

ETHICS GUIDELINES



CMA Ethical Guidelines 1999

Table of Contents

Preface

A. Introduction

- A. 1 The Museum Community
- A. 2 Purpose

B. Definitions

- B. 2 Museum
- B. 3 Governing Body
- B. 4 Museum Collections
- B. 5 Museum Workers
- B. 6 Documentation
- B. 7 Research
- B. 8 Presentations

C. Public Trust Role of Museums

- C. 1 Responsibilities of Trusteeship
- C. 2 Legal Considerations
- C.3 Respect for Traditional Customs

D. Museum Governance

- D. 1 Responsibilities of the Governing Authority
- D. 2 Responsibilities of the Chief Executive Officer

E. Collections Policies

- E. 1 Documentation
- E. 2 Acquisitions
- E. 3 Loans
- E. 4 Disposals
 - E. 4.1 Criteria for Disposals
 - E. 4.2 Methods of Disposal
 - E. 4.3 Use of Funds Generated by Disposals
 - E. 4.4 Domestic & Foreign Returns
- E. 5 Conservation & Emergency Planning
 - E. 5.1 Welfare of Live Animals Animals

F. Accessibility & Presentations

- F. 1 Media & Publicity

G. Culturally Sensitive Objects & Human Remains

H. Research, Publications & Fieldwork

I. Commercial and Revenue Generating Activities

- I. 1 Reproductions & Copyright

J. Employer/Employee Relations

- J. 1 Staff Development

K. Volunteers

L. Conflict of Interest

- L. 1 Personal Conduct
- L. 2 Gifts
- L. 3 Collecting & Dealing
- L. 4 Confidentiality & Privacy
- L. 5 Appraisals

Preface

While the Canadian Museums Association supports the guiding principles of the *ICOM Code of Professional Ethics 1986*, and particularly its emphasis on serving society, it has created a Canadian statement which addresses contemporary conditions and national issues in the museum community.

Almost 20 years ago, the *CMA Ethical Behaviour of Museum Professionals 1979* was adopted by the Association; since then there have been a number of significant changes to Canadian society and in museum theory and practice. In 1996, the CMA Board called for an updated document. The resulting *CMA Ethical Guidelines 1999* owes a significant debt to the Ethics Committee and to many other museum association ethics statements of Canadian and foreign origin, and those of related organizations.

After wide consultation with the CMA membership and the museum community, these guidelines contain some material which is not strictly “ethical”. Occasionally an example, a reason, or a simple statement of fact is provided by way of clarification. Also, there is a little repetition — where an important, overarching issue has appeared early in the *Guidelines* and is noted or rephrased again in a later section. This is a deliberate attempt to improve readability and to assist users who may refer, initially, to only a portion of the document. Some sections, (i.e. *Disposals* and *Conflict of Interest*), might seem disproportionately lengthy; however, it became apparent during the consultation period that these issues were of sufficient concern to be treated in detail. These *Guidelines* approved by CMA members at the 1999 Annual General Meeting, should be reviewed regularly, and possibly, the emphasis on different sections may change over time. It is the intention of the CMA Board of Directors to consider dealing with alleged violations of the *CMA Ethical Guidelines*. This will be a separate step, and at present, is estimated to take several years to put into effect.

*Sonja Tanner-Kaplash, Consultant
Chair of Ethics Committee*

Advisory Committee

Nicole Cloutier
Tip Evans
Sandra Massey
Gillian Pearson
Irvine Scalplock
Barbara Teatero
Steve Turnbull

Adriana Davies
Jane Fullerton
Marven Moore
Francine Perinet
Chris Severance
Dianna Thompson

Marie Dickens
Robin Inglis
Ute Okshevsky
Katherine Petipas
Tom Smart
Elaine Tolmatch

A. Introduction

A. 1 The Museum Community

For the purposes of this document, the diverse Canadian museum community includes *individual* museum workers responsible for any aspect of museum operation, management or governance, and by extension, *museums as institutions*, which consist of individuals acting in a corporate manner.

