Utah Museum of Natural History

Collections Management Policy

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TABLE OF CONTENTS

1. Mission Statement

2. Collecting Policy

3. Code of Ethics
   Adherence to AAM Code of Ethics

4. Collections Management
   Accessions Committee
   Indian Advisory Council
   Acquisitions and accessions
     Means of acquisition
     Care and maintenance
     Utilization
     Laws concerning acquisition
     Repository agreements
     Conditions of acceptance
   Commencement of ownership
     Gift
     Purchase
     Bequest
     Exchange
     Abandonment
   Field collections
   Other documents
   Legal requirements
   Appraisals and identification

5. Deaccessions and Disposal
   Means of deaccession
   Notification of donor
   Disposition
   Methods of disposition
   Restrictions on disposition
   Proceeds from deaccessions
   Documentation of deaccessions

6. Collection Divisions
   Permanent
   Education

7. Responsibility
8. Registration
   Accessioning
   Deaccessioning
   Loans
   Inventory

9. Additional documentation
   Accessions
   Loans (incoming/outgoing)
   Inventory
   Condition reports
   Environmental monitoring

10. Exhibitions
    Long term exhibitions
    Temporary exhibitions

11. Personal Collecting Policy

12. Research Policy
    Destructive Analysis

13. Rights and Reproduction Policy

14. Appendix
    Definitions
    UMNH Ethics Statement
    Other Policy
       AAM Code of Ethics
       Native American Graves Protection and Repatriation Act
       Utah State Antiquities Act
1. **Mission Statement**

The Utah Museum of Natural History illuminates the natural world and the place of humans within it.

As Utah's state museum of natural history at the University of Utah, we:

- Foster an understanding of science as a journey of discovery and wonder.
- Promote the preservation of biological and cultural diversity.
- Preserve collections in trust for future generations.
- Encourage new perspectives on and inspire passion for the natural world.
- Celebrate Utah's native peoples and cultures.
- Showcase Utah's unique and extraordinary environments.
- Create knowledge through innovative research.
- Demonstrate the myriad links connecting the past, present and future.
- Transcend scientific disciplines to reveal the networks inherent in nature.
- Serve as a center for science literacy, acting as a bridge between the scientific community and the public.
- Empower people to make thoughtful decisions about the future.

2. **Collecting Policy**

In accordance with its mission statement, UMNH maintains permanent collections in the general fields of anthropology, biology and geology.

**Conceptual scope:** Collections are not acquired haphazardly and must fall within the general framework of existing collections, or must otherwise strengthen their useful comparative nature.

**Geographical scope:** Collections follow general geographic priorities: firstly, the Intermountain West with particular emphasis on Utah; secondly, North America; thirdly, global, with special emphasis on useful comparative materials.

3. **Code of Ethics**

The Utah Museum of Natural History adheres to the Code of Ethics as adopted by the American Association of Museums and the Utah Museum of Natural History Ethics Statement (see Appendix). UMNH also complies with all applicable local, state, and federal laws, international conventions, and legal standards governing trust responsibilities. This code of ethics is applicable to all parties and individuals associated with the UMNH.

4. **Collections Management**

Collections are developed, managed, and conserved for use in research, exhibitions, and/or education programs for public and academic audiences. To ensure these collections will be available for use in the future, utilization is balanced with current preservation philosophies and practices, especially those involving preventive conservation.
**Accessions Committee**
The Accessions Committee, using the Museum’s Collection Management Policy for guidance, will have primary responsibility for multi-division accessions and deaccessions. The Accessions Committee will consider all proposed accessions of significant size or monetary value. The Committee also will have oversight where a collecting issue will commit the Museum to major future expense or expansion. It will be a standing committee of the Museum, with meeting minutes filed by the registrar. The chief curator presides over the committee, with members consisting of the registrar, division curators and ad hoc members from appropriate academic disciplines as necessary.

**Indian Advisory Committee**
The Indian Advisory Committee shall consist of representatives from Utah tribes, a University of Utah faculty representative from the Ethnic Studies Department, a University of Utah student representative from the Intertribal Student Association, a representative each from the Indian Walk In Center, the Utah Division of Indian Affairs, and the State Office of Education - Indian Education Division, and a member at large. One individual may act as both a tribal and an organizational representative. The Committee shall consist of no less than six and no more than twelve members. By means of a written request to the chairman, president or other designated leader, the Museum shall request that each tribal government appoint a representative to the committee. The Museum liaisons to the committee are the Curator of North American Archaeology and the Assistant Director for Community Relations. The managers of Exhibitions and Education shall regularly attend meetings, as may other staff as deemed necessary by the Assistant Director of Community Relations.

A standing committee of the Museum, it will meet at least annually, and as needed. Members of the Committee will be offered an honorarium and reimbursement of expenses for an excess of 100 miles driven to attend the meeting as according to the University of Utah travel policies. The Assistant Director for Community Relations shall call Indian Advisory Committee meetings. The Indian Advisory Committee will be asked to review and comment in matters concerning the use, care, disposition, and interpretation of Native American materials.

**Acquisitions and accessions**

- **Means of acquisition**
  Staff field collections, archaeological and paleontological collections from state and federal lands, and most zoological and herbarium acquisitions are accessioned at the discretion of the respective division curator.

- **Care and maintenance**
  Because of its fiduciary responsibility to maintain and preserve objects in perpetuity for the common good, UMNH will accept and acquire only those objects and specimens for which it can provide proper care, conservation, and storage.
Utilization
The Museum acquires objects and specimens for its stated purposes, not simply to acquire. Objects for which UMNH anticipates no foreseeable use for exhibition, research, education, exchange, or sale will not be accepted. Potential donors of such items may be referred to other museums having an interest in and use for the offered object.

Laws concerning acquisition
UMNH will not knowingly or willfully accept or acquire any artifact, object or specimen illegally imported into or illegally collected in the United States. Due diligence will be pursued to ensure that items considered for acquisition have been collected and imported in full compliance with the laws and regulations of the federal government of the United States and of the individual states. All items collected in foreign countries must also have been obtained in compliance with the laws of those countries. The Museum may accept objects that have been confiscated and offered to the Museum by government authorities.

The 2004 regional and statewide Indian Amnesty Act offered reprieve to any individual with illegally obtained archaeological artifacts when given back to the state. At the discretion of the division curator, artifacts or objects, on occasion, will be obtained where the individual shows intent to provide an unrestricted donation for the safety of the artifact and for the public benefit.

