

COLLECTIONS POLICY

December 2, 2020



Museum Board

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I. PURPOSE AND SCOPE

The purpose of this document is to describe the nature of the collections at the Birmingham Museum and the policies needed to provide for their management, care, and intended use on behalf of the public. As conditions and requirements change, this document may be amended through a review process, as provided for in **Section III: Governance**.

A. Mission Statement

The Birmingham Museum will explore meaningful connections with our past, in order to enrich our community and enhance its character and sustainability. Our mission is to promote understanding of Birmingham's historical and cultural legacy through preservation and interpretation of its ongoing story.

B. Description and Scope of the Collection

The majority of the objects in the Birmingham Museum collection were collected by the Birmingham Historical Society and donated to the museum at its establishment by the City of Birmingham in 2001. The museum continues to acquire and accession objects consistent with its mission and scope on an ongoing basis, usually through personal donation. The City of Birmingham owns the collection, which is professionally managed and cared for by the Birmingham Museum according to accepted museum standards.

When formally accessioned into its permanent collection, the Birmingham Museum adheres to museum ethical standards for proper care and management of the object as long as it remains in the permanent collection (see **Section IV: Acquisition and Accession**). (Collection management procedures will be followed by museum staff to document, maintain, and manage the collection according to accepted professional museum standards, and are outlined in a separate document.) The museum collects, preserves, displays, and interprets tangible and intangible material related to the history of Birmingham of the following types:

1) Three-dimensional objects—approximately 8,000 objects consisting of furnishings; household objects; prints, paintings, and sculptural objects; textiles (such as quilts); garments and personal accessories; tools and agricultural objects; books; and Native American stone tools and other ethno-cultural objects.

2) Archives—documents, maps, scrapbooks, letters, news clippings, and other similar material related to Birmingham or its residents. Material in the archives may be digitized.

3) Photographs and Images—several collections of historic photographs of people and sites in and around Birmingham, from the mid-19th c. to the present, including prints, negatives, and slides. Photographic material may be digitized.

4) Audio, Video, and Digital Materials—vinyl, microcassette, CD, and DVD recordings of oral histories, personal interviews, and sound recordings; video recordings; and photographs and documents that are in digital format.

The Birmingham Museum also deaccessions objects that are not consistent with its mission and/or objectives. In this case, a formal procedure is followed that includes specified levels of authority before deaccession and disposal can occur (see **Section III: Governance**, and **Section V: Deaccession**).

C. **Historic Landscape and Buildings**

The Birmingham Museum site also includes two buildings and a historic landscape that are cared for by the museum, described as follows:

Historic Landscape—the museum site is a 4-acre park that previously belonged to Harry and Marion Allen 1926-1969. Prior to that, it was the site of the first brick school in Birmingham, built in the 1856, on land that was part of Elijah Willits' original land grant. The park is adjacent to the Rouge River public trails system. The site is important for its history as well as its natural setting. It features surviving built and planted elements from the Allens' period of residence, including an original stone wall and concrete improvements to the spring fed pool that are historically important. The landscape provides a historic sense of place and is a popular natural beauty park.

Buildings—two buildings of significance exist on the site; the 1822 John West Hunter House, (originally built on Hunter's land grant, and moved to the museum in 1969), and the 1926 Allen House, built for Harry Allen, the first mayor of the City of Birmingham. The Allen House is used for changing displays and storage of objects and archives, and the Hunter House is furnished in period objects as a historic homestead. The Hunter House is listed on the National Register of Historic Places as a locally significant site, and the Allen House and landscape are under review for the same designation. The buildings and the property are also part of the City of Birmingham's Mill Pond Historic District.

The landscape and buildings are under the care of the Birmingham Museum, but are not considered part of its collection nor subject to accession and deaccession activities as provided for by this collections policy.

II. COLLECTIONS ETHICS & ACCEPTED MUSEUM STANDARDS

The City of Birmingham owns the collection and the Birmingham Museum holds it in the public trust. In addition to the ethical standards and requirements of the City of Birmingham, the Birmingham Museum is guided by the ethical responsibilities and implications of standard practices for museums (see **Attachment 4: American Alliance of Museums Code of Ethics**). These industry standards provide ethical guidance for interaction with the collection by museum staff and the Museum Board in addition to City ethical guidelines. A museum Statement of Ethics incorporates these standards as part of this Collection Policy.

