

INSTITUTIONAL CODE OF ETHICS

I. GENERAL STATEMENT

Museums are built upon the foundation of public service. Employment in a museum involves a complex set of responsibilities not only to the museum and its resources, but also to the museum profession and to the present and future generations that it serves. Local, state and federal laws and international treaties and conventions, along with established standards of the museum discipline, provide the basic structure for museum operations and this Institutional Code of Ethics assumes automatic compliance with the above. Laws, however, act only as minimal guidelines for professional activities and performance and the Museum of Fine Arts recognizes its responsibility to outline ethical standards for its workers in order to maintain the Museum's integrity and reputation and warrant public trust.

The following guidelines for ethical behavior affect those individuals who can collectively be called Museum workers including, but not limited to, Advisory Council members, Museum staff, guest curators, volunteers, interns and student assistants. Museum of Fine Arts workers are ethically obligated to adhere to this statement and to accept these restrictions as a condition of employment in order to maintain University and public confidence in the Museum's mission and goals.

The Museum of Fine Arts is an intellectual and aesthetic resource of Florida State University, one of eleven state-funded members of the State University System. The Museum was founded for the education and enrichment of the students and faculty of the University and for the regional community.

Museum staff are Florida State University employees and owe their primary professional and academic allegiance to Florida State University and the Museum and should act in accordance with the approved policies of the Museum and the University. These approved policies are outlined in part in the Florida State University On-line Policies and Procedures including Section OP-C-7-G7 *Standards for Employee Ethics*, the Museum's mission statement, the Collection Management Policy of the Museum and in other university documents. The Director of the Museum must be aware of, and, when appropriate, bring to the attention of Florida State University administration and faculty the terms of the ICOM *Code of Professional Ethics*, The American Association of Museums' *Code of Ethics for Museums* and any other relevant codes or policy statements on museum ethics. The Director should urge all those connected with the Museum to comply with these codes of ethics, as well as applicable local, state and federal laws regarding cultural property.

The Museum worker's duty of loyalty to the Museum and Florida State University must never be compromised, however, a worker should not be required to reverse, alter or suppress his/her professional judgment to conform to management decisions. In order to fulfill the Museum's educational and artistic mission the intellectual freedom and professional judgment of Museum workers must be respected, encouraged and protected.

The Museum recognizes its responsibility to act corporately and promote public good instead of individual financial gain. The Museum will endeavor to ensure that no Museum policies or activities jeopardize the university's non-profit status or reflect unfavorably on the Museum or Florida State University. Established professional standards and practices will inform and guide museum operations. Museum workers must always be dedicated to the high standards and discipline of the museum profession and should make every effort to stay abreast of developments and accepted standards in their field and areas of responsibility.

The Museum recognizes that many functions are performed on its behalf by University employees who do not work directly for the Museum, including (but not limited to) financial, personnel and property services. While unable to require all such non-museum workers to adhere to this statement of ethics, it is recognized that as University workers they, like Museum workers, must act in accordance with applicable state and federal laws, university regulations (particularly Section C-7-G7 *Standards for Employee Ethics*) and expectations of appropriate behavior.

II. GOVERNANCE

Museum governance is a varied process comprised of defining the roles and responsibilities of the museum, protecting the museum's assets and resources, ensuring the museum's compliance with all legal and contractual obligations, maintaining and enhancing the museum's collection and recognizing and promoting the museum's service to its public.

A) Governing Authority

The highest governing authority for the State University System (of which the Museum of Fine Arts is a unit) is the Board of Governors of the Florida State University System, comprised of 17 members, including fourteen voting members appointed by the governor, as well as the Florida Commissioner of Education, the Chair of the Advisory Council of Faculty Senates, and the President of the Florida Student Association. The Florida Board of Governors was created in 2002 by the passage of a constitutional amendment, which went into effect in 2003. By an unprecedented vote, a 17-member board was established to serve as the statewide governing body for the State University System of Florida, which includes all public universities in the state of Florida. Members are appointed by the Governor. At the University level, the structure is headed by the President of the University, then the Provost and Vice President of Academic Affairs; at the College level is the Dean of the College of Fine Arts, of which the Museum of Fine Arts is a departmental unit. The Museum of Fine Arts governance structure also includes a Museum Advisory Council comprised of members drawn from the various departments of the College of Fine Arts, all of whom are either Chairs or Directors of Department or Assistant Deans within the College. While the multi-tiered structure of the University does not confer the Advisory Council with the fiscal and administrative authority and autonomy given to Boards of Trustees at independent museums, the mission of the Council is to develop and define Museum policy, including issues of collections management, and to assist the Director with Museum programming of value to the component departments that can be supported

