

Big Sky. Big Land. Big History.
Montana
Historical Society

Code of Ethics

Adopted by the Board of Trustees – July 18, 2008
Revised July 16, 2010

INTRODUCTION

Because historical societies are repositories of the public trust, ethics codes are critical to the maintenance of the institution's integrity in its community and the furtherance of its mission. The following code of ethics outlines the Montana Historical Society's procedures for operating in an ethical and professional manner by adapting general ethics to this organization's purpose (see Appendix). This code is derived from the Society's mission statement and uses that statement as a basis for determining the Society's policy on the actions that are and are not consistent with it.

Public accountability demands that Montana Historical Society (MHS) board, staff, and volunteers act with integrity and in accordance with the most stringent ethical principles, as well as with the highest standards of objectivity in all activities. All nonprofit, educational entities enjoy considerable public visibility and responsibility. In the eyes of the public, Montana Historical Society staff members are never wholly separate from the institution. Board, staff and volunteers therefore must be concerned with the way in which their actions may be perceived by the general public.

*The underlying principle of this code is the understanding that the best interests of the organization shall be the first priority in all decisions and actions that affect it. In carrying out the work of the Society, board members, staff, and volunteers shall behave in a manner that reflects the spirit of this code. Montana Historical Society (MHS) governing board, staff and volunteers shall adhere to the Code of Ethics except where superseded by the Standards of Conduct for Executive Branch Employees of Montana State Government (MCA 2-2-Part 1) and/or the Ethics Standards of Conduct
[<http://hr.mt.gov/HRServices/standardsofconductguide.doc>].*

The Montana Historical Society is grateful to its board, staff, and volunteers for their ongoing commitment and service, and endeavors to assist each individual in understanding and subscribing to these principles in all aspects of their professional lives.

GOVERNANCE

Non-profit educational institutional governance, in its various forms, is a public trust responsible for the institution's service to society. The governing authority protects and enhances the organization's collections and programs and its' physical, human, and financial resources. It ensures that all these resources support the organization's mission, respond to the pluralism of society, and respect the diversity of the natural and cultural common wealth.

- The primary responsibility for governance, institutional policies, financial stability, and legal accountability of the MHS rests with the State of Montana, as expressed by the appointed Board of Trustees. Operational responsibility rests with the Director.
- The governing authority of MHS, the Board of Trustees, will ensure that all those who work for, or on behalf of, the Society understand and support its missions and public trust responsibilities. It will also ensure that the Society's collections and programs, and its physical, human, and financial resources are protected, maintained, and developed in support of the Society's mission, and that MHS is responsive to and represents the interests of the public.
- The governing authority of MHS shall maintain a professional relationship with staff in which shared roles are recognized and separate responsibilities respected.
- The governing authority of MHS shall adhere to the professional standards and practices that inform and guide the organization's operations and ensure that policies are articulated and prudent oversight is practiced. It will also promote the institutional mission rather than individual financial or personal gain.
- The MHS Board of Trustees approved compliance with the following statements of professional ethics in the MHS Statement of Philosophical and Procedural Guidelines [amended effective June 1, 2006]: the American Library Association, the Society of American Archivists, the American Association of Museums, the International Council of Museums, the American Association for State and Local History, and the Register of Professional Archaeologists (ROPA). In addition MHS complies with the United Nations Educational, Scientific, and Cultural Organization's Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

- Trustees must be unequivocally loyal to the purposes of MHS. Each trustee must devote time and attention to the affairs of the institution and ensure that the Historical Society and the Board of Trustees act in accordance with the governing documents and with applicable county, state, and federal laws.
- Trustees shall maintain in confidence information learned during the course of their board activities when that information concerns the administration or activities of the Society and is not generally available to the public.
- Individual trustees who are involved in various fields of endeavor related to the Historical Society's activities can be of great assistance to the institution, but conflicts of interest or the appearance of such conflicts may arise because of these interests or activities. Each trustee must endeavor to conduct all of his or her activities in such a way that no conflict will arise between these interests and the policies, operations, or interests of the MHS. The appearance of such conflicts also should be avoided.
- Any trustee or officer who has, or whose business associate, relative or a person close to the trustee has, a self-interest in any contract, sale, purchase, lease, exchange or service to or from the Society, or a self-interest in any decision of the Society, including monies, shall make known that interest and shall refrain from voting upon same.
- Trustees should only use MHS property for official purposes and may make no personal use of the Society's collection, property or services.

PROFESSIONAL CONDUCT

Adherence to the Montana Historical Society's Code of Ethics is a matter of personal responsibility. MHS board, staff and volunteers should always be guided by the intent of this document, recognizing that specific circumstances may legitimately affect professional decisions.

