

# FLORIDA MUSEUM OF NATURAL HISTORY - CODE OF ETHICS

April 27, 1998

Revised October 3, 2006

Revised December 11, 2022

## INTRODUCTION

The Florida Museum of Natural History (FLMNH) derives its purpose, mission, and authority as the natural history museum for the State of Florida from Florida Statute § 1004.56, which formally established the institution in 1917 at the University of Florida. Relevant portions are excerpted and summarized below:

The FLMNH was created to:

- 1) "... make scientific investigations toward the sustained development of natural resources and a greater appreciation of human cultural heritage, including, but not limited to, biological surveys, ecological studies, environmental impact assessments, in-depth archaeological research, and ethnological analyses...";
- 2) "... collect and maintain a depository of biological, archaeological, and ethnographic specimens and materials in sufficient numbers and quantities to provide within the state and region a base for research on the variety, evolution, and conservation of wild species; the composition, distribution, importance, and functioning of natural ecosystems; and the distribution of prehistoric and historic archaeological sites and an understanding of the aboriginal and early European cultures that occupied them.";
- 3) serve as a repository for type and voucher specimens collected by persons from other institutions or from other state departments, agencies, or institutions as part of their normal research and monitoring duties as well as biological specimens and collections in their possession but not actively being curated or used in research or teaching;
- 4) "accept, preserve, maintain, or dispose of these specimens and materials in a manner which makes each collection and its accompanying data available for research and use by the staff of the museum and by cooperating institutions...";
- 5) comply with all pertinent wildlife, archaeological, and agricultural laws and regulations while making collections or acquiring specimens;
- 6) "In addition, the museum shall develop exhibitions and conduct programs which illustrate, interpret, and explain the natural history of the state and region and shall maintain a library of publications pertaining to the work as herein provided. The exhibitions, collections, and library of the museum shall be open, free to the public, under suitable rules to be promulgated by the director of the museum and approved by the University of Florida."

## **DEVELOPMENT OF THE MUSEUM'S CODE**

Museum organizations, including the American Alliance of Museums (AAM) and the Southeastern Museums Conference (SEMC) to which FLMNH subscribes, have adopted Codes of Ethics. *Code of Ethics for Museums* was adopted by the Board of Directors of the AAM on 12 November 1993, published by the AAM (1994), and revised (2000). FLMNH has always adhered to those codes and continues to do so in principle. FLMNH subscribes to the AAM 2000 code and the International Council of Museums (ICOM) Code of Ethics for Natural History Museums, adopted in 2013, as well as the ICOM Code of Ethics for Museums, adopted in 1986, revised in 2004 and currently under review. In 1998, however, in view of its own mission and special experiences with ethical issues, the FLMNH adopted the following code of ethics. The format of this code follows that of *Museum Ethics* published by the AAM (1994; revised 2000). No single code can cover all the issues facing a complex institution like the Florida Museum of Natural History with its extensive research collections, teaching functions, exhibits, public programs, school programs, publications, and other ancillary activities. Thus, the most expeditious approach was to design a code that fits the special needs of this institution and was consistent with Florida law.

## **GOVERNANCE**

The State of Florida holds the ultimate fiduciary responsibility for the FLMNH. The FLMNH through the University of Florida (UF) is delegated the responsibility of the collections and collections records, physical plant, financial assets, and the staff. The Florida Legislature has provided that the FLMNH serves as a unit of the University, provides for adequate financial protection for all FLMNH faculty, staff, and volunteers so that no one will incur inequitable financial sacrifice or legal liabilities arising from the performance of duties for the FLMNH. Furthermore, the State of Florida, through the University of Florida, has especially strong obligations to provide the proper environment for the physical security, conservation, and preservation of the collections. They collectively must develop and monitor the financial structure of the FLMNH so that it continues to exist, in perpetuity, as an institution of vitality and quality and to ensure that the FLMNH is responsive and represents the interests of society in general and especially the citizens of Florida.

The FLMNH follows the practices and procedures prescribed by the Florida Legislature and is obligated to abide by the regulations and procedures adopted by the Board of Trustees and UF, as well as the Collective Bargaining Agreement between the Board of Trustees and United Faculty of Florida. Such practices and procedures should protect and enhance the FLMNH's human resources so that faculty and staff maintain a relationship in which shared roles are recognized and separate responsibilities are respected and that working relationships among all FLMNH employees and volunteers are based on equity, mutual respect, and courtesy. The director carries out the policies established by UF, under the aegis of the Provost of the University as delegated by the President.