in part by those departments, integrating the Museum into as many academic programs as possible. The Advisory Council in conjunction with the Dean of the College of Fine Arts and the Museum Director ensures that: all those who work for or on behalf of the Museum of Fine Arts understand and support its mission and public trust responsibilities; the Museum's collections, programs and resources are protected, maintained and developed in support of the Museum's mission; the Museum is responsive to and represents the needs and interests of its university and regional communities.

The Director of the Museum is the department head and is the liaison between the Museum and the Advisory Council (designated as the Administrative Council of the College of Fine Arts), other university departments and the university administration and as such must be advised of all Museum activities and communications.

B) Conditions of employment

Museum workers are expected to work cooperatively for the good of the Museum and the University. In all matters relating to staffing practices, the standard should be ability in the relevant profession. Florida State University is committed to providing equal opportunity and nondiscrimination toward employees as it pertains to race, color, religion, age, disability, sex, marital status, national origin as well as veteran status consistent with Federal and State law. This commitment is also relevant to those aspects of the University concerned with the choice of contractors, suppliers of goods and services and to the use of University facilities.

C) Confidentiality

Museum workers must maintain the security of confidential records and information regarding the museum's collection and programs, donors, museum security, private collections and the privacy of individuals or groups who support the museum. Administrative information concerning the University and the Museum not generally made public is also considered confidential. Museum workers shall not take advantage, for personal gain or benefit, of information made available to them through their positions within the Museum.

Information that is not in the public domain is proprietary to the Museum. The Museum will disclose information that is properly in the public domain or in the interest of public accountability. The Museum acknowledges its obligation to make information available on the collection to scholars and other bona fide researchers.

D) Conflicts of Interest

Museum workers should conduct all their activities in a manner such that no conflict will arise between a worker's other interests and the policies, operations or interests of the Museum. The appearance of conflict should also be avoided to safeguard the reputation and integrity of the Museum. Should a conflict of interest arise between the needs of the Museum and a Museum worker, those of the Museum will prevail.

Museum workers should not generally derive personal material advantages from their connection with the Museum. The Museum, however, recognizes that many of its workers pursue creative artistic pursuits, and that occasional acquisition of the products of these pursuits may be desirable or, as in the case of Faculty from the College of Fine Arts, encouraged. If the Museum is considering acquiring an object created by a Museum worker or an object from the personal collection of a

museum worker, the Museum worker must, at a minimum, refrain from participation in any discussion on the acquisition and abstain or absent himself/herself from any decision making procedures. In addition the Museum recognizes its duty to exercise special care and discretion when considering an item either for sale or as a tax-benefit gift from Museum workers, their relatives or close associates.

Staff members authorized to spend funds should do so with impartiality, honesty and with regard to the best interests of the museum.

E) Use of Museum Resources

The use of Museum property is only for official Museum purposes and personal use of Museum property, resources or services on or off Museum premises is not allowed. Personal use of any object from the Museum's permanent collection is strictly prohibited.

F) Personal Collecting and Dealing

Private collecting of works of art by Museum workers is both appropriate and sanctioned but the exercise of extreme discretion is required. The Museum worker must not compete with the Museum for objects and such collecting will not be tolerated if, in fact or appearance, it conflicts with the interests of the Museum and its collecting program. The acquisition of objects for a personal collection must be discussed with the Museum worker's supervisor and the Museum must always be given the first opportunity to purchase any work of art should both the Museum and Museum worker be competing in the same collecting arena.

The Museum worker cannot use an affiliation with the Museum to promote personal collecting.

A Museum worker shall not participate in dealing (an established business of buying and selling artworks for personal profit), either as a dealer, employee of a dealer or by retaining an interest in a dealership.

