

## **Governance Authority and Guiding Principles**

The Spencer Museum of Art (the Spencer) is a division of The University of Kansas, a state agency. Its activities and those of its employees, volunteers, and associated persons are governed by the laws and regulations of the State, the Kansas Board of Regents, and the University administration. Acceptance of a paid or voluntary position at the Spencer requires adherence to the letter and spirit of those provisions. The ethical responsibilities outlined in this document are supplemental to those regulations.

As a public institution the Spencer has a great responsibility to the public. The institution; collections, programs, facilities, and staff positions are a public trust. The positions that are held as a public trust include full-time and part-time paid staff including student employees, interns, research assistants, volunteers, Advisory Board members, Friends of the Art Museum Board members, Student Advisory Board members, and others who may serve on committees or otherwise be associated in an official capacity with the Spencer from time to time.

All persons associated with the Spencer in the positions listed above shall fully and conscientiously fulfill the duties of their positions at the Spencer; avoid conflicts of interest; and shall not misuse the Spencer's name, reputation, property, or services.

## **Conflicts of Interest**

Spencer Museum of Art employees and volunteers should never abuse their official positions or their contacts within the Spencer community, impair in any way the performance of their official duties, compete with the institution, or bring discredit or embarrassment to the Spencer or to the profession in any activity, museum-related or not. They must be prepared to accept, as conditions of employment and volunteerism, the restrictions that are necessary to maintain public confidence in the Spencer's goals; they are therefore expected to agree in writing to act in conformity with the principles outlined in this institutional code of ethics.

The reputation and name of the Spencer Museum of Art are valuable assets and should not be exploited either for personal advantage or the advantage of any other person or entity. Information about the Spencer that an employee may acquire in the course of his or her duties, and which is not generally known or available to the public, must be kept confidential. Such information may not be used for personal advantage or for purposes detrimental to the Spencer. No person associated with the Spencer may use confidential information acquired through his or her position in any outside employment or activity without the express prior consent of the Director.

No employee shall, in the capacity as an employee, be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such employee is employed or in whose business such employee or any member of such employee's immediate family has a substantial interest. Whenever any individual has, within the preceding two years, participated as an employee in the making of any contract with any person or business, such employee shall not accept employment with such person or business for one year following termi-

nation of employment as a state employee. [Kansas statute, K.S.A. 46-233]

No employee shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such employee knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties of such employee. [K.S.A. 46-236] No employee shall accept, or agree to accept, any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such employee knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties. [K.S.A. 46-237(a)] Meals provided at public events in which the employee is attending in an official capacity, meals provided at widely attended events, or any meal valued at \$25 or less may be accepted. [K.S.A. 46-237a (c)] No employee shall solicit or accept free or discount tickets, access to entertainment or sporting event when these are provided because of the employee's official position, except when the employee's official position requires or obliges the employee's presence. [K.S.A. 46-237a (e)] Free or discounted travel or lodging may only be accepted when the employee's presence at a meeting or event serves a legitimate state purpose and the Spencer would authorize payment of such expenses. [K.S.A. 46-237a (d)] Areas of possible perceived conflict shall be disclosed to the Director.

Conflicts of interest are further defined and regulated by the Board of Regents Policy on Commitment of Time, Conflict of Interest, Consulting, and Other Employment. All staff members are required to be familiar with the terms of this policy and complete a statement on an annual basis. Further information can be found at: <http://www.humanresources.ku.edu/>.

Staff members should be circumspect in referring members of the public to outside suppliers of services, such as appraisers, conservators, or framers. Whenever possible, more than a single qualified source should be provided so that no appearance of personal favoritism in referrals is created.

Whenever a matter arises that could be perceived as a conflict between the interests of the Spencer and an outside or personal interest of an employee or an employee's family, the employee should bring the matter to the attention of his/her supervisor for resolution.

### **Appraisals of Art Objects**

Museum staff members are prohibited from providing appraisals or monetary valuations of works of art to any party.

In seeking and accepting gifts to the Spencer, no member of the staff shall provide any sort of monetary valuation of art objects for the donor. The Spencer shall establish values for the works in its collection for purposes of internal record-keeping and insuring the collection taking care not to communicate those insurance valuations to the donor.

