

## Code of Ethics

Updated November 18, 2009

Codes of Ethics have been written by both the American Association of Museums (AAM) and the American Association for State and Local History (AASLH), and written codes exist for many professions to which trustees and staff members of this historical society belong. While these codes are thoughtful and complete, no single code can cover all of the issues facing a complex institution like the Virginia Historical Society, with its educational, collection and large number of ancillary interests. It is appropriate, therefore, to tailor a code to the particular needs of this institution. The great majority of this document is excerpted from the 1978 edition of MUSEUM ETHICS published by the American Association of Museums, but it has been adapted to meet the specific demands of the Virginia Historical Society as it exists today. A code of ethics must be broad enough to permit interpretation and flexible enough to evolve or change as the structure of the historical society changes over time.

### **Trustee Responsibilities**

#### *General Responsibility*

The Board of Trustees of the Virginia Historical Society is the governing body of the institution. As such, it serves the public interest as it relates to the historical society and is accountable to the public as well as to the institution. In most cases the Board acts as the ultimate legal entity for the historical society and is responsible for making and maintaining its general policies, standards, condition, and operational continuity. historical society Trustees must be loyal to the purpose of the historical society and must understand and respect the basic documents that provide for its establishment, character, and governance.

Each Trustee should devote time and attention to the affairs of the historical society and ensure that it and its governing board act in accordance with the basic documents and with applicable state and federal laws. Trustees must ensure that no policies or activities jeopardize the basic nonprofit status of the historical society or reflect unfavorably upon it as an institution devoted to public service.

Trustees should not attempt to act in their individual capacities. All actions should be taken as a board, committee, or subcommittee, or otherwise in conformance with the bylaws or applicable resolutions. Trustees with special areas of interest within the historical society should understand that advocacy for those interests should be advanced only within the framework of the historical society's interests as a whole.

Trustees should maintain historical society information in confidence when it concerns the administration or activities of the historical society and when it is not generally available to the public. This does not preclude public disclosure of information that is properly in the public domain, or information that should be released in fulfilling the historical society's accountability to the public.

Trustees hold the ultimate fiduciary responsibility for the historical society and for the protection and nurturing of its various assets: the collections and related documentation, the plant, financial assets, and the staff. They must develop and define the purposes and related policies of the institution and ensure that all of the historical society's assets are properly and effectively used for public purposes.

The Board has strong obligations to provide the proper environment for the physical security and preservation of the collections, and to monitor and develop the financial structure of the historical society so that it continues to exist as an institution of vitality and quality. In keeping with their primary responsibility for the protection of the historical society's collection, Trustees should not jeopardize the collection by using it as collateral for a loan or by otherwise selling or mortgaging the collection in order to secure funds for operations, buildings, or expansion of the facility.

A vital responsibility of the governing Board derives from its relationship to the President, the historical society's Chief Executive Officer. The selection of that executive and the continuing monitoring of his or her activities are primary Board responsibilities, which cannot be delegated and must be diligently and thoughtfully fulfilled.

In carrying out stewardship of the collections, The Collections Policy that was adopted in 1991 must be maintained and updated, as needed, by the Trustees governing use of the collections, including acquisitions, loans and the disposal of objects. In formulating policies covering the acceptance of objects or other materials as gifts and loans, the Trustees must ensure that the historical society understands and respects the restrictions, conditions, and all other circumstances associated with gifts and loans.

#### *Conflict of Interest*

Individuals who are knowledgeable in fields related to historical society activities can be of great assistance, but conflicts of interest or the appearance of such conflicts may arise because of these interests or activities. A historical society Trustee should conduct all of his or her activities, including those relating to persons or businesses with whom the Trustee is closely associated, in such a way that no conflict will arise between the other interests and the policies, operations, or interests of the historical society. The appearance of such conflict should also be avoided.

Trustees should file with the Board a statement disclosing their personal, business, or organizational interests and affiliations and those of persons close to them that could be construed as being historical society related. Disclosure statements should be updated whenever significant changes occur. Staff members should not serve as Trustees. Conflict of interest is the guiding principle, since Trustees create and vote on policy affecting staff interests as a whole.