Some groups, such as trustees and chief executive officers, have special or additional responsibilities, and these are noted in specific sections

A. 2 Purpose

Both museums and museum workers have duties, responsibilities and opportunities; and from time to time, they encounter ethical dilemmas and conflicts which must be resolved in a balanced manner, considering both the needs of the institution and the broader public interest.

Clearly, it is not possible to anticipate every situation that may arise, therefore, the *CMA Ethical Guidelines* are intended to:

- promote a *climate of integrity* by affirming the values of the museum community;
- assist individuals who must make, and act upon, decisions of an ethical nature;
- provide the public with some insight as to what they might expect from museums and individuals associated with them.

The *CMA Ethical Guidelines* are not intended to replace individual museum policies or statements of ethics; this document cannot provide the level of detail or complexity which is properly an institutional responsibility; it is intended as a *framework* upon which institutional documents may be based, and individuals can determine their personal ethical obligations.

B. Definitions

B. 1 Ethics

Ethics are based upon the underlying *values* of honesty, fairness, respect, excellence and accountability which the larger community applies to the rational evaluation of moral issues. The application of these values has changed considerably over time, and museum ethics must reflect an ongoing dialogue between the museum community and the society it serves.

Museum ethics represent more than the avoidance of contractual or legal liability or the particulars of a code of conduct; they are the framework of personal and institutional obligations and standards which govern the conduct of all members of the museum community at all times.

In a wider context, museums recognize the ethical implications of global issues which confront society at large, such as peace, security, freedom, and the urgent need to preserve our environment.

B. 2 Museum

A non-profit, permanent establishment, exempt from federal and provincial income taxes, open to the public at regular hours and administered in the public interest for the purpose of collecting and preserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, objects and specimens of cultural value, including artistic, scientific (whether animate or inanimate) historical and technological material. (CMA Bylaws, 1995.)

B. 3 Governing Body

The governing body of a museum may be an elected or appointed Board of Trustees or Directors, or a Management or Advisory Board or Committee of municipal officials.

Whatever its formation, it is the legal entity that is accountable to the public and to the museum community for the policy, financing and administration of the museum. For the balance of this document, the term trustee is used to describe a member of this group.

B. 4 Museum Collections

Museum collections consist of natural or cultural (i.e. manmade) objects and intellectual property directly owned by the museum, as a public trust, and registered as part of its permanent collection, to be used for the exclusive purposes of preservation, research and presentation to the public.

Museums may also hold or steward collections on behalf of other parties, and have a stewardship interest in other such properties not directly owned by the museum. These might include heritage sites and cultural landscapes, material that has been acquired with public funds or is communally or publicly owned, and the living traditions, such as ceremonies, of communities served by the museum.

Museum collections are not resources which are *directly* available to meet the financial obligations of the institution by conversion into currency or as security to raise monetary loans; however, they may be used to generate income for the museum in other ways, through admission fees and so on.

Throughout these *Guidelines*, the terms “object(s)” and “material” are used in a generic sense to mean museum collections of all types.

B. 5 Museum Workers

Museum workers are individuals responsible for any aspect of museum operation, management or governance, paid or volunteer, full-time, part-time, occasional or contract, as well as those in related support or service organizations and privately or self-employed persons practising one of the related museological fields.

B. 6 Documentation

Documentation consists of records in any form, (written, electronic, graphic, audio etc.) that relate to museum collections in any way. These will include primary, (often original) registration records of legal title, source, provenance, condition, physical description, standards of care required by the community of origin, etc. as well as secondary records relating to changes, events, and research concerning museum collections.

B. 7 Research

Research is creative work, undertaken on a systematic basis, to increase knowledge; it is characterized by originality and is primarily investigative. It may be carried out by museum workers alone or in co-operation with community groups.

The data obtained through basic, applied or summative research into some aspect of the museum collections or into the operation of the museum itself are essential for the dissemination of knowledge at a professional and popular level.

