



University of South Dakota

NATIONAL MUSIC MUSEUM

Code of Ethics

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CODE OF ETHICS

Preface

The National Music Museum functions as a partnership between the privately-funded, not-for-profit *National Music Museum: America's Shrine to Music, Inc.*, and the state-funded *University of South Dakota*.

The NMM – its trustees, staff, and volunteers – work diligently to advance the institution's mission, embracing values of integrity, transparency, fairness, and inclusiveness. The NMM, as a nonprofit, cultural institution, operates in the public trust and dedicates its energies toward the public good. To ensure and sustain the public's confidence, the NMM commits itself to steward its resources responsibly, to operate openly, and to strive unceasingly for excellence in every way. The highest ethical standards govern all planning, collecting, managing, programming, and general operations of the NMM.

NMM staff, employed by the University of South Dakota, may be subject to further policies of the South Dakota Board of Regents, but are equally obligated to abide by this Code.

This Code of Ethics applies to the NMM's Board of Trustees, staff, volunteers, and any individual acting on behalf of the Museum. The NMM is committed to maintaining this Code of Ethics as a living document, sharing it with all trustees, staff, and volunteers, evaluating it regularly, and aligning all institutional policies and procedures to reflect these values.

Professional Practices

General Responsibilities

In public perception, the ethical operation of the NMM reflects on the professional reputation and character of all individual trustees, staff, and volunteers. Likewise, the ethical behavior of all NMM personnel reflects on the reputation of the institution. The public trust afforded the NMM is collective, resulting from the mutual respect enjoyed by both the institution and its people.

All trustees, staff, and volunteers must hold themselves – and be held – to the highest ethical principles. Loyalty to the NMM is vital, because the Museum enjoys high public visibility and is perceived as a solid, institutional entity. In supporting the mission of the NMM, however, each museum individual is entitled to a measure of independence equal to that granted comparable professionals in other disciplines and consistent with his/her responsibilities.

Professionalism

This Code of Ethics governs the general ethical conduct of all NMM trustees, staff, and volunteers. Ethical codes from other professional organizations, to which some NMM individuals may be professionally affiliated through their disciplinary expertise, may also come into play. Any conflict between such codes should be brought to the attention of the NMM administration. Generally, the more rigorous application of an ethical principle should be followed.

The NMM leadership – whether trustees, administrators, or other employees in positions of responsibility – should respect the professional expertise of the museum staff in their areas of specialty. Governance should be structured and applied such that “in-house” expertise is valued, heard, and respectfully weighed for the resolution of issues of professional matters.

Conflicts of Interest

Outside Affiliations

The professional development and reputation of NMM staff may be positively influenced through outside affiliations, paid or unpaid. Professional activities (such as teaching, lecturing, authoring, consulting, and leadership of professional organizations) reflect positively on the NMM and broaden its impact. Such activities outside of employment responsibilities at the NMM, however, must not interfere with the execution of those responsibilities. The NMM Director shall be consulted in advance of committing to any such work. Approval, however, shall not be unreasonably withheld.

Volunteer work, unrelated to a staff member’s museum responsibilities, need not be disclosed. NMM staff, however, must always conduct

themselves such that the reputation and integrity of the NMM are not impugned in any way.

Gifts, Gratuities, and Honoraria

Trustees, employees, and volunteers must not accept or offer gifts, favors, business entertainment, loans, or other dispensations of more than a nominal value, not to exceed \$100, given to them in connection with their duties for the Museum, where retention of such would impair, or be perceived to impair, their judgment or otherwise influence their decisions.

Items of nominal value, not to exceed \$100, and isolated invitations to benefits, lunches, and dinners are acceptable. Any item or service with a value exceeding \$100 must be disclosed to the NMM Board Chair or Director.