Repository agreements
The Museum, as the state designated archaeology and paleontology repository, can enter into a Repository Agreement with private contractors, designated state affiliated researchers, or federal agencies for the long-term care, storage and utilization of archaeological and paleontological collections obtained under permit from state and federal lands. Repository agreements are valid for one calendar year from acceptance of application. (see Appendix for “Repository Policy and Procedures”)

Conditions of acceptance
A legal instrument of conveyance will be required for gifts, purchases or bequests and can consist of a Deed of Gift, Bill of Sale, or Decree of Distribution and a Last Will and Testament. The documentation will include the object(s) or specimen(s) description, restrictions, if any, and considerations, if any, and will be kept in the accession files of the registrar. Free and clear title will be required for all objects and specimens acquired for the collections, without restrictions as to use, exhibition, loan, dispersal, or future disposition.

Only under exceptional circumstances will the Museum accept gifts on which the donor has placed restrictions concerning use or disposition. Restricted gifts will be accepted for accession only by the Accessions Committee. Where restrictions are attached to an acquisition, every effort will be made to place a reasonable limit on the time for which they will apply and to define the conditions under which they will apply and to define the conditions under which their force may
terminate. Such restrictions as may apply to an acquisition must be completely documented in the records pertaining to the object. UMNH will make every effort to comply with both the letter and spirit of such restrictions. Prior to accepting gifts with restrictions, the chief curator will seek the approbation of the legal counsel of the University of Utah.

**Commencement of ownership**
The time at which UMNH is considered to take possession of and legally own an object or specimen varies with the method of acquisition. The following definitions set forth the time of commencement of ownership:

**Field collections**
Field collections are an important source of collections acquisitions and can be acquired worldwide. Individuals involved with field collecting are responsible for obtaining all needed permits for the applicable work undertaken and providing the Registrar with a copy of these permits.

If field collections are obtained from private land, the UMNH responsible party will obtain written permission from the land owner prior to potential collecting, with a Deed of Gift required for any collecting done of objects or specimens that are in situ or underground; the Deed of Gift is not required for collections living at the time of acquisition.

If field collections are obtained from public land, the responsible party will follow all applicable laws and regulations. UMNH is the state designated repository for archaeological and paleontological collections acquired from state lands and accessions the materials as provided for under Utah state law and recognizes that these collections are held in trust. UMNH, at its option, will accept field collections from federal land agencies when they are accepted through the conveyance of a Repository Agreement. UMNH recognizes these collections are likewise held in trust.

**Gift**
The UMNH is considered to own the item when 1) a Deed of Gift has been executed legally; and 2) the object physically enters the Museum. Ownership commences only when both conditions have been met. A Deed of Gift will be generated by the registrar for each donation to the Museum, and signed by the donor and the registrar or appropriate curator.

**Purchase**
Ownership commences when the Museum has rendered payment for the object or specimen and received a receipt of purchase with the object or specimen. A Bill of Sale shall be obtained from the vendor for each purchase, if possible. If a Bill of Sale cannot be obtained, a written and signed statement of the circumstances of purchase by the appropriate curator shall be substituted and retained with the accession documentation.
Bequest
In the case of a bequest, a Decree of Distribution and a copy of the Last Will and Testament shall be obtained. The Decree of Distribution must be signed by the executor. The Museum is not obligated to accept a bequest.

Exchange
An object may be acquired through exchange for an object or specimen deaccessioned from UMNH collections. Exchanges are initiated by the appropriate curator, with the deaccession approved by the Accessions Committee. Objects or specimens considered for exchange are to be of equal or better than aesthetic, scholarly, or monetary value. No exchanges will be made with private persons. Non-profit cultural institutions will have preference over all other interested parties. Ownership commencement when all objects or specimens involved have entered and been accepted by the respective institutions.

Abandonment
The Museum will not accept abandoned objects, except under extreme circumstances and with the written approval of the chief curator. As clear title cannot be ascertained, it is unwise to accept any abandoned object. No individual affiliated with UMNH will accept or transport into the building any abandoned property left outside the building. If abandoned property is found outside the building, the registrar or operations manager will be immediately contacted to inspect the abandoned property. If decided the property is abandoned, either the registrar or operations manager will contact University of Utah Police to remove the abandoned property from the premises.

Other documents
All correspondence, shipping receipts, bills of lading, customs receipts, and other documentation related to an acquisition shall be kept in the appropriate accession file in the Registrar’s office.

Legal requirements
Every curator or employee authorized to acquire objects for the permanent collections through field collection, gift, purchase, exchange or other means will reasonably ensure that clear and legal title can be transferred to and obtained by the Museum and accomplish through due diligence that the title is clear and valid. For objects collected on public lands, title will not transfer to the Museum as these objects are held in trust in perpetuity under the authority of the State of Utah having designated the Utah Museum of Natural History the state repository for archaeological and paleontological collections. In doubtful cases, it is advisable to consult University of Utah legal counsel.

It is essential that clear legal title to an acquisition be established prior to accessioning into the collections. It is the obligation of the curator or employee making the acquisition to ensure that all information and documentation necessary for legal and binding accessioning are obtained and that all objects or specimens acquired are immediately accessioned in accordance with current UMNH procedures. Documentation is required.
**Appraisals and identification**

There is an inherent conflict of interest if the UMNH, its employees, or its representatives provide estimates to donors or potential donors of a donation’s monetary value. Therefore, no employee will give appraisals for the purpose of establishing the fair market value of objects or specimens offered to UMNH. Donors desiring to take an income tax deduction must have an independent qualified appraisal made of the value of their gift. The UMNH registrar can make available a list of appraisers in the region.

If a donor chooses to have their non-cash charitable donation in excess of $5000.00 appraised for tax deduction purposes, IRS regulations for Determining the Value of Donated Property (IRS Publication 561) will be followed. The appraiser will provide IRS Form 8283 documenting the donation valuation, which should be sent to the attention of the Registrar. The Registrar will verify the donation has been received by UMNH and request the University of Utah Director of Planned Giving, Vice President for Development to counter-sign IRS Form 8283 to allow the donor to take the appropriate documented tax deduction for their donation.

UMNH will not appraise, identify, or otherwise authenticate any objects for other persons or agencies under circumstances that could encourage or benefit illegal, unethical, or irresponsible traffic in such materials. 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 agents.