- Trustees and staff members must be familiar with the Society's mission and foster commitment to the Society's purpose. At no time should any Trustee or staff member knowingly misrepresent the mission, objectives, policies, programs, proceedings or motives of the Historical Society.
- The Society expects Trustees, staff, and volunteers to participate in building a workplace based on professionalism, mutual respect, cooperation, honesty, and efficiency. Harassing, intimidating, or abusive speech or behavior shall not be tolerated.

- Each MHS staff member shall be cognizant of laws and regulations that may have a bearing on his or her position's professional activity. Among these laws and regulations are those concerning the rights of artists and their estates, copyright, occupational health and safety, sacred and religious material, excavated objects, endangered species, human remains, and stolen property.
- MHS staff should follow appropriate standards for safety, security, contracts, fees, and advertising. Contractual agreements with individuals, institutions, businesses, or government agencies should not be in conflict with principles of the MHS Code of Ethics or the laws of the state of Montana. Employees must avoid the appearance of unethical or compromising practice in relationship with suppliers, contractors, and other businesses.
- Occasionally employees may be asked to serve in a professional capacity on boards or commissions. To eliminate conflicts of interest or the appearance of potential for conflicts, such service should be reported in writing to the director. Employees may serve on boards so long as the activity does not impair the employee's ability to act with total objectivity regarding the Society's interests or interfere with job performance.

COLLECTIONS

The distinctive character of cultural heritage ethics derives from the ownership, care, and use of objects representing the world's natural and cultural common wealth. This stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility, and responsible disposal.

- MHS ensures that if it is offered artifacts or collections with doubtful licit quality, or identifies such objects in its existing holdings, it will make every effort to contact the legal authorities of the place of origin.
- MHS will ensure that acquisitions, de-accessions, and loan activities are conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade in such materials; and that acquisition, de-accession, and loan activities conform to its mission and public trust responsibilities.
- MHS will ensure that its collections, held in trust for the people of the State of Montana, are not treated as capitalized or financial assets; that the collections in its custody support its mission and public trust responsibilities; and that the collections in its custody are protected, secure, unencumbered, cared for, and preserved.

- MHS will ensure that the collections in its custody are accounted for and documented. Provenance and contextual relationship of objects must be preserved in permanent records.
- MHS staff will not allow their personal beliefs to interfere with providing access to its collections and related information.
- MHS will make all reasonable efforts to ensure that collections systematically collected, scientifically important, or historically unique will remain in the public domain.
- Disposition of permanent collection items de-accessioned from MHS's collections should be disposed of in such a manner that best supports the mission of the Society. Funds from the sale of de-accessioned collections are placed in the Acquisition Trust as outlined in the Montana Code Annotated (22-3-113. Acquisitions Trust); any monies generated from de-accession shall be used only for the purchase of collections.
- MHS staff shall treat information gathered from the owner, custodian, or authorized agent of an artifact not in the Society's collection as confidential. Information derived from examination, scientific investigation, or other use of the artifact should not be published or otherwise made public without written permission from the owner, custodian, or authorized agent.
- Society staff shall not engage in financial appraisals of materials appropriate to the permanent collection.
- Human remains and sacred objects, as defined in Federal NAGPRA law and Montana's Human Skeletal Remains and Burial Site Protection Act (MCA 22-3-801], will not be collected by the Society and the institution will conform to both laws relating to repatriation and the spirit of sensitivity toward culturally sacred items. The MHS recognizes the cultural importance of human remains and/or sacred material and shall strive to assist in the proper repatriation of human remains and/or sacred material whenever possible.

PERSONAL COLLECTING

The acquiring, collecting, and owning of historical collections is not in itself unethical. However, the acquisition, maintenance, and management of a personal collection by a MHS Trustee or staff member can create an ethical question and may bring the Society under unwarranted public scrutiny which could seriously damage the integrity and reputation of the Montana Historical Society.

- MHS Trustees or staff members whose responsibilities include access to or decisions regarding collections activities may not knowingly compete directly with the MHS in any personal collecting activity of materials similar to those held by the Society.
- When it is known that the Society seeks to acquire a specific item for its collections, no staff member or Trustee may compete to acquire it.
- If such an acquisition of interest to the Society's collection is made by a staff person or Trustee, then the MHS has the option, for a reasonable and limited period of time, to purchase the object at the price paid. Objects acquired prior to MHS affiliation, objects obtained prior to the adoption of this policy, or objects that are received as a bequest or genuine personal gift, are exempt from the Society's right to acquire.
- No staff member or Trustee may use Society affiliation to promote his or anyone else's personal collecting activities.
- Under no circumstances shall MHS staff, Trustees, their families, or any persons acting on behalf of the Trustee or staff member borrow permanent collection items or acquire objects de-accessioned from the MHS collections.
- Since the exhibition of an object can enhance its financial value, the display of any objects owned or created by a Trustee, staff member or a person acting on behalf of the Trustee or staff member, shall be by authorization from the Society Director only.

