Museum Ethics for a New World, Part 2

Part 1 of Museum Ethics, presented in the summer NemaNews, addressed ethics among the Board of Directors and included articles on developing a code of ethics; museum governance under the Sarbanes-Oxley Act; board orientation; legal duties of boards; and avoiding conflicts of interest. In this issue, we turn our attention to ethics among museum staff members. We move beyond a discussion of the codes of ethics that appear in personnel policies and those that have been developed by professional associations to guide colleagues working in various disciplines. Through feature articles we explore the ways in which ethics plays out in our day-to-day experiences.

ETHICS: Essential Treatment Helps Inspire Collaborative Success

By Paul Fontaine, Associate Vice President of Visitor Programs, Museum of Science, Boston

Museums attract passionate people. I don’t mean the young couple sneaking off to a dark corner of the institution to steal a kiss, but those staff and volunteers who work long hours, love the subject matter of their museum, and get fired up when they can share that love with visitors through programs, events and exhibits. The museum professional’s passion for his or her institutional mission—and the role of each cultural institution in its community—has manifested itself with such a positive and powerful effect that museums are often viewed as modeling behavior and principles that reflect the highest community standards.

Pick up the business section of any newspaper in New England and chances are you can find both positive examples and negative examples of ethical behavior. The not-for-profit world in general, and museums in particular, have not seen the torrent of headlines screaming malfeasance, as have the high number of for-profit companies. Are museums “better” or more ethical? How could that be, when after all, the human failings that led to the downfall of so many in the business world are as widely spread in the population of museum professionals?

Perhaps it is that the raison d’etre of a museum stresses mission over profit. Regard for the community over regard for the shareholder. Focusing on the greater good in the years and decades to come over the profit report for the next business quarter. Possibly there are different and greater pressures in the for-profit world that lead others to take liberties and shortcuts that many in the not-for-profit sphere are not tempted to take.

It is surely this lack of scandal, this absence of negative headlines that has contributed to the fact that the community sees museums as the most credible source of information among the major outlets for such information. You can’t buy this kind of reputation. It is the result of many years of institutional ethical behavior. And this ethical behavior is the accumulation of thousands of

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Risky Business:
Museums in an Ever-Changing World

2005 NEMA Annual Conference
November 16-18, 2005
Burlington, Massachusetts

For program and registration information see page 11.
Early-by-Mail Registration Deadline: October 11, 2005
individual acts of thoughtful, decent and honorable conduct carried out by the leadership, staff and volunteers in the institution.

The ethical climate in an institution is influenced by a variety of factors—the governance structure, a written policy on ethics, the culture that permeates the institution, the standards for reward and recognition, and the internal process required to see the mission’s words become deeds. While maintaining an ethical climate is a dynamic process—and requires a periodic review of the institution’s policies and procedures “toolbox”—the foundation of that climate is set by the actions and behavior of the leadership, staff and volunteers.

Individual behavior is at the root of a museum’s success or failure in creating an ethical working environment. It’s the shared standards that rule the interactions between and among an institution’s visitors, staff and volunteers that create an ethical culture. As the museum world has shifted in recent years this has required the Museum of Science to reassess some institutional business practices, human resource policies, and educational procedures to ensure that the climate continued to reflect our high institutional standards.

Here are four issues that have challenged our institution to reflect on its current environment and make needed changes.

**Intellectual Property**

This issue is a two way street. First, museums are frequently consumers of images, sounds, music, films and concepts that are generated by others outside the institution. Second, museums are now more than ever creating huge amounts of consumable products—exhibits, scripts, shows, books, and curricula that are specifically intended to move beyond the walls of the institution.

Does your institution have an IP policy? Have you discussed how the Fair Use Doctrine applies to the work of your institution and what steps to take if you find yourself in the “gray area” for product use? Do you have a standard contract that you use for all outside contractors, such as playwrights and composers, which clearly articulates the copyright ownership, sharing of any royalties, and recognition of the creator of the IP? Is there a policy for the commercial use of images taken at your institution?

**Partnership Guidelines**

Collaboration is more than just a museum buzzword these days; it is the new mode of business for most institutions. Leverage resources, staff and expertise can be achieved in many projects by identifying and working with other institutions, companies and individuals. But moving outside of your immediate museum family brings not only potential rewards, but also the risk of stumbling into ethical dilemmas by working with others whose goals may not mirror yours.