As a service to the public, UMNH curators and collections managers may attempt to identify or authenticate items brought to the Museum. Identifications are done on an appointment basis, and individuals should take their possessions with them when they leave the Museum. At the discretion of the curator or collection manager, individuals may leave objects or specimens on a temporary basis but must first read and sign an Incoming Loan Agreement administered by the registrar. At the time of deposit, the UMNH registrar or respective curator or collections manager will set a reclamation date. Items must be reclaimed on or by the specified reclamation date.

5. **Deaccessions and Disposal**

The UMNH holds its collections in the public trust, which obligates acting in accordance with the highest legal and ethical standards and as defined by the American Association of Museums Code of Ethics. In this regard, the Museum selects objects and specimens for acquisition carefully so deaccessioning will seldom be necessary. However, UMNH recognizes that selective culling of the collections can be beneficial to the future strength of the collections.

Reasons for deaccession include quality, authenticity, condition, redundancy, relevancy, title, the vice of unintentional destruction, destructive analysis or repatriation. An object or specimen may have insufficient quality, significance, or a better example has been acquired. Through research, an object or specimen may be discovered that is not authentic, or be determined that the Museum’s possession of an object or specimen is not legitimate and does not hold clear title. Through time, collections may have been treated with poisons (i.e. arsenic) and pose a health hazard to staff or visitors, or fall victim to inherent vice, or the vice of unintentional damage or destruction.
Means of deaccession
Objects or specimens in the collections may be deaccessioned only upon the formal written recommendations of the respective curator. The recommendation will be reviewed by the Accessions Committee, and voted upon by the Committee. Three signatures will be required upon the written recommendation form, in addition to the respective curator. Prior to the committee vote, clear and unrestricted title must be ascertained and verified by the curator. Mandatory restriction will be strictly observed unless deviation from their terms is authorized by the donor, his/her official and legal designate, or a court of competent jurisdiction. Reasonable efforts will be made to comply with any precatory (non-binding) restrictions.

Notification of donor
If precatory statements apply to an object or specimen the UMNH wishes to deaccession, the Accessions Committee shall determine whether consultation with the donor or donor’s heirs is advisable. In all cases, the Museum will comply with requirements for notification of the donor, advice of University of Utah legal counsel and all Internal Revenue Service requirements.

Disposition
In considering a deaccession recommendation, the Accessions Committee must also consider disposition of the object or specimen in the best interests of UMNH, the public, scholars, and the cultural community it serves and the public trust represented. The Museum will also consider the reasons for which deaccession was recommended.

Repatriation or Reburial
The Museum abides by the letter and spirit of the Native American Graves and Protection and Repatriation Act (NAGPRA) and the Utah State Antiquities Act (see Appendix). Repatriation decisions will be undertaken on an individual basis, in accordance with the Museum's legal, fiduciary, and ethical responsibilities. The Indian Advisory Committee and the University's legal counsel will be kept advised on reburial/repatriation decisions and consulted as necessary.

Methods of disposition (in preferred order)
1. Gift, exchange, or sale to an appropriate tax-exempt cultural institution.
2. Advertised public sale or auction that will best protect the interests, objectives, and legal status of the Museum. Due to a possible perceived conflict of interest, UMNH employees, volunteers, contracted University of Utah staff (i.e. facilities personnel), advisory board, and immediate families, and any contract employees from the previous six months are restricted from purchasing objects the Museum offers for sale or at auction.
3. Destruction of objects or specimens may be necessary due to health hazards, certified forgeries, or deterioration. Methods of destruction must comply with local, state, and federal codes, and must be witnessed by a responsible museum employee and attested to in writing for permanent inclusion in the collections file. Methods of destruction can include complete and utter destruction of the object or specimen through mechanical means or incineration.
4. If possession of an object or specimen by the Museum is found not to be legitimate, the object or specimen will be given to the legitimate owner as determined by the appropriate authority. Copies of all documentation will be kept in the collections file.

Restrictions on disposition
1. Objects may not be given or sold to employees, volunteers or advisors of UMNH, members of auxiliary museum groups, or to the family or representatives thereof.
2. In general, no agent acting on behalf of the UMNH in the sale of deaccessioned objects or specimens shall use the name of the Museum to imply in any way that the value of such objects is supported or attested to by UMNH.
3. The name of the UMNH may not be used in any promotional material regarding the sale of deaccessioned objects or specimens without the approval of the Accessions Committee.

Proceeds from deaccessions
All proceeds from the sale of deaccessioned objects or specimens will be deposited in a restricted account designated as the “Acquisitions Fund.” Such funds will be used exclusively for the purchase of objects for the collections as is prescribed by AAM’s Code of Ethics.

Documentation of deaccessions
All aspects of the conditions and circumstances of deaccessions and dispositions of objects or specimens will be recorded and retained in the UMNH collections files by the registrar.

6. Collection Divisions
Recognizing that collections form the core of museum, but also acknowledging the duty of the institution is to provide varied and informative programming to its audience, the UMNH discerns two divisions.

Permanent collections
Accessioned, documented, and cataloged objects or specimens of cultural, scientific, or historical significance, and objects or specimens of high quality that are representative of the diversity inherent in the mission of the UMNH. These collections are used for research, exhibitions, or loans. They are owned by the UMNH and are given the highest level of care and protection.

Reposited collections
Accessioned, documented, and cataloged objects or specimens of cultural, scientific, or historical significance obtained through permit authorized field collections from public lands. These collections are used for research, exhibitions, or loans. Ownership is retained by the respective public land agency and reposited collections are not owned by UMNH. They are given an equally high level of care and protection as permanent collections.
Education collections
Objects or specimens of cultural, scientific, or historical significance, and objects or specimens of lower quality that are representative of the diversity inherent in the mission of the UMNH. These collections are used in educational settings inside the UMNH or at other locations for educational programming. They are owned by the UMNH and are given a lower level of care and protection and are considered expendable.

Exhibition and educational props, casts, reproductions and related furniture, cases, vitrines and similar expendable and reproducible items will be handled at the discretion of the department head.

7. Responsibility
Documentation records form an integral part of an object’s or specimen’s history and are of primary importance in understanding the item. Records also provide the means by which the UMNH establishes its right to legally retain objects, either through permanent ownership, reposited or on temporary loan. Careful and explicit record keeping allows the UMNH to know an object’s provenance, provenience, condition, location, legal status and to systematically classify and catalog objects.

Collection records should be made in a timely fashion, housed in a secure location, and physically preserved by proper handling and storage methods. Where possible, duplicate registration and accession records should be made and stored in separate facilities as a security precaution. Records should be kept on archival paper to ensure their preservation and longevity. It is of utmost importance that UMNH maintain a clear distinction between the permanent and educational collections and that UMNH can provide legal proof of ownership and possesses clear legal title to the objects and specimens that form the permanent collections. To this end, the UMNH must document and account for the objects and specimens for which it has assumed responsibility.

