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## The Montgomery Museum of Fine Arts

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### Code of Ethics

“The purpose of the Montgomery Museum of Fine Arts is to collect, preserve, exhibit and Interpret art of the highest quality for the enrichment, enlightenment and enjoyment of its public.” (The Mission Statement of the Montgomery Museum of Fine Arts)

“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 or its reputation....” (AAM Code of Ethics)

#### 1. Introduction

The Montgomery Museum of Fine Arts, its collections and programs, are a vital and important asset for the Montgomery community and for the other residents of central Alabama. This policy sets guidelines for individuals associated with this institution—its Board members, staff and volunteers—in order to inform their judgment as they execute their responsibilities to the Museum in a manner that preserves and protects the public’s trust.

Individuals associated with the Museum are entitled to engage in the full range of personal and professional activities of their choosing, with the understanding that they will:

- Fully and conscientiously fulfill the duties of their positions
- Avoid all conflicts of interest
- Act with respect toward the Museum’s reputation, property and services while protecting its good name within the community

In accepting and approving this document, unique to the Montgomery Museum of Fine Arts, The Board of Trustees affirms that this code may not fully address, as thoroughly as may be desired, every possible issue or circumstance. The Museum’s basic personnel practices and those Museum

employees who hold civil appointments within the City of Montgomery personnel system are bound by the appropriate rules, regulations, policies and practices issued by the City of Montgomery. Further guidance can be found in other AAM-endorsed codes for curators, educators, registrars, public relations, museum stores, or other specialized areas. As has been the history and practice of this Museum, the MMFA continues to endorse the most current versions of *Museum Ethics* by the American Association of Museums, <http://www.aam-us.org/museumresources/ethics/coe.cfm> and *Professional Practices in Art Museums* by the Association of Art Museum Directors <http://www.aamd.org/about/documents/ProfessionalPractices2001.pdf>.

## 2. Codes of Conduct

2.1. **Governance.** The City of Montgomery is the parent organization of the Montgomery Museum of Fine Arts. The City owns and maintains the buildings and grounds, provides basic operational funding including most staff salaries and benefits. The Museum is a department of the City, governed by the City's rules and regulations, overseen by the City's Mayor and City Council. The City of Montgomery sets general policy and procedures for all its departments including the Museum.

The Museum is additionally governed by the Montgomery Museum of Fine Arts Association, a 501c3, of which the Board is the governing body. The Association Board is self-perpetuating, comprised of 35 members [including 9 city appointees]. The Museum Association owns and cares for the collection of the MMFA. In addition, it provides monetary support for operations, special projects, acquisitions and educational programs. The Museum Association operates the Museum's Café, Store, and Special Events department. The Museum Association is a private, not-for-profit entity, governed as required by its bylaws.

In its role as the private governing body of the MMFA, the Board is responsible for establishing the ethical standards for all aspects of the Museum's operation, including areas of policy, operations, finance and professionalism. In ratifying the appointment of the Museum's Director as department head by the City of Montgomery's Mayor, the Board defines the rights, powers and duties of that position, and works to inspire the Director to achieve success for the institution. As the chief executive officer, the Director is responsible for the management of the Museum staff, oversees day-to-day operations of the institution, and is the conduit between the Board and staff for all businesses and communications.

Each employee of the institution should be knowledgeable of the law and current best professional practice. Some of these include: donation of property to charitable institutions, accountability for oversight and expenditure of public and private funds, contractual arrangements, copyright issues and public safety.

2.1.1. Equal Opportunity. The Museum will seek out individuals with the highest degree of skill and knowledge for Museum service, and will encourage continuous training and development. All job applicants; employees and volunteers must be treated with dignity and respect. The Museum provides equal employment opportunities based on job qualifications, EEOC and other applicable federal, state and local laws.

The Museum will create and maintain a safe, congenial workplace for all individuals associated with the institution. Each individual will strive to insure that the nature and performance of his/her work contributes to workplace safety, and creates an atmosphere free from physical danger or harassment of any kind.

2.1.2. Ethics Committee

2.1.2.1. Members. The Museum's Executive Committee of the Board of Trustees serves as the Ethics Committee of the Board of Trustees. The Board President serves as Ethics Committee Chair.