Has your institution created partnership guidelines that cover how you will work with companies, laboratories, universities and others who, by their very nature of having different missions, might expose your organization to a real or perceived conflict of interest? As you move beyond the sphere of your immediate institution it will be important for you to have considered how your organization will deal with others regarding content integrity, advocacy, controversial and multiple perspectives, proprietary information, process transparency, and adherence to the mission. By clearly articulating a statement of the principles your institution intends to follow with its partners you can create smooth, effective working relationships based on a shared set of understandings.

**Universal Design**

The American with Disabilities Act of 1990 did more than just speak to physical accessibility and removing barriers to equal access; it engendered an entirely new school of museum thinking—universal design. That is, creating a museum experience that is as broadly accessible in as many domains—physically, intellectually, culturally, and fiscally—as possible. By creating a process in your institution that reviews, articulates and incorporates the various accessibility opportunities you can be assured of a final product that is more widely appreciated by a larger percentage of your constituents.

Does your institution work with a community advisory committee to ensure a broad range of input? Do you have individuals with varying abilities review your exhibit and program plans and prototypes? Are your institutional policies, and educational procedures to ensure that the climate continued to reflect our high institutional standards.

The following excerpt from the Boston Museum of Science Handbook on Ethics for Staff and Volunteers addresses the ethical presentation and interpretation of collections in museum exhibits.

**Truth in Presentation**

It is the responsibility of museum professionals to use museum collections for the creation and dissemination of knowledge. Intellectual honesty and objectivity in the presentation of objects is the duty of every professional. The stated origin of the object 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. Museums may address a wide variety of social, political, artistic, or scientific issues. Any can be appropriate, if approached objectively and without prejudice. Museum professionals must use their best efforts to ensure that exhibits are honest and objective expressions and do not perpetuate myths or stereotypes. Exhibits must provide with candor and tact an honest and meaningful view of the subject. Sensitive areas such as ethnic and social history are of most critical concern.

The research and preparation of an exhibition 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.
Ethics and the Museum Collection

By Linda Eppich, Archivist for The Preservation Society of Newport County and Chair of the AAM Curators Committee

The collections management policy is the best guide for ethical behavior concerning a museum’s collections. It serves as the rules and regulations that govern care and usage of the collection and often the conduct of the staff that cares for the collection. Since all museums and historic sites should have developed a collections management policy, this document alone can usually be the guide for establishing procedures for ethical conduct. An institutional code of ethics should mention the collections, for they are the primary reason that a museum exists; as Jane Piasecki pointed out in the summer issue of NemaNews, the institutional code of ethics is the “Whistle-Blower Protection.” And of course an ethical goal is to provide the collections with the best care that is possible by the museum—addressing physical location, trained personnel, and fiscal responsibility. However, often this is not quite enough. A statement, perhaps only 2-3 sentences, at the beginning of the collections management policy that is specific to ethical behavior regarding collections (care, handling, procedures, etc., by the personnel) may also refer to the codes of those organizations that will assist staff, volunteers and members of the museum’s Board of Trustees in making decisions about and caring for the collections. These codes of ethics are those published by the museum field’s professional organizations. All mention collections in part, and in the Curators’ and Registrars’ codes the main focus is on collections. Sources for all these professional codes are included on page 12 of NemaNews; most are online. Stephen Williams has recently reviewed five codes of ethics. He found that only one dealt with ethical issues concerning behavior of people; that one is the code for the American Institution for Conservation (AIC). He ascertains that the others are too long and focus on professional standards of practice, rather than ethics. The code of the National Association for Museum Exhibition (NAME) was not included in his survey; in perusing this document and all the others, the NAME Code of Ethics is considered by this author to be a viable code of ethics, specifically aimed at and for museum exhibition professionals.

Expectations are high; supporters of these codes are expected to be morally strong, reliable, honest and considerate of the needs of the objects collected by the institution. After all, only people can exhibit ethical behavior; collections certainly cannot, living or nonliving. The discussion here is about professional people, hired to care for objects held by museums. The American Association of Museums (AAM) expects its member institutions to abide by its Code of Ethics for Museums and stresses the importance of decision-making concerning collections. Some decisions will be easy; they are legally binding. Ethics and law often overlap, and sometimes an ethical issue becomes a law if public outcry becomes strong and Congressional support is sought and received. For example, NAGPRA is now the law governing the repatriation of Native American artifacts. The museum could still act unethically in not reporting the existence of objects, but this is against the law. In December of 1998, the US Congress held hearings concerning the return of art recovered from Nazi Germany after WW II; no action was taken because AAM, AAMD, and AAM/ICOM already had in place procedures regarding the ethics of returning such art. In this case, ethics statements and professional procedures outweighed the need for another law.