NMM employees who represent the Museum at another venue as a speaker or consultant may accept per diem expenses reimbursement. Except in unusual circumstances, approved in advance by the NMM Director, honoraria exceeding \$250 (plus actual expenses) are prohibited. No honoraria may be received for service performed during normal working hours, unless prior approval has been received from the NMM Director or unless the individual performing the service takes appropriate leave.

Personal Collecting

No NMM trustee, staff member, or volunteer should act in competition with the NMM for any potential acquisition within the parameters of the Museum's own collecting activities, as defined in the NMM's Collections Management Policy. This prohibition applies most stringently to members of the curatorial staff (curators, curatorial assistants, collections manager, conservator, and director) but may also affect NMM trustees (including family members and colleagues), support staff, interns, and volunteers.

Personal collecting that overlaps with the NMM's acquisition interests is not explicitly banned, but absolute transparency must rule. Records of all personal purchases, sales, gifts, and trades of materials within the NMM's own collecting parameters must be disclosed, in the case of a

Trustee, to the Acquisitions Committee of the Board, or in the case of a staff member, to the NMM Curatorial Team within 90 days of occurrence.

The NMM reserves the option to purchase from a curatorial staff member (or other individual as defined above) at his/her cost (including related expenses) any such materials that have been acquired under circumstances that involve a known conflict of interest. This option to purchase shall be exercised within 90 days of disclosure. Conversely, the NMM is under no obligation to purchase from a curatorial staff member (or other individual as defined above) any such materials.

This right of acquisition shall not extend to materials collected prior to formal association with the NMM. Materials that are bequests or personal gifts from pre-existing relationships shall also be exempt from the NMM's right to acquire. When any doubt exists as to a potential presence of conflict, an individual should present full details to the Director before proceeding with a contemplated transaction.

Dealing

No member of the curatorial staff may deal in musical instruments or related materials. Upgrading a personal collection by occasional purchases or trades is not considered dealing, but the acquisition or disposal of objects in a personal collection may be subject to the policies above ("Personal Collecting").

The sale of privately-owned musical instruments and related materials is prohibited in the NMM except where allowed by museum policy relating to the Gift Shop and/or events organized by approved or affiliated groups.

In accordance with the AAM's *Code of Ethics for Museums*, the NMM does not monetize its collections to fund operations. All funds received from deaccessioned items shall be used to fund the purchase of other objects for the NMM's collection, except for extreme situations that require emergency treatment of collections, in which case the NMM takes guidance from the AAM's 2016 white paper, "Direct Care of Collections: Ethics, Guidelines, and Recommendations. Specifically, the use of the funds "makes physical or immediate impact on object(s) that increases or restores its cultural or scientific value, thus prolonging its life

and usefulness,” and, “the expense is not normally considered part of museum’s operating budget.”

Loans

Loans to the NMM by trustees, staff, and other closely-affiliated individuals may be perceived as a conflict of interest, if the exhibition of such materials would potentially enhance the value of those materials. When such a conflict could arise, all particulars must be fully disclosed. If the involved individuals have any decision-making role within the NMM, they must recuse themselves from all related discussions.

Appraisals

NMM staff shall not make formal appraisals or informal valuations of musical instruments and/or related materials to any party outside the NMM.

Donors, museum patrons, or others who seek appraisals shall be advised that the Internal Revenue Service expressly disallows museums from providing such services. NMM staff may provide some assistance, however, such as the names and contact information of 1) multiple outside appraisers and/or 2) national associations through which appraiser referrals may be obtained.

All persons involved with donations to the NMM must be familiar with IRS Publication 526 dealing with the valuation of donated property, especially relating to charitable gifts of art objects and the appraisal requirements as described in the instructions to IRS Form 8283.

Internally at the NMM, for insurance purposes and record-keeping, values may be placed on materials in the collection. These valuations, however, are confidential and never to be shared beyond a need-to-know situation.

Rare exceptions to this no-appraisal policy may be made with approval from the Director. For example, an appraisal or authentication of materials may be provided as a professional courtesy to other museums, on-profit institutions, governmental or law-enforcement agencies. Even then, the utmost care must be exercised to avoid any real or perceived conflict of interest.

