

ALLIANCE REFERENCE GUIDE

Developing an Institutional Code of Ethics

This guide will help museums develop an institutional code of ethics, a core document that formalizes accountability and ethical practice. This guide aims to help museums develop a better understanding of ethics by explaining what an institutional code of ethics is, why it is important and considerations for developing one. It reflects national standards and is in line with the requirements of the Alliance's Core Documents Verification and Accreditation programs.

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What It Is

Codes of ethics put the interest of the public ahead of the interests of the institution or of any individual, using a core set of principles and shared values in lieu of individual judgment. A code of ethics is a single document, not a compilation or list of references to other documents, and is approved by the museum's governing authority.

An institutional code of ethics, sometimes called a code of conduct, describes a series of values that demonstrate the museum's commitment to public accountability and ethical practices. It explains how these values influence the museum's policies and the behaviors and choices of staff, governing authority and volunteers. The document addresses collections-related ethics and personal and professional conduct, and it references the museum's adherence to applicable laws.



Why It Is Important

Operating in an ethical manner is a fundamental part of being a museum. Having a formalized code of ethics demonstrates to the public commitment to accountability, transparency in operations and informed and consistent decision-making. It positions the museum as reputable and trustworthy, which can strengthen relationships with stakeholders and the community.

Why Ethics?

Ethics are well-founded principles that help people make choices about what they ought to do. Ethical practices are based on rights, obligations, benefits to society, fairness or other values. Acting ethically means adopting behaviors that, if universally accepted, would lead to the best possible outcomes for the largest possible number of people. Therefore, ethical standards encourage people to act beneficially and for the common good—or with “common sense.”

“A code of ethics is a part of the process of creating and maintaining an ethical institution. However, it is only part of the equation. An ethical museum is one in which all participants acknowledge the core values and where those values are discussed in the context of a museum’s mission. A museum’s public responsibility revolves around the ethical correctness of museum activities, including both the care and use of collections. Ethical responsibility is evidenced by interaction inside and outside the organization and by the way in which a museum conducts its activities.”
Gary Edson (*Museum Ethics*, 1997)

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A museum’s code of ethics is founded on public accountability, public trust and public service. For museums and their staff, operating and acting ethically means making decisions with these fundamentals at the forefront and ensuring that no individual associated with the museum personally benefits (especially financially) as a result. It is important for museums to not only have a code of ethics but to foster a culture of ethical practice and behavior.

Acting ethically is different from acting lawfully. Laws usually reflect ethical standards that most citizens accept. “But legal standards,” as noted in the Alliance’s *Code of Ethics for Museums*, “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.”



Anatomy of an Institutional Code of Ethics

An institutional code of ethics should demonstrate that the museum is ethical, professional and accountable. Codes should be consistent with the Alliance's *Code of Ethics for Museums*, which outlines ethical standards that can be applied to all museums. A museum's code should be tailored to its particular circumstances and should not simply replicate the Alliance's code. Instead, a museum should use it to facilitate discussions that explore how the museum legally, ethically and effectively carries out its responsibilities. Each museum has to write an ethics policy for itself. It should be applicable to governing authority, staff and volunteers and be approved by the governing authority.

Some discipline-specific associations have issued ethics statements or guidelines applicable to their disciplines or members. Museums should develop codes that they are consistent with the Alliance's code or any other code of ethics issued by a national museum organization appropriate to the museum's discipline (e.g., Association of Art Museum Directors' [Professional Practices in Art Museums](#), the American Association for State and Local History's [Statement of Professional Standards and Ethics](#), etc.). Moreover, museums may also choose to adopt codes from relevant organizations (e.g., Association of Fundraising Professionals' [Code of Ethical Principles and Standards](#)).

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There is no one, perfect template for any document. Since the museum field is so diverse, each of the museum's documents will be influenced by its history, community, collections and governance. Policies and plans should be interrelated in order to contribute to a cohesive vision and mission. Codes of ethics vary in organization and in format, but most touch upon the following issues, addressing them differently, in light of the museum's specific circumstances:

Guiding Principles

Guiding principles are ideas that influence how and why decisions are made. They inform discussions, clarify plans and provide context for the policies outlined in the code of ethics. It is important for the museum to identify its specific shared values and then shape its codes around these core principles.

Ethical Duties

Serving the public over the interests of the individual and the institution is paramount. Museums should outline ethical duties and obligations to preserve and protect the public trust, such as duty of loyalty. Explaining the purpose of the code, whom it applies to and how it is used will provide context for the ethical duties listed in the code. This opportunity can be used to reiterate commitment to mission and explain how the code applies to it.



Governance

This section explains the responsibilities of the governing authority in ensuring the museum's commitment to public accountability. Codes of ethics delineate the reporting structures, explaining the relationship between the governing authority and the director and what responsibilities fall under whose purview. Clarifying these roles and outlining any performance standards contribute to transparency.