Copyright is a law with some “teeth” to it, but there are instances of misuse of photographic images occurring every day. This is both illegal and unethical. To deface a photograph or other image that is not in the public domain (only those before 1927 are in the public domain) can be both illegal and unethical, when material is used for publicity purposes. How often has the Mona Lisa appeared with smudges or changes to her face? While the portrait is in the public domain, more recent photographic images may not be, and thus copyright can be violated. Marie Malaro’s book is always the best reference concerning legal and ethical issues.

The greatest public outcry against museums usually concerns the sale of deaccessioned collections. Society considers museums the holders of its heritage and important artifacts, to be held in perpetuity for the public trust. “Perpetuity” is, of course, a very unsympathetic word; no museum can guarantee this. But to the public, seeing some of that heritage go on the auction block usually creates a furor and becomes a black mark on an institution’s reputation. All museums deaccession at some time in their existence. After deaccession procedures, one of the preferred meth-
Exhibition Ethics in the Non-collecting Museum: Looking Through the Other End of the Telescope and Finding Someone Looking Back

By Harry Philbrick, Director, The Aldrich Contemporary Art Museum

The ethical codes outlined in the AAM’s Code of Ethics for Museums are explicitly applicable to both collecting and non-collecting institutions. The distinction between the two types of museums, and their differing responsibilities, is only touched on briefly to make clear that one museum owns most of the work it exhibits, and the other borrows all of its displayed objects. As the director of an institution of the latter variety, I want to pass on some thoughts about our special ethical responsibilities, especially when we are working with living artists. These thoughts are in concert with the admonition of the AAM’s Committee on Ethics that American museums should both adhere to the AAM code and expand upon it through the elaboration of specific practices. The display of contemporary art, especially in the context of a growing and vibrant art market, does require attention to quite specific practices, as well as openness to new opportunities.

One of the basic principles outlined in any museum code of ethics is the notion that no individual may use his/her position at the museum for personal gain. Given that a museum exhibition can enhance the value of an artist’s work, the opportunity for potential abuse is clear. An employee or trustee can potentially use inside knowledge of an upcoming exhibition to buy early, before the exhibition’s impact is felt. Those with a chance to gain financially could be staff members—either directly as current owners of artworks, or indirectly as associates or relatives of artists or dealers—but are more likely to be trustees, in their roles as collectors.

The more insidious problem is the less-blantant gain potentially enjoyed by members of the museum’s core community. Individuals can receive a “museum discount,” or access to rare work, when buying for their personal collections because the dealer hopes for help with securing an exhibition at the museum. It is important to remember that no individual’s collection “takes the place of” the museum’s collection. The museum must weigh this when seeing an advantage in the halo effect of having a collector with clout as a trustee.

Clearly this conflict of interest exists in collecting institutions as well, when an individual is in a position to benefit from discounts, or access to scarce objects, granted on the understanding—or hope—that their collection will eventually end up in a museum. And this is perhaps where the conflicts at non-collecting institutions would appear to be less than at collecting museums. There are fewer incentives to exercise unethical judgment—for example, to accept dubious gifts at inflated values in the hopes of eventually getting the good work—in a non-collecting museum.

Let’s consider a gray area, where the right steps may be contradictory. For example, the exhibition and publication of objects owned by museum staff or trustees could enhance the objects’ value. In such cases, should loans to the museum from insiders be credited anonymously, to deny their personal holdings the reflected glory of the museum exhibition? Or is it essential to be explicit that a work belongs to an insider, and not hide behind the “anonymous collector” fig leaf? I lean towards the latter, on the simple premise that clarity is ethically superior to opacity. In any event, it is clear that too much borrowing from museum insiders can create an aura that does not benefit the museum.