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Charges of self-interest at the expense of the institution and charges of personal use of privileged information arises whenever a Trustee, a member of his or her family, or a close associate personally collects objects of a type collected by the historical society. The historical society governing Board must clearly state its policy regarding such personal collections to ensure that no Trustee competes with the historical society for objects; that no Trustee takes personal advantage of information available to him or her because of his or her Board membership; and that should conflict develop between the needs of the individual and the historical society, those of the historical society will prevail.

No Trustee, person close to him or her, or individual who might act for him or her may acquire objects from the collections of the historical society, except when the object and its source have been advertised, its full history made available, and it is sold at public auction or otherwise clearly offered for sale in the public marketplace.

When historical society Trustees seek staff assistance for personal needs, they should not expect that such help will be rendered to an extent greater than that available to a member of the general public in similar circumstances or with similar needs.

Whenever a matter arises for action by the Board, or the historical society engages in an activity where there is a possible conflict or the appearance of conflict between the interests of the historical society and an outside or personal interest of a Trustee or that of a person close to him or her, the outside interest of the Trustee should be made a matter of record. If the Trustee is present when a vote is taken in connection with such a question, the Trustee should abstain. In some circumstances, the Trustee should avoid discussing any planned actions, formally or informally, where there might appear to be personal benefit. If a case arises in which neither disclosure nor abstention appears to be sufficient, the only appropriate solution may be resignation.

A historical society Trustee should not take advantage of information he or she receives during service to the institution if personal use of such information could be financially detrimental to the historical society. Any such actions that might impair the reputation of the historical society also must be avoided. When a Trustee obtains information that could be of personal benefit, he or she should refrain from action until all issues have been reviewed by an appropriate representative of the historical society.

Trustees serve the Virginia Historical Society and its public. They should not attempt to derive any personal material advantages from their connection with the historical society. Trustees should use historical society property only for official purposes and make no personal use of the historical society collection, property, or services in a manner not available to a comparable member of the general public. While loans of objects by Trustees can be of great benefit to the historical society, it should be recognized that exhibition can enhance the value of the exhibited object.

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### *The Trustee-President Relationship*

Trustees have an obligation to define the rights, powers, and duties of the president. They should work with the president, who is their chief executive officer, in all administrative matters, and deal with him openly and with candor. A procedure shall be provided to allow staff personnel to bring grievances directly to the trustees.

The trustees must act as a full board in appointing or dismissing a president, and the relationship between president and the board must reflect the primacy of institutional goals over all personal or interpersonal considerations. The president should attend all board meetings and important committee meetings, except executive sessions concerning him or her.

The president has an obligation to bring before the board any matters involving policy questions not already determined; and to keep them informed on a timely basis about all other significant or substantial matters, or intended actions affecting the institution.

The president must carry out the policies established by the trustees and adhere to the budget approved by the board. Whenever it is necessary to deviate from established policies or to alter or exceed budget guidelines, the president should notify the board in advance and request appropriate approval.

### **Staff & Volunteers**

Ethics is a subject often in the news these days, generally as a result of behavior or actions in violation of a code or standard of commonly accepted behavior. The codes were not created as a response to a problem, but rather as a reflection of this institution's concern for its role as a leader in our community, not only in the area of history education but as a model for ethical behavior as well.

### *General Responsibilities*

Employment by the historical society is a public trust involving great responsibility. This public trust is reflected in the government's perception of the institution as an educational resource worthy of tax exempt status; it is reflected in our donors' belief that their financial support is wisely spent in the furtherance of our stated mission; and in our trustees', staffs', and volunteers' belief that their efforts for the Virginia Historical Society are well-spent. The historical society itself holds the public trust of the community in its role as preserver of humankind's culture and heritage and its presentation of its materials with accuracy, honesty and sensitivity.

This very important issue of public trust demands that in all activities historical society staff must act with integrity and in accordance with the most stringent ethical principles as well as the highest standards of objectivity. The Virginia Historical Society enjoys high public visibility and its staff a generous measure of public esteem. To the public the historical society staff is never wholly separable from its institution. Any historical society-related action by the individual may reflect on the historical society or be attributed to it. Staff members must be concerned not only with the true personal motivations as they see them, but also the way in which such actions might be construed by the casual observer.