8. Registration
The registration process involves the activities of compiling and maintaining an accurate and cumulative inventory of all objects and specimens in the Museum’s custody. This includes providing an immediate, brief, and standard means of identifying each object and recording its source, status, and disposition. Registration includes:

1. Accessioning: the act of recording an acquisition to the permanent or reposited collections which: a) gives the UMNH legal right to hold the object(s); and b) commits the UMNH to the responsibility for the proper care and use of the object(s).
2. Deaccessioning: the process of removing an object or specimen from the permanent collection by legal means.
3. Loans: the process of contracting for the borrowing or lending of objects or specimens for temporary or extended periods, between the UMNH and other responsible institutions or individuals. This process is undertaken within the terms of a loan agreement that: a) forms a contract between the lender and borrower; and b) specifies terms and conditions of the loan, including the responsibilities of each party.
4. Inventorvying: the process of locating and listing periodically or on a spot basis accessioned, loaned, or borrowed objects by location.
9. Additional Documentation

Accession
An accession is a collection acquired from a single source at one time. It may refer to one object or specimen or to a number of miscellaneous and diverse items. To accession is to record an addition to the collection. When an object or specimen is accepted as part of the Museum’s permanent or reposed collection, it is accessioned by completing the documentation and assigning a unique control number (accession number). All permanent and reposed collection items acquired by UMNH will be formally accessioned. UMNH will use one standard accession system for all additions to the permanent collection. Accessioning will be done in a timely fashion by the registrar.

Loans

Incoming
For exhibitions, research, or other stated purpose, the UMNH will make arrangements with institutions or individuals for the loan of materials to the Museum. In general, the originating institution generates the loan documentation agreement forms, however, if needed UMNH will generate these documents to be signed by each responsible party. Loans will only be made for a specified length of time.

Outgoing
For exhibitions, research, or other stated purpose, the UMNH will agree to arrangements with other like institutions for the loan of UMNH permanent collection objects or specimens. An Outgoing Loan Agreement will accompany all loans originating from the UMNH and signed by both responsible parties. A Standard Facility Report will be required from the borrowing institution if the object or specimen is loaned for exhibition. Loans from the UMNH can be made for a period of one year, with the option of renewal at the discretion of the appropriate curator. Collection objects or specimens will not be loaned to individuals.

Occasionally, the UMNH may receive requests from individuals or local businesses for loan of exhibition furniture and props. These requests will be individually evaluated by the exhibits director and, if approved, all documentation regulations apply as for standard outgoing loans.

Inventory
A full collections inventory will be conducted periodically. A digital record and paper record copy will be produced and stored in a secure location. If feasible, a digital photograph will be taken of each object or specimen and stored with the database information. Collections should be spot inventoried on an annual basis.

Condition report
This report provides valuable information specific to the object or specimen. An object or specimen will be condition reported when it enters the UMNH either through loan or acquisition when slated for exhibition and as circumstances warrant. Originating reports will remain on file with UMNH. For rental traveling exhibitions, the Museum will use the condition reporting method that originated with the exhibition. If no condition reports accompany the exhibition, UMNH will proceed to use its own forms to condition report all objects or specimens in the traveling exhibition.
Environmental monitoring
Documentation is essential for understanding the outside weather fluctuations and the ability of the building heating, ventilating, and air condition (HVAC) system to control and minimize the change inside the building. Change is to be expected with seasonal fluctuations, but to preserve the collections of UMNH, it is important to minimize fluctuations. Environmental measurements will be recorded either through a recording hygrothermograph, or data recorder/logger. The paper and/or digital records will be kept for a minimum period of two years.

Currently, UMNH owns and utilizes numerous data loggers to monitor conditions in the museum galleries, collections storage rooms, and the Stewart building housing limited Anthropology collections. Readings are taken every 15 minutes for a two week period, at which time, the data is downloaded to the registrar’s files on the Museum file server and saved, while paper copies of the graph also are printed and retained in the registrar’s office.

As visible and ultraviolet light on collections presents preventive conservation concerns for objects and specimens on exhibition and in collection storage, it is imperative light levels be monitored. To this end, the UMNH owns and utilizes a light meter for the preventive conservation of objects and specimens in the Museum.

10. Exhibitions
Exhibitions provide the vehicle to inform visitors in an insightful and educational manner to selected materials at UMNH. Exhibition methods will strive to uphold strict preventive conservation measures. The UMNH Operations Committee, through a standardized criteria format, will select exhibitions that strive to meet UMNH mission and serve its constituency.

Long term exhibitions: provide exhibition period of 12 months or more. Generally comprised from collection objects or specimens, and may be rotated with other objects or specimens as needed to preserve in perpetuity all collections. These exhibitions help to explain the broad message of the institution as outlined in the mission statement.

Temporary exhibitions: provide exhibition period of 6 months or less, using objects or specimens from the collections, loans from institutions, individuals, or from a traveling exhibition service.

11. Personal Collecting Policy
As stated in the UMNH Ethics Statement, UMNH curators may not possess personal collections of commercial value in their areas of expertise while employed by the Museum.

12. Research Policy
Research of the collections helps to provide valuable information for the objects and specimens in question. However, measures must be undertaken to preserve the integrity of the collections. Researchers must contact the respective UMNH curator to study a specific object or specimen from the collections.

Destructive Analysis
The Accessions Committee, upon recommendation of the appropriate curator, will approve destructive techniques (the analytic process which destroys most or all of a collections object or
specimen) only if the process will result in a meaningful increase in scientific knowledge, and will yield significantly more data than non-destructive techniques. Proposals for destructive analysis must be submitted to the Committee in writing by the recommending curator (see Appendix). The Committee will determine whether the analysis will deplete or significantly diminish the Museum's holdings in any area, will consider the rarity of the object, the significance of the object to the culture of origin, and the effect of the analysis on the object's aesthetic value as well as the benefits of the proposed analysis. The committee may deny such use even if significant increases in scientific knowledge can be gained from the analysis.

Destructive techniques that consume only a small portion of an object, or that destroy objects that were originally collected for destructive analysis, may be approved at curatorial discretion, without Accessions Committee review.