A. **Birmingham Museum Statement of Ethics**

The Birmingham Museum ascribes to the Code of Ethics adopted by the American Alliance of Museums, as expressed in the following Birmingham Museum Statement of Ethics:

The Birmingham Museum makes a unique contribution to the public by collecting, preserving, managing, and interpreting historic materials, including its site, buildings, artifacts, documents, photographs, oral histories, digitized materials, and other tangible and intangible objects relating to Birmingham and the surrounding area. As an institution, the distinctive character of the Birmingham Museum derives to a large extent from its collection of historical materials, which it holds on behalf of the City of Birmingham in the public trust. The ethical stewardship of these collections carries with it the presumption of thoughtful and purposeful acquisition, rightful ownership, accurate documentation, appropriate care, reasonable utilization and access, and responsible disposal.

B. **Capitalization of Collections**

In accordance with the view that museums hold their collections in the public trust, professional museum organizations have adopted guidelines that recommend against capitalization of museum collections (see **Attachment 5**). This also serves to distinguish historic or cultural value from the market value of a collection. Professional best practices further recommend specific policies relating to any instance of sale or disposal of a museum collection object so that any resulting funds be restricted and used solely for the enhancement or improvement of the collection, not for museum operations or other purposes. This practice protects the collection from degradation and sale in order to pay debt, for instance, in keeping with the interests of the public trust. Therefore, a formal institutional statement for the Birmingham Museum on capitalization incorporates these guidelines as part of this Collection Policy.

C. **Birmingham Museum Statement on Capitalization of Its Collections**

The Birmingham Museum's Statement on Capitalization establishes the museum's collection as having historic and cultural value rather than market value, as follows:

The City of Birmingham operates the Birmingham Museum on behalf of the public and owns the collection, which it holds in the public trust, for the purpose of the furtherance of public service through public exhibition, education, and research, and not for capital or financial gain. As such its collection will be protected, cared for, preserved, and kept

unencumbered for its historic and cultural value and will not be considered capitalized assets. Proceeds from sales of donated objects, collection objects, or insurance proceeds in the case of a loss of objects, shall be used only for collection replacement and direct care activities that maintain an equivalent or enhanced historic or interpretive value within its collections. Ongoing status of individual collection and archival objects is maintained digitally by museum staff with special museum collections software.

The majority of items in the Birmingham Museum collection have historical value only. In rare instances, a collection object may exceed \$5,000 in value (as established by informal estimates or formal appraisal); these objects will be recorded and monitored according to Finance Department requirements for purposes of insurance and generally accepted accounting principles.

Proceeds from the sale of deaccessioned objects may not be used for operational expenses. Funds generated, if any, shall be used only to acquire new objects or to provide direct care for those objects remaining in the collection. Any proceeds from the sale of donated objects, collection objects, or insurance proceeds will be restricted and an accounting of those funds will be maintained by the City of Birmingham's Finance Department.

Procedures governing the disposal, deaccession process, sale and revenue of collection or donated objects are described in this Collection Policy under **Section V, Deaccession**. Levels of authority associated with accession and deaccession of items in the collection are detailed in **Section III, Governance and Responsibility**.

III. GOVERNANCE AND RESPONSIBILITY

A. Museum Board

The Museum Board serves in an advisory role that provides recommendations regarding the Birmingham Museum and site and the collecting, cataloguing, preparing, and display of objects and materials relating to the history of the city and the surrounding area. Board members are appointed by the City Commission to carry out this role and to oversee the operation of the museum and care of the collection to benefit the public and the study of area history. The Museum Board develops policies in accordance with its Strategic Plan that guide museum priorities and activities, including oversight of the collection and its management, in coordination with museum staff and professional museum standards. The Museum Board oversees and makes recommendations to the City Commission for deaccession and disposal of items in the Birmingham Museum permanent collection, and establishes a Collections Subcommittee whose duty is to make recommendations to the Museum Board regarding these activities.