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We hope that you will read through this policy, ask for an explanation of any area or subject which you do not understand, subscribe to its principles and incorporate them into all aspects of your professional and personal lives.

#### *Conflict of Interest*

historical society staff should never abuse their official positions or their contacts within the museum community, compete with the historical society, or bring discredit or embarrassment to the institution or to their profession in any activity, work related or not. They should be prepared to accept the restrictions that are necessary to maintain public confidence in the historical society and in their respective profession. The terms and restrictions listed in this Handbook, as well as the reporting procedures, and conditions of enforcement should be read and clearly understood by all staff, contractors, interns, volunteers and vendors doing business with the historical society.

#### *Gifts, Favors, Discounts, Dispensations*

The historical society is committed to the highest ethical principles in all relationships with business suppliers. Any historical society staff member who is authorized to spend historical society funds should do so with impartiality, honesty, and with regard only to the best interests of the historical society.

Historical society employees and others in a close relationship to them must not accept gifts, favors, loans, or other dispensations or things of more than trifling value that are available to them in connection with their duties for the historical society. Gifts of trifling value are deemed to be those novelty items with advertising identification affixed to them and a value of less than \$10. Gifts include discounts on personal purchases from suppliers who sell items or furnish services to the historical society, except where such discounts are regularly offered to the general public. Gifts can also include offers of outside employment or other advantageous arrangements. Gifts in questionable taste, such as lottery tickets or alcoholic beverages, should be declined in all instances, regardless of cost or value.

Meals, accommodations and travel services while on official business should not be accepted except when it is clear that acceptance of such services will not compromise the professional judgment of the staff member or the reputation of the historical society.

#### *Responsibility to the historical society's Property, Real and Intangible*

No staff member should use, off site or for personal gain, any object or item that is a part of the historical society's collection or under the guardianship of the historical society; or use any other property, supplies or resources of the historical society except for the official business of the historical society. The name and reputation of this institution are valuable assets and should not be exploited either for personal advantage or the advantage of any other person or entity.

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Information about the administrative or non-scholarly activities of the historical society that staff may acquire in the course of their duties that is not generally known or available to the public must be treated as information proprietary to the historical society. Such information should not be used for personal advantage or other purposes. Staff members are responsible for maintaining the security of confidential records and information, and the privacy of individuals or groups who support the historical society.

Staff members should be circumspect in referring members of the public to outside suppliers to the historical society. Whenever possible, more than a single qualified source should be named in order to avoid the appearance of personal favoritism in referrals.

### *Outside Employment*

Certain types of outside employment, including teaching, lecturing, writing, and consulting can benefit the historical society and the staff member by stimulating personal professional development. Such activity should not interfere with the staff member's regular duties, and the individual should not take advantage of his/her historical society position for personal gain or appear to compromise the integrity of the historical society.

The staff member should recognize that when an outside activity is directly related to his/her regular duties for the historical society, (s)he should discuss with his/her manager all aspects of that activity, including but not limited to the amount of time such activity involves. Staff should complete a disclosure form outlining the details of the outside employment, if it is related to the function (s)he performs for the historical society.

In order to avoid any appearance that outside employment is related to the staff member's function at the historical society, the name of this historical society and the staff member's connection with it should be used sparingly, if at all, in connection with outside employment. Certain types of employment can create potential ethical problems for the historical society since staff are often considered representatives of the historical society regardless of disclaimers made to the public. For this reason, appraisals or authorization may not be performed by historical society staff in any capacity.

Ownership of any materials written, designed or produced, and financial remuneration for the sale or lease of such materials created while the staff member is paid by the historical society and is on official historical society time, is the property of the historical society (see Management Section, 'Ownership of Scholarly Materials'). Therefore the staff member should discuss with his/her manager the ownership of or remuneration for materials created outside of the regular staff time before (s)he begins working on such materials.

Staff members who are involved in employment of any kind that is unrelated to the work which they perform for the historical society are not required to complete disclosure forms.