A clear line exists when it comes to insiders and members of their immediate families who are artists. Because a museum exhibition can benefit an artist’s career, no insider’s work should be exhibited. But this raises an ethical implication which I don’t think museums consider as much as they should: their obligation to the well being of the artist while s/he is still alive, and not only after their output has become historic. I am not talking about feeding, clothing, or insuring the artist. I am talking about giving their work the same white-glove treatment the museum would give to a borrowed Van Gogh. Our obligation to give their work superb handling should be explicit. This is especially true at institutions working with emerging artists, where our responsibility may also be to educate the artists themselves on how best to handle, care for, mount, and store their artwork. I know budgets are tight and time is scarce, but striving for excellence in this regard is part of our obligation to the preservation of our culture. We cannot presume to know which objects will be the masterpieces; we must treat each one like a future Portrait of Dr. Gachet.

Just because we are benefiting an artist’s career does not mean we should forget that our duty of care, our responsibility to accuracy in texts, our obligation to preservation and explication, are just as strong with a living thirty-seven-year-old artist as with the work of Van Gogh, who died at that same age. It is remarkable to me that the high standards of scholarship a museum should demand of an essay on Van Gogh are not always expected of an essay about a contemporary artist: we have the living artist with whom to check facts, but we usually don’t bother.

Perhaps our worst offense against artists is in our communication with them. Having started my career as an artist, I know the pain of waiting for a response to the submitted proposal or slide packet. As an arts administrator, I pride myself on being responsive to artists, and as director of The Aldrich Contemporary Art Museum, I strive to run a museum that keeps artists’ interests clearly in focus. While we have enjoyed some success in this regard, I recently learned that we could be doing much better. We—the senior curatorial staff of the museum—convened a meeting of six artists whom we had shown, or were in the process of working on projects with. We wanted to find out what they thought a museum should be, and how it should treat artists. A few things leapt out from
the meeting. First of all, most American museums treat living artists very poorly, communicating sporadically and at the last possible moment, ignoring the artists’ intentions for their work, and then expecting the artist to gladly donate work for a museum fundraiser.

Even when relations are cordial and the lines of communication are open, artists don’t understand what their relationship with the museum is. Their relationship with a gallery, while not always happy, is straightforward: it is a commercial arrangement. But with the museum, whether collecting or not, whether major or minor, progressive or courtly, the artists’ relationship is unclear. What is their obligation to the museum, and what is the museum’s obligation to them? Who pays for what? With whom can the artist communicate—just “their curator,” or can they call the PR person or an educator and discuss ideas or initiate projects with them? Who documents the exhibition?

The result is that we are just starting to draft a document outlining this relationship from the moment contact is made between The Aldrich and the artist, through to the completion of the exhibition, and beyond. It is a complex project, mixing issues of courtesy and efficiency with ethical and legal responsibilities. But this is an area not touched upon in any depth, if at all, by the codes of ethics of most museums. Surely, if we have an obligation to the artists who make those objects, we also have an obligation to the public we serve, and to the objects we display, we also have an obligation to the artists who make those objects.

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ods of disposal is trade with another museum; the collections management policy could factor this procedure into any disposal plan. As an example, a museum cannot always care for, store, or exhibit on any regular basis multiples of objects that are exactly alike. Transfer or trade to a similar type museum might be the alternative to public auction. All actions should be properly documented and acknowledged in public disclosure, so that the public understands how the museum manages the disposal of its deaccessioned artifacts and why this is being done. Use of any funds realized at a public auction is addressed by most professional organizations, and statements about the use of funds are often part of a collections management policy.

Conflicts of interest are another ethical problem, and the Summer NemaNews addresses this issue. The institutional code of ethics, and perhaps the human resources policy, should speak to conflicts of interest. Some of the professional association codes of ethics focus on this issue in detail. These conflicts specifically concern collections: direct sale of collections to dealers by a museum’s staff; storage of private collections requested by members; storage of artifacts at a member’s residence; collecting in the area of a museum’s focus by either staff or trustees; bidding against the museum at an auction; or appraisal of artifacts by the curator staff for financial remuneration. Institutional codes of ethics often require that staff limit personal collecting to areas outside the museum’s interests; in those cases, an employee usually must sign such a statement. This can be difficult, as museum professionals, especially curators, are acquisitive people. Unreasonable requests of curatorial staff, experts in their fields and sought after for that expertise, should be refused – with considerable tact. Permission for any staff member to pursue outside activities, such as lecturing, should come from the museum’s administration.