B. Collections Subcommittee

The Museum Board shall establish a Collections Subcommittee for the museum consisting of up to three (3) members of the Museum Board. The Collections Subcommittee will meet as needed to review proposed deaccession of objects recommended by the Museum Director. The Collections Subcommittee shall recommend objects for deaccession to the Museum Board for consideration. The Collections Subcommittee shall also review and propose revisions to the Collections Policy to the Museum Board as needed.

C. Levels of Authority

Level of Authority refers to the approval level required to make decisions about collection accession and deaccession. To protect the collection, the level of approval for deaccessioning is equal to or greater than that for accessioning.

Accession to, and Deaccession from, the Birmingham Museum collection will be considered in accordance with the defined scope of the collection and the museum mission (**see also Section I: Purpose and Scope**). Accession and deaccession carry greater responsibility regarding documentation, care, and planning. Acquisition and de-acquisition are distinct from Accession, as they refer to status of an object outside the formal accession process, either because the object is 1) still being considered for accession, 2) is in the Use or Study Collection, or 3) otherwise has been acquired by the museum but will not become part of the Permanent Collection.

1. Authority: Acquisition and De-acquisition –The Museum Director shall determine acquisition or de-acquisition status of an object in keeping with the museum’s mission and scope of the collections. Acquired objects are not brought into the permanent collection through the formal accession process, but are used as exhibit props, hands-on activities, or for educational purposes. They receive basic documentation and storage and tracked internally.

2. Authority: Accession: The Museum Director shall determine the appropriateness of an object offered for accession to the Permanent Collection, taking into consideration the object's historic value, condition, storage and access requirements, display, conservation, use of resources, or other applicable criteria in determining such appropriateness. The Museum Director may consult with the Collections Subcommittee and/or the Museum Board in regard to accessions as necessary. It is the Birmingham Museum's policy that no restrictions are attached by donors to objects offered to the museum. The Museum Director is responsible to oversee and the legal ownership transfer process and documentation from donor/source to the museum collection **(see Attachment 2: Deed of Gift)**.
3. Authority: Deaccession: The Museum Director shall make recommendations to the Collections Subcommittee for the deaccession of an object from the Birmingham Museum collection. Proposed object deaccessions will be subject to specific procedures for object deaccession **(see Section V: Deaccession)**. The Museum Director will provide details on the object's history, condition, and rationale for the deaccession. The Collections Subcommittee will review the Director's proposed deaccessions and recommend object deaccessions to the Museum Board, which will review and make final recommendations to the City Commission. Final approval for deaccession rests with the City Commission. The object may be disposed of through accepted methods, or transferred from the Permanent Collection to the Use or Study Collection **(see Attachment 3: Deaccession Record)**.

D. Collections Policy Approval and Review

The Birmingham Museum Collections Policy will be reviewed on a regular basis by the Collections Subcommittee, with recommendations to the Museum Board for review and approval, and will be reviewed at least once every three years by the Collections Subcommittee, with a report to the Museum Board and to the City Commission.

IV. ACQUISITION and ACCESSION

Collection objects may be acquired through gift/donation or through purchase, and may serve the museum mission in informal (display prop, hands-on exhibit in Use Collection) or formal ways (Permanent Collection). Acquisition and accession are distinct in that acquisition refers to an informal custodial function, which may be temporary, while accession formally adds an object into the Permanent Collection with all the associated responsibilities for permanent care.

A. Acquisition and De-acquisition

Acquisition is the first step in the collections process. Objects considered for acquisition are held in temporary custody by the museum while being evaluated. Acquired objects may be transferred to the Use or Study Collections, or de-acquired if deemed unsuitable, sold to enhance the collection, transferred to a more appropriate institution, or otherwise disposed of. If retained, acquired objects will be subject to the following:

1. Conform to the museum's mission.
2. Have free and clear title.
3. Be able to be reasonably stored and cared for during the period of acquisition.
4. Not be subject to restrictions by the donor as a condition of transfer of ownership.
5. Objects may be acquired and de-acquired at the discretion of the Museum Director.