13. Rights and Reproduction Policy
The UMNH accepts written requests for photographic materials of collection objects. All requests shall be processed by the Registrar working in consultation with the appropriate department heads. Applicants will be requested to submit a “Rights and Reproduction Agreement” (see Appendix), available through the registrar’s office.
Definitions

**Accession:** (1) [noun] An object or specimen that has been accepted into the Museum’s collections.

(2) [verb] The formal process used to accept and record an object or specimen into the Museum’s collections.

**Accessions Committee:** The chief curator, the registrar, division curators and ad hoc members from appropriate academic disciplines as necessary. The committee makes recommendations and approves proposed multi-division acquisitions, deaccessions and long-term Museum collections commitments.

**Accession number:** The unique identification number assigned to a group of objects or specimens entering the Museum’s permanent collection.

**Acquisition:** An object or specimen brought into the Museum for anticipated placement in the permanent collections or for educational utilization.

**Appraisal:** A valuation of property by an authorized, certified and knowledgeable person.

**Bequest:** Property, the ownership of which is transferred by a legal will.

**Cast:** An object or specimen that was made or sold for the purpose of reproducing an original object or specimen, but not with the intent to defraud a buyer (see also Reproduction).

**Catalog:** (1) [noun] A collection of records that classifies and describes objects or specimens in the Museum’s permanent collection.

(2) [verb] The act of creating a record that classifies and describes an object or specimen in the Museum’s collections.

**Collections Management:** Practices and procedures that prescribe the prudent acquisition, care, display, documentation, loan, preservation, security, disposal of, and accountability for, collection objects and specimens.

**Condition Report:** A form completed upon examination of an object or specimen that notes the physical condition.

**Credit line:** The wording by which a lender, donor, or funding source is officially acknowledged.

**Deaccession:** (1) [noun] An object or specimen that has been permanently removed from the Museum’s collections.

(2) [verb] The formal process used to permanently remove an object or specimen from the Museum’s collections.

**Deed of Gift:** A mechanism of conveyance or form that is signed and dated by a donor, and countersigned and dated by the authorized museum employee (i.e. registrar, division curators, etc.) which transfers legal title of a donated object or specimen to the Museum.

**Disposal:** The physical act of removing a deaccessioned object from the Museum’s collections.

**Donation/Gift:** Something voluntarily transferred without compensation by the donor to the Museum.

**Exchange:** The transfer of ownership of an object(s) or specimen(s) from one institution to another institution in return for another object(s) or specimen(s) being given in reciprocation.

**Exhibition:** The presentation of ideas through the display of objects or specimens with the intent of educating the viewer.
Facility Report: A standard document that provides information regarding building construction and configuration, environmental controls, fire detection and suppression systems, security measures, staffing, and handling procedures which is used to evaluate institutions as potential borrowers of objects or specimens.

Forgery/Fake: An item that was intentionally made or sold for the purpose of defrauding a buyer.

Incoming Loan: Incoming object(s) or specimen(s) placed in the temporary custody of the Museum (not involving change of ownership) for exhibition, research, or acquisition approval.

Inventory: The act of physically locating objects or specimens for which the Museum is responsible and comparing them with documentation records.

Loan Agreement: A form used between a lender and a borrower that identifies the lender, specifies the item(s) to be lent, and outlines the conditions of the loan and the respective responsibilities of the lender and borrower.

Loan Number: The unique identification number assigned to an incoming loan upon receipt.

Outgoing Loan: An object in the Museum’s collection, lent to a borrowing institution in care of an individual (not involving change of ownership) for research or exhibition.

Permanent Collection: Objects or specimens acquired by the Museum through field collecting, gift, purchase, bequest, transfer or exchange that are to be retained.

Preventive conservation: Planned care of an object or specimen and its environment to mitigate deterioration, destruction, or neglect.

Provenance: The origin, source, and ownership history of an object (generally for art).

Provenience: The origin and source of an object or specimen (generally for natural history items).

Purchase: The act of obtaining ownership of an object or specimen through the transfer of money.

Record: The documents and information pertaining to the receipt, acquisition, management, and disposition of an object or specimen in the museum’s custody.

Repatriation: The return of human remains or cultural objects on request from the permanent collection to the appropriate representative tribe with a documented connection to the materials. The materials may be retained by the tribe or reburied at their discretion.

Reproduction: An object or specimen that was made or sold for the purpose of reproducing an original object, but not with the intent to defraud a buyer (see also Cast).

Rights & Reproduction Agreement: A form to be completed and signed by an applicant for the purchase and/or use of photographic images of objects or specimens in the Museum’s collection and/or for the permission to reproduce such images in a publication or other format. The form records information on the applicant and the intended use of the photographic image, and provides rules governing rights and reproductions issues.

Risk Management: A program of practices and procedures to control losses and minimize damage to objects for which the museum is responsible. The University of Utah Risk Management oversees all insurance held for the Museum.

Title: The legal right to possess an object or specimen. Title to the collections is held by the Utah Museum of Natural History. Possessing “good title” to an object or specimen is understood to mean that the object or specimen is free of all liens, encumbrances, and claims of any kind, whether from the United States or any other country.

Transfer: The conveyance of ownership of an object or specimen from one entity to another.
Utah Museum of Natural History
Statement of Ethics

November 2008
Table of Contents

Statement of Ethics

Mission Statement 3

Core Values 3

Introduction and Statement of Purpose 3

Governance 4

Museum Collections 5

Personal and Professional Conduct & Museum Management Practices 7

Museum Store 8

Development, Communication and Marketing 8

Commercial Use and Income Producing Program

Programs 10

Ethics Policy Working Group 11

Compliance Agreement 12

Appendix A, Primary Reference 13

Appendix B, Collections Manual included

Appendix C Discipline Specific Codes of Ethics 14
Mission Statement

*The Utah Museum of Natural History illuminates the natural world and the place of humans within it.*

Core Values

*We are a creative, dynamic institution.*
*We serve a broad, diverse audience.*
*We meet the highest professional standards.*
*We are accountable for our work.*
*Our scientific research and interpretation are interdisciplinary, timely, and encourage active inquiry.*
*We strive for and promote sustainability in all we do.*

Introduction and Statement of Purpose

The Utah Museum of Natural History (UMNH, the Museum) was established by the Utah State Legislature and placed at the University of Utah (UU, the University), with specific responsibilities to recover, manage and care for collections from State lands, collect and exhibit natural history objects, make available educational and outreach programs to Utah’s residents and schoolchildren, and provide technical assistance to museums throughout the State. The Museum also is a repository for collections recovered on federally managed public lands, and cares for objects to which it holds title as a result of donations, bequests and other conveyances. In the broadest sense, the Museum’s work is grounded in the scholarship and stewardship of the collections, which we hold in trust for the public, and in our mission as a public educational institution.