B. 8 Presentations

Presentations are any material or intellectual product which the museum offers to the public in any form, or uses to communicate with the public, (i.e. public programming such as displays, exhibitions, demonstrations, publications, lectures, tours, etc. as well as labels, signage, electronic media, and retail products based on the collections). Presentations include joint ventures and sponsored events.

C. Public Trust Role

C. 1 Responsibilities of Trusteeship

Museums have two fundamental public trust responsibilities: stewardship and public service. The trust of stewardship requires museums to acquire, document and preserve collections in accordance with institutional policies, to be accountable for them, and to pass them on to future generations of the public in good condition.

The trust of public service requires museums to create and advance not only knowledge, but more importantly, *understanding*, by making the collections and accurate information about them, physically and intellectually available to all the communities served by the museum. To this end, museums seek to be public focal points for learning, discussion and development, and to ensure equality of opportunity for access.

C. 2 Legal Considerations

To merit the confidence which the public trust engenders, museums must not only uphold all applicable international Conventions, federal and provincial legislation, treaty obligations, legally binding trusts or conditions relevant to collections, facilities or their corporate status, but must also avoid even the remotest suspicion of compliance in any illegal activity.

Most particularly, museums must guard against any direct or indirect participation in the illicit traffic in cultural and natural objects; this may include natural or cultural objects that are:

- stolen
- illegally imported or exported from another state, including those that are occupied or war-stricken;
- illegally or unscientifically excavated or collected in the field.

It is unethical for museums to acquire by any means, evaluate or accept on loan, such material, unless it is specifically required by a responsible government authority for the safety of the objects.

When there is reason to suspect illegal activities, museums must notify the appropriate authorities without delay, and co-operate in the return of items obtained in contravention of applicable international Conventions.

It is unethical for museums to knowingly advance incorrect or inappropriate documentation concerning value, provenance, source etc. for the purposes of securing tax benefits for donors.

C. 3 Respect for Traditional Customs

Museums should respect the world view of other cultures or communities, including oral history and traditional knowledge concerning culturally significant objects and human osteological material.

Information about these culturally sensitive objects may not be readily available, and it is the responsibility of museums to actively seek it out, and to consult with knowledgeable members of the appropriate communities before using the material in any way.

D. Museum Governance

D. 1 Responsibilities of the Governing Authority

Due to their position, the elected or appointed trustees who constitute the governing body of a museum, have trusteeship responsibilities in law that exceed those of staff. Every museum requires a written mandate, which may take the form of a constitution with by-laws, a municipal charter, etc. This public statement establishes its legal, non-profit status, its purpose, and objectives. The constitution also specifies the role and composition of the governing body, which should represent fairly the interests of the communities it seeks to serve.

Elected or appointed trustees should have a genuine interest in the museum, and a proper understanding of their public trust responsibilities, which include:

- obtaining the support and financial resources necessary to achieve the museum's aims and mandate;
- ensuring the prudent use of resources to maintain and enhance all aspects of the museum's collections and services;
- providing a clear public statement of museum policies and mandate;
- acting in a corporate manner in the best interests of the museum, rather than seeking individual benefits;
- being aware of social or economic factors which affect the communities served by the museum;
- ensuring that ethical guidelines, particularly those concerning conflict of interest situations, are observed by the governing authority, the chief executive officer and all museum workers.

Trustees who enter a competition for, or apply for, a paid or unpaid staff position in the museum must resign from the governing body and all of its committees significantly prior to making application.

D. 2 Responsibilities of the Chief Executive Officer

The chief executive officer (or director) of the museum is the only member of staff who is directly answerable to the governing authority.

The director's role is to provide professional competency and effective strategic leadership for the museum; and includes responsibility for the appointment of other staff, their training, promotion and if necessary, dismissal.

E. Collections Policies

One of the most fundamental stewardship responsibilities of museums is the development of collections policies; these should relate directly to the mandate of the institution.

Their purpose is to guide decisions concerning the selection, acquisition, care, use, documentation and disposal of museum collections, taking into consideration long-term implications, as well as immediate, logistical issues. Such policies should identify the range of institutional collecting activities and the museum's priorities, in terms of the use(s) it intends to make of future acquisitions.