B. Accession

Accessioning is the formal process by which objects enter a museum's Permanent Collection (**see Attachment 2: Deed of Gift**). It represents a commitment by a museum to preserve, display, and permanently care for the object in the public trust. Documentation and legal transfer of ownership records are kept, and the item will be preserved, tracked, stored, displayed, handled, and maintained in accordance with the highest museum standards. To be accessioned, an object must:

1. Conform to the museum's mission.
2. Conform to the scope and/or enhance the collection.
3. Have free and clear title.
4. Be able to be properly stored, protected, accessed, and cared for in accordance with generally accepted museum standards.
5. Not be subject to the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 governing ceremonial objects, artifacts, or human remains.
6. Objects offered to the Birmingham Museum for accession will be unrestricted gifts. Exceptions must be reviewed by the Collections Subcommittee and approved by the Museum Board.
7. Objects may be accessioned at the discretion of the Museum Director.
8. Upon accession, required records and a Deed of Gift will be generated to complete the transfer of ownership.
9. Files containing accession information, transfer of ownership, Deed of Gift, object identification, photographic, and other detail will be maintained permanently by the museum. Digital files will be backed up and maintained in secure off-site storage.

V. DEACCESSION

Occasional judicious removal of previously accessioned objects from the Permanent Collection is a valuable tool and activity used by museums to maintain and enhance the remaining collection. This can occur if the mission or scope of the collection changes, an object has become damaged, obsolete, a better-preserved example of the object becomes available, etc. Eliminating an object from the Permanent Collection may improve efficiency or increase resources that may be used for other objects or to add new objects to the collection. Deaccessioning is the process of formally removing objects from the collection deemed inappropriate for continued inclusion in the Permanent Collection.

A. Requirements for Deaccession

In considering deaccession for an object, the Birmingham Museum shall consider the primary goal of furthering the museum's mission. The Birmingham Museum will follow strict deaccession guidelines that reflect the highest level of accepted museum standards and ethics, in accordance with City of Birmingham standards and ethics, and in accordance with fiduciary duties of loyalty and care. Proceeds from the sale of deaccessioned objects may not be used for operational expenses. Funds generated, if any, shall be used only to acquire new objects or to provide direct care for those objects remaining in the collection.

Recommendations for deaccession shall be prepared in writing by museum staff, reviewed by the Collections Subcommittee, and recommended to the Museum Board for its review. Independent professional assessment may be sought if deemed appropriate. The Museum Board will make recommendations to the City Commission for deaccession of collection objects.

To be eligible for consideration for deaccession, one of the following criteria must be met:

1. The material is not relevant to the mission or scope of the collection, or another institution is deemed a more appropriate repository for long term care in the public trust.
2. The material has failed to retain its integrity, or has been lost or stolen and is deemed unrecoverable.
3. The material is a duplicate, or is redundant, and has no value as a set or part of a series.
4. The material cannot be preserved, housed, displayed, or cared for appropriately by the Birmingham Museum in the present or in the anticipated future.
5. The museum's possession of the material is not consistent with applicable law, e.g., it may be subject to the Native American Graves Protection and Repatriation Act (NAGPRA), have been stolen, illegally imported, etc.
6. The material is determined to be a fake, forgery, or reproduction.
7. The removal of the object will refine or improve the remaining collection.

Upon approved deaccession, the following rules will apply:

1. In accordance with the U.S. Tax Reform Act of 1984 and associated Internal Revenue Service regulations, no donated material shall be deaccessioned before a period of two years has passed.
2. Objects deaccessioned shall not be privately sold, given, or otherwise transferred to any employee or official of the city government, including the Museum Board, museum

staff, museum volunteers, or members of the Friends of the Birmingham Museum, or their family members.

3. Objects withdrawn from the Permanent Collection may be assigned to the Use or Study Collection by the Museum Director.
4. A complete record of deaccessioned objects shall be kept, and a copy shall be retained permanently. The deaccession documentation shall include an image of the object. The permanent Object ID# shall not be re-assigned.
5. Before disposal, the Birmingham Museum's object identification numbers shall be removed.
6. Funds derived from the deaccessioning and disposal of objects from the Birmingham Museum collection shall be restricted and used exclusively for the acquisition or purchase of objects for the collection, or for direct care of the collection. In no event shall proceeds be used for operating or capital expenses or for any purpose other than acquisition or direct care of the collection in a manner consistent with the Birmingham Museum's mission and collection scope.