One of Stephen Weil’s concerns, which he expressed in 1988, was enforcement of codes of ethics and standards of practice. While individually it is sometimes difficult to attempt a stand, there are venues for reporting unethical behavior. A museum employee may report transgressions to his or her director, who abides by the museum’s institutional code of ethics. Any member of a professional organization could report unethical conduct to one of the organizations to which he or she belongs. While there are limited “teeth,” as there are in copyright law, the museum field is working toward more professional status, and the public is not likely to let the field ignore what it considers unethical procedures. In 1988 Bill Alderson stated, “The greatest problem we have in the area of ethics is making people aware that there are ethical dimensions to almost every decision they make.” This is especially true when working with the museum’s valuable collections.

Sources


NEMA Conference

Risky Business: Museums in an Ever-Changing World
November 16-18, 2005
Burlington, MA

Don’t delay! Early-by-Mail deadline is October 11, 2005.

NEMA Policy Loan Service

NEMA has broadened and expanded its Loan Resources. This service gives Institutional Members access to more than 16 categories of policies and reports created by museums of all sizes and disciplines. The complete list is available on the NEMA website. If you would like advice on which ones to choose, call the NEMA office for personal assistance.
We Independent Museum Professionals (IMPs) have long assumed that applicable codes of ethics come from AAM, AASLH and our fields of practice: fundraising, objects conservation and executive search, for example. For this edition of NemaNews we did a bit of research to see what makes the most sense as an ethics code for the consultation part of our museum work. Although we have not gathered as a whole to discuss this, we did reach an email consensus that the code used by the Association of Consultants to Nonprofits (ACN) is very appropriate when used alongside field codes we already follow.

For example, a preservation consultant would follow the ACN guidelines for the consultation relationship, but the American Institute for Conservation (AIC) code of ethics and/or the Secretary of the Interior’s Guidelines for the Treatment of Historic Properties when doing preservation work at your property. Fundraising consultants to museums would adhere to the ethics code of the ACN for the consultation; Association of Fundraising Professionals (AFP) for the fundraising (i.e. not working on commission); and AAM or AASLH codes of ethics regarding collections when it turns out that the gift is an object, not cash. That seems like a lot of layers, but each is supportive of the next and they are all second nature to a conscientious professional in a particular field.

We encourage those considering working with independent museum professionals and other consultants to consider the following code as a fine set of expectations for the consultation portion of the contract. We would enjoy hearing your comments on the code whether you are a museum professional who may work with consultants or an IMP working with museum clients.

Reprinted from ACN’s website, www.acnconsult.org:

I. In regard to professional behavior, members of the Association of Consultants to Nonprofits agree to:

a. Act with integrity in all matters, being honest with their clients and true to themselves.
b. Strive for increased self-knowledge and personal growth on a continual basis.
c. Strive to achieve and maintain a professional level of competence for themselves and their fellow technical assistance providers through continuing education, evaluation, and active involvement with the Association of Consultants to Nonprofits and other professional bodies.
d. Render services as advertised and make accurate and factual public statements, avoiding exaggerated claims in promotion or advertising.
e. Work actively for ethical practices by individuals and organizations engaged in consultation to not-for-profit organizations.
f. Act in ways that bring credit to the consulting profession in the field of not-for-profit organizations, with due respect and regard for colleagues in other professions and fields.
g. Perform duties with sensitivity to the fact that their recommendations and actions may alter the lives and well-being of staff, volunteers, and the population served by their clients and the larger systems within which they operate.
h. Be aware, at all times, of the cultural filters that may affect their view of the world, respect cultures different from their own, and be sensitive to cross-cultural and multi-cultural differences and their implications.

II. In their working relationship with clients, members of the Association of Consultants to Nonprofits agree to:

a. Recognize potential conflicts of interest or perceptions of conflict of interest, and disclose or resolve them.
b. Deal constructively with conflicts of interest encountered within client relationships.
c. Be timely in responding to requests for consultation and in clarifying the role, responsibility, and development of a work agreement with clients.
d. Accept responsibility for the consequences of their acts and make reasonable efforts to ensure that their services are properly used, including termination of services if they are not being properly used.
e. Practice within the limits of their competence and experience in providing technical assistance service and using various techniques.
f. Serve the long-term interest of their clients, even when the work to be done has a short-term focus.
g. Protect the confidentiality of information given in the professional consultant-client relationship.
h. Seek feedback and evaluation from the clients they serve, both during the course of service and after the contract has been concluded.
i. Avoid personal, sexual, or other inappropriate relationships with client board, staff, or volunteers while they are actively in service with them.