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### *Outside Volunteer Activities*

Staff members are encouraged to participate in voluntary outside activities with community groups or public service organizations. If a staff member volunteers for an organization or museums and (s)he could appear to be acting in an official capacity as a member of the historical society staff, disclosure is recommended to avoid possible misrepresentation. Historical society professionals should conduct themselves so that their activities on behalf of community or public service organizations do not reflect adversely on the reputation or integrity of this historical society.

When a member of the historical society staff speaks out on a public issue, (s)he should make sure to do so as an individual. It is important to avoid the appearance of speaking or acting in an official capacity or on the historical society's behalf.

### *Personal Collecting by Staff*

The acquiring, collecting, or owning of objects is not in itself unethical, and can enhance professional knowledge and judgment. However, the acquisition, maintenance and management of a personal collection by a historical society staff member can create an ethical question. Extreme discretion is required whenever a staff member collects objects similar to those collected by this institution.

No historical society staff member may compete with this institution in any personal collecting activity. No historical society staff member may use his/her museum affiliation to promote his/her or an associate's personal collecting activities. No staff member may participate in any dealing (buying and selling for profit as distinguished from occasional sale or exchange from a personal collection) in objects similar or related to the objects collected by the historical society.

### *Responsibility to the Collection*

Members of the historical society staff should not acquire objects from the collections owned by or on loan to the historical society unless such transactions are available through a disposal process that is totally public in nature. Any such acquisitions must also be subjected to a formal disclosure procedure by the individual and the institution.

### *Volunteers*

Volunteers have played an active and important role in the historical society for many years. It is incumbent on the paid staff to be supportive of volunteers, receive them as fellow workers, and willingly provide them with appropriate training and opportunity for their intellectual enrichment.

Volunteers have a responsibility to the historical society as well, especially those with access to the historical society's collections, programs and privileged information. Access to the historical society's inner activities is a privilege, and the lack of material compensation for effort expended on behalf of the historical society in no way frees the volunteer from adherence to the standards that apply to paid staff. Volunteers must work toward the betterment of the institution and not for personal gain other than the natural gratification and enrichment inherent in museum participation.

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Although the historical society provides special privileges and benefits to its volunteers, volunteers should not accept gifts, favors, discounts, loans or other dispensations or things of value that accrue to them from other parties in connection with carrying out duties for the historical society. Conflict of interest restrictions and gift policies placed upon the paid staff of the historical society must be explained to volunteers and observed by them. Volunteers must respect the confidentiality of any inside information to which their volunteer activities give them access.

## **Management Policy**

### *Professionalism*

Historical society staff have been engaged because of their special knowledge or ability in some aspect of museum activity. The members of the historical society's staff and governing entities should respect the professional expertise of others on the staff, and governance should be structured so that the resolution of issues involving professional matters incorporates the opinions and professional judgments of relevant members of the staff. Responsibility for the final decisions rests with the management or trustees, and all staff members should support these decisions. No staff member, however, can be required to reverse, alter, or suppress his or her professional judgment in order to conform to a management decision.

### *Personnel Practices and Equal Opportunity*

In all matters related to staffing practices, the standard should be ability in the relevant profession. In these matters, as well as trustee selection, management practices, volunteer opportunity, collection usage, and relationship with the public at large, decisions cannot be made on the basis of discriminatory factors such as race, creed, sex, age, disability, or sexual orientation.

The historical society must recognize that diversity is a significant force within its own social fabric and in the community. It should encourage employment opportunities and accessibility at the historical society for all people.

### *Ownership of Scholarly Material*

The objects in the historical society's collection, their documentation and all additional documentation developed subsequent to their acquisition are the property of the historical society.

Any and all materials or items developed, written, designed, drawn, painted, constructed or installed by staff while carrying out their responsibilities as employees of the historical society are considered to be the property of the historical society, with the historical society having the rights to all said property.

The historical society has the right to copyright or patent any and all such materials produced by its staff while carrying out their job responsibilities as employees of the historical society when it deems it appropriate to do so. The historical society is entitled to receive any and all fees, royalties or honoraria earned in conjunction with any and all materials or items produced by staff while carrying out their job responsibilities as employees of the historical society.