Disposal of deaccessioned objects can occur through:

1. Transfer to the Birmingham Museum's Use or Study Collection.
2. Disposal (The disposal of hazardous materials will follow all applicable laws and regulations).
3. Transfer, sale, or trade to another museum.
4. Sale at public auction.

VI. LOANS

Museums commonly loan collection items in accordance with mission goals and standard practice. A loan provides for the transfer of temporary custody and legal responsibility for specific object(s) between entities holding a collection for a designated period of time. Incoming loans provide an opportunity for enhanced interpretive display and/or research of mission-related information. Outgoing loans build institutional collaboration and help expose the Birmingham Museum's collection to a wider audience.

The Birmingham Museum may initiate a loan of object(s) in private or institutional collections for the purposes of exhibition or study, and outside organizations may make requests of the Birmingham Museum. Loans are not made by the Birmingham Museum to individuals, or to public or private institutions whose purpose and mission are not aligned with the public interest. Incoming and outgoing loans are administered by museum staff and approved by the Museum Director in accordance with accepted museum standards.

Outgoing Loans:

1. Loan documents will specify the length of loan and other applicable terms, such as shipping and handling, security, environmental controls, display restrictions, credit lines, etc.
2. The borrowing institution may be required to submit a Standard Facility Report as a part of the loan agreement. The SFR is a widely recognized document that provides detailed description of an individual museum's physical and exhibit space, security, and related characteristics.
3. The borrowing institution is responsible for carrying and demonstrating "wall-to-wall" insurance coverage from the time the object(s) leave the Birmingham Museum until the object(s) is returned.

Incoming loans:

1. Loans may be requested by the Museum Director from other institutions or from private sources for the purposes of study, temporary display, or long term display.
2. A loan agreement will reflect the object(s)' description, terms of the loan, contact information, insurance value of the object(s), special shipping requirements, if any, and other relevant information. Museum staff will also provide a copy of the Birmingham Museum Standard Facility Report, if requested, and a copy of the City of Birmingham's insurance certificate. The museum will not utilize incoming loans if the object(s)' insurance value exceeds the insurance available.
3. While in the care of the Birmingham Museum, loaned object(s) will be properly secured and protected.

ATTACHMENT 1-Terms and Definitions

The following terms and definitions relate to standard museum practice as applied by the Birmingham Museum and referenced in this Collections Policy.

Accession – (1) an object or group of objects formally and legally accepted and recorded by a museum as part of its Permanent Collection; (2) the act of recording and processing an addition to the Permanent Collection. Accessioning objects commits the museum to their permanent care and protection, and therefore is done in accordance with the museum’s mission and stated scope. Accession is distinct from the less formal status of Acquisition.

Acquisition – the status of an object in which it is in the possession of a museum and is being considered for formal addition (accession) into the Permanent Collection. Acquisition can also refer to objects that are acquired by the museum for the Use or Study Collection, but which are not accessioned. In some instances, donated objects may be acquired by the museum that are not accessioned, but may be disposed of through sale or trade in order to enhance the Permanent Collection.

Collection, Permanent—those objects in the Birmingham Museum’s collection that are formally accessioned for preservation, care, protection, display, and/or interpretation by the museum in the interest of the public trust, and in keeping with the mission and scope of the museum.

Collection, Study—those objects in the Birmingham Museum’s collection that are maintained for the purposes of research, education, and study, and which are preserved, stored and maintained with that purpose in mind, and in keeping with the mission and scope of the museum.

Collection, Use—those objects in the possession of the Birmingham Museum that are maintained for the purposes of education, interpretation, and display and which are stored and maintained with that purpose in mind, in keeping with the mission and scope of the museum. Use collection objects may be reproductions or redundant objects, and may be recorded and labeled to distinguish them from the Permanent Collection.

Collection Management—refers to procedures developed and implemented to ensure proper care of, and minimal risk to, a museum’s collection. Such policies typically address a variety of issues such as storage, care, and treatment, as well as standards of recordkeeping for everything that is done to document, care for, and develop museum collections to make them available for use in the public trust. Collection management also refers to the planning and guidance for the collection to prevent unhindered collecting and the resultant administrative, legal, and ethical problems.