Collections policies should be clearly written, widely distributed and provide for the development of complementary procedures; they must be approved by the governing authority and reviewed regularly.

Museums should be particularly conscious that material acquired in an illicit, unethical or exploitive manner may be offered for donation, loan, or identification. They should therefore develop appropriate procedures to avoid such situations.

E. 1 Documentation

The documentation of collections is a significant means by which museums demonstrate their public service activities. Policies should provide not only for the creation and maintenance of *primary* documentation about the collections, but also for the development of *secondary* levels of documentation concerning all presentation/public programming uses that are made of the collections.

Documentation should be kept current, standardized, and systematized for easy retrieval and use by a wide range of users; it should be maintained in a secure and stable environment. While some documentation may be subject to restrictions, museums should ensure that information about the collections is easily accessible to the public.

No object should be deliberately identified or valued in a misleading manner for any purpose, and where possible, museums should validate their documentation with knowledgeable members of relevant communities.

Decisions leading to acquisitions, loans and disposals must be fully documented and this history, including photographs, maintained on a permanent basis. This also applies to disposals which occur due to accidental loss; intentional destructions should be documented by two witnesses.

Information about acquisitions, loans and disposals should be made public in the museums annual report, or other regular publication.

When acquisition(s) are purchased with funds from disposal(s), the donor(s) of the original gift(s) should be recognized and given credit where possible.

E. 2 Acquisitions

Acquisitions for museum collections should be made with a view to permanency, and not for the purpose of eventual disposal.

When considering an acquisition, museums must ensure that legal title can be conveyed in written form and establish that the authenticity, source and provenance of the object is fully documented and ethically acceptable. When objects are acquired from other organizations, (such as religious congregations etc.) museums should confirm that the disposal is in accordance with the policies of that organization.

Museums have a special responsibility when dealing with donors who may be unaware of the importance, value, title of proposed gifts, and when preparing applications for certification by the Canadian Cultural Property Export Review Board.

If material is acquired directly from an artist, (or donor if applicable) museums must ensure that royalty, reproduction, exhibition and moral rights, as well as installation plans, are negotiated and documented.

Museums should avoid the acquisition of material:

- which is inconsistent with its collecting mandate;
- which cannot be stored or exhibited according to institutional policies, especially objects that will not be catalogued or conserved within a reasonable period of time;
- to which special conditions apply, particularly if these cannot be met in a timely manner, and will impose unwieldy restrictions in future;
- for trading purposes, with the exception of duplicate or near duplicate scientific specimens gathered on museum-sponsored field trips;
- with local or special connotations, that falls within the collecting mandate of another museum which specializes in that subject or geographic area.

E. 3 Loans

Loans policies should clearly define the conditions under which Museums make outgoing loans, or accept incoming loans. These include special exhibitions, temporary deposits, loans of regalia and other objects for ceremonial purposes, *inter vivos* “loan backs” associated with residual gifts, the application of loan administration fees or exhibition fees, and so on.

Museums must provide the level of care for borrowed material that is specified by the lending institution, and fulfil any other requirements. Loans from private individuals are a special responsibility because members of the public generally look to the borrowing institution for guidance and expertise.

Museums should ensure that appropriate valuations of loan material for insurance purposes are provided to borrowers, and received from lenders.

The practice of “permanent loans” should be avoided; this term is unlikely to have any legal status and the transaction is better described as a “renewable of long-term loan”.

E. 4 Disposals

There are circumstances when disposals can strengthen and refine the quality of a museum collection; but generally *there is a strong presumption against* the disposal of accessioned collections to which the museum has acquired legal title, particularly objects which have been certified by the Canadian Cultural Property Export Review Board.

It is preferable that material disposed from museum collections remain in the public domain; objects of national, provincial or regional importance should remain in Canada and within an appropriate locale.

If financial assistance for an acquisition has been received from a public or private source outside the museum, the disposal of that material requires the consent of all parties to the original transaction.