Use of Museum Property and Services

No objects or materials that are NMM property (or under NMM guardianship) may be used for personal purposes by any individual.

Museum property may not be stored or exhibited in the home of any NMM trustee, staff, or other individual unless explicitly approved in writing by the Director.

External activities, which are determined by the Director to advance the mission of the NMM, may utilize NMM resources (including but not limited to facilities, materials, personnel, software, equipment or services) with the Director's approval. No such activities may result in private gain.

The NMM premises (including the Carnegie building as well as off-site storage areas) may not be used to house materials from personal collections, except for items on loan, on approval, or in the NMM for other legitimate purposes.

NMM facilities may be used by NMM trustees and staff for personal events, but such use must adhere to established NMM policies and fee structure for private events.

Trustees, may seek staff assistance for museum-related activities, but such requests must be channeled through and approved by the Director. Trustees can generally expect such help to be rendered to a reasonable extent, as long as it does not place undue strain on NMM resources and on-going operations.

Use of University and/or Museum Name

NMM staff, trustees, or volunteers may not use the name of the National Music Museum to endorse their independent, external activities unless explicated permitted in writing by Director or Chair of the Board of Trustees.

For directly professional purposes, employees may list their institutional affiliation when they author/edit books, articles, electronic posts, and the like. Institutional affiliation may also be used when presenting workshops, clinics, or other professional presentations.

All NMM personnel must be careful not to express any viewpoints that would imply the institution's alignment with specific social, historical, economic, or political points of view, except as approved by the Director.

Political Activity

NMM personnel are in no way precluded from participating fully in the political process, as a candidate for office, campaign volunteer, or otherwise. Individuals are free to express their opinions *as an individual* through speech or writing (as in signed materials in support of or opposition to parties and causes). NMM personnel must, however, be always clear that they are acting for themselves and not on behalf of the NMM.

The NMM does not contribute any funds, assets, or services to any political party, committee, organization, or candidate for any office.

Staff Assistance

To the extent that assistance would be offered to the public, NMM trustees, employees and volunteers may avail themselves of staff expertise and technical help.

Interpersonal Relationships

All NMM personnel bring unique knowledge, strengths, skills, and qualifications to the organization, with each individual dedicated to the high standards and discipline of the profession. All individuals, while striving for excellence in their own specialties, must also subordinate themselves to the collective efforts of the institution through respectful teamwork and professional, collegial cooperation.

When conflicts over professional matters arise, governance shall draw from and incorporate the opinions and judgments of relevant members of the NMM staff and board.

Inter-Institutional Cooperation

The mission of the NMM challenges the institution to serve a broad constituency of both individuals and institutions. In pursuing its goals as an international center for exhibition, interpretation, and research, the NMM should welcome opportunities for cooperative efforts with other institutions.

Within realistic limitations, the operations of the NMM are sustained at a level sufficient to allow the institution to be the leader in the field of musical instruments that it publicizes itself to be.

Confidentiality

NMM personnel who have access to confidential and privileged information about the Museum, its members, and other constituents must safeguard the privacy of such material, ensuring that all such information is treated with responsible discretion.

Employment and Management Practices

Legal Compliance

Trustees, employees, and volunteers respect, obey, and comply with all applicable laws, regulations, and international conventions.

Regarding new acquisitions for the NMM's collections, the NMM shall take all reasonable efforts to document the provenance of objects/materials prior to acquisition. All available information and documentation about an acquisition shall be obtained from sellers, donors, and/or their representatives. Ideally, such documentation should include the history of the movement of the objects/materials through markets/collections (public or private), including former owners, bills of sale, import/export documents, etc.