Deaccession—the formal and legal process of removing an object from a museum’s Permanent Collection, undertaken in strict accordance with established procedure and review at multiple levels of authority, in order to improve the museum’s collection or enhance its ability to fulfill its mission.

De-acquisition—refers to the disposal of an object in the Use or Study Collection, or an object that was received by the Birmingham Museum as a gift but not accessioned into the Permanent Collection.

Deed of Gift—document between donor and museum that legally transfers ownership and control of an object or group of objects to a museum. The document includes description, date, and clarification that the objects are offered and accepted as unrestricted gifts.

Disposal—action taken after an object is formally deaccessioned. It can include sale, trade, transfer, or in cases of objects of personal value, return of an object to the original donor as deemed appropriate.

Found in Collection—status of an object found in the possession of the museum, but which lacks accompanying information as to origin or accession.

Intervention—any activity that interacts with the object to effect changes in its condition or status.

Level of Authority—the approval level required to make decisions about collection accession and deaccession. Ordinarily, the level of approval for Deaccessioning is equal to or greater than that for accessioning.

Loan, Incoming—acceptance by a museum of responsibility for a collection object belonging to another individual or organization, on a temporary basis, for the purpose of study or exhibition, and not construed to be part of the museum collection.

Loan, Outgoing— legal transfer of responsibility for materials from a museum collection to an outside institution for a specific period of time, not construed to be transfer of ownership.

Loan Agreement—written document that specifies details related to the loan of objects from the Birmingham Museum to other institutions or entities. Term of loan, insurance requirements, credit line, and use are included.

Object Cataloging—the process through which information is recorded about an object or set of objects.

Standard Facility Report—document that outlines museum facilities and other information used by museums to assess conditions and make determinations regarding loans between institutions.

“Wall-to-Wall” Insurance Coverage—an element of fine art insurance that covers museum artifacts and works of art when on loan from the time they leave an institution to the time they are installed at another.

ATTACHMENT 2 Deed of Gift



Donor Information

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

Accession Number: _____

Description of Object:

The Birmingham Museum acknowledges with gratitude the gift(s) listed below, subject to the following conditions:

1. All gifts are subject to review by Museum Staff.
2. No gift shall be accepted with the condition that it be permanently exhibited.
3. No collection shall be accepted with the condition that it be kept intact.
4. No gift can be reclaimed by the donor or his / her heirs.
5. All gifts shall become the property of the City of Birmingham without conditions or encumbrances, and shall be utilized at the sole discretion of the Museum and City.

Donor Agreement

These donated objects have been given as an unrestricted gift and are now the property of the Birmingham Museum. I give, transfer and assign to the Birmingham Museum all right, title and interests, including all copyright, trademark and related interests, in, to and associated with the objects described above. I affirm that I am the legal owner of the objects donated, or am legally empowered to sign on behalf of the owner, and that said objects were collected or acquired in accordance with applicable laws. I agree that these objects may be displayed or reproduced in any medium, loaned, retained, transferred to another museum or disposed of in any such manner, at the sole discretion of the Birmingham Museum.

Dated: _____

Donor / Agent

Date Received: _____

Received By / Title

This gift is given in memory of: _____

ATTACHMENT 3 Object Deaccession Record



Object/Title: _____ Object ID Number(s): _____

Justification for deaccessioning:

- _____ Out of scope
- _____ Poor condition/loss of integrity
- _____ Redundant
- _____ Storage, display, or conservation needed exceed resources
- _____ Non-legal possession
- _____ Fake, forgery, or reproduction
- _____ Enhancement of remaining collection

Remarks: _____

Restrictions: _____None Donor or IRS _____

Museum Staff Signed: _____
Date

Approved by Museum Director (date) _____
Reviewed by Collections Subcommittee (date) _____
Approved by Museum Board (date) _____
Approved by City Commission (date) _____

Method of Disposition (to be completed by museum staff upon City Commission approval)

___ Transferred Recipient: _____
Address: _____
Shipped via: _____ Picked up: _____ Date: _____

___ Sold Recipient: _____
Address: _____
Date sold: _____ Sale price: _____
Shipped via: _____ Picked up: _____ Date: _____

___ Destroyed Method: _____

Removal of object ID# (date) _____

PastPerfect, individual object, and deaccession records complete: (date) _____

Signed: (museum staff) _____ Signed: (Museum Director) _____

ATTACHMENT 4 American Alliance of Museum's Code of Ethics (Excerpts)

<http://www.aam-us.org/resources/ethics-standards-and-best-practices/code-of-ethics-for-museums>. Accessed 2013-09-12.