Museum workers shall not store personal collections on Museum property.

A relative or representative of a museum worker shall not engage in a transaction on behalf of the Museum worker that is not in full compliance with the above stated principles.

G) Gifts, Favors, Discounts

Museum workers and others in close relationship must not accept gifts, favors, loans, discounts, dispensations or things of more than trifling value available to them in connection with performing their museum duties. Gifts of trifling value are considered to be novelty advertising items with a value of less than \$25.00. Questionable or problematic gifts should be declined in all instances regardless of the cost. Museum workers should not accept meals, accommodations and/or travel services unless it is clear that acceptance will not compromise their professional judgment or the reputation of the Museum.

Gifts of artwork to Museum workers as a direct result of contacts made during the course of performing their museum duties should be declined, but if accepted, must be considered Museum property and considered for accession into the permanent collection. As an exception to the above,

the gift of an artwork of nominal value may be retained by the Museum worker, after consultation with the Museum worker's supervisor, if it would replicate the Museum's holdings or is otherwise deemed outside the Museum's acquisition criteria. In any event, all gifts of artwork must be disclosed to the Museum worker's supervisor.

H) Outside Employment and Activities

A Museum worker has the right to participate in independent professional and personal activities providing these activities do not interfere with regular job duties or violate Museum or university policies. Outside volunteer activities are encouraged but workers should not represent themselves as an official museum representative unless requested to do so by the Museum. In all such activities the conduct of employees should not reflect badly on the reputation or integrity of the Museum.

Teaching and lecturing in other University units is permitted but should be discussed with the worker's supervisor prior to acceptance of the employment. Other outside activities directly related to the worker's regular duties should also be discussed with the worker's supervisor. Disclosure of outside employment is required by the University even if such employment is off-campus and completely unrelated to the worker's normal museum duties. Museum workers who are creative artists or pursue similar outside interests must perform these activities in a manner that is disassociated from the Museum. In all such activities the museum worker must not exploit the name or reputation of the Museum for personal advantage and should use the Museum name sparingly, if at all, in connection with outside employment and activities.

I) Appraisals and Outside Referrals

Museum workers will not perform appraisals or authentication of art objects in any capacity. When the Museum accepts a gift, it is the responsibility of the donor to obtain independent appraisals for the donated object. Museum workers may establish valuations only for the Museum's own internal record keeping purposes.

Museum workers need to be circumspect in referring members of the public to outside suppliers of products and services and such referrals should generally be avoided. If referrals are necessary then whenever possible the Museum worker should provide more than one qualified source to guard against endorsing a particular service or vendor.

J) Ownership of Scholarly Material

Materials written, designed, drawn, painted, constructed or installed while a Museum worker is paid by the Museum on Museum time will be considered the property of the Museum with the University having all rights to all said property; any innovations resulting in patent rights must proceed according to established guidelines of the University legal office and Sponsored Research. The Museum will be entitled to receive any fees, royalties or honoraria earned in conjunction with staff created items produced while carrying out job responsibilities, including copyright of texts and photographic material. Such ownership continues after the worker is no longer in the employ of the museum. The work of a Museum worker should always be acknowledged when published.

K) Political Activity

Museum workers have the full right of citizens to participate in the political life of the State of Florida and the United States, including seeking public office and membership of advocacy groups. The museum worker is expected to disclose such activities to his/her supervisor and adhere to relevant policies outlined in the Florida State University Human Resources Policies and Procedures. In addition, the museum worker is obliged to make it clear when writing or speaking out in public that they are doing so as a private individual and not as a representative of the Museum. Despite such a disclaimer, the worker also needs to recognize that their association with the Museum enjoys public recognition and esteem and a degree of discretion is appropriate in all personal actions.

III. COLLECTIONS

Museum workers have an obligation to protect and provide access to the objects in the Museum's care, whether by acquisition or loan, and to preserve the collection unimpaired for the future. Custodial and educational responsibilities are at the heart of the Museum's mission and are inseparable from ethical conduct. Apart from obligations to Florida State University, Museum workers have obligations to the permanent collection as a whole and to the individual works within it and maintenance of the condition and integrity of the collection is a public trust responsibility.

