

# MUSEUM OF GEOLOGY, SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

## MUSEUM ETHICS STATEMENT AND PROCEDURES

### MISSION STATEMENT

*The Museum of Geology, South Dakota School of Mines and Technology, explores the natural history of Earth through scientific inquiry; preserves specimens and data as a dedicated repository for scientific research; and promotes understanding of geoscience through outreach and educational efforts.*

*Approved 2011*

### INTRODUCTION

The Museum of Geology (MoG) is a dedicated unit of the South Dakota School of Mines and Technology (SD Mines). Through SD Mines and the SD Mines Foundation, MoG is a nonprofit educational entity and a responsible steward of resources held in the public trust, committed to public accountability and transparency in mission and operations.

MoG, through this statement of ethics, presents certain principles related to ethical conduct upon which it has operated in the past and upon which it will continue to operate in the future.

This statement applies to all SD Mines staff, faculty, associates, students, volunteers, administrative and governance personnel who work with and/or represent MoG in any way (hereinafter referred to as MoG representatives).

This statement recognizes the overarching authority of the employee code of conduct requirements in the South Dakota School of Mines and Technology Faculty/Staff Handbook<sup>1</sup>. Institutional policy and practice is established through founding legislation; the collections management policy; agreements with the State of South Dakota, stakeholder partners, and grantors; and job descriptions of staff, faculty, volunteers, administrators, and advisors. The MoG's Director directs the implementation of this statement and procedures through staff, faculty, volunteer, and administrative communications.

All MoG representatives are required to comply with the professional and ethical standards established by the South Dakota School of Mines and Technology, the South Dakota Board of Regents, and the SD Mines Foundation. Further professional codes of conduct may be required by the American Alliance of Museums, the Society of Vertebrate Paleontology, the Society for

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<sup>1</sup>SDSMT Code of Ethics, <file:///C:/Users/sshelton/Downloads/Code%20of%20Ethics.pdf>.

the Preservation of Natural History Collections, and other professional societies to which the MoG staff and faculty belong.

Unethical behaviors or practices must be documented and reported by anyone noticing them, and may result in bans on an individual's use of and access to the collections. Such actions may also be grounds for administrative action up to and including dismissal.

The MoG supports the effort to halt the continuing degradation of the world's natural history, archaeological, ethnographic, historic, and artistic resources. All MoG collecting activities are in compliance with national and international laws, regulations, formal agreements and treaty obligations, and with the spirit and intent of efforts to protect and enhance cultural and natural heritage.

This ethics statement reflects the highest concepts of ethical and professional practices and endorses in principle the American Alliance of Museums' Code of Ethics for Museums, adopted and revised in 2000, as well as the specific codes of professional disciplines represented at the MoG.

## THE MOG AND THE PUBLIC DIMENSION

MoG, as directed by its mission, is committed to serving the public in science education, providing superior maintenance and security of its assets, both physical and financial, and generating new scientific knowledge through its research program. As such, the MoG:

- Aligns its activities with its mission and the missions of SD Mines and the SD Board of Regents to promote the public good rather than individual gain.
- Is committed to human and planetary wellness and shall strive to avoid practices and products whose creation or disposal is unhealthy or otherwise detrimental. The MoG's Paleontology Research Laboratory is a LEED Gold-certified building and has helped set the standard for responsible resource use on campus.
- Acknowledges, values, and respects the social, cultural and individual diversity of all people in both its programs and hiring practices. The MoG will use its best efforts to foster accessible exhibits, programs, organizational procedures and operations.
- Recognizes the value of sharing decision making with diverse audiences, communities, donors, members, staff, faculty, volunteers, advisors, and administrators.
- Provides for the health and safety of all through a continuing program designed to reduce and/or eliminate the possible causes of accidents and to create the healthiest environment possible in the fulfillment of the mission of the MoG.

## COLLECTIONS

MoG's obligation to its collections and associated documentation is paramount. The collections are held in the public trust at the highest standards of care for ensuring that collections are preserved and used for educational and scholarly purposes in perpetuity. MoG serves as a repository for Federal, tribal and state-owned holdings which are curated and managed under agreements designed to ensure mutual benefits and enhanced public access. These stewardship responsibilities are governed by the MoG's Collections Management Policy and are guided by the following:

- Acquisitions are made in support of the MoG's mission and must be accompanied by legal title or, in the case of government-owned specimens, documentation establishing stewardship authority over those collections.
- Acquisition decisions are guided by the CMP and the MoG's ability to provide space, financial resources, and staff for curation, collection management, conservation, and preservation.
- The MoG shall not knowingly and willfully accept or acquire any object that was illegally imported or illegally collected or that was received under circumstances that would encourage irresponsible damage, destruction, or illegal trade of biota; historic, cultural, and natural sites; or human burial places.
- The MoG will not acquire, by direct or indirect means, paleontological, geological, biological, ethnographic, archaeological, and/or historic items that have been collected in contradiction of laws governing such collecting. It will not deal with any institutional entity shown to have been in violation of civil or criminal laws.
- MoG does not acquire or accession human remains, funerary goods, or other archaeological or ethnographic objects.
- Illegally collected or acquired materials may be repositied at the MoG only at the request of the appropriate management or law enforcement agency with such authority.
- Competing claims of ownership that may arise in connection with objects in the MoG's custody shall be handled openly, seriously, responsively and with respect for the dignity of all parties involved.
- The MoG may deaccession collections solely for the advancement of its mission as guided by the CMP. Disposition decisions are guided by discipline-specific ethics and practices. Conflict of interest, real or perceived, is to be avoided. Any proceeds that may result from the disposition of collections shall be used only to support new acquisitions or to improve direct care of the collections.
- Only in rare circumstances--those mandated by law, contract, prior agreement, or the advancement of science--will deaccession of the following collections occur: type specimens; thesis and dissertation collections; or iconic, published or illustrated specimens or objects.

- Objects will be presented honestly and accurately in exhibits.
- The MoG retains decision making authority around exhibit content and presentation.
- Collections shall not be used to promote or endorse external commercial activities.

## **CODE OF CONDUCT FOR STAFF, FACULTY, VOLUNTEERS, ADVISORS AND ADMINISTRATORS**

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### **GENERAL DEPARTMENT**

- Employment and volunteerism at the MoG involve a position of public trust with great responsibility. In all activities, MoG representatives must act with integrity and in accordance with stringent professional ethical principles and objectivity in support of the MoG's mission and public trust responsibilities.
- MoG representatives are expected to contribute talents and energies to the environment and quality of the MoG and the MoG's services. MoG representatives are expected to learn and demonstrate the MoG's values, and enhance and support the future of the MoG in our community.
- Relationships between MoG representatives are governed by mutual respect.

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### **RESPONSIBILITIES OF THE MOG STAFF**

All MoG representatives have a duty and responsibility to the MoG, to SD Mines and to the South Dakota Board of Regents in their work, professional behavior, and representation of the MoG and its programs to the wider professional communities. Ethical violations may be grounds for administrative action, up to and including dismissal. Any violations must be documented and reported to the appropriate supervisor, normally the Director.

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### **RESPONSIBILITIES OF FACULTY, ASSOCIATES AND VOLUNTEERS**

All SD Mines faculty, associates and volunteers, as well as research associates at other institutions, are considered to be professional colleagues and are held to the same ethical standards as MoG staff. Anyone working in as an unpaid volunteer for the MoG in any capacity, or working with MoG resources, can be banned from MoG facilities and use of MoG collections and permits for ethical violations. Such violations must be documented and reported to the Director.

## **RESPONSIBILITIES OF THE SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY ADMINISTRATION AND GOVERNANCE**

SD Mines administrators, as well as South Dakota Board or Regents representatives, have a duty to ensure that any actions they take on behalf of the MoG are both legal and ethical. The MoG cannot be asked by its administration or governance to undertake any actions that are legal or ethical violations.

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## **CONFLICT OF INTEREST**

MoG representatives shall:

- Never abuse their official positions or their contacts within the SD Mines and professional communities for personal gain, or in any way that might impair the performance of their official duties, compete with the MoG, or bring discredit or embarrassment to the MoG or to the profession.
- Maintain high moral standards of honesty, integrity, and loyalty to the MoG and shall refrain from any private or personal activity that might conflict, or appear to conflict with, the MoG's goals, purposes and operations.

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## **RESPONSIBILITIES TO THE COLLECTIONS AND OTHER MOG PROPERTY**

- To avoid conflicts of interest, real or perceived, deaccessioned MoG objects shall not be preferentially given or sold to MoG representatives.
- In the event of public sale of deaccessioned MoG objects, MoG representatives are prohibited from participating due to the appearance of a conflict of interest.
- No staff should use for any personal purpose any object or item that is a part of the MoG's collections or under the guardianship of the MoG.
- Use of MoG property (both physical and intellectual), supplies or other resources including the name and reputation of the MoG except for official business is not allowed unless authorized in writing by the appropriate SD Mines representative.

## STATEMENT ON PERSONAL COLLECTIONS

All MoG representatives who maintain personal collections comparable to those held by the MoG must disclose such collections to the SD Mines administration or Board of Regents as appropriate. MoG representatives must disclose personal collections to the SD Mines administration; SD Mines administrative staff must disclose them to the South Dakota Board of Regents. The purpose of this is to determine whether or not a conflict of interest exists.

Any new employee of the MoG, as well as any new faculty member, associate or volunteer proposing to work with MoG resources, who holds a significant pre-existing personal collection representing a discipline within the MoG's responsibility shall provide the Director with disclosure statement and sign a prevention of conflict of interest agreement. If no conflict of interest is determined to exist, the individual will be required to file a short annual statement form attesting that his or her personal collecting activities have not changed in the past year, in order to demonstrate to the MoG that the individual is not using his/her affiliation with the MoG to further personal collections at the expense of the MoG. This document will be kept on permanent file.