## SECTION I - MANAGEMENT POLICY

### A. Professionalism

Members of the FLMNH's administration must respect the professional expertise of the faculty and staff, each having been engaged because of a special knowledge or ability in some aspect of museum activity. The management of the FLMNH must be structured so that the resolution of issues involving professional matters incorporates opinions and professional judgments of relevant members of the FLMNH staff. Issues will normally be resolved by the FLMNH's Executive Committee or at the next level, by the Director.

### B. Conflict of Interest

FLMNH staff should never abuse their official positions or their contacts within the museum community, compete with the FLMNH, or bring discredit or embarrassment to the FLMNH or to their profession in any activity, museum-related or not. They should be prepared to accept the restrictions that are necessary to maintain public confidence in museums, in the museum profession, and in the government of the State of Florida. The terms and restrictions listed in this Code should be read and clearly understood by all faculty and staff (whether full-time or part-time), volunteers, interns, contractors, or vendors doing business with the FLMNH. Acceptance of a position at FLMNH requires acceptance of this code.

As is stated in the AAM's *Code*, loyalty to the mission of the FLMNH and to the public it serves is the essence of museum work, whether volunteer or paid. Where conflicts of interests arise, actual, potential, or perceived, loyalty must never be compromised. No individual may use his or her position in the FLMNH for personal gain or to benefit another at the expense of the FLMNH, its mission, its reputation, and the society it serves. For museums, public service is paramount.

### C. Personnel Practices and Equal Opportunity

In all matters related to staffing practices, the standard should be ability in the relevant profession. In these matters, as well as management practices, volunteer opportunities, collection usages, and relations with the public, decisions cannot be made based on discriminatory factors such as race, creed, gender, age, or disability. The FLMNH recognizes that diversity is a significant force within its own social fabric and in the community and should encourage employment opportunities and accessibility for all people.

### D. Intellectual Property Policy

The Intellectual Property Policy is a University-level document and applies to all "University personnel." The policy is based on Section 240.229 Florida Statutes which authorizes the University to license, protect, and otherwise deal with the work products of University personnel. The University has implemented this authority through Regulation 6C1-1.018 Florida Administrative Code which requires that all University of Florida Personnel disclose certain works and all inventions that a person may develop or discover while affiliated with the University. "Intellectual property" includes all works and inventions. The University of Florida Intellectual Property Policy is available in its entirety at:

<https://generalcounsel.ufl.edu/media/generalcounselufledu/documents/Intellectual-Property->

[Policy.pdf](#).

## **E. Private Collections: Conflicts of Interest and Ethical Constraints**

If a curator, collection manager, technician, research assistant, or other FLMNH employee were to maintain a private collection in his or her professional field of interest, the temptation would be great to put particularly valuable objects in the private collection rather than in the FLMNH collection. Because of this potential conflict of interest, FLMNH employees are prohibited from having private scientific collections, or objects of scientific interest in collections, which are in their professional field of interest while affiliated with the FLMNH. Professional field of interest should be taken in the broadest sense to cover the taxonomic or disciplinary fields in which a museum employee conducts his or her work at FLMNH. Collections of natural history objects of primary scientific interest and associated fieldnotes or xerographic copies made by professional FLMNH employees with the use of FLMNH funds, direct or indirect, complete or partial, in the broadest sense, within the field of the persons employed, shall be FLMNH property. Collections made by FLMNH employees outside their professional field of interest, outside the areas in which the FLMNH has active interest or maintains curated collections, and in which no museum funds are involved are permitted. No authority shall be granted the FLMNH to restrain an employee's use of fieldnotes written by the employee. Should the employee leave the FLMNH staff, the original fieldnotes, photographs, maps, metadata and other digital resources or a complete copy of the fieldnotes, photographs, maps, metadata, and other digital resources shall be left with the FLMNH.

In addition, students working in the FLMNH are subject to the above policies, which will be communicated by consultation between the student and his or her immediate supervisor in the FLMNH. Objects in private collections made before association with the FLMNH, or before 18 September 1979, are exempt from the policy in this "conflict of interest" section. The private collections policies set forth in this section do not apply to non-paid associates and courtesy appointments. However, such volunteers and honorary colleagues are prohibited from adding to their private collections any objects acquired as a result of their association with the FLMNH. This "conflict of interest" policy shall be carried out with the best interests of the FLMNH in mind, recognizing the commitments of the FLMNH to the State of Florida and the professional interests of the individuals. For the FLMNH Department of Natural History, the Collections and Space Committee shall make recommendations to the FLMNH Department Chair and the FLMNH Director to resolve any disputes arising from this section. For the Department of Exhibits and Public Programs, the Associate Director for EPP in conjunction with the EPP staff member in charge of EPP collections shall make recommendations to the FLMNH Director to resolve any disputes arising from this section. The FLMNH Director will make the final decisions to resolve any disputes arising from this section based on the recommendations that he/she receives.