The NMM will comply with all applicable U.S. laws, including treaties and international conventions to which the U.S. is a party, governing ownership and title, import, and other issues critical to acquisition decisions regarding cultural materials. These include, but are not limited to:

- a. *The Native American Graves Protection and Repatriation Act (NAGPRA)*
- b. *The UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export, and Transfer of Ownership of Cultural Property (implemented into U.S. law by the 1983 Convention on Cultural Property Implementation Act).*
- c. *The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).*

Beyond the requirements of U.S. law, the NMM will not acquire any objects/materials that, to the knowledge of the Museum, have been stolen, looted, or illegally exported from the country of origin or country where last owned.

Ownership of Scholarly Material

As detailed in the NMM Employee Handbook, the NMM owns any intellectual property resulting from the work of its employees, students, or volunteers in their official capacities with the Museum, in the course of sponsored research, or in the facilities, and using resources, controlled by or administered by the Museum.

Examples of such restricted property include publications, lectures, manuscripts, etc. and all other materials prepared by an employee directly related to exhibits or education programs that were within the scope of the employee's work at the NMM. The NMM does not claim an ownership interest in employee-authored textbooks, scholarly publications, artworks, musical compositions or literary works, whether or not related to the professional field of the employee, and regardless of the medium of expression, unless the work is subject to contractual restrictions.

Development and Fundraising

The NMM's ability to realize its mission depends, to a great extent, on the financial resources available. Such support comes typically through the development and fund-raising activities of the institution. Support must advance the NMM's mission and avoid all real or perceived conflicts of interest.

The NMM, while developing financial support on its own accord, also receives fund-raising and record-keeping assistance from the Foundation of the University of South Dakota. All development activity complies with applicable local, state, and federal laws as well as the established policies of the USD Foundation.

NMM materials of solicitation are truthful and transparent. Individuals who solicit on behalf of the NMM identify themselves clearly – as an NMM trustee, staff member, volunteer, hired solicitor, etc. – to prospective donors.

Donations to the NMM are handled confidentially to the extent provided by law. Donations are acknowledged and recognized, through appropriate channels and documentation, and funds are expended consistent with donor intent.

The NMM reserves the right to protect its good name and reputation, to accept support only from individuals and organizations (i.e. their image, reputation, products, and services) that do not conflict with the NMM's mission and values. Offers of support, underwriting, or sponsorship – and any attendant forms of recognition – is evaluated on a case-by-case basis.

Confidentiality

The affairs of the Museum, information contained in the Museum's databases, or other official records on its donors and other business contacts must be held in the strictest confidence. All employees are expected to exercise the greatest caution and concern in the protection and dissemination of any information that might be considered confidential by the Museum, any donor, or any other contact. In particular, discretion should be exercised in the handling of any information of a confidential nature that has been gained as a result of discussions with donors, prospective donors, or other business contacts.

It is the Museum's policy that this information should be used only for the purposes for which it was intended, and it should be made available only to those who need and are authorized to have access to it. Further details regarding privacy and confidentiality are detailed in the NMM Employee Handbook.

Commitment to the Environment

The NMM recognizes that the organization's policies, activities, and people are inextricably linked to the world beyond its walls. Decision-making is informed by this fact.

As a public institution, the NMM recognizes the leadership role it should play through implementing best practices of responsible sustainability. Such practices are developed through conscious, on-going evaluation of realistic, short-term steps that can be taken to achieve idealistic, long-term goals.

NMM trustees, staff and volunteers are committed to:

- a. Think long-term, with the 'whole system' in mind, making environmental responsibility a relevant consideration in museum decisions.
- b. Reduce waste, reuse materials, and recycle whenever possible.
- c. Conserve energy through the efficient use of existing materials, facilities and procedures, as well as through the adoption of improved materials, facilities, and procedures when change and upgrading are possible.
- d. Explore opportunities to share the NMM's sustainability efforts with the public.
- e. Promote awareness of sustainable practices in museum communities, working with partner organizations that share 'green' values.

Employee Health and Safety

The NMM strictly prohibits conduct that may endanger the safety of others.