2.1.2.2. Duties. Under this Code of Ethics, the Ethics Committee will be responsible for examining reports or requests concerning personal collecting, gifts, acquisitions, sales, trades or other matters as they relate to Board members or Museum staff when such matters may present the potential for a conflict of interest. The Committee will convene upon its own motion, in response to a written request by the board or upon written request by any person in order to examine any matter submitted to it. After making the appropriate recommendations, the Committee's decisions will be reviewed by the Board before final action is taken. Any materials filed or submitted to the Committee will become a part of the Museum's files. Confidential treatment of the material may be granted by the Committee to comply with the law. A report of the Committee's activities will be given to the Board.

2.2. Museum Representatives.

2.2.1. Conflicts of Interest

2.2.1.1. General. Museum representatives include members of the Board, the Staff and Volunteers. The Museum has a strong and active group of volunteers without whom the Museum's programs would not exist. Volunteers have a hand in almost all of the Museum's activities. They occasionally handle sensitive information. Access to sensitive material reflects the trust the Museum places in these individuals, but the lack of material compensation does not free Volunteers from adhering to the standards in this Code of Ethics. Museum representatives will discharge their duties in keeping with the goals and the integrity of the institution, in compliance with all applicable laws, generally accepted professional codes and standards, City of Montgomery policies and procedures, and special project requirements or grant stipulations. Museum representatives will not put personal interest or gain above that of the institution.

They will avoid any possible conflict of interest in their representation of the Museum, and in their involvement in personal and private activities that utilize Museum property, are accomplished on Museum time, or might reflect on the Museum's reputation.

2.2.1.2. Use of Museum's Property and Services. No Museum representative will utilize Museum property, time or services for personal gain or benefit. Any use of such property, time or services outside of the norms of day-to-day operation will be reviewed and approved by the Museum Director. The prohibition extends to intellectual property as it relates to the Museum's program of academic research. Research that is irrelevant to the collection or its objects, or which diverts resources of time and funds from other activities which will further the collections goals of the Museum, should be considered unethical behavior.

2.2.1.3. Personal Collecting. When staff members collect for themselves, they must agree with the Director as to the terms under which they may do so, and the Director must be kept informed of any changes that may alter the understanding between the staff and the Board. Museum curators are required to consult with the Museum Director before acquiring works that may be relevant to the Museum collection. In some cases, they may be asked to submit these objects for consideration by the Acquisitions Committee.

2.2.1.4. Art Dealing. A practice of marketing art objects (buying and selling for personal profit) by a staff member is unacceptable and unethical, unless the employee himself makes such art. The presence of individuals involved in the marketing of art on the Museum's Board of Trustees is to be highly discouraged since it represents an inherent risk of conflict of interest.

2.2.1.5. Personal Gifts. When dealing with commercial sources, suppliers and dealers of any type, individuals must exercise complete integrity to avoid any perception of conflict of interest. No one should accept any inducement to trade or place themselves in a position of obligation to any party. They should not accept gifts from those with whom they and/or the Museum have business dealings.

## 2.2.2. Personal Conduct

2.2.2.1. Ownership of Scholarly Material. All intellectual property produced within the course of Museum employment will be considered the property of the Museum, with the Museum holding copyright to this material unless the Museum transfers this right. It may not be published or used in any other fashion without the approval of the Museum's Director. Other work of research and writing about art that is performed using training and knowledge made possible by an individual's employment is also subject to these rules of conduct. It is the Museum's practice to allow research and writing which is accomplished outside of the individual's normal working hours to be published

privately. However, the Museum has the right to demand that the individual submit his/her research or manuscript for approval prior to publication if the basis of the publication is the collection held by the Museum, or if the individual's association with the Museum is recognized in conjunction with the publication.