PROGRAMS

The Montana Historical Society serves the public by advancing an understanding and appreciation of the natural and cultural common wealth through exhibitions, research, scholarship, publications, and educational activities. These programs further the Society's mission and are responsive to the concerns, interests, and needs of the public.

- MHS ensures that the programs and exhibitions it creates support its mission and public trust responsibilities and that those programs and exhibitions are founded on scholarship and marked by intellectual integrity. MHS will also ensure that those programs and exhibitions are accessible and encourage participation of the widest possible audience consistent with its mission and resources, and that those programs and exhibitions respect pluralistic values, traditions, and concerns.

- Interpretation at MHS shall take special care not to dilute or ignore historical accuracy and inclusiveness for the sake of public entertainment and popularity and must accurately reflect the cultural context of the subject matter. MHS will also ensure that collections shall be interpreted with sensitivity to their cultural origin.
- No interpretation shall use collections in a consumptive manner except as categorically delineated and specifically allowed within collections policies.

OUTSIDE EMPLOYMENT AND CONSULTING

Society employees often will be considered representatives of their institutions while they are engaged in activities or duties similar to those they perform for MHS, even though the work may be wholly independent of the institution. All employment activity must be undertaken within the fundamental premise that the employee's primary responsibility is to his/her institution; that the activity will not interfere with his/her ability to discharge this responsibility; and that it will not compromise the professional integrity of the employee or the reputation of MHS.

- Due to the potential for conflicts of interest, or the appearance of conflicts of interest, any employee engaged in or considering seeking related employment for pay in addition to their MHS position, must disclose such employment in writing immediately to their supervisor, who will forward it to the Director, who will determine if the outside employment or proposed activity constitutes a conflict of interest. [see MHS Policy 100-04].
- Employees who receive an honorarium for professional services related to their position conducted on personal time are required to disclose the engagement to their immediate supervisor.
- No staff member may participate in dealing that competes with the Society, i.e. the buying or selling of art, objects, or other materials such as are held by the Society for profit as distinguished from occasional sale or exchange from a personal collection.
- The name of and the employee's connection with MHS, should be respectfully used in connection with outside activities. Society professionals should conduct themselves so that their activities on behalf of community or public service organizations do not reflect adversely on the reputation or integrity of MHS.

All personnel rules are stated in the *State of Montana Personnel Policies and Procedures Handbook* [www.discoveringmontana.com/doa/spd/resources/policies.asp] and the Montana Historical Society Policy Manual [MHS shared drive - S: Policies].

TRUSTEE CONFLICT OF INTEREST

The Montana Historical Society recognizes the vast array of individuals whose authoritative knowledge qualify them to serve as trustees of the Society based on the needs and requirements of Montana statute and the Governor. We also acknowledge that many of these individuals come by their authority based on direct involvement in the business of history and its assets.

- Therefore, it is a requirement that those trustees whose business is history, and who are appointed by the Governor, possess the utmost of integrity and dedication to the Montana Historical Society. No trustee shall allow their personal business of history to interfere with their position as a member of the Board of Trustees. No trustee shall allow themselves to be in a conflict of interest, be it actual, assumed or implied with the business of the Society.

OWNERSHIP OF SCHOLARLY MATERIAL

As education professionals, staff engage in or are expected to produce research and original scholarly material for public use.

- Any research, documentation, and all additional documentation accrued or developed on state time are the property of MHS. They may not be used by Society staff, for personal or financial gain. Any other materials written, designed, or produced by MHS staff on work time are the property of the State of Montana.
- Ownership of, or remuneration for, scholarship created on personal time and rights owned by the employee shall be reported to the employee's immediate supervisor.
- Intellectual property (i.e. original creative work manifested in a tangible form that can be legally protected, e.g. by a patent, trademark, or copyright) created that is directly related to MHS employment is the property of the State of Montana.
- Intellectual property (i.e. original creative work manifested in a tangible form that can be legally protected, e.g. by a patent, trademark, or copyright) created by an employee on personal time is owned by the employee, but should be reported to the employee's immediate supervisor.