A) Stewardship of Collections

Activities relating to the permanent collection, including acquisitions and deaccessioning, will be handled according to the written procedures outlined in the Collection Management Policy approved by the Advisory Council. The Museum will continue to examine and update these policies with regard to current legislation and will make them available to the public upon request.

The Museum will comply with all local, state and national laws pertinent to the management of the collection, including those relating to import, export, rights and reproductions. All collection related activities will be conducted in a manner that respects the protection of natural and cultural resources and discourages illicit trade. The Museum adheres to all treaties and international conventions on cultural property to which the United States is a signatory, including, but not limited to, the UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (1970) and the *Convention for the Protection of Cultural Property in the Event of Armed Conflict* (The Hague Convention, 1954).

Museum workers must ensure that objects in the permanent collection are accounted for and documented to the best of their ability. Information on the collection should be maintained in an orderly and retrievable form and the location and condition of objects should be known with procedures in place to verify their locations periodically. Correct storage and preservation of objects is a vital responsibility of every museum professional and the Museum recognizes the need to provide the proper environment for the physical security and protection of its permanent collection. Physical care will be maintained to professionally accepted standards and if these standards are unable to be met, the Museum will ensure that procedures are in place to correct the deficiency or to appropriately dispose of the item or collection. It is the responsibility of Museum workers to ensure that correct methods of handling, packing and transporting are used when dealing with collection objects or items on loan to the Museum. Adequate insurance coverage, when applicable, should be provided and monitored.

B) Acquisition and Disposal

Objects should be acquired for the permanent collection that are relevant to mission and programs of the Museum. The Museum will weigh carefully university and public interests, scholarly and cultural interests, donor's intent and the financial well being of the Museum when considering objects for acquisition. The Museum will at all times adhere to the policies set out in its Collection Management Policy in relation to acquisition criteria and objects will only be acquired if valid legal title has been established and the Museum is in a position to provide full and proper care for the object. Any conditions or limitations relating to an acquisition should be clearly documented. The Museum will be vigilant in determining the origin of objects and will not acquire stolen or contravened property.

Objects in the permanent collection will be retained as long as they keep their physical integrity, authenticity and usefulness to the Museum's mission. The Museum will, however, from time to time deaccession works of art from its collection in order to refine and improve the collection. Deaccessioning is to be seen as a part of collection development and improvement and will never be contemplated in response to current art trends or on the basis of individual personal taste. The Museum will at all times adhere to the policies set out in its Collection Management Policy in relation to deaccession criteria and will not dispose of an object against museum staff advice unless clear and compelling reasons exist to do so.

Disposal of objects for purposes other than collection enhancement is not permitted and the Museum will not sell or mortgage its collection, in part or whole, for funds for museum operations or programs or for building or facility expansion or renovation. Monies (principal and interest) from the sale of objects in the permanent collection will not be used for anything other than the acquisition of objects.

When disposing of an object the Museum will make all effort to observe any acquisition restrictions and will consult with the donor or donor's estate if at all possible. Any form of disposal of objects from the Museum's permanent collection will be conducted in accordance with the regulations set out in Florida Statute 1006.58 [originally 240.52] (*Collections Management for Museums and Galleries of the State University System*), any other relevant university policies, state and federal laws and established standards of the museum discipline. Complete records of the disposition of deaccessioned objects will be maintained.

The Museum does not engage in field exploration efforts either for research or collection development purposes. If such activities are conducted by a museum worker on personal time, he/she is urged to take great care to conform to all legal requirements and to ensure that all interested parties are advised and knowledgeable.

C) Loans

The conditions for both incoming and outgoing loans are outlined in the Collections Management Policy. The loan of objects to the Museum can be of great benefit to the Museum and its programs but it is recognized that exposure through exhibition can enhance the value of the exhibited object. It is acknowledged that loans from museum workers' personal collections (objects other than those created by the worker) may occur occasionally. Providing the Museum worker has no curatorial responsibility for the content of the exhibition, loans from their personal collections will be permitted if handled with discretion and credited as "lent anonymously" unless otherwise determined by the Director. Museum workers with curatorial responsibility for an exhibition, including guest curators,

will not loan items from their personal collections to the exhibition unless exceptional circumstances prevail.