As a non-profit institution, a state agency and an organized research and teaching unit of the University of Utah, the Museum complies with applicable local, state, and federal laws, and international conventions, with specific legal standards governing fiduciary and trust responsibilities, with the *Utah Public Officers’ and Employees’ Ethics Act* and with the University of Utah’s formally adopted policies and procedures and its *Ethical Standards and Code of Conduct and Research Handbook*. The Museum adheres to the *American Association of Museum’s Code of Ethics for Museums*, and the *Standards of Ethics for Nonprofit Organizations in Utah*, as an institutional member of both the American Association of Museums and the Utah Non-Profits Association (These are listed as Appendix A). In addition, the Museum staff are guided by various discipline-specific ethics statements and guidelines (these are listed as Appendix C). These laws, legal standards, conventions, policies, procedures, codes of conduct and ethical statements apply to all Museum work environments, including field research sites and all other on or off-site programs and activities.

The *Utah Museum of Natural History Statement of Ethics* has been informed by these legal and ethical standards, but is not intended to replace or supplant them. It is not a Policy and Procedure Manual. It is a summary statement of the UMNH’s basic ethical principles and responsibilities, which are broadly applicable to full and part-time staff,
faculty, and also to volunteers, adjuncts, and Associates Board members when they are acting as an agent of, representing or making use of information obtained as a result of their association with the Museum. All of these are collectively referred to as “museum staff” throughout this document.

We recognize that museums, including this Museum, enjoy a high degree of public trust. To maintain that confidence, we must act with integrity, prudence, intellectual honesty, foresight and appropriate transparency, in the best interests of the collections and other resources we hold in trust and of the diverse publics we serve. To that end, by clarifying ethical responsibilities within this Statement, we expect to develop a better understanding of the mission and basic ethical responsibilities of the Museum among everyone who works at the UMNH or has a close affiliation with it.

**Governance**

The Utah Museum of Natural History is a state institution located at the University of Utah. The UMNH is subject to the policies, rules, and administration of the University. Accordingly, the University’s Board of Trustees has ultimate responsibility for the preservation and protection of the permanent collection. They have ultimate fiduciary responsibility and insure that all activities and programs are consistent with the mission. They respect the professional expertise and views of UMNH staff in fulfilling this role. The Trustees delegate this oversight responsibility to the University of Utah’s Senior Vice President for Academic Affairs to whom the Executive Director of the Museum reports.

The day-to-day governance of UMNH is structured so that final responsibility for decisions related to the operation and management of the Museum rests with the Executive Director. The Executive Director is appointed by the Senior Vice President and can be a tenured member of the faculty. In addition to reporting matters of interest to the Senior Vice President on a timely basis, he/she regularly consults with key staff members and Associate Board members to receive a broad range of opinions and experience. The Executive Director is specifically responsible for fulfilling the mission, development needs, and strategic planning along with providing the Museum with qualified resources and insuring compliance with all appropriate governmental regulations and this Ethics Statement.

The Associates Board fills a vital advisory but not governance role. Composed entirely of community volunteers with different backgrounds and experiences, the Board advises the Director on matters related to the mission, strategy, and operation of the Museum including development. The Board is independently incorporated as a 501(c)3 organization and recommends and approves new members and officers. The Board is not empowered to officially represent the Museum or serve as the Museum’s agent unless formally appointed to do so by the Senior Vice President. Board use of the Museum and its collections for personal benefit is prohibited.
**Collections**
This section is excerpted from and summarizes the Museum’s Collections Management Policy, which is attached and also incorporated by reference. (Appendix B)

**Acquisition and Disposal**
The Museum has a legislative directive and a responsibility to the public to acquire objects for the collections that are in keeping with the mission, scope and responsibilities of the Museum. Objects acquired by the Museum will be accepted in accordance with all applicable laws, regulations, permits, agreements and conventions both in the United States and abroad. All pertinent international, federal, state, and local permits for acquisition, possession, and importation are kept on file in such a way that they may be easily and quickly associated with specimens in question. Individuals authorized to collect and acquire for the Museum will strive to improve their collection for science and education.

The Museum also has a responsibility to remove objects from the collections that are not in keeping with the mission, scope and responsibilities of the Museum. Individuals charged with the responsibility to authorize deaccession and disposal of collection objects will ensure accountability and transparency of the process.

If collections objects are de-accessioned by means of sale, all proceeds will be used only for the purpose of collections acquisition.

All acquisitions and disposals will be done at the highest professional standard to provide the Museum with compliance of all applicable laws, regulations, agreements and conventions both in the United States and abroad

**Animal Care and Use**
The Museum complies with the American Society of Mammalogists guidelines regarding capture and use of wild species, and extends these policies to all vertebrate species. These guidelines address fieldwork (including trapping techniques, marking for identification, and human safety) as well as compliance with laws and regulations. Museum researchers also work with the University of Utah Animal Care and Use Committee (IACUC) in designing protocols that allow investigators to carry-out their work while meeting the standards of the animal welfare regulations.

**Appraisal and Authentication**
No employee shall provide an appraisal of monetary value for non-cash charitable donations of artifacts or specimens offered, or potentially offered, by donors. Employees may direct potential donors to the American Institute of Appraisers (AIA) and the International Society of Appraisers (ISA) to hire a qualified appraiser. UMNH curatorial staff may provide verbal authentications of objects within their subject specialty as a public service.
Care, Conservation and Access
Responsibility for collections should be the primary goal of the Museum and its professional staff charged with collections care. The collections and their associated documentation will be in accordance with professionally accepted standards. Qualified users may expect reasonable access to collections on a nondiscriminatory basis but access may be regulated/supervised if necessary as determined by the judgment of the UMNH professional/curatorial staff.

Field Collecting
Museum staff engaged in field survey, collections and excavations must act diligently to uphold the letter and spirit of all applicable laws, regulations, permits, agreements and conventions both in the United States and abroad. Participants will meet the highest standards of the profession to acquire and record complete documentation, and will comply with all laws, legal standards, conventions, policies, codes of conduct and ethical statements adopted or adhered to by the Museum.

Human Remains and Associated Objects
The Museum maintains a distinct collection of human remains and associated objects, all of which will be treated with sensitivity and respect. Professional UMNH staff will strive to develop relationships with tribal groups with an interest in the collections. The Museum will remain in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) and aim to uphold the letter and spirit of the law.