The disposal of replaceable or renewable material used in working, teaching or natural history museums or programs requires special consideration; the overall concern should be for the long-term survival of appropriate examples of the object.

Occasionally, museums may reasonably plan to destroy or alter objects or parts thereof for research or other purposes; however, the museum’s overriding responsibility is for the wise use of the collection material, with the greatest long- term benefit.

Disposals of non-accessioned or non-registered objects owned by museums are not subject to these requirements. However, museums should recognize the public perceptions concerning material accepted by them, and when museums accept a bequest with the intention of disposal, they should so inform the executors of the will at the time of the bequest.

E. 4.1 Criteria for Disposals

Museums must develop disposal policies that clearly relate to their acquisition policies and to their collecting mandate; these will set out the rationale for any disposals, and define the methods that will be used.

Disposals should not stem from arbitrary changes in taste, or individual preferences and generally, are proposed by museum workers assigned curatorial responsibilities.

The museum must ensure that:

- it is legally free to act;
- it has clear title to the objects proposed for disposal and/or in the case of undocumented **materi-**

- al, that it has made a serious, diligent and documented effort to locate owners;
- there are no restrictions associated with the material when it was acquired;
- the transaction is fully approved by the governing authority;
- objects for which a request for return, restitution or repatriation could reasonably be expected to arise in the future are not be considered for disposal by other means.

E. 4.2 Methods of Disposal

It is preferable that disposals from museum collections remain in the public domain, and museums should offer internally approved disposals to other museums or appropriate public institutions as a gift, or for exchange or sale *before* considering commercial concerns or private individuals.

Museums may properly endeavour to maximize financial returns to the institution and, if necessary, consider publicly advertised auction sales, before turning to reputable and established dealers. Disposal by sale to a private individual is the least satisfactory option.

Occasionally, museums need to discard an object that is in such poor physical condition that conservation or restoration is not feasible, and that is no longer useful for study or teaching purposes. Such material should be permanently and completely destroyed before witnesses, or disposed of in a fashion (i.e. to a scrap metal dealer) which ensures it cannot be reconstructed in any way.

It is unethical for museum workers, their relatives and associates, or any individuals or organizations associated with funding the museum, to acquire or to benefit in any way from disposals from museum collections.

Museums should make public their intention to dispose of objects from the collections at least 3 months in advance, using the appropriate media. As a courtesy, museums should make every effort to notify relevant donors and/or living artists about the forthcoming disposals.

Museums may not dispose of collections by returning them to the original donors as a gift, (whether or not the donor received any tax benefit at the time of the donation); however, museums may allow the original donor to purchase the material at current fair market value. As a courtesy, museums should allow living artists the first right of refusal to re-acquire their earlier works

E. 4.3 Use of Funds Generated by Disposals

Museum collections are part of the fixed capital assets of a public institution; funds which are generated by disposals replace the collections themselves, and may be used only for further capital acquisitions, that is, for additions to the collections and for repairs to the collections which are directly necessary to maintain them.

Therefore, it is clearly unethical for museums to dispose of collections in order to provide funds for purposes other than for the acquisition of, or direct care of, museum collections.

Nevertheless, the proceeds generated by disposals may remain in a capital fund, suitably protected against inflation (such as an endowment), which generates income for the museum; such income is not subject to the same restrictions as the capital fund itself

E. 4.4 Domestic and Foreign Returns

Every request for restitution, repatriation or return must be given immediate and serious consideration, and treated with respect and sensitivity. Such requests can only be resolved by each museum on a case-by-case basis. Museum policies must clearly describe the process **followed to answer such** requests.

In the event of requests from a foreign state, museums should facilitate negotiations, rather than await action at a government or political level.

Objects which are specifically held "in trust" for any community may be returned to that entity or to another appropriate institution that is mutually agreeable.

Museums should be committed to the return of human remains, directly associated funerary objects and culturally sensitive objects, when requested by communities or groups with a demonstrable claim of historical relationship to them, and be prepared to facilitate the return of material which may have been acquired under circumstances that invalidate the museum's claim to title.