At the very beginning of the ACN guidelines they include this comment: *It should be noted that every successful consulting relationship also depends upon client willingness to deal fairly, honestly, and in a timely fashion with the consultant. Adherence to professional standards must be a priority for both consultant and client.*

We suggest the following statement is also appropriate: *Every client and every project entail different judgment calls; every relationship requires adjustments for style; every entity defines professional standards differently. What we strive for is integrity in our work, intelligence in our approach, and balance in our assessments.*

Again, we would be delighted to receive suggested additions to this list and your comments. Please contact Ron Kley who will collect your ideas and present them to the IMP PAG Working Committee. Ron is a partner in Museum Research Associates. He can be reached at 11 Spring Street, Hallowell, ME 04347 or ronkley@juno.com.
How Much Donor Involvement Is Too Much?

By the Association of Fundraising Professionals

Donor Direction: How Much Is Too Much?

“Undue influence by donors” is the number-one issue in fundraising today, says Jon Dellandrea, PhD, vice president and chief development officer, University of Toronto. With donors increasingly seeking philanthropic control, fundraisers are more likely to encounter directions that push ethical boundaries. No prescribed answers exist—it’s a matter of case-by-case negotiation and judgment—but nonprofit mission statements, tax law, and Association of Fundraising Professionals (AFP) codes and standards do provide guidance. Here are a few reminders, in a nutshell:

26 USC Section 501(c)(3): Exempt organizations must operate exclusively for exempt purposes; no earnings may inure to private benefit.

• AFP’s Statement of Ethical Principles: Charitable fundraisers have obligations to (a) honor public trust, (b) adhere to a nonprofit’s standards and plans, (c) consider affected individuals, and (d) avoid the appearance of impropriety.

• AFP Standards of Professional Practice 1 and 2: These standards (a) prohibit conflicts with fiduciary obligations and (b) require disclosure of real or potential conflicts of interest.

• AFP Donor Bill of Rights, I: A donor has the right to be informed of a charitable or nonprofit organization’s mission.

Putting these principles into practice case by case is the trick, of course. Ask three basic questions when you are evaluating the terms of a conditional gift:

Whose terms?
The new venture philanthropists “often don’t have a good understanding of the boundaries between philanthropy and self-interest,” says Peter Hero, MA, MBA, president, Community Foundation Silicon Valley, and past AFP Fundraiser of the Year. Venture philanthropists—successful as scientists and engineers but novices at charitable giving—think of philanthropy as investing. They don’t want to give up the hands-on management style that has worked for them.

Yet, too much donor control is hazardous to a nonprofit organization’s integrity. When the terms of a proposed gift would redirect an institution’s core mission, that gift usurps control that rightfully belongs to the nonprofit, for which image and branding are sine qua non. For example, a gift endowment of a university chair that is contingent on naming specific faculty members or on teaching a particular point of view would be an inappropriate donor infringement on academic freedom.

Many organizations are turning to donor-advised funds—donors contribute funds, then give advice as to their use—to strike an acceptable balance. However, even then, notes Bob Bothwell, president emeritus/senior fellow, National Committee for Responsive Philanthropy, “Ethical tension can arise for public foundations if donor advice interferes with the obligation to involve grassroots organizations."

Who benefits?

Problems with donor advice can occur on two fronts: tax code violations and conflicts of interest. “The public is the stakeholder,” explains Colette Murray, JD, CFRE, incoming AFP chair-elect and past chair of AFP’s Ethics Committee. She warns that even minimally diverting a gift’s benefit from public to private purposes jeopardizes an organization’s tax-exempt status.

Preferred treatment for donors is suspect unless carried out at arm’s length. If a board member donates funds for a concert band, then seeks a contract for a relative’s musical instrument supply company, there may be no conflict of interest if the relative’s firm submits a winning bid in a competitive process. “If the donor gets no special consideration and everyone involved has notice” of the relationship, potentially inappropriate benefit problems may be resolved, says Marianne Briscoe, PhD, ACFRE, and founding principal, Hayes Briscoe Associates, Petaluma, CA.