A conflict of interest may exist if one or more of the following conditions is shown to be in evidence:

- The collection substantially overlaps with any MoG specimen collection in nature, scope, area and/or documentation, to the extent that it would not be possible to differentiate MoG and personal materials if they were commingled.
- The collector has competed with the MoG to obtain the collection for personal benefit at the expense of the MoG's interest.
- The collector has used information gained from association with the MoG in order to build a personal collection that would not have been possible without that association or information.

If a conflict of interest is determined to exist, the MoG representative may be required to relinquish ownership of the collection as a condition of hiring or continued employment, through donation or through sale to recover the costs of personal acquisition. The MoG may accept such collections if offered for donation. Purchase of such collections requires the approval of the SD Mines administration and SD Board of Regents. Personal possession of such a collection in violation of this statement may be dealt with administratively if no other resolution can be reached.

Personal book collections used for work purposes may be exempt from the disclosure requirement at the discretion of the Director.

No MoG representatives shall maintain or store personal collections in MoG facilities, or research or conserve their personal collections on MoG time or in MoG facilities, without the express written permission of the Director.

All MoG representatives shall comply with the AAM and other professional standards regarding personal acquisition of museum objects and commercial dealing of museum objects, materials, or specimens.

### **POLICY STATEMENT ON APPRAISALS AND APPRAISING**

- No MoG representatives are allowed to conduct any sort of financial appraisal of any specimens, collections, library or archives holdings, or any other materials that are the same as or similar to those held by the MoG, for anyone or for any purpose. Similarly, no MoG representatives are allowed to verify an appraised financial value in any way. This is considered a serious conflict of interest by the Internal Revenue Service and could jeopardize the MoG's non-profit status.
- MoG representatives should inform a potential donor of the need for an independent appraisal if the donor is seeking a tax benefit, but may not conduct or verify such an appraisal; nor may they recommend one appraiser over another.
- The value of a donation is a private issue between the donor and the IRS; the MoG cannot be part of that relationship. The MoG can attest only that a given value was provided. If in the opinion of the MoG staff an inaccurate value may have been provided, that matter must be referred to SD Mines administration and legal counsel before action on the donation can proceed further. It is inappropriate for any MoG staff to contact or question a donor directly about an appraised value.
- MoG representatives should avoid giving specific referrals to the public for outside suppliers or services such as appraisal, conservation, and restoration.
- While loans of objects owned by MoG representatives can be of great benefit to the MoG, it should be recognized that exhibition can enhance the value of the exhibited object. Therefore, sole consideration of the MoG in asking for and accepting such loans shall be the prospective benefit to the public in alignment with the MoG's mission.

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### **OUTSIDE EMPLOYMENT, CONSULTING AND INTELLECTUAL PROPERTY RIGHTS**

- All practices and procedures with regard to outside employment are outlined in the SD Mines Employee Handbook.
- Activities that conflict with curatorial or other staff responsibilities or that could cause staff to favor personal or outside interests over those of the MoG must be avoided.
- All work created by any employee in the course of his or her employment at MoG constitutes works made for hire and is the physical and intellectual property of the SD

Board of Regents unless otherwise governed by contract, publication agreement, employee agreement, or law.

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## **GIFTS, FAVORS, DISCOUNTS AND DISPENSATIONS**

MoG representatives have the right to accept and retain gifts that originate purely from personal or family relationships. In instances in which the gift could be perceived as constituting a conflict of interest, the gift should be reported to the Director. If the recipient is the Director, that gift, if it poses a potential conflict of interest, should be reported to the Director's supervisor.

## **STATEMENT ON MOG RETAIL SHOP SALES**

The gift shop of the MoG does not and will not provide original fossil specimens, biological specimens, ethnographic or archaeological materials, or any specimens from the permanent collections for sale. The shop does carry legally collected regional mineral specimens and casts of fossils from the collections, all accurately labeled. Casts are made with the knowledge and express written authorization of the MoG Director.

## **COLLABORATIONS AND FUNDRAISING**

The MoG, as part of SD Mines, works with the Mines Foundation on all issues of collaborations and fundraising. The MoG works with and through the Foundation to secure, steward, disburse, and track both monetary and in-kind gifts. The policies and bylaws of the Foundation govern all such situations. :

- The MoG welcomes appropriate cooperation with similar organizations to further its preservation, research, and educational goals.
- The MoG is in ultimate control of educational content in MoG exhibits and programs. The recognition of external donors or sponsors must be negotiated with the Foundation and SD Mines administration as appropriate.
- The MoG may acknowledge corporate support, but will not specifically endorse any corporation, its products or services.
- Those involved in fundraising must do so with honesty as to need and must use funds for a donor's intended purposes. Opportunities and advantages shall be promised to donors equally.
- All donor-related records and documents shall be confidential, except as required by law.