The donor of an object must be solely responsible for obtaining and paying for appraisals and

valuations for his or her own purposes, including tax deductibility. The Spencer shall avoid any action that might appear to be an effort to assist the donor in securing an income tax deduction, beyond those documentary actions mandated by governmental revenue authorities. Curators and others involved with gifts of art objects to the Spencer must be familiar with IRS Publication 526 dealing with the valuation of donated property, especially as concerns the rules relating to charitable gifts of art objects and the appraisal requirements as described in the instructions to IRS Form 8283.

### **Consulting and Other Employment**

Certain types of outside employment, including self-employment and consulting, can benefit both the Spencer Museum of Art and the staff member by stimulating professional development. All outside employment must be based on the premise that the employee's primary responsibility is to the Spencer and that the activity will not interfere with his or her discharging of this responsibility.

Staff members engaged in outside activities similar to those they perform for the museum are often perceived as representatives of the Spencer, even though the outside work may be independent of the institution. For that reason, staff members must disclose and gain approval from supervision and the Director in the context of other duties at the museum for any planned outside employment that in any way resembles or relates to the duties they perform for the museum.

Consulting and outside employment by unclassified staff members are governed by the Board of Regents' "Policy on Commitment of Time, Conflict of Interest, Consulting, and Other Employment" <https://documents.ku.edu/policies/provost/CommitmentofTimeConflictofInterest.htm>. All staff members are encouraged to familiarize themselves with the terms of these policies.

The University, under policies of the Board of Regents and Kansas law, requires designated staff members to report consulting arrangements, significant financial or managerial interests, and employment in outside entities whose financial or other interests would reasonably appear to be directly and significantly affected by their research or other university activities. Staff members are regularly notified of these requirements by the University when such reports are expected.

Staff members are not required to disclose non-museum-related voluntary activities on behalf of community groups or other public service organizations, but shall conduct themselves so that their activities on behalf of such organizations do not reflect adversely on the reputation or integrity of the Spencer.

### **Use of Museum Property and Services**

No person should use for any personal purpose any object or item that is part of the Museum's property or under the guardianship of the Museum.

No person may use the Spencer's collection, facilities, personnel, equipment, or services in any

non-museum matter or context without the express prior consent of their supervisor and the Director. No staff member shall use in his/her home or for any other personal purpose any item that belongs to or is under the guardianship of the Spencer, or use any other resources of the Spencer except for the official business of the Spencer that has been approved by the staff member's supervisor.

## Privacy Notice

The Spencer Museum of Art holds as a top priority ensuring that personal information is protected and secure. Although the Spencer may collect or share certain types of information, any information provided in applications, surveys, and registration forms in addition to information given related to purchases, or other account information (such as account balance, payment history or credit card usage) will remain private. The Spencer does not share customer or employment information except in response to subpoenas or for other legal reasons.

## Security Policies

Museum staff members are responsible for upholding KU technology and emergency policies. All staff should be familiar with the policies listed in the document on the shared drive: [W:SMA Handbook\Policies and Standards\KU\\_security\\_policy\\_documentation.pdf](W:SMA Handbook\Policies and Standards\KU_security_policy_documentation.pdf).

The Spencer has a "Clean Desk Policy." All documents with sensitive or private information should be removed and stored in secure locations at the end of the day.

The Spencer also has a mobile device policy: [W:SMA Handbook\Policies and Standards\mobile\\_device\\_use\\_2013.docx](W:SMA Handbook\Policies and Standards\mobile_device_use_2013.docx). This policy is strictly enforced and is guided by the same levels of security and attention given to in-house computer equipment and software.

## Personal Collecting

Personal art collecting by members of the staff is allowed, subject to the following guidelines for persons having significant responsibility for acquiring art objects for the Spencer Museum (director, members of the curatorial staff, and interns, hereafter called "curatorial staff").

1. Curatorial staff shall not become involved in any transactions that by virtue of their office give rise to a conflict of interest.
2. Curatorial staff shall make available to the Curatorial Committee, within 90 days of the date of occurrence, full details of all personal purchases, trades, and gifts or sales of art objects that fall within the collecting areas of the Spencer Museum of Art.

To aid in the administration of these guidelines, the Spencer shall have the option to purchase from a curatorial staff member at his/her cost, including related expenses, any art object such staff member has acquired under circumstances that involve a known conflict of interest. The option to purchase shall be exercised by the Spencer within 90 days of disclosure by the curatorial staff member to the curatorial committee of the facts involved, whether by voluntary action of the curator or by action of the committee, which may request all pertinent details for its consideration. The right of the Spencer to acquire from a curatorial staff member shall not extend

to art objects collected prior to the date he/she became a staff member. Art objects that are bequests or personal gifts from pre-existing friendships to a curator shall be exempt from the Spencer's right to acquire.