Who pays in the long run?

Fundraisers must exercise due diligence even when gifts are legal, conflict-free, and consistent with organizational objectives. Program improvements cannot cost the recipient money and heartache if they can’t be sustained after the gift is expended.

Help donors avoid mistakes

Gifts contingent on agreeing to let a donor perform services—for instance, an architect who wants to design the building she donates—can drain rather than augment resources. Fundraisers must be satisfied that the building will serve organizational and program purposes, that design features and construction quality will pass muster, and that the structure can be maintained. Help avoid costly mistakes, program continued on following page

Hiring

to discuss your needs.

Museum Search & Reference
Marilyn Hoffman Principal
Executive Search for Museums
“Full Search or Just the Help You Need”
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“Headhunter,” retired E.D.
CALL OR E-MAIL TODAY
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HoffmanMar@aol.com
www.museumsearchandreference.com

Need help with a director or curator?

Recruiting?

Screening?
disappointments, and bad publicity by educating donors:

Before development: “Planning comes first, then development,” emphasizes Dellandrea. Before raising a single dollar, an institution should have a clear sense of its mission, aspirations, and priorities—and take the lead. When meeting with a new donor, a fundraiser is in a position to say, “Here’s what we’re trying to do. Where do your interests coincide?” His university also provides a “Guidelines for Donors” document and draws up donor agreements acknowledging the overriding importance of academic freedom. “Under these circumstances,” Dellandrea says, “it’s almost impossible for a donor to suggest an inappropriate gift.”

Before giving: “Most problems arise because donors are ‘innocent’ of applicable ethical and legal standards,” explains Barbara H. Marion, CFRE, senior principal, Hayes Briscoe Associates, past chair, AFP Foundation, and past member, AFP Ethics Committee. In her experience, donors comply readily once they understand the issues. In this belief, the Community Foundation Silicon Valley helps donors to develop their own strategic philanthropy plans and links its Donor Relations and Program departments so that donors can see Foundation priorities in action before giving. Its donor website discusses ethical issues and community needs, as well as promoting donor networking so the word will spread.

Before trouble: Fundraisers who understand that organizational and donor goals may not be the same discuss legal and ethical issues up front. Because they work with donors from the start of the relationship to determine what level of involvement makes sense, these fundraisers may never find themselves having to walk away from a gift—or wishing, too late, that they had turned it down.

Casebites: scenarios of potential conflict

Case One
A donor wants to contribute an important art collection to a local museum, contingent on the paintings being hung in perpetuity in a separate, named gallery that will often be closed to the public for private events. The collection must be placed exactly as it had been in the donor’s home, and the individual paintings must never be sold or loaned.

Issues at stake: Do the gift’s static nature and stringent conditions “unduly influence” the museum’s mission? Does the gift jeopardize the museum’s 501(c)(3) status by failing to serve a public purpose and conferring a private benefit (creating a personal memorial)? Will the gift’s terms prevent the generation of income, causing it to eventually become unsustainable?

One possible resolution: The museum’s board must weigh the contribution of the paintings against the museum’s mission and against the gift’s constraints on public access and the museum staff’s administrative discretion. Given the additional litigation and financial risks, the museum must confer with the donor about dropping some of the conditions. If the donor refuses, the museum may seriously consider declining the gift.

Case Two
A donor responds to a university’s appeal for funds to expand its Classical Studies program, but the donor—a leading authority on ancient Greek language and culture—suggests playing a close advisory role.

Issue at stake: Does the donor’s involvement in program development compromise academic integrity?

One possible resolution: The donor is offering genuine expertise as opposed to pushing personal theories. As the donor’s advice is likely to enhance the quality and reputation of its academic program, the university should probably accept the gift.
THEME SOURCES AND RESOURCES


Edson, Gary, ed. Museum Ethics (Routledge, 1997)


Malaro, Marie C. Museum Governance: Mission, Ethics, Policy (Smithsonian Institution Press, 1994)


The codes of ethics listed below were compiled by the NEMA staff. If you notice any omissions, please contact us at 781-641-0013 or nemanews@tiac.net. Thank you.