E. 5 Conservation and Emergency Planning

Museums should take all practical steps to preserve and minimize the physical deterioration of all collections entrusted to its care, regardless of their financial value.

While preventive conservation is acknowledged as a primary responsibility, museums must often make an informed decision and attempt to strike a balance between the need to use and the need to preserve, in some cases, considering the original purpose of the object.

As part of their overall conservation practice, museums should develop specific and comprehensive plans to deal with all types of emergencies that might affect the collections and the facilities, both those that can be anticipated as well as unexpected crises. In all cases, however, the well-being of museum workers and visitors must be given priority.

E. 5.1 Welfare of live animals

Museums that maintain live animals must provide for the protection of museum workers and visitors, and for the health and well-being of the animals. A veterinarian should be available for regular inspections of the animals, the programs they are required to perform and their living quarters.

The procurement and disposal of animals should be in keeping with humane and professional practices; if museums dispose of such animals, they should ensure that they are not acquired by individuals who are not properly qualified to handle them.

F. Accessibility & Presentations

To fulfil their public service responsibilities, museums must ensure that there is equality of opportunity for public access to collections, information about them, and to all types of museum presentations. Some museums meet this responsibility by providing free admission at specific times. Presentations are the most visible public service activity of museums; they should relate as directly as possible to the mandate of the institution.

In addition to providing for a broad range of interest levels and abilities, museums should actively seek out new and wider audiences in the community, including groups that may be disadvantaged in some manner. Most particularly, museums must make every effort to eliminate any form of discrimination based on age, gender, racial origin, religion, sexual orientation and medical condition or disability.

Museums also have an obligation to the wider community of colleagues and other cultural institutions, as well as to the public beyond the immediate community, to share information about the collections and to make loans, subject to institutional policies.

Particular care should be taken to ensure a culturally respectful approach to the values and traditions of all groups which are part of the community; to this end, museums should involve these various groups in planning and developing presentations.

Presentations should endeavour to represent the multiple perspectives held by different groups in a fair and impartial manner; when museums *do* present a singular viewpoint, this bias should be made clear to the public.

Museums must be especially conscious of copyright requirements, and exercise due diligence in this matter.

F. 1 Media and publicity

The media provide a link between museums and their users; it is therefore appropriate for museums to seek to influence the media in a positive manner.

To avoid confusion, museum workers should not make public statements on behalf of the museum without authorization, and museums should identify an individual to co-ordinate all media contacts for the institution.

As with all other museum presentations, information prepared for publicity and other media purposes should be factually accurate and sensitive to community values.

G. Culturally Sensitive Objects and Human Remains

Information about certain culturally sensitive objects may not be readily available, and it is the responsibility of museums to actively seek it out from knowledgeable members of the appropriate cultural groups before using the object in any way.

Presentations, research and museum-sponsored archaeological field trips should be accomplished in a manner acceptable to the originating community. In specific cases, it may be appropriate to restrict access to certain objects, to honour the protocols and ceremonies of that community regarding storage, treatment, handling and display, or to facilitate special access as appropriate.

Where appropriate, museums could assist in the reinternment of (archaeological) human osteological material by assisting local reburial committees or other community groups.

H. Research, Publications and Field Work

In order to enhance the quality of all types of presentations, museums have a responsibility to support and encourage research activities and to share their findings with the community at both a popular and a professional level.

Policies should ensure that research relates directly to the institutional mandate, and conforms to the approved research and/or publications program of the museum.

Access to museum collections and related research should also be provided with appropriate supervision, to legitimate outside researchers, including members of the public with a genuine interest in or connection with specific material or cultural groups.

Museum-sponsored research and fieldwork should:

- use appropriate and ethical scientific or historical methodologies;
- observe all applicable legislation, including where appropriate, that of the host province or state, and proceed only with the agreement of the responsible authorities;
- not be detrimental to the environment, to any animal or plant populations, or to any natural, historical or cultural site;
- be designed in partnership with the social or cultural group that may be the subject of the research, or the occupant of the fieldwork area, and respect the customs, traditions and values of that community;
- ensure that natural or cultural objects are collected for museum use, or are shared with the host province/state, (or other responsible authority), and do not become available for commercial exploitation. If museum policies permit personal collecting, a disclosure statement should be provided by all field workers.