The Museum also recognizes the special nature of its mission in supporting the educational goals of the College of Fine Arts and that the exhibition of staff and student created objects in the Museum is both routine and encouraged within the established parameters for such shows, including, but not limited to, annual faculty and graduating student exhibitions. The display of objects created by museum workers in Museum exhibitions other than these established recurring exhibitions may occur provided the Museum worker has no curatorial responsibility for the content of the show.

The Museum will make all reasonable effort to ensure that loans to the museum, as single items or exhibitions, are free of contentious provenance and their display will not contribute to or exacerbate any illegal or contraband trade or practice.

D) Availability of Collections

The Museum's permanent collection exists for the benefit of present and future generations and every effort should be made to respond positively, in a non-discriminating manner, to requests for access to or information on objects in the collection. While access to objects is permitted it should be regulated within maintained operating hours as is prudent for the protection of the collection. Use of the permanent collection is guided by two main principles: the care and safety of the objects and high scholarly or educational purposes. The Museum will not compromise the safety of objects for public access and will protect the collection from potential damage from smoke, beverage or food service and inappropriate building environmental conditions.

E) Truth in Presentation

It is the responsibility of the museum's professional staff to present the best current information about works of art on display. Intellectual honesty and objectivity in presentation is the duty of every museum professional and Museum workers should be receptive to change with the appearance of new information or analysis. It is the responsibility of the Museum worker to thoroughly investigate the origins and attribution of objects on display and to make every effort to avoid incorrect attributions, errors of fact, cultural bias or distortion in exhibitions, publications or labels.

F) Human Remains and Sacred Material

The Museum must adhere to all national and international laws regarding human remains and sacred material, including but not limited, to the *Native American Graves Protection and Repatriation Act of 1990*. Although the Museum has no human remains, funerary or sacred objects in its collection it recognizes the unique and special nature of this material. While exhibition of such objects is not encouraged, if required to do so, the Museum acknowledges the need to exhibit with tact and respect for the feeling of human dignity held by all peoples and will seek out the advice of Native experts and advocates.

IV. PROGRAMS

The Museum supports its mission through mounting exhibitions, furnishing avenues for research and learning, disseminating its publications and providing educational activities. These programs are founded on scholarship and intellectual integrity and respect pluralist values, traditions and concerns.

A) Education

The education programs offered by the Museum should further the Museum's mission, which serves the interests of the College of Fine Arts, Florida State University and the surrounding communities. Educational programs must be intellectually responsible, founded on sound objective scholarship, consistent with current knowledge and accessible to and encourage participation by the widest possible audience.

B) Volunteers

Museum workers should be supportive of volunteers and treat them as fellow workers. Volunteers should be given appropriate training and opportunities should be provided for their intellectual enrichment. Volunteers must work towards the betterment of the Museum and not for personal gain other than the enjoyment and knowledge derived from participation in the activities of the Museum.

Volunteers are obligated to adhere to the standards of behavior set out in this document and are not exempt on the basis that they receive no financial remuneration for their activities on behalf of the Museum.

C) Fund-raising, Development and Commercial Activities

The Museum should ensure that all its revenue producing activities, whether direct or in-kind, are compatible with its stated mission and public trust responsibilities. Museum workers must perform all fund-raising activities with honesty and integrity and use all donations for the donor's intended purposes. These activities will also be undertaken within the guidelines and established procedures of Florida State University and with guidance from the Vice President of University Relations and the Dean of the College of Fine Arts. The Museum will accept commercial support only if it does not compromise standards of objective presentation, discredit or endanger its collection or jeopardize the name and reputation of the Museum or Florida State University.

D) Institutional and Professional Cooperation

Working relationships amongst Museum workers should be based on equity and mutual respect.

Museum workers should respond readily to the public and should willingly share professional knowledge, experience and services with colleagues in other Museums in activities that further the mission of the Museum of Fine Arts. The Museum recognizes the need to respond positively in cooperation with other organizations and initiatives as part of its role of supporting neighboring institutions in the community even if the short term advantage will not greatly enhance the Museum's holdings or image.

The Museum recognizes the need to seek outside professional expertise when such expertise is not available from within the Museum.