- 2.2.2.2. Outside Employment. Expertise gained from Museum employment will not be used for the individual's private gain at the expense of the Museum. Private consultancies will not be accepted without the written permission of the Museum Director. Even if a staff member should indirectly participate (as in the case of a curator, the rendering of an opinion as regards the validation or authentication of artwork) in conduct that results in profit making for another, they may subject the Museum to loss and their own professional reputation is placed in jeopardy.
- 2.2.2.3. Personal and Professional Goods and Services. Occasionally the Museum may wish to purchase goods or professional services (such as legal, architectural, banking, investment or manufactured goods and insurance services) from members of the Board. The trustee offering the services shall, for his/her own good, not participate in the final vote to use the goods or service. The Executive Committee will review in advance any such arrangement and will provide a decision on the matter. If the arrangement in question involves a substantial monetary value, prior approval from the Board will also be required.
- 2.2.2.4. Confidentiality. No Museum representative will abuse access to confidential information and the Museum's intellectual property. Such information may include, but is not limited to, that related to donations, contributions or other information of a private and personal nature. All such information will be scrupulously protected.
- 2.2.2.5. Political, Fundraising and Professional Activities. Although the Museum encourages and supports participation in the broad range of community affairs, individual Board and staff members must not allow even the perception of a conflict of interest in their associations with other community groups, particularly arts-related organizations. The programmatic and financial interests of the Museum must take precedence for any individual serving on the Museum Board or staff. Staff members are required to obtain the permission of the Director to participate in service to another organization if their involvement should relate in any way to the operation of the Museum or the staff member's professional association with the Museum.
- 2.2.2.6. Professional Courtesy. Each individual is personally responsible for exercising courtesy and politeness when dealing with the public or their institutional colleagues. They are ethically bound to be responsible for their personal mode of

behavior and their manner of speech when representing the Museum.

2.2.2.7. Disclosure. Museum representatives should disclose to the Director, supervisor or the Ethics Committee any matter that could be perceived as a conflict between the interests of the Museum and an outside or personal interest of a Museum representative or a family member of a Museum representative. The Ethics Committee will review the matter and render a decision to resolve the matter.

2.3. Collections and Professional Standards of Presentation and Interpretation

2.3.1. General. The Museum collection and its care are of the utmost importance to the Museum's mission. The procedures for collections management reflect the highest professional standards in Museum work and are documented in the Museum's Handbook of Collections Management, revised 2004.

2.3.2. Acquisitions. Acquisitions are subject to the written Acquisition Policy of the Museum. [Approved May 16, 1990 by vote of the Board of Trustees ; (Revised August 29, 2017) by vote of the Board of Trustees]. As that policy is updated, it should not be done in such a way as to preclude the valid use of the items already acquired. Objects are to be acquired in an orderly manner, with written prescribed documentation appended, and the article numbered to insure that it is completely identifiable and retrievable at all times. Inventories are to be periodically conducted to account for Museum collections. Objects should not be acquired at the expense of others who may have inadequate knowledge of the importance or monetary value of the property they hold. No object should be acquired from a minor without the documented approval of a parent or legal guardian. Objects that have significance as an element of a grouping or collection should not be acquired singly. This statement relates specifically to works that acquire enhanced meaning from the context of the group or collection of which they are a part. The Museum will act to protect the integrity of such collections of objects whenever possible.

2.3.3. Provenance. Objects should not be acquired illegally or from sources that supply objects illegally. Such property would be that which has been stolen, removed in contravention of treaties and international conventions to which the United States is a signatory, or illegally imported into the United States. Sources for acquisitions should be clearly identifiable and documented in perpetuity. Objects' provenance should be documented as fully as possible and research will document steps taken to trace transfer or conveyance of title. Particular attention will be given to the research of provenance for works that entered the marketplace after 1942. The Museum subscribes to the Nazi-Era Provenance Internet Portal (NEPIP).

2.3.4. Appraisals and Opinions. Museum curators should exercise extreme caution and conservatism when giving an opinion as the authenticity of a work of art or object. He/she should only render judgments within the area of his/her expertise and in areas where he/she is confident of his/her own knowledge. Under no

circumstances should a curator accept payment or compensation for rendering an opinion as to authenticity. Errors of judgment would place not only the curator, but the Museum at risk of legal liability. Museum staff will never render appraisals of an object's monetary value. When asked to recommend other experts for purposes of authentication or valuation, the staff will recommend not one but several such sources to avoid a perceived conflict of interest.