While it is expected that the foregoing and other requirements of these Guidelines will be effective in minimizing or eliminating conflicts of interest, it is suggested that where doubt exists as to the presence of a conflict, the curator should present full details orally or in writing to the curatorial committee for a determination prior to proceeding with the contemplated transaction.

### **Art Dealing**

No curator shall act as an art dealer. Upgrading a personal collection by occasional trades or purchases is not considered dealing in works of art. The acquisition and deletion of objects from a personal collection may require disclosure as set forth in the section **Personal Collecting**.

The sale of art objects is prohibited on museum premises except where indicated in written museum policy relating to the Spencer Shop and events organized by affiliated groups.

### **Loans of Art Objects by Staff or Members of the Friends of the Art Museum Board or Spencer Museum of Art Advisory Board**

While loans of objects by board members or staff can be of benefit to the Spencer, it should be recognized that exhibition at the museum can enhance the value of the exhibited object and thus the loan may be perceived as a conflict of interest. Care should be used to maintain objectivity in such cases.

### **Use of University's Name or Museum's Name**

As stated in the Regents' policy, The Name of the Board of Regents, a Regents institution [The University of Kansas] or the Regents System may never be used as an endorsement of an unclassified staff member's external activities without expressed and advance written approval of the Chancellor and/or the Board of Regents Executive Director, as appropriate. Unclassified staff members may list their institutional affiliation in professional books, articles and monographs they author or edit and in connection with professional workshops they conduct or presentations they make without securing approval.

Likewise, the name of the Spencer Museum of Art shall not be used by staff members or volunteers in activities external to the Spencer, except as a required statement of place of employment. Staff members shall be careful not to affiliate the name of the Spencer with the expression of social, economic, or political opinions or viewpoints, except as officially approved by the Spencer's director.

## **Political Activity**

Political activities by staff members are governed by Board of Regents policy and, for University Support Staff, by Kansas Civil Service Regulations. Details of this policy can be found at <https://documents.ku.edu/policies/provost/PoliticalActivityKSStatutesandBORUnivPolicies.htm>. These policies describe the provisions relating to seeking election or appointment to public offices or political positions. The Regents' policy also states, in part, "In the interest of the fullest participation in public affairs, personnel are free to express opinions speaking or writing as an individual in signed advertisements, pamphlets and related material in support of or opposition to parties and causes. There will be a commensurate responsibility of making plain that each person so doing is acting for himself and not in behalf of an institution supported by tax funds drawn from citizens of varying political and economic views."

## **Social Media**

The University's policy on personal conduct as it relates to social media can be found at <http://connect.ku.edu/social-media-guidelines>. The State of Kansas Board of Regents has also issued a policy that all personnel are held accountable: [http://www.kansasregents.org/policy\\_chapter\\_ii\\_c\\_suspensions](http://www.kansasregents.org/policy_chapter_ii_c_suspensions).

## **Professionalism**

Professional museum workers must always be dedicated to the high standards and discipline of their profession and respect the expertise of their colleagues. The Spencer staff should remember that while they are experts in their fields they are part of a team effort and must cooperate supportively. Governance should be structured so that the resolution of issues involving professional matters incorporates the opinions and professional judgments of relevant members of the Spencer staff.

## **Equal Opportunity**

Matters pertaining to equal opportunity in employment at the Spencer are governed by laws, regulations, and procedures of the federal and state government and The University of Kansas. Staff members and volunteers are expected to support and carry out these policies without hesitation. No person shall be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination in regard to any event or activity of the Spencer on the basis of age, race, religion, national origin, color, ethnicity, gender, disability, veteran status, marital status, parental status, political affiliation, or sexual orientation. All staff and volunteers shall make diligent efforts to ensure maximum accessibility to all of the Spencer's activities for persons with disabilities.

## **Ownership of Scholarly Material**

Staff members are encouraged to write and publish, both for the Spencer and independently. Ownership of work results and copyright is governed by the University's *Policy on Employment-*

*and Enrollment-related Professional Activities* and the Guidelines for implementing that policy. These documents are found at <http://www.humanresources.ku.edu/>. The policy requires that “members of the University community shall report results (or anticipated results) of professional activity that they feel are of potential commercial value, or which they would like to see promoted, in advance of releasing the results or of entering into any contractual agreement for release or promotion of such results.”