The unauthorized use, possession, sale or being under the influence of controlled substances or alcohol on Museum premises is strictly prohibited, and employees/volunteers must report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications.

The Museum (including off-site museum locations and vehicles in use for Museum business) is a smoke-free environment.

NMM expects its employees and volunteers to conduct themselves in a safe manner. Safety provisions are outlined in the NMM Employee Handbook.

Workplace Harassment

It is NMM policy to provide a work environment free of all forms of harassment and discrimination. Harassment on the basis of sex or other protected characteristics is a violation of Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors and other types of unwelcome verbal, non-verbal, or physical abuse, may constitute harassment, when such conduct creates an intimidating, hostile or offensive working environment. The working environment is defined to include terms and conditions of employment, as well as employment decisions. Violations of this policy are strictly prohibited. Reporting procedures are detailed in the NMM Employee Handbook.

Any person bringing a harassment or discrimination complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, nor discriminated against because of the complaint. Retaliatory action of any kind against an individual who has made a report of harassment is strictly prohibited.

Equal Opportunity

The NMM is an equal employment opportunity organization and does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, genetic information, or any other classification protected by federal, state or local law. This policy applies to all aspects of employment and application for employment with NMM.

Whistleblower Protection

A whistleblower is a trustee, employee or volunteer who reports an activity that he/she considers to be illegal or dishonest. Illegal or dishonest activities may include but are not limited to violations of federal, state or local laws; charging for services not performed or for goods not delivered; and/or other fraudulent financial reporting. If an individual, exercising sound judgment, has knowledge of or a concern of illegal or dishonest fraudulent activity, that individual is to contact the NMM Board Chair, Director, or Director's designee. An employee who intentionally files a false report of wrongdoing may be subject to disciplinary action, up to and including termination. Appropriate management officials, not the whistleblower, are responsible for investigating the activity and determining fault or corrective measures. The rights of the whistleblower are further detailed in the NMM Employee Handbook.

Social Media

Use of social media presents certain risks and carries with it certain responsibilities. For purposes of this Code, social media includes all means of communicating or posting information or content of any sort on the Internet, including but not limited to an employee's own or someone else's blog, journal or diary, personal website, social networking or affinity website, listservs or a chat room, whether or not associated or affiliated with the Museum, as well as any other form of electronic communication.

In general, trustees, employees, and volunteers are solely responsible for what they post online. Any personal conduct that adversely affects the individual's performance, the performance of others associated with the NMM, or otherwise adversely affects employees, patrons, suppliers, people who work on behalf of the NMM or the Museum's legitimate business interests is strictly forbidden.

Trustees, employees, and volunteers should ensure their postings are consistent with the Museum's ethics, communications, discrimination, and harassment policies and expectations, and should avoid using statements, photographs, video or audio that could be viewed as malicious, obscene, threatening or intimidating, that disparage patrons, employees or suppliers, or that might constitute harassment or bullying.

Use of this Code of Ethics

This is a living document, to be disseminated, used, and updated. The NMM Board of Trustees shall review this Code regularly.

This document shall be appended to or incorporated into all NMM handbooks and orientation materials for trustees, staff, and volunteers. Receipt of this document shall be confirmed in writing by each person upon commencement of a relationship with the organization, or at the official adoption of the Code or revision thereof. Failure to sign does not nullify the Code.

Orientation sessions shall include a review of the Code as part of the on-boarding process. The Code shall also be made publically available through the NMM's website.

Noncompliance

Failure to comply with the principles and expectations outlined in this Code of Ethics will be treated as a serious breach of trust and responsibility by any trustee, staff member, or volunteer. Such failure threatens the individual with loss of privileges granted by the organization and may result in a strict sanction or even termination of the individual's position at the NMM. Disciplinary action will be considered on a case-by-case basis. Appropriate legal authorities will be informed in cases involving the violation of laws and treaties.