The results of research should be published (or presented in another form) in a timely fashion, since unavailable research represents wasted institutional resources.

Wherever feasible, museums should permit researchers with work in progress continued access to relevant data or collections, (even if the museum worker leaves the employ of, or formal association with, the museum) and protect unpublished research findings from plagiarism during a reasonable term of completion. Where research is not completed or published, it should be made available to other researchers for that purpose.

When museum workers prepare material for publication (or another form of presentation) as part of their paid duties, the museum retains A rights to the work, unless there is an agreement to the contrary.

I. Commercial and Revenue-Generating Activities

Commercial activities include retail sales of all kinds, in restaurants, museum shops, commercial or promotional filming and photography, reproductions, space and object rentals, sponsored or joint ventures, and so on.

Relationships between museums and outside organizations should be clearly defined, and any joint or sponsored activities, products or services should not compromise the institutional mandate and its public trust responsibilities. Such enterprises should make a positive contribution, not only financially, but also to the public image and role of the museum.

Where feasible, commercial activities should relate to the institutional mandate, and should not place museum collections at any greater risk than normal museum use. Products sold by museums should be accurate, reliable publications and good quality, safe, educational or decorative items. It should be made clear to the public that museums do not sell products that incorporate (parts of) any endangered species, or illicitly acquired objects or items that have been disposed from museum collections.

I. 1 Reproductions and copyright

Museums must ensure that they have secured the appropriate copyright or license to reproduce before reproducing items for sale, particularly images that are modified or decontextualized.

When material is acquired directly from an artist (or an individual who holds copyright) for the purpose of reproduction, museums must ensure that royalty and reproduction rights are negotiated and documented.

Replicas, reproductions or items derived from the collections should be clearly marked as such and made in a size, material or other manner so as to ensure that the reproduction is not identical **with the** original. Every effort should be made by museums to avoid any confusion on the part of the buyer.

J. Employer/Employee Relations

All museum workers benefit from equitable working relationships based upon mutual respect.

Museum workers owe:

- to members of the public: courteous, efficient service and assistance;
- to their colleagues: respect, co-operation and support; senior museum workers are particularly responsible for sharing knowledge and transferring skills to co-workers;
- to their institution: loyalty to its policies and the conscientious performance of their duties, improvements in competence, awareness of current developments in the museum field and use of the museum's name and resources for official business only.

In turn, museum administrators are responsible for ensuring that working relationships among all museum workers are clearly defined, that shared roles and separate responsibilities are recognized for trustees, paid staff, volunteers, and contract consultants and that there is respect for the professional expertise and experience of museum workers.

Specifically, institutional policies should be in place to ensure:

- equality of opportunity in job postings, recruitment, and promotion; the elimination of discrimination based on age, gender, racial origin, sexual orientation, religion and medical condition or disability;
- regular review of written job descriptions and the development of diverse work experiences leading to meaningful career paths;
- clearly defined and appropriate disclosure procedures exist governing possible conflict of interest situations relating to employment (such as private work from which remuneration may accrue);
- museum workers are never required to contravene any legislation or the *CMA Ethical Guidelines*;
- opportunities exist for museum workers to propose amendments to institutional policies, and procedures to resolve disputes;
- that in the event of labour disputes, the care and maintenance of the collections (including live animals) are the primary responsibility of the museum. In situations where union membership is mandatory for employment, and crossing a picket line results in the loss of that membership for an employee, the museum may need to make special arrangements.

J. 1 Staff Development

Both museums and museum workers benefit from educational opportunities for development or retraining, including university or college courses of study, workshops, meetings, secondments, exchanges, conferences and membership in museological and other professional associations.

Museums should support and encourage association membership and participation in staff development functions, and make appropriate provision for the equitable funding of these activities.