The State of Kansas Board of Regents’s policy regarding scholarly and artistic works states: “Notwithstanding any use of institutional resources or the “work-for-hire” principle, the ownership of textbooks, scholarly monographs, trade publications, maps, charts, articles in popular magazines and newspapers, novels, nonfiction works, artistic works, like works, and supporting materials shall reside with the creator(s) and any revenue derived from their work shall belong to the creator(s). Except for textbooks, institutions shall have royalty-free use of the work within the institution, unless otherwise agreed in writing.” Further information on the Board of Regents policies can be found at [http://research.ku.edu/sites/research.ku.edu/files/docs/Kansas\\_board\\_regents\\_policy\\_procedures.pdf](http://research.ku.edu/sites/research.ku.edu/files/docs/Kansas_board_regents_policy_procedures.pdf)

## **Collection Management and Maintenance**

The collections of the Spencer Museum of Art are at the core of its mission in its service to the University and the general public. It is the museum’s highest ethical obligation to protect the physical integrity and safety of the collection. The on-going preservation of the Spencer’s collections should always be considered when planning any museum activity.

Each object is an integral part of an historical and cultural composite, including a body of information about the object that establishes its proper place and importance and without which the value of the object is diminished. It is the Spencer’s ethical responsibility to insure that this information is maintained and retrievable for the benefit of all of the museum’s audiences (scholars, colleagues, and the public). The Spencer’s staff is accountable for the safekeeping of the collection and collection records.

## **Acquisitions**

Acquisitions support the teaching and research missions of the University of Kansas, and the role of the Spencer Museum of Art as a public resource for investigating the arts across cultures and through time. Every effort will be made to insure that museum acquisitions do not conflict with or duplicate any of the University’s other collections.

The Spencer will acquire an object only when it has been determined, to the degree possible, that the work has not been derived from illicit trade or wrongful seizure and that its acquisition does not contribute to the continuation of illicit trade or otherwise questionable practices in the obtaining of works of art. The Spencer will not knowingly acquire works of art that have been illegally exported or otherwise transferred in violation of the principles of the 1970 UNESCO (United Nations Educational, Scientific and Cultural Organization) *Convention on the Means of*

*Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* [http://portal.unesco.org/en/ev.php-URL\\_ID=13039&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html). The Spencer abides by the principles outlined by the American Association of Art Museum Directors in the *Acquisitions of Archaeological Material and Works of Ancient Art* <https://aamd.org/object-registry/new-acquisitions-of-archaeological-material-and-works-of-ancient-art/more-info>. To the degree possible, the Spencer will investigate the provenance of works prior to acquisition and seek to obtain written documentation regarding its history, including import and export documents and necessary permits. The Spencer requests that sellers and donors provide documentation regarding provenance of works offered for acquisition.

The Spencer will not acquire any object that was obtained illegally or that does not have proper documentation including permits. No undocumented rocks, fossils, flora, or fauna, including human remains, will be accepted by the Spencer. The Spencer will not acquire materials eligible for the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

No work will be acquired by purchase, gift, or bequest if the Spencer is unable to provide it with proper care and storage. At the time of acquisition every effort must be made to determine and predict the physical needs of the object and its lifecycle including the transitory intentions of the artist. Museum staff must be knowledgeable or educate themselves about any organic matter, potentially hazardous, volatile, or reactive substances that may have been used in the production of the object or in conservation treatments prior to the object entering the collection (i.e. objects made from organic materials, controlled substances like formaldehyde, daguerreotypes, color photos, mercury, cadmium, nitrate and acetate negatives, objects that off-gas flammable fumes, objects that become highly reactive with humidity, arsenic, pesticide contamination, objects that may ferment and explode, etc.).

## **Accessions**

Works of art and cultural significance acquired by the Spencer Museum of Art, through either purchase or gift, are usually accessioned into the permanent collection, with the exception of works which do not merit accessioning. Works that do not merit accessioning but have educational value are placed in the Study Collection. Decisions regarding accessions are determined at the time of acquisition of the works so that they can be documented accordingly.