Conflict of Interest

Conflicts of interest are circumstances that pose a threat to the museum's ability to fulfill its mission in an ethical and accountable way. The code should address several scenarios when conflicts of interest may arise and provide a clear roadmap for acceptable and unacceptable practice, applying to governing authority, staff and volunteers. The Alliance's *Code of Ethics for Museums* states, "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." It also states that museums must ensure that "collections-related activities promote the public good rather than individual financial gain." Any person representing the museum should be able to accept the

restrictions outlined in this section, in order to maintain public confidence in museums and in the museum profession.

The following issues are often addressed in conflict of interest statements: affiliations with other institutions, if any; expectations regarding disclosure; receiving gifts and favors; loans; outside employment or volunteer activity; personal collecting; political activity; purchase of museum property; referrals; and the use of museum assets, information or name. Ethical considerations, such as personal conduct, collections-related ethics and conflict of interest issues may also exist in other policies (e.g., a personnel policy or a collections management policy). If so, the museum should take care that these documents use consistent language.

Collections

This is how the museum manages, maintains and conserves its collections. Codes of ethics include the purpose of collections, how they support the museum's mission and public trust responsibilities and how collections-related activity promotes the public good rather than individual or institutional financial gain. If the museum has any collections-related plans or policies, those can be referenced here. It is important for museums to explore how the museum legally and ethically acquires, deaccessions, cares for and preserves objects and explain that in the code. In particular, a museum should address the use of proceeds from disposal of deaccessioned objects. Museums should also consider mentioning



several other collections-related issues: reasonable access to collections records and collections; the acquisition, care and treatment of cultural property, and adherence to relevant laws; truth in presentation—the honest and objective representation of objects; and appraisals.

Museum Management Practices

There are other types of policies dealing generally with museum operations that may be outlined in the museum’s code of ethics. These issues usually address fundraising; the museum’s commercial activity, such as a museum store; personnel practices and equal opportunity; commitment to professionalism; and ownership of scholarly material, which designates who has ownership of the work developed or created by staff while carrying out museum-related responsibilities.

Compliance with Laws

It is important to protect the museum and its reputation and to ensure that staff are not violating any laws. In some cases, there are ethical as well as legal considerations for certain practices, so museums typically mention any laws and regulations that affect the way it operates. Often the museum will make a general statement that acknowledges adherence to laws; other times they will mention specific laws (e.g., NAGPRA), where relevant.

Forms

Many museums provide forms with their codes of ethics that include acknowledgement or affirmation of the code, documentation of personal collecting activity or disclosure forms.

Implementation

Usually, the code of ethics contains a section addressing how the code will be implemented and reinforced. Often, any ramifications regarding breach of the code will be mentioned in tandem.



Where to Begin

To write an institutional code of ethics, a museum must honestly consider the issues it faces and is likely to face, and determine what ethical principles are needed to guide its operations and protect its integrity. Clear policies mean that staff and governing authority have standard procedures to follow and reference, allowing them to act with consistency and prevent misunderstanding. Here are some steps museums can take in drafting a code of ethics:

- » *Create a team.* Since the code of ethics influences museum operations broadly, it is important for the museum to assemble a multi-functional advisory team to make sure the code is comprehensive.
- » *Establish values.* Most museums have values that support mission. Those writing the code of ethics may use those values to inform it or, if relevant, consider whether or not those values need to be revised. If values do not exist, the team may want to develop them. Those affected by the code of ethics can provide feedback about what they consider to be the museum's values. Afterward, applicable core principles can be identified to influence how the code of ethics progresses. It may be prudent for museums to send the final set of values to key stakeholders and to the governing authority for approval before moving forward.
- » *Draft the code and get approval.* The anatomy of an institutional code of ethics listed above may help a museum consider what its policy should cover. It is important to determine who will be responsible for dealing with conflicts of interest when they arise (most often it is the board chair or an ethics committee) and explore how the code of ethics will be enforced. The team is encouraged to think through what type of disciplinary action would result from violation of the code and make it explicit in the document. After considering issues that greatly face the museum, the team may draft an outline of the proposed code and circulate it amongst the team for review and comment. Once feedback has been received, a final draft must go to the governing authority for approval. Museums may consider circulating final versions to key stakeholders and having legal counsel review to provide guidance.
- » *Revise other documents.* Since the code of ethics affects how museums operate and make decisions, other policies should be updated to reflect any changes in philosophy. It is important to identify what other documents need to be revised and edit them in light of this code of ethics.
- » *Train staff, governing authority and volunteers to be ethical.* A code of ethics is only effective if ethical behavior is nurtured. Governing authority and staff should be encouraged to turn to the



code for guidance on questions or concerns and educated on how to use it to act in the public's best interest. Leadership should cultivate ethical behavior so that staff and governing authority can make good decisions even when faced with situations or issues that the code does not directly address.