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Individual staff should not accept any fees, royalties, honoraria or other payments for any materials or items that (s)he developed, wrote, designed, drew, painted, constructed or installed either alone or with other staff while carrying out their job responsibilities as employees of the historical society.

historical society staff may not duplicate materials developed at the historical society by them or by any other staff or contractor to the historical society for the purpose of resale or personal profit, including the use of artwork, written materials, graphics, three-dimensional design, electronic or mechanical design, audiovisuals or computer software.

The historical society's ownership of such intellectual property that was created while an individual was an employee of the historical society continues after (s)he leaves the historical society for any reason, including retirement.

#### *Fundraising Practices*

Fund-raising is a vital component of the financial health of any nonprofit. Staff and volunteers involved in raising moneys or soliciting other contributions or gifts-in-kind on behalf of the historical society must do so with honesty as to the need for such contributions and must use donations only for the donor's intended purposes. Gifts should be solicited without the promise of opportunities or advantages not offered to all donors by previously defined guidelines. Staff and volunteers should hold confidential and leave intact all lists, records and documents acquired in connection with their fundraising efforts on behalf of the historical society.

#### *Interinstitutional Cooperation*

If museums intend to contribute to the preservation of humanity's cultural and scientific heritage as well as to its increase of knowledge, each institution should respond positively to appropriate opportunities for cooperative action with similar organizations to further these goals. The historical society should welcome cooperative action even if the short-term advantages are few and it will not significantly increase its own holdings or enhance its image.

#### *Museum Shop and Commercial Activities*

The Museum Shop and other commercial activities in the historical society, as well as publicity relating to them, should be in keeping with the historical society's mission, should be relevant to the collections and basic educational purposes of the historical society, and must not compromise the quality of those collections. In arranging for the manufacture and sale of replicas, reproductions or other commercial items adapted from an object in the historical society's collection, all aspects of the commercial venture must be carried out in a manner that will not discredit either the integrity of the historical society or the intrinsic value of the original object. Great care must be taken to identify permanently such objects for what they are, and to ensure the accuracy and high quality of the manufacture. They should represent good value for money and comply with all relevant national legislation.

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## **The Collections**

### *Management, Maintenance and Conservation*

Historical societies generally derive their mission from their collections, and these holdings constitute the primary difference between them and other kinds of institutions. A historical society's obligation to its collection is paramount. Each object is an integral part of a cultural composite. That context also includes a body of information about the object, which establishes its proper place and importance and without which the value of the object is diminished. The maintenance of this information in orderly and retrievable form is critical to the collection and is a central obligation of those charged with collection management.

An ethical duty of historical societies is to transfer to their successors, when possible in enhanced form, the material record of human culture and the natural world. They must be in control of their collections and know the location and the condition of the objects that they hold. Procedures must be maintained for the periodic evaluation of the condition of the collections and for their general and special maintenance.

The physical care of the collection and its accessibility must be in keeping with professionally accepted standards. Failing this, trustees and management are ethically obliged either to effect correction of the deficiency or to dispose of the collection, preferably to another comparable institution.

### *Acquisition and Disposal*

No collection exists in isolation. Its course generally will be influenced by changes in cultural, scholarly, or educational trends and specializations developing in other institutions, policy, and law regarding the traffic in various kinds of objects and the desire to improve the collection.

In the delicate area of acquisition and disposal of objects, the historical society must weigh carefully the interests of the public for which it holds the collection in trust, the donor's intent in the broadest sense, the interests of the scholarly and the cultural community, and the institution's own financial wellbeing.

The historical society Collections Policy is the historical society's policy regarding the acquisition and disposal of objects. The historical society must continue to develop policies that allow it to conduct its collections activities in accordance with the complexities of existing legislation and with the reasonable certainty that its approach is consistent with the spirit and intent of such legislation. It is incumbent upon historical society staff to review and understand the historical society Collections Policy and procedures as adopted by the Board of Trustees, when carrying out their job responsibilities.

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Materials collected by the historical society must be relevant to its purposes and activities, be accompanied by a valid legal title, preferably be unrestricted but with any limitations clearly described in an instrument of conveyance and be properly cataloged, conserved, stored or exhibited. The historical society must remain free to improve its collection through selective disposal and acquisition. In general, materials should be kept as long as they retain their physical integrity, authenticity, and usefulness for the historical society's purposes.