Code of Ethics for Museums

Adopted 1991, amended 2000.

Please note that the Code of Ethics for Museums references the American Association of Museums (AAM), now called the American Alliance of Museums.

Ethical codes evolve in response to changing conditions, values and ideas. A professional code of ethics must, therefore, be periodically updated. It must also rest upon widely shared values. Although the operating environment of museums grows more complex each year, the root value for museums, the tie that connects all of us together despite our diversity, is the commitment to serving people, both present and future generations. This value guided the creation of and remains the most fundamental principle in the following Code of Ethics for Museums.

Code of Ethics for Museums

Museums make their unique contribution to the public by collecting, preserving and interpreting the things of this world. Historically, they have owned and used natural objects, living and nonliving, and all manner of human artifacts to advance knowledge and nourish the human spirit. Today, the range of their special interests reflects the scope of human vision. Their missions include collecting and preserving, as well as exhibiting and educating with materials not only owned but also borrowed and fabricated for these ends. Their numbers include both governmental and private museums of anthropology, art history and natural history, aquariums, arboreta, art centers, botanical gardens, children's museums, historic sites, nature centers, planetariums, science and technology centers, and zoos. The museum universe in the United States includes both collecting and non-collecting institutions. Although diverse in their missions, they have in common their nonprofit form of organization and a commitment of service to the public. Their collections and/or the objects they borrow or fabricate are the basis for research, exhibits, and programs that invite public participation.

Taken as a whole, museum collections and exhibition materials represent the world's natural and cultural common wealth. As stewards of that wealth, museums are compelled to advance an understanding of all natural forms and of the human experience. It is incumbent on museums to be resources for humankind and in all their activities to foster an informed appreciation of the rich and diverse world we have inherited. It is also incumbent upon them to preserve that inheritance for posterity.

Museums in the United States are grounded in the tradition of public service. They are organized as public trusts, holding their collections and information as a benefit for those they were established to serve. Members of their governing authority, employees and volunteers are committed to the interests of these beneficiaries. The law provides the basic framework for museum operations. As nonprofit institutions, museums comply with applicable local, state, and federal laws and international conventions, as well as with the specific legal standards governing trust responsibilities. This Code of Ethics for Museums takes that compliance as given. But legal standards are a minimum. Museums and those responsible for them must do more than avoid legal liability, they must take affirmative steps to maintain their integrity so as to warrant public confidence. They must act not only legally but also ethically. This Code of Ethics for Museums, therefore, outlines ethical standards that frequently exceed legal minimums.

Loyalty to the mission of the museum and to the public it serves is the essence of museum work, whether volunteer or paid. Where conflicts of interest arise—actual, potential or perceived—the duty of loyalty must never be compromised. No individual may use his or her position in a museum for personal gain or to benefit another at the expense of the museum, its mission, its reputation and the society it serves.

For museums, public service is paramount. To affirm that ethic and to elaborate its application to their governance, collections and programs, the American Association of Museums promulgates this Code of Ethics for Museums. In subscribing to this code, museums assume responsibility for the actions of members of their governing authority, employees and volunteers in the performance of museum-related duties. Museums, thereby, affirm their chartered purpose, ensure the prudent application of their resources, enhance their effectiveness and maintain public confidence. This collective endeavor strengthens museum work and the contributions of museums to society—present and future.

ATTACHMENT 4, CON'T

Governance

Museum governance in its various forms is a public trust responsible for the institution's service to society. The governing authority protects and enhances the museum's collections and programs and its physical, human and financial resources. It ensures that all these resources support the museum's mission, respond to the pluralism of society and respect the diversity of the natural and cultural common wealth. Thus, the governing authority ensures that:

- all those who work for or on behalf of a museum understand and support its mission and public trust responsibilities
- its members understand and fulfill their trusteeship and act corporately, not as individuals
- the museum's collections and programs and its physical, human and financial resources are protected, maintained and developed in support of the museum's mission
- it is responsive to and represents the interests of society
- it maintains the relationship with staff in which shared roles are recognized and separate responsibilities respected
- working relationships among trustees, employees and volunteers are based on equity and mutual respect
- professional standards and practices inform and guide museum operations
- policies are articulated and prudent oversight is practiced
- governance promotes the public good rather than individual financial gain.