Professional Codes of Ethics

American Association of Museums: www.aam-us.org
- AAM Guidelines on Exhibiting Borrowed Objects, Issued 2000
- AAM Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era, Issued 1999, Amended 2001
- AAM Guidelines for Museums on Developing and Managing Business Support, Issued 2000
- AAM Guidelines for Museums on Developing and Managing Individual Donor Support, Issued 2002

AAM—Committee on Professional Training www.education.nyu.edu.art/comp.html
- Standards and Best Practices Guidelines

AAM—Curators Committee www.curcom.org
- Curator Code of Ethics, Adopted 1983, Revised 1996

AAM—Education Committee www.edcom.org
- Excellence in Practice: Museum Education Standards and Principles, Approved 2002

AAM—National Association for Museum Exhibition www.n-a-m-e.org
- Code of Ethics

AAM—PR & Marketing Committee www.prandmarketing.org
- Operating Guidelines

AAM—Registrars Committee www.rcaam.org
- Code of Ethics for Registrars, Adopted 1984

American Association for State and Local History www.aashl.org
- Statement of Professional Standards and Ethics, Adopted 2002
- Ethics Position Paper #1 The Capitalization of Collections, Adopted 2003

American Institute for Conservation www.ai.c.stanford.edu
- Code of Ethics and Guidelines for Practice, Adopted 1963, Revised 1994

American Zoo and Aquarium Association www.aza.org/AboutAZA/CodeEthics
- Code of Ethics, Adopted 1976

Association of Art Museum Directors www.aamd.org
- Code of Ethics, Adopted 1966, Amended 2001

Association of Children’s Museums www.childrensmuseums.org
- ACM Professional Standards Document

Association of Consultants to Nonprofits www.acnconsult.org
- Code of Ethics

Association of Fundraising Professionals www.afpnet.org
- Code of Ethical Principles, Adopted 1964; Amended 2004

Independent Sector www.independentsector.org
- Model Code of Ethics
- Compendium of Standards, Codes and Principals for Nonprofit and Philanthropic Organizations

International Council of Museums www.icom.museum
- Code of Ethics, Adopted 1964, Revised 2000

Museums Association (of Great Britain)
- Code of Ethics

Museum Store Association www.museumdistrict.com
- Code of Ethics, Adopted 1986, Revised 2000

Society of American Archivists www.archivists.org
- Code of Ethics, Adopted 1984, Revised 2003

Society for Human Resource Management www.shrm.com
- Code of Ethics, Adopted 1972, Revised 1989

World Federation of Friends of Museums www.museumsfriends.org
- Code of Ethics for Museum Friends & Volunteers, 1998
products rigorously evaluated to uncover weaknesses and identify strengths? Do your institutional admission policies provide opportunities for all individuals—regardless of their personal circumstances—to have access to your offerings? Perhaps the most gratifying reward of universal design is that it enriches the museum experience for all visitors, regardless of their abilities.

**Fundraising**

Money makes the museum world go ‘round. It is one of the essential elements that enable an institution to implement its mission. However, all too often the fundraising and fiscal stewardship for an institution is left solely to our colleagues in the Development or Advancement departments. As our institution began to identify government, foundation, and corporate funders who had not previously supported the institution we engaged in two important changes—articulating fundraising and sponsorship guidelines and broadening the base of staff involved in fundraising.

It is clear that the funder who donates one thousand dollars will be recognized differently from the funder who donates ten times that…or is it? Unless your institution has a plan that clearly articulates the “quid pro quo” recognition for financial support, you run the risk of either angering a funder or giving away too much recognition for too little support. Also, there are often no more compelling spokespeople for the institution than those educators, designers, planners and researchers who are actively engaged in the development of the educational products. By engaging them—directly or indirectly—when appropriate with the potential funders you create an opportunity for the originators of your educational products to share their passion and vision with others whose support is critical to mission success.

Ethics is more than just following the procedures articulated in an institutional ethics handbook. It is creating an environment that sets a respectful and mutually supportive tone. It is supporting a culture that engages the entire staff in behavior that is appropriate and positive. Most importantly, it is creating model standards and principles that move forward the goals, hopes and dreams of our institutions—and through their work, of our society.

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*Museums in an Ever-Changing World*

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**Ackland Museum of Art**

**The John Carter Brown Library**

**Colby College Museum of Art**

**The Currier Museum of Art**

**Haffenreffer Museum of Anthropology**

**Herreshoff Marine Museum**

**The Herbert F. Johnson Museum of Art**

**Museum of Art, RISD**

**The National Building Museum**