## **F. Gift Shop**

Merchandise sold in the FLMNH Gift Shop must be in keeping with the FLMNH's mission, and therefore, relevant to the collections and the educational purposes of the FLMNH and must not compromise the quality of those collections. Items offered for sale must comply with all relevant national and state legislation. No items shall be offered for sale in the Gift Shop that have been acquired by means that violate accepted principles or laws and regulations of environmental,

plant, or animal protection. The Director or his designee may prohibit the sale of any merchandise sold in the Gift Shop.

## **G. Volunteers**

Volunteers play an active and important role in the daily operation of the FLMNH. It is incumbent that the paid staff be supportive of volunteers, receive them as fellow workers, and willingly provide them with appropriate training including health and safety, as well as an opportunity for intellectual enrichment.

Volunteers have a responsibility to the FLMNH as well; especially those with access to the FLMNH's collections, programs, and privileged information. Access to the FLMNH's activities is a privilege and the lack of material compensation for effort expended on behalf of the FLMNH in no way frees the volunteer from adherence to the standards that apply to paid staff. Volunteers must work toward the betterment of the institution and not for personal gain other than the gratification and enrichment inherent in museum participation.

Although the FLMNH provides special privileges and benefits to its volunteers, volunteers should not accept gifts, favors, discounts, loans, or other dispensations or things of value that accrue to them from other parties in connection with performing duties for the FLMNH. Exceptions to this practice may be the utilization of a discount made available to volunteers by the Gift Shop if the volunteer is a member of the Florida Museum Associates. Conflict of interest restrictions and gift policies placed upon the paid staff of the FLMNH must be explained to volunteers and observed by them. As would be the case with employees, no volunteer may disclose or use information not otherwise available to the public gained by reason of museum activities for any personal benefit to any person or entity.

## **SECTION II - THE COLLECTIONS**

### **A. Management, Maintenance, and Conservation**

Museums derive their identity from their collections, and these holdings constitute the primary difference between museums and other kinds of cultural institutions. A museum's obligation to its collections is paramount. Each object is an integral part of a scientific composite.

That context also includes a body of information (e.g., maps, photographs, original fieldnotes, metadata and other digital resources) about the object that establishes its proper place and importance and without which the value of the object is diminished or lost to science. The maintenance of this information in orderly and retrievable form is critical to the collection and is a central obligation of those charged with collection management, conservation, and curation. The distinctive character of museum ethics is derived from the ownership, care, and use of specimens and artifacts representing the common heritage and wealth of the natural world. This stewardship of collections encompasses the highest public trust and carries with it the presumption of rightful ownership, permanence, and documentation, conservation, accessibility, and responsible disposal or deaccession. Therefore, in the areas of acquisition and disposal of museum objects, the museum must carefully consider the interests of the public for which it holds the collections in trust, a donor's (if one is relevant) intent in the broadest sense, the

interests of the scientific community, both present and future, and the institution's own financial well-being. Procedures must be established for the annual evaluation of the condition of the collections and for their general and special maintenance. The physical care of the collections and their accessibility must be in keeping with professionally accepted standards. Failing this, FLMNH governance and management are ethically obliged either to correct the deficiency or to dispose of the collections, preferably to another non-profit, educational institution.

## **B. Acquisition and Disposal**

Archaeological, ethnographic, or biological (including plants, animals, soils, and other materials) objects will be acquired only when they have been collected, exported, possessed, and imported in full compliance with applicable international treaties, the laws and regulations of the country or countries of origin, of the Federal Government of the United States, and of the individual states within the United States. The FLMNH will also refuse to acquire objects in any case where it has cause to believe that the circumstances of their collection involved the recent unscientific or intentional destruction of sites or monuments, or where state or federal laws or international treaties have been violated. These standards also will be considered in determining whether to accept loans for exhibition or other purposes. Reasonable efforts will be made to ensure that these conditions are met, that title to the object or objects may properly be transferred to the FLMNH, and that the FLMNH keeps up to date on the changing laws and regulations concerning object collecting, ownership, and movement across political boundaries. The FLMNH will cooperate with authorities of the United States and other countries in legal action against those committing improprieties. To avoid encouraging, even indirectly, trade in illicit or irresponsibly recovered objects and specimens, the FLMNH will not authenticate any object whose acquisition does not meet the FLMNH's own criteria for acquisition. In addition, if the FLMNH should inadvertently acquire an object or specimen that is later determined to have been exported or recovered in violation of the FLMNH's acquisition policy, the FLMNH will promptly return it to the owner or transfer it to the government of the country of origin, or to another appropriate recipient.