Collections

The distinctive character of museum ethics derives from the ownership, care and use of objects, specimens, and living collections representing the world's natural and cultural common wealth. This stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility and responsible disposal. Thus, the museum ensures that:

- collections in its custody support its mission and public trust responsibilities
- collections in its custody are lawfully held, protected, secure, unencumbered, cared for and preserved
- collections in its custody are accounted for and documented
- access to the collections and related information is permitted and regulated
- acquisition, disposal, and loan activities are conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade in such materials
- acquisition, disposal, and loan activities conform to its mission and public trust responsibilities
- disposal of collections through sale, trade or research activities is solely for the advancement of the museum's mission. Proceeds from the sale of nonliving collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections.
- the unique and special nature of human remains and funerary and sacred objects is recognized as the basis of all decisions concerning such collections
- collections-related activities promote the public good rather than individual financial gain
- competing claims of ownership that may be asserted in connection with objects in its custody should be handled openly, seriously, responsively and with respect for the dignity of all parties involved.

ATTACHMENT 5 American Association for State and Local History Position on Capitalization of Collections (Excerpt)

Technical Leaflet #224, "Ethics Position Paper: The Capitalization of Collections." In *History News*, Vol. 58, No. 4 (Autumn). American Association of State and Local History, 2003, p. 2-3.

The AASLH Position on Capitalization

First stated in the AASLH Statement of Professional Standards and Ethics in 1990 and repeated without revision in 2002, the Association's position on the capitalization of collections is clear: 'Collections shall not be capitalized or treated as financial assets.' Why?

First and foremost, 501(c)(3) non-profit corporations and government agencies own, manage, interpret, and share historical resources in fiduciary trust on behalf of the citizens within the states in which they are incorporated. Even though a historical organization may be a private corporation, its collections are considered part of the public domain. Thus, when an institution owns and manages a collection, it acts as a fiduciary agent of a broader community. That is why museums and historical organizations are exempt from certain taxes—because of the public value of what they do, including and especially, care of the public's collections.

By capitalization, however, an institution makes a conscious decision to treat its collections just like any of its other financial assets, no different than bank accounts, investments, office equipment, or real estate. It should not be forgotten that the primary purpose of a collection is to fulfill the fiduciary purpose of the institution. The primary purpose of a financial asset is to be managed in such a way as to achieve financial stability and health for the organization.

As financial assets, capitalized collections are in danger of being used as security, attached by lien, sold, or otherwise encumbered to meet outstanding financial debts and obligations. If the institution is a unit of government, such as a city or state museum, the governing body might be forced to sell all or portions of the collections, just like the office equipment or a fleet of trucks, to meet payroll or to pay off bonded debt. This is not why the institution acquired its collections, why they have value, or why a donor received a tax deduction for contributing a collection to an institution. Capitalization of collections clearly violates the public's fiduciary interests in the collections.

Even if an institution does not capitalize its collections, it must take care not to treat those collections as if they were financial assets. During times of financial crisis, an institution might be tempted to sell collections to cover operating expenses, like utilities and salaries, or as security to obtain a line of credit. Not only is this bad financial practice that puts the institution's (and public's) collections at risk, but also it is unacceptable in meeting the institution's fiduciary obligations. Neither economic conditions nor bad financial management are excuses for treating collections as financial assets.

Consequences of Non-Capitalization

*The chief financial consequence of not capitalizing collections is that hundreds of thousands and perhaps millions of dollars of potential assets will not appear on the balance sheet. Some auditors and board members may suggest that this negatively affects the public picture of the institution's financial health. Since collections cannot be used to support the daily operations of an institution, the decision to not capitalize actually represents the most accurate financial position. By consciously choosing to protect its *(and the public's) collections, an institution acknowledges the public trust for which it receives substantial benefits, honors its mission, and makes a strong public statement of commitment.*