- 2.3.5. Loans. The Museum follows all prudent professional practice to insure that works of art in the Museum's collection loaned to any entity, public or private, will be safeguarded during travel and while on exhibit. The Museum seeks to insure that its collection is utilized in a professional manner, and is available to the public within appropriate venues and for the benefit of scholarship. It is the Museum's practice to require documentation (such as a Standard Facilities Report approved by a professional accrediting organization such as the AAM) of the borrower's ability to care for the loaned work of art. It is the Museum's practice to insure that any work of art loaned from the Museum's collection has a current condition report that documents the condition of the work as safe for travel; the Museum will not loan works of art which have been identified by the Registrar or Conservators as unstable or at risk of damage from handling.
- 2.3.6. Preservation and Conservation. Objects acquired and held by the Museum, and to which it legally holds title, must be preserved to the best of science's ability to do so without altering the basic characteristics of the object. Neglect of collection materials and failure to pursue opportunities to preserve them must be regarded as unethical conduct by default. Any conservation procedures will be fully documented.
- 2.3.7. Accessibility to Outside Scholarship. It is the staff's responsibility to ensure that objects in the Museum's collection are as accessible as possible for exhibition, as well as interpretation and research by those with legitimate need, within parameters that insure the long-term safety and preservation of the object. Objects should not be unreasonably withheld from other researchers or scholars with a legitimate need to see and investigate the object for purposes of research.
- 2.3.8. Deaccessioning & Disposal. A strong presumption against disposal of objects acquired by the Museum should be honored. Museum staff is ethically bound to exercise extreme discretion and conservative judgment in recommending disposal of collections objects to the Board of Trustees. The Deaccessioning Policy (approved (March 23, 1980) by vote of the Board of Trustees; Revised and approved August 29, 2017) is the official policy for the process of deaccessioning. Objects that are deaccessioned will be disposed of in keeping with complete disclosure of source, and in the public marketplace. The funds realized from the sale of deaccessioned objects from the permanent collection are placed in the acquisitions account of the Montgomery Museum of Fine Arts Association, within a separate line item identified as "Proceeds from the Sale of Deaccessioned Works of Art"

and will be utilized only for the acquisition of other works of art for the permanent collection. It will be made clear that the property has been deaccessioned and the reasons for doing so. Failure to do so results in a loss of public trust necessary to the survival of the institution.

- 2.3.9. Intellectual Integrity. Each individual is completely accountable for appropriately acknowledging the use of the intellectual ideas and property of others, and for documenting such use of ideas or property in his/her own work in a way that is completely straightforward and unambiguous. All works should be adequately catalogued and identified utilizing the best professional knowledge and training of the staff. While other opinions as to an object's attribution, authenticity or other matters may be expressed in documentation, the curator has final responsibility for reaching a reasonable conclusion, supported by scholarship and documentation that, with the Director's concurrence, will reflect the opinion of the Museum.
  - 2.3.10. Truth in Presenting. It is the staff's responsibility to conduct research that enhances the understanding and knowledge of the objects within the collection. Each individual is personally and fully accountable for the accuracy, truthfulness and completeness of the scholarship he/she produces. He/she should make every effort to practice sound judgment in conveying scholarly opinion, up to and including the avoidance of personal bias, cultural bias, incorrect attribution and errors of fact.
  - 2.3.11. Commercial Use. The Museum's galleries will not be used as space for the commercial display of objects, except as the Museum may choose to do so for purposes of raising funds to support its mission. Sponsorship of Museum activities such as exhibitions must be accepted with the understanding that such sponsorship does not obligate the institution to orient its activities or presentation to conform to the expectations of the sponsor. Recognition of support by sponsors will never be done in such a way as to suggest commercial promotion of the sponsor or its products/activities.
- 2.4. Public Programs
- 2.4.1. Promotion of Museum Programs. Public interest will be protected by the avoidance of false or misleading information, the avoidance of cultural bias and distortion of any kind, or the use of promotions that utilize deception or manipulation. It is the Museum's responsibility to reflect and appeal to the diverse audiences of the Montgomery community in all publicity concerning the Museum, including information disseminated about the institution or its programs.
  - 2.4.2. Program Accessibility (Physical & Intellectual). The Museum will provide a safe and well-maintained facility for the public's enjoyment and use. Protection and surveillance of the Museum's contents will be responsibly balanced with the public's right to access and opportunities for learning.
  - 2.4.3. Program Aims/Public Good. The Museum has a responsibility to the public to present a balanced range of exhibitions that are impartially presented and never deliberately misleading. No



individual should allow personally held beliefs, opinions, or taste to influence their presentation of works of art or their interpretation of that work.