Objects in the collections should be retained permanently if they continue to be useful to the purposes and activities of the FLMNH; if they continue to contribute to the integrity of the collections; and if they can be properly stored, preserved, and used. Upon the recommendation of the curator and collections manager, and approval of the director, objects may be disposed of by formal deaccessioning when the above conditions no longer exist, or if it is determined that such action would improve or refine the collections, upon compliance with all legal requirements.

The collections are not for sale. In rare instances where specimens are to be disposed of because they are not appropriate for the collections, yet have monetary value, a division may petition to allow the sale of specified specimens. Such sales will be limited to items that do not meet the collection's priorities for acquisitions, lack scientific value, and whose sale does not represent an ethical compromise. Decisions to sell such items will be made jointly by the relevant Curators/Collection Managers and must be approved by the Collections and Space Committee and ultimately by the Director. In such cases, disposal of these specimens and objects may occur through sale of the items. In accordance with the legal and ethical standards set forth by the FLMNH, the AAM, and standards in the field, the proceeds from any sale of collections will be used to purchase new collections, to acquire new collections by other means (e.g., collecting expeditions), or for the direct care of collections including investments that enhance the life,

usefulness, or quality of collections. Decisions regarding the use of proceeds from the sale of any collections or portions of collections will be made jointly by the relevant Curators/Collection Managers and the Collections and Space Committee and must be approved by the Director or his/her designee.

### **C. Appraisals**

No member of the FLMNH staff shall, in his or her official capacity, give appraisals for the purpose of establishing the tax-deductible value of gifts or purchases offered to the FLMNH. The U.S. Internal Revenue Service prohibits appraisals from a recipient institution that is directly involved in the transaction. Only appraisals from disinterested third parties are accepted. No member of the FLMNH staff knowingly shall appraise, identify, or otherwise authenticate natural science specimens or cultural objects for other persons or agencies under circumstances that could encourage or benefit illegal, unethical, or irresponsible traffic in such objects. Identification and authentication may be given for professional or educational purposes and in compliance with the legitimate requests of professional or governmental bodies or their agencies.

Where appropriate, the FLMNH will assist owners in finding a selection of qualified professionals who can provide appraisals but will in no way influence their choice of appraisers.

### **D. Accessibility**

The public, in whose trust the collections are maintained, must have reasonable access to the collections on a nondiscriminatory basis. A primary responsibility of the FLMNH is to safeguard its collections; therefore, it may regulate access to them. Components of the collections may be set aside for the active scholarly pursuits by faculty and staff but normally only for the duration of an active research effort. Components of the collections may be assigned to exhibits and public programs and be temporarily excluded from public access. The Museum may also decide to restrict access to culturally sensitive collections based on consultations with Indigenous peoples or communities of origin.

The judgment and recommendation of faculty and staff members regarding the use of the collections must be given utmost consideration. In formulating their recommendations, staff must let their judgment be guided by three important objectives: (1) the continued physical integrity and safety of the specimen or collection, and (2) scholarly or educational purposes, and (3) requests of Indigenous peoples or communities of origin.

### **E. Truth in Presentation**

It is the responsibility of museum faculty, staff, students, volunteers, and visitors to use collections for the capture and dissemination of knowledge. Every professional is obligated to exercise intellectual honesty and objectivity in the presentation of objects or specimens and related data. The stated origin or provenance of the objects or specimens or attribution of work must reflect a thorough and honest investigation and must yield promptly to change with the advent of new facts, analyses, or discoveries. At different times, the FLMNH may address a variety of social, political, artistic, or scientific issues. Any of these can be appropriate if approached objectively and without prejudice. Museum professionals must strive to ensure that exhibits are historically and scientifically honest, objective and make every effort to avoid

perpetuating myths or stereotypes. An exhibit must offer candor, tact, and an honest, meaningful, balanced, and accurate view of a subject. When scientific matters approach subject areas such as ethnic and social history, the museum professional must be especially sensitive and demonstrate an analytical and critical concern.

Research and preparation of an exhibition will often lead professionals to develop a point of view or interpretive sense of the material. They must clearly understand the point where sound professional judgment ends, and personal bias begins and must be satisfied that the resulting presentation is the product of objective judgment and acknowledge the interpretive viewpoint. In most instances the FLMNH's exhibition teams will refresh their perspectives by seeking consultation and criticism from professional colleagues at FLMNH, the University of Florida, and other leading institutions, and collaborations with Indigenous peoples and communities of origin.