VOLUNTEERS

Volunteers can be broadly defined as those who work in some way to help others for no monetary reward. Volunteers are one of our greatest assets, and a well-managed program is essential to attract and retain volunteer support necessary in a climate of decreasing public and private financial resources.

_Volunteers are expected to abide by the same ethical standards as staff.

_Volunteers are to be treated with courtesy and respect at all times.

_The Society has an obligation to be as clear as possible in describing the kinds of skills required, the time commitment involved, the job to be done and any other relevant expectations prospective volunteers should consider before committing themselves to work for the Society.

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priority in all decisions and actions that affect it. In carrying out the work of the Society, board members, staff, and volunteers shall behave in a manner that reflects the spirit of this code. Montana Historical Society (MHS) governing board, staff and volunteers shall adhere to the Code of Ethics except where superseded by the Standards of Conduct for Executive Branch Employees of Montana State Government (MCA 2-2-Part 1) and/or the Ethics Standards of Conduct

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FUNDRAISING PRACTICES

Fundraising is a vital component of the financial health of any non-profit organization and it is a process which involves a great deal of public interface.

- Staff involved in raising money or soliciting any other contributions or gifts-in-kind on behalf of MHS must do so with honesty as to the need for such contributions. Consistent with applicable law and to the extent agreed by the Society at the time of accepting a donation, any donation made to MHS must be used exclusively for the donor's intended purposes.
- Staff of MHS must not receive compensation for fundraising on a commission basis, or receive any portion of funds raised for any reason whatsoever.
- Staff must hold confidential and leave intact all lists, records and documents acquired in connection with MHS fundraising efforts.

MUSEUM STORE & OTHER COMMERCIAL ACTIVITIES

The Museum Store and all Montana Historical Society commercial activities should be conducted in a manner consistent with the Society's mission and its service to the public.

- All commercial activities and related publicity should be relevant to and not compromise the Society's collections and should be consistent with the Society's basic educational purposes.

- In arranging for the manufacture and sale of replicas, reproductions or other commercial items adapted from an object or work in the Society's collection, all aspects of the commercial venture must be carried out in a manner that will not discredit either the integrity of the Society or the intrinsic value of the original object.
- Revenue-producing activities and activities that involve relationships with external entities should be compatible with the Society's mission and support its public trust responsibilities.

COMPLIANCE WITH THE LAW

Staff and Trustees are expected to comply with every state and federal law, regulation or proprietary principle applicable to MHS. It is their responsibility to consult with their immediate supervisor or the Director whenever a questionable scenario arises.

COMPLIANCE AND IMPLEMENTATION OF THE CODE OF ETHICS

Each staff member and Trustee is required to read the Montana Historical Society's ethics code in full and to adhere to the principles set forth herein.

MONTANA HISTORICAL SOCIETY
CODE OF ETHICS

VOLUNTEER AGREEMENT

I acknowledge that I have read and understand this document, and agree to uphold the Montana Historical Society Code of Ethics as approved by the Board of Directors on July 18, 2008; Revised on July 16, 2010.

Volunteer Signature

Date

APPENDIX

Mission Statement of the Montana Historical Society

The goal of the Montana Historical Society is to promote an understanding and appreciation of Montana history by collecting, preserving, and providing broad access to the historical resources maintained by the museum and research center; by producing educational and enjoyable exhibits, public programs, and publications; by protecting historic sites and other cultural resources; and by aiding other individuals or entities with like-minded goals.

From Strategic Plan for a Challenging Decade (January 1994)

Statement of Purpose of the Montana Historical Society

The Montana Historical Society was established by the State of Montana "for the use, learning, culture, and enjoyment of the citizens of this state and for the acquisition, preservation and protection of historical records, art, archival and museum objects, historical places, sites and monuments and the custody, maintenance and operation of the historical library, museums, art galleries, and historical places, sites and monuments."

From MCA 22-3-101 included in the Statement of Philosophical and Procedural Guidelines, MHS (April 1979; Revised 2006).

Since it was incorporated by the First Montana Territorial Legislative Assembly in 1865, the Montana Historical Society has been dedicated to promoting an understanding and appreciation of Montana history. An agency of state government since 1891, the Society is also a membership organization with supporters throughout the state and country who voluntarily lend their time, expertise, interest and financial assistance.

The Montana Historical Society exists to provide the people of Montana, and all who have an interest in the history of Montana and the American West, with an understanding of, respect for, and celebration of the past. While looking to the past, the ultimate obligation of the Society is to the people of today and those who will follow. The Society is a living, growing, and evolving institution dedicated to seeking and preserving the Montana story through the highest standards of scholarship and professionalism.