### **3. Administrative Responsibilities and Practices**

#### **3.1. Finances & Investments**

3.1.1. Board Responsibility/Fiduciary Responsibility. The Board holds the ultimate fiduciary responsibility for the Museum and assures the Museum has sufficient funding for programs and services. Its duty is to oversee and foster the financial stability of the Museum so that it continues to grow as a vital institution. The Board is advised in these matters by its Audit, Finance and Investment Committees.

#### **3.2. Membership, Development, & Earned Income**

##### **3.2.1. Fundraising.**

3.2.1.1. General. All public funds, as well as private funds, will be used to support the Museum's mission and in keeping with the donors' expectations. The expenditure of such funds will be reported in a clear manner that is easily interpreted by any member of the public or donor interested in reviewing institutional performance.

3.2.1.2. Compliance with Laws. The Museum will comply with applicable local, state and federal laws and international conventions and will uphold ethical standards that may exceed these minimum requirements.

3.2.1.3. Transparency. Data that is public in nature will be honestly and fully reported and documented to reflect the responsible information services of the institution, characterized by accuracy, fairness and exposure of all essential facts. All information legally identified as necessary for full public disclosure (for example, financial and tax-related documents and forms) will be provided upon written request. The Museum's Annual Report, Code of Ethics and related policies will be accessible via the Museum's website.

3.2.1.4. Responsibility to Individual Donors. The Museum values its relationships with individual donors and will respect their generosity by providing them with accurate and timely information about its finances, programs and mission. Their support will be used for agreed-upon purposes. Restricted gifts and related expenses will be tracked in the Museum's financial accounting practices and this information will be available to donors upon request. Donors' private information will be handled with respect and confidentiality as applicable by law.

3.2.1.5. Potential for Controversy. Decisions about approaching potential donors, both corporate and individual, will be made by the Director in consultation with the Board. In the case that an association between Museum and donor may incite controversy that could damage the Museum's goals, the Ethics Committee will share in the decision to approach the donor. The Museum may choose to exclude a business or kind of business if it conflicts with the Museum's mission and goals.

3.2.1.6. Donor Privacy. The private nature of information concerning individual donors and their donations will be respected by providing a system to handle access and control of donor information. The Museum balances this trust with its fiduciary obligation to maintain public accountability. In order to safeguard their privacy, the Museum will only collect relevant information about current and potential donors and will state what information can and cannot be kept confidential.

3.2.2. Earned Income. Income earned by Association entities is used for the benefit of the Museum.

#### **4. Implementation of Code of Ethics**

4.1. General. A copy of this Code of Ethics will be provided to each member of the Museum's Board and staff at the beginning of their relationship with the Museum and will be signed by each member. They should at that time disclose any potential conflict of interest to the Museum.

4.2. Board. This Code of Ethics is implemented by and will be updated or revised by a vote of the full Board.

4.3. Part-Time and Contract Employees. Part-time staff and contract employees hired by the Museum will adhere to the same ethical codes as full-time staff.

4.4. Board Committees with Non-Board Members. A copy of this Code of Ethics will be provided to each committee member and will be signed by him. Committee members should at that time disclose any potential conflict of interest to the Museum.

4.5. Volunteers. Volunteers will be made aware of this Code of Ethics upon the beginning of their relationship with the Museum.

#### **5. Appendices**

##### 5.1. Definitions/Glossary

5.1.1. Board. The Board of Trustees of the Museum .

5.1.2. By-Laws. The by-laws of the Museum.

5.1.3. Director. The Director of the Museum.

5.1.4. Employee. Any person in the employ of the Museum.

5.1.5. Museum. The Montgomery Museum of Fine Arts.

5.1.6. Trustee. Any member of the Board.

5.1.7. Volunteer. Any person who donates time and services to the Museum who is not a Trustee or an Employee.

5.1.8. Museum Volunteer. Any person who has an official relationship with the Museum.

5.2. Board of Trustees Conflicts of Interest Disclosure Statement & Signature Page

5.3. Staff Conflicts of Interest Disclosure Statement & Signature Page

This Code of Ethics was approved as amended on August 29, 2017 by:

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*President of the Board*

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*Vice President of the Board*

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*Secretary of the Board*