## **Deaccessions**

Deaccessions by the Spencer Museum of Art are governed by Kansas statute 76-116e. In addition to the statutory basis for deaccessioning, the Spencer has further restricted and defined the process as follows. Although the result of deaccessioning is to provide funds for purchasing other works, consideration of deaccessioning shall not be undertaken on the basis of cash value of the works to be sold. In considering deaccessions, the Spencer must weigh carefully the interests of the public for which it holds the collection in trust, the donor's intent in the broadest sense, the interests of the scholarly and the cultural community, and the Spencer's resources. Deaccessioning shall be considered only for the following reasons:



1. The work is of poor quality, either intrinsically or within its class. The work does not have sufficient study value as to warrant its retention in the collections, or the specific collection as a whole is not of sufficient scale and importance to warrant the support of study examples.
2. The work is inferior to a similar example in the collection, or is a duplicate and has no value as part of a series or set.
3. The authenticity or attribution of the work can be shown to be false or fraudulent and the object lacks sufficient aesthetic merit or artistic importance to warrant retention. In the case of a forgery the work shall be so marked before disposal.
4. The work is in such poor condition that proper repairs are not feasible or will render the object essentially false.
5. The work is hazardous to people and/or other objects in the collection.
6. The work is subject to the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).
7. It is conclusively proven that a work acquired by the Spencer was illegally exported from its country of origin (i.e. objects transferred during the Nazi era).

Having been approved through the process outlined above, deaccessioning shall be conducted in such a way as to maximize improvement of the Spencer's collection, while preserving its integrity and reputation. This may be accomplished through repatriation, sale at public auction, sale to or exchange with another museum, or sale/exchange through art or antique dealers. The director and curator involved shall decide in each instance whether it is in the Spencer's best interest for its ownership of the works to be revealed.

No person associated with the Spencer Museum of Art, including any staff, Advisory Board members, and Friends of the Art Museum Board members or representative or relative of such person, may acquire a work deaccessioned by the Spencer.

Income from deaccessions shall be used solely for the purchase or acquisition of another work or works. Purchases will reflect the original acquisition whenever possible.

When an object that was a gift to the Spencer is deaccessioned, the objects acquired with the income shall be credited as "gifts by exchange" of the original donor, either singly or in combination with the names of other donors or funding sources contributing to the new acquisition.

### **Commercial Use**

In arranging for the manufacture and sale of reproductions, replicas, or other commercial items adapted from objects in the Spencer's collections, all activities must be carried out in a manner that will neither trivialize nor damage the original object. Great care must be taken to identify replicas and reproductions as what they are in a manner that will be permanent. Great care must also be taken to ensure the accuracy and high quality of their manufacture.

**Availability of Collections**

While the Spencer Museum of Art assumes as a primary responsibility the safeguarding of its collections and therefore must regulate access to them, the collections should be made available to the general public, within regularly maintained hours that are published routinely, and on a nondiscriminatory basis. Spencer Museum of Art staff will consider requests to view works of art that are in storage using their professional judgment in weighing the object’s continued physical integrity and safety with the relevant scholarly or educational purpose.

**Volunteers**

Volunteer participation within the Spencer Museum of Art is a strong and vital tradition, and the Spencer's programs could not continue without the contributions of devoted volunteers. The paid staff should be supportive of volunteers, receive them as fellow workers, and willingly provide appropriate training and opportunities for their intellectual enrichment.

Volunteers participate in museum activities and may have access to sensitive information. They are expected to keep museum information that is not available to the general public confidential and abide by the Institutional Code of Ethics.

**Truth in Presentation**

It is the responsibility of the Spencer Museum of Art to ensure that the information presented in exhibitions is well-researched, accurate, and gives appropriate consideration to represented groups and cultural beliefs. The Spencer will only accept financial and other support if it does not compromise standards of balanced presentation.

**I have read the Spencer Museum of Art’s Institutional Code of Ethics and hereby acknowledge that while engaged with the Spencer Museum of Art, I have the responsibility to conduct myself in conformance with its Code of Ethics.**

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**Name** **Title**

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**Signature** **Date**

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|---|---|--|
| <input type="checkbox"/> <b>Student Staff</b> | <input type="checkbox"/> <b>Permanent Staff</b> | <input type="checkbox"/> <b>Intern</b>                         |
| <input type="checkbox"/> <b>Docent</b>        | <input type="checkbox"/> <b>Volunteer</b>       | <input type="checkbox"/> <b>Contractual Staff</b>              |
| <input type="checkbox"/> <b>Friends Board</b> | <input type="checkbox"/> <b>Advisory Board</b>  | <input type="checkbox"/> <b>Student Advisory Board Officer</b> |