Personal Collecting
The acquiring, collecting and owning of objects by Museum staff is not in itself unethical, and can enhance professional knowledge and judgment. Care must be exercised, however, to assure that no conflict, or appearance of conflict, arises between staff and the Museum. Staff members must not personally compete with the Utah Museum of Natural History for acquisitions in which the Museum has formally declared an interest. No staff member may use their museum affiliation to promote their, or an associate’s, personal collecting activities. In all situations, the Museum’s formally and specifically stated collecting needs take precedence over those of the individual.

Loans to the Museum of personal objects belonging to staff can be of benefit to education and the scholarly mission of the museum. Exhibition and publication of objects by the museum can also enhance the object’s values. Therefore, objects belonging to staff members may be loaned to the museum for exhibition or research if the item(s) would significantly enhance the educational value of the larger exhibition or research question. There cannot be a conflict of interest, or even perceived conflict of interest, wherein the staff member may personally benefit from such a loan.
Personal and Professional Conduct and Museum Management Practices

Museum Staff:
• take care to act in a manner that will not compromise the professional integrity or the reputation of the Museum.
• acknowledge paramount responsibility to the public and to our public trust.
• are mindful that we are associated with the Museum even when we are not using our title or affiliation.
• are straightforward, professional, courteous and respectful in internal and external communications.
• are familiar with the Museum’s and University’s policies and procedures, with the laws and conventions that have bearing on our work and with the Museum’s and the University’s Code of Conduct and Ethical Standards and with applicable discipline-specific Ethics Statements.

Community Activities
When Museum staff engage in community activities, including political and fund raising activities, media contacts, etc., we carefully distinguish between, and openly communicate, when we are acting as an appointed representative of the Museum and when we are not.

Conflict of Interest
Museum Staff:
• comply with University policies regarding conflicts of interest as well as with the Utah Public Officers’ and Employees’ Ethics Act.
• are aware of and declare any actual or potential conflicts of interest.
• do not accept personal gifts, favors, loans or other things of more than nominal value in connection with our work for the Museum.
• judiciously use institutional resources and assets to support the Museum mission and not to advance our own or other interests.
• do not allow our professional judgment or actions to be influenced by personal interests.

Confidentiality
Museum staff respect and, to the extent allowed by law, maintain the confidentiality of information pertaining to the Museum’s finances, donors, collections, personnel operations and security, and other privileged information.

Financial Management
As University employees, Museum staff are required to comply with the University of Utah’s Policy and Procedures Manual for all financial matters. The Museum adheres to Generally Accepted Accounting Principles and will be open and honest with all auditors and others charged with reviewing financial information. All revenues and expenditures will be recorded accurately and timely. Staff who are charged with involvement in these transactions (including all purchase card holders) have an obligation to receive or spend
Museum funds appropriately, impartially, and exclusively for institutional purposes. In addition, staff making purchasing decisions and negotiating with vendors will operate fully within the framework of purchasing guidelines issued by the University.

Responsibilities to Colleagues
As Museum staff, and as members of academic, professional and philanthropic communities, we recognize our responsibility to share our knowledge and experience with our colleagues, to remain current in our field of specialization and to assure that our work is truthful and based on current scholarship. Information critical to the functioning of the Museum must be disseminated in a timely and professional fashion. Museum staff are obligated to leave a record of their work.

Work Product, Copyright, Ownership of Intellectual Property
The Museum complies with all applicable laws, legal standards and University policies and procedures.

Museum Store
The operation of the Museum Store, including product selection and conduct of business, should enhance the integrity and public perception of the Museum and be relevant to the Museum’s mission and educational goals. In arranging for the manufacture and sale of replicas, reproductions or other commercial items adapted from an object in the museum’s collection, all aspects of the commercial venture must be carried out in a manner that will not discredit either the integrity of the Museum or the intrinsic value of the original object.

The Museum Store will not engage in the legal trade in objects or specimens if we believe that it is not ethical to do so because participation in the market for such goods may create or enhance the demand for an illegal trade in the same or similar goods. Examples, without limitation, include the trade in vertebrate and invertebrate fossils, insects preserved in amber, carved ivory (from any living or extinct animal) or Native American arts/crafts not specifically produced for sale.

Development, Communication and Marketing, Commercial Use and Income Producing Programs
The Museum strives to ensure that adequate human, programmatic and financial resources are available to fulfill our obligations to donors, partners and patrons. In all of these activities, we strive to protect the name and reputation of the Museum and ensure that they are not exploited either for personal advantage or the advantage of any other person, group or organizations

Development
It is vital to the health of the Museum that we raise funds and generate interest in support of the mission, programs, operating needs, endowment and facilities. In raising monies or soliciting other contributions on behalf of the Museum, Museum staff are honest about
the need for such contributions, and use the contributions only for the intended purposes of the donors.

Museum Staff:
- ensure that no individual or business benefits at the expense of the Museum’s mission, reputation or community we serve.
- respect and, to the extent allowed by law, maintain the confidentiality of financial and development discussions and materials. We strive to respect the wishes of donors both in the designation and use of gifts as well as in the communications and acknowledgement of gifts, according to University guidelines.
- pursue fund-raising and community support-building activities in an open and fair manner.
- ensure that the Museum maintains control of the content and integrity of programs, exhibitions and activities, regardless of the museum-donor relationship.

**Communication and Marketing**

The Museum cultivates an awareness of, and respect for, its audiences, and promotes the Museum’s public service role by addressing and employing diverse viewpoints, and encouraging dialogue with the community. If a constituent requests not to be contacted, we make every to respect that request.

Museum Staff:
- work within industry-standard guidelines of direct mail and electronic mail and make every effort to ensure the privacy and security of our recipients is protected
- strive to communicate with visitors, members, partners and the community at large in ways that respect culture, language, customs and beliefs.
- Use the Museum’s logo, letterhead, website and other communication materials and media only for Museum-approved communications.

Museum staff whose job duties include media relations strive to inform and respond to members of the local, national and international press as accurately, thoroughly and promptly as possible.

**Earned Income**

The Museum will endeavor in all areas of business operation to restrict earned income programs only to those programs reasonably related to the mission of the Museum. All income-generating activities must be beneficial to the Museum and support the mission of the Museum. We do not allow or support activities that jeopardize the Museum’s collection, compromise its public trust, reputation or programs, or jeopardize the Museum’s non-profit status.