K. Volunteers

Most museums originated as volunteer organizations; those which have developed beyond that stage should continue to make good use of community volunteers by encouraging them to develop an organizational framework (such as an association) which clearly defines both the relationship between the museum and the volunteer organization, and the role of volunteers in the museum.

Museums should identify appropriate and effective channels of communication, and where feasible, assign a permanent liaison to work with any volunteer organizations.

As museum workers, volunteers are subject to the same ethical obligations as paid staff and should operate under the same working conditions.

L. Conflict of Interest

To maintain an ethical environment, museum workers must act in an ethical manner, and just as importantly, be seen to do so.

L. 1 Personal Conduct

Museum workers shall avoid all activities which could be construed as an actual, potential or perceived conflict of interest with respect to that of the museum. They may not use their affiliation with the museum for personal gain or to benefit any third party.

Nevertheless, museum workers have a right to pursue their own interests, provided these do not conflict with those of the museum, and are not detrimental to their own reputation or that of the museum. Most particularly, museum workers must make a clear distinction between acting on behalf of their institution and acting on their own account.

Museum policy should require that the business and personal activities of museum workers, (including collecting) are formally disclosed, updated, and when there is potential for conflict of interest, either approved or discontinued.

L. 2 Gifts

Museums must exercise special care concerning offers of objects as a donation for tax benefit (or for sale), from museum workers (including trustees) their families or close associates, and ensure that valuations associated with such transactions are carried out at arm's length.

Museum workers must not solicit or accept for personal use, any gift or other form of reward for services rendered, action taken or influence exerted, from any person or organization having or seeking contractual, business or professional relationships of any kind with the museum. However, suitable items may be accepted on behalf of the museum for the collections or for institutional use, and institutional policies may provide for the acceptance of meals, accommodations or travel by museum workers for official museum business.

L. 3 Collecting and Dealing

Museum workers must disclose the extent of any personal collections and shall not compete with the museum for the acquisition of objects.

When museum workers have personal collections which are covered by the collections policy of the museum, they must not act as a dealer (that is, buy and sell for profit as distinguished from occasional sales or exchanges from a personal collection). If they wish to dispose of an item or a collection, it should be offered first to the museum for consideration.

Museum workers should not assist a member of the public in the acquisition of private property, or in its disposal, unless it is directly acquired by the museum.

Museum workers, their relatives or associates may not acquire objects disposed from the museum collections, or appropriate in any other way, items from the collections, even on a temporary basis, or use their association with the museum to promote their private collecting activities.

L. 4 Confidentiality and Privacy

Museum workers should avoid the careless or deliberate disclosure of any information received as a result of their position whether imparted in confidence or not, concerning the management and security of the institution, any future or unannounced events, and so on. They must respect the privacy of donors, lenders, members of the public, and other cultural institutions, particularly concerning sensitive material such as human remains, and exercise caution where there is reason to believe that unrestricted access to information could lead to the abuse of significant sites or material.

L. 5 Appraisals

It is preferable that museum workers appraise only objects which are owned by the museum, since any other appraisals they execute will ultimately reflect upon the reputation of the museum.

Museum workers may not undertake paid or unpaid authentications and appraisals for any third party without first declaring a conflict of interest and securing the express consent of the governing authority of their museum. The only exception is the appraisal of proposed donations to the museum, valued less than \$1000 as defined and accepted by Revenue Canada (1998 regulations). For such done appraisals, museum workers are subject to the same requirements for substantiation that govern outside appraisals.

Museums should avoid recommending to the public a specific dealer, appraiser or auctioneer; museum workers may not accept any special price or discount for any personal purchases or services from such parties.

Appraisals of objects for donation to the museum (or for other purposes) should be executed by qualified individuals acting at arm's length, who have no past, present or future interest in the transaction.

Museums have a responsibility, when obtaining appraisals in connection with tax benefits for donors, (either directly, or from the donors), to ensure that "fair market values" are appropriate and properly substantiated.

Copyright © 2006 Canadian Museums Association. All Rights Reserved