- » *Review frequently and revise as necessary.* A successful code of ethics gets reviewed and referenced constantly, so it is important to revise the code when necessary.

Core Documents Verification

The [Core Documents Verification](#) program verifies that an institution has an educational mission and policies and procedures in place that reflect standard practices of professional museums, as articulated in *National Standards and Best Practices for U.S. Museums* and used in the Accreditation Program.

A code of ethics is one of five core documents that are fundamental for basic professional museum operations and embody core museum values and practices. Listed below are elements required for codes of ethics from museums participating in the program.

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Institutional Code of Ethics Required Elements

- » States that it applies to members of the governing authority, staff and volunteers
- » Is consistent with the Alliance's *Code of Ethics for Museums* or other code of ethics issued by a national museum organization appropriate to the museum's discipline
- » Is tailored to, and developed specifically for, the museum (i.e., it is not simply a restatement of, or a statement of adoption of, the Alliance's *Code of Ethics for Museums* or other organization's code, and is not simply a copy of any parent organization's code)
- » Puts forth the institution's basic ethical, public trust responsibilities as a museum and nonprofit educational entity and is not solely about individual conduct (e.g., conflict of interest issues)
- » Includes a statement on use of proceeds from deaccessioning (limiting their use to new acquisitions and/or direct care/preservation)
- » Is a single document, not a compilation or list of references to other documents
- » Is approved by governing authority





Where to Find Out More

- » [*Code of Ethics for Museums*](#) (AAM Press, 2000)

This code provides a framework for developing an institution's own code of ethics and reflects the current, generally understood standards of the museum field. Issues covered include governance, collections and programs.

- » [*National Standards and Best Practices for U.S. Museums*](#), edited by Elizabeth E. Merritt (AAM Press, 2008)

This guide is an essential reference work for the museum community, presenting the ideals that should be upheld by every museum striving to maintain excellence in its operations. An introductory section explains how virtually anyone associated with museums will find the book valuable, from trustees to staff to funders and the media. It is followed by a full outline of the standards, including the overarching Characteristics of Excellence for U.S. Museums and the seven areas of performance they address. Throughout the book is commentary by Elizabeth E. Merritt, director of the Alliance's Center for the Future of Museums. This publication is available as a [free PDF for all museum members](#).

- » [*Codes of Ethics and Practice of Interest to Museums*](#), compiled by Jackie Weisz and edited by Roxana Adams (AAM Press, 2000)

This book provides an overall understanding of a broad scope of codes of practice, to help improve practices. This is a complete guide to ethics related to all aspects of museum operations. It includes information about standards and other useful tools.

- » [*Museum Ethics*](#), edited by Gary Edson (Routledge, 1997)

This book explores the ethical obligations that staff, volunteers and members of the governing authority have to the museum profession and the public. It also considers ethical practices on many museum issues such as collecting, conservation and public programs.

- » [*Museum Governance*](#) by Marie C. Malero (Smithsonian Institution Press, 1994)

This book addresses issues facing museum administrators and trustees and principles of nonprofit governance, including: purpose and use of codes of ethics; setting collection strategies; handling deaccessioning; and maintaining effective board oversight.





» Ethics Resource Center

The Ethics Resource Center has articles on ethical issues, a glossary of ethical terms, and a quick test to assess an organization's ethical effectiveness.

www.ethics.org/page/ethics-toolkit

» Institute of Museum Ethics

The Institute of Museum Ethics explores critical ethical issues facing museums and supplies museums with resources to help them make informed decisions about ethical matters.

museumethics.org/

» Sample Documents

The Information Center's sample document collection is a unique and valuable resource for Tier 3 member museums. The collection contains more than 1,000 samples of policies, plans and forms from museum of all types and sizes, most of which were written by accredited museums. Tier 3 museum members can request sample documents from the Information Center in order to stimulate a conversation about issues and challenges facing the museum and to explore how different museums approach different issues. Using the sample documents should not replace the process of joining staff, governing authority and stakeholders in fruitful and thoughtful planning and policy-making.

Standards

The Alliance's standards address "big picture" issues about how museums operate. For the most part, they define broad outcomes that can be achieved in many different ways and are flexible enough to accommodate a diverse museum field. These standards can be achieved in tandem with standards issued by other organizations that address aspects of museum operations or the museum profession.

Adhering to standards is achievable by all types of museums.

Standards provide a common language that enables museums to self-regulate, demonstrate professionalism and increase accountability. Policy-makers, media, philanthropic organizations, donors and members of the public use standards to assess a museum's performance and evaluate its worthiness to receive public support and trust. Simply stated by Elizabeth Merritt in *National Standards and Best Practices for U.S. Museums*, "Standards are fundamental to being a good museum, a responsible nonprofit and a well-run business."

Having a strong code of ethics helps museums adhere to standards. For more on standards, visit the Alliance's website at www.aam-us.org.