The historical society maintains a process for considering the origin of materials it acquires that will allow it to acquire or accept an object only when it can determine with reasonable certainty that it has not been immediately derived from illicit trade and that its acquisition does not contribute to the continuation of that trade.

When disposing of materials, the historical society must determine that it has the legal right to do so. When mandatory restrictions accompany the acquisition, these must be observed unless it can be clearly shown that adherence to such restrictions is impossible or substantially detrimental to the institution. The historical society can only be relieved from such restrictions by an appropriate legal procedure. When special requests or instructions accompany the acquisition, they must be carefully considered, and consultation with the donor or his/her heirs should be attempted.

The historical society must not allow objects from its collections to be acquired privately by any historical society staff member, officer, volunteer, member of its governing board or his/her representative, unless they are sold publicly and with the complete disclosure of their history. Objects, materials or supplies of trifling value that the historical society cannot sell and that must be discarded may be given to anyone associated with the historical society or to the public.

While the governing entity bears final responsibility for the collection, including both the acquisition and disposal process, the curatorial and administrative staff together with their technical associates are best qualified to assess the pertinence of an object to the collection or the historical society's programs. Only for clear and compelling reasons should materials be disposed of against the advice of the historical society's professional staff.

#### *Appraisals*

Donations are tax deductible to the extent of the law; however, the historical society cannot appraise items for a private owner. Donors, therefore, are expected to get independent appraisals for the objects they are donating.

#### *Availability of Collections*

Although the public must have reasonable access to the collections on a nondiscriminatory basis, the historical society assumes as a primary responsibility the safeguarding of its materials and therefore may regulate access to them. Some parts of the collections may be set aside for the active scholarly pursuits of staff members, but normally only for the duration of an active research effort.

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The judgment and recommendation of professional staff members regarding the use of the collections must be given utmost consideration. In formulating their recommendations, staff must let their judgment be guided by two primary objectives: the continued physical integrity and safety of the object or collection, and high scholarly or educational purposes.

In keeping with the historical society's responsibility to provide continuous curatorial and protective care for its collection, it must protect such collections from potential damage from the effects of smoke, beverage, or food service around exposed collections, or the dangers of inappropriate building environmental conditions.

#### *Truth in Presentation*

It is the responsibility of professional staff to use historical society collections for the creation and dissemination of knowledge. Intellectual honesty and objectivity in the presentation of collections is the duty of every professional. The stated origin of the materials or attribution of work must reflect the thorough and honest investigation of the curator and must yield promptly to change with the advent of new facts or analysis. Historical societies may address a wide variety of social, political, artistic or intellectual issues. Any can be appropriate, if approached objectively and without prejudice. Professionals must use their best efforts to ensure that exhibits, publications, and other public presentations are honest and objective expressions and do not perpetuate myths or stereotypes. All public presentations must provide with candor and tact an honest and meaningful view of the subject.

The research and preparation of a public presentation will often lead the professional to develop a point of view or interpretive sense of the material. That individual must clearly understand the point where sound professional judgment ends, and personal bias begins. (S)He must be content that the resultant presentation is the product of objective judgment.

#### *Human Remains and Sacred Objects*

We have learned much about human development and cultural history from human burials and sacred objects. There is merit in continuing such investigations. But if we are to maintain an honorable position as humanists concerned with the worth of the individual, the study of skeletal material and sacred objects and their housing and care must be accomplished in a manner acceptable not only to fellow professionals but to those of various beliefs.

Although it is occasionally necessary to use skeletal and other sensitive material in interpretive exhibits, this must be done with tact and with respect for the feelings of human dignity held by all peoples. Such an exhibit exists to convey to the visitor an understanding of the lives of those who lived or now live under very different circumstances. These materials must not be used for other more base purposes.

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When the historical society opts to deaccession items that are categorized as human remains or sacred objects, it should approach such deaccession with the utmost thoughtfulness and sensitivity. It should first attempt to return any such objects to the donor; if that is not possible, contact should be made with the most appropriate societal group for assistance and advice. If neither the donor nor an appropriate societal group can be found, the objects should be disposed of in keeping with accepted practices for the group or society represented by the objects.

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