resources!

Internal:

Mission and By-laws
Collections Management Policy
Acquisitions Plan
Employee Handbook
Finance Policy
Advocacy Policy



External:

Maine Archives and Museums' Ethics Policy (www.mainemuseums.org)
Developing a Code of Ethics and *Code of Ethics for Museums* from the American Alliance of Museums (www.aam-us.org)
Statement of Professional Standards and Ethics, American Association for State and Local History (www.aaslh.org)
Maine Association of Nonprofits (www.manp.org)
Core Values Statement and Code of Ethics, Society of American Archivists (www.archivists.org)
Code of Ethics for the American Institute of Conservation (www.conservation-us.org)

2. Form a Committee to write the policy



3. Complete and review a draft

4. Seek approval and adoption by full board

Ask them and yourself these questions:

- Does your policy clearly state that it applies to members of the governing authority, staff and volunteers?
- Is it consistent with the code of ethics issued by the national organization appropriate to your discipline?
- Is it tailored to your organization and not just an adoption of the above or of a parent organization's code of ethics?
- Does it go beyond individual conduct and conflict of interest issues to put forth the institution's basic ethical, public trust responsibilities as a museum and nonprofit?
- Does it include a statement on use of proceeds from deaccessioning , limiting their use to new acquisitions and/or direct care/preservation?
- Is a single, stand-alone document and not a compilation or list of references to other documents

5. Look into “Core Documents Verification” through the American Alliance of Museums

(www.aam-us.org/assessment-programs/core-documents)

- FREE—AAM membership is *not* required
- Expert feedback and opportunity to revise and improve
- Stamp of approval from the recognized authority in U.S. standards and best practices for museums
- First step toward AAM accreditation



Everybody wins!



You are the director of a historical society. The President of your board approaches you about using the museum for her daughter's wedding. It's not unusual to rent the building for private functions, but generally it's only done during the museum's closed hours, and she wants the space for a Saturday afternoon in July. When you hesitate, she offers double the usual rental fee.

You are the curator of an art museum. A donor approaches you offering the gift of a painting you have had your eye on for years. However, she insists that the painting come with the restriction that it can never be deaccessioned, that it must always be on view, and that it can never be lent out. She also wants you to grant her complimentary museum membership for life.

You are on the education staff in a large history museum and you are responsible for managing school tours. One teacher who schedules a tour each year has a history of not managing her students well, sometimes resulting in damage to displays. She contacts you again this year and explains that in addition to her usual group, she will also have several special-needs students with her.