Income-generating activities by individuals or organizations on behalf of the Museum will be clearly defined in the context of the Museum and its mission. Resulting publicity or products should conform to mutually agreed upon standards that do not compromise the Museum’s reputation or public trust.
Programs
Through timely exhibits and programs, the Museum strives to develop an understanding of the interdependence of past and present communities and natural systems. As a public forum for the exchange of ideas and knowledge, we seek the broadest community participation. We provide diverse opportunities for personal discovery and creativity. We aspire to excellence and continually improve our services, programs and facilities to better serve our audiences.

The Museum is committed to ensuring that:

- Our programs support our mission and remain responsive to the interests and concerns of the State of Utah;
- Our programs meet our public trust responsibilities by adhering to the highest standards of intellectual honesty, objectivity, sound scholarship, and are consistent with current knowledge;
- Our programs are accessible and encourage participation of the widest possible audience consistent with the Museum’s mission and resources;
- Our programs respect cultural diversity and pluralistic values, traditions and concerns;
- Our revenue-producing activities and those that involve relationships with outside organizations are compatible with the mission of the Museum and support its public trust responsibilities;
- Our programs promote the public good rather than individual financial gain.
- Our activities are informed by the views of and collaboration with the communities, partners, users and supporters of the museum;
- We value and acknowledge the contributions stakeholders and constituents make to promote a sense of shared ownership in the work of the museum.
Prepared by
The UMNH Ethics Policy Working Group:

Ann Hanniball, Chair
Michael Soulier, Associate Board Representative
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Prepared 11/08
Adopted
Compliance

I have read, understand and will comply with the Utah Museum of Natural History Statement of Ethics.

Name: ______________________________________________

Title: _______________________________________________

Date: _______________________________________________
Appendix A - Listing

American Association of Museums Code of Ethics for Museums
University of Utah Library of Regulations (formerly, Policies & Procedures Manual)
University of Utah Ethical Standards & Code of Conduct
University of Utah Research Handbook
Utah Museum of Natural History Collections Management Handbook
Utah Non-Profits Association Standards of Ethics for Non-Profit Organizations in Utah
Utah Public Officers’ and Employees’ Ethics Act (Utah Code 67-16)
Appendix C - Listing
Discipline Specific Codes of Ethics and Conduct

American Association of Museums, Code of Ethics for Registrars
American Association of Museums, Guidelines for Exhibiting Borrowed Objects
American Institute of Biological Sciences, Code of Ethics
Association of American Educators, Code of Ethics
National Association of Museum Exhibitors, Code of Ethics
National Education Association, Code of Ethics of the Education Profession
National Science Teachers Association, Principles of Professionalism for Science Educators
Society of American Archaeology, Code of Ethics
Society of Vertebrate Paleontology, Code of Ethics
CODE OF ETHICS FOR MUSEUMS
AMERICAN ASSOCIATION OF MUSEUMS
2000

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Introduction

Ethical codes evolve in response to changing conditions, values, and ideas. A professional code of ethics must, therefore, be periodically updated. It must also rest upon widely shared values. Although the operating environment of museums grows more complex each year, the root value for museums, the tie that connects all of us together despite our diversity, is the commitment to serving people, both present and future generations. This value guided the creation of and remains the most fundamental principle in the following Code of Ethics for Museums.

Code of Ethics for Museums

Museums make their unique contribution to the public by collecting, preserving, and interpreting the things of this world. Historically, they have owned and used natural objects, living and nonliving, and all manner of human objects to advance knowledge and nourish the human spirit. Today, the range of their special interests reflects the scope of human vision. Their missions include collecting and preserving, as well as exhibiting and educating with materials not only owned but also borrowed and fabricated for these ends. Their numbers include both governmental and private museums of anthropology, art history and natural history, aquariums, arboreta, art centers, botanical gardens, children's museums, historic sites, nature centers, planetariums, science and technology centers, and zoos. The museum universe in the United States includes both collecting and non-collecting institutions. Although diverse in their missions, they have in common their nonprofit form of organization and a commitment of service to the public. Their collections and/or the objects they borrow or fabricate are the basis for research, exhibitions, and programs that invite public participation.

Taken as a whole, museum collections and exhibition materials represent the world's natural and cultural common wealth. As stewards of that wealth, museums are compelled to advance an understanding of all natural forms and of the human experience. It is incumbent on museums to be resources for humankind and in all their activities to foster an informed appreciation of the rich and diverse world we have inherited. It is also incumbent upon them to preserve that inheritance for posterity.

Museums in the United States are grounded in the tradition of public service. They are organized as public trusts, holding their collections and information as a benefit for those they were established to serve. Members of their governing authority, employees, and volunteers are committed to the interests of these beneficiaries. The law provides the basic framework for museum operations. As nonprofit institutions, museums comply with applicable local, state, and federal laws and international conventions, as well as with the specific legal standards governing trust responsibilities. This Code of Ethics for Museums takes that compliance as given. But legal standards are a minimum. Museums and those responsible for them must do more than avoid
legal liability, they must take affirmative steps to maintain their integrity so as to warrant public confidence. They must act not only legally but also ethically. This Code of Ethics for Museums, therefore, outlines ethical standards that frequently exceed legal minimums.

Loyalty to the mission of the museum and to the public it serves is the essence of museum work, whether volunteer or paid. Where conflicts of interest arise (actual, potential, or perceived) the duty of loyalty must never be compromised. 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, its reputation, and the society it serves.

For museums, public service is paramount. To affirm that ethic and to elaborate its application to their governance, collections, and programs, the American Association of Museums promulgates this Code of Ethics for Museums. In subscribing to this code, museums assume responsibility for the actions of members of their governing authority, employees, and volunteers in the performance of museum-related duties. Museums, thereby, affirm their chartered purpose, ensure the prudent application of their resources, enhance their effectiveness, and maintain public confidence. This collective endeavor strengthens museum work and the contributions of museums to society—present and future.

**Governance**

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

Thus, the governing authority ensures that:

- all those who work for or on behalf of a museum understand and support its mission and public trust responsibilities
- its members understand and fulfill their trusteeship and act corporately, not as individuals
- the museum's collections and programs and its physical, human, and financial resources are protected, maintained, and developed in support of the museum's mission
- it is responsive to and represents the interests of society
- it maintains the relationship with staff in which shared roles are recognized and separate responsibilities respected
- working relationships among trustees, employees, and volunteers are based on equity and mutual respect
- professional standards and practices inform and guide museum operations
policies are articulated and prudent oversight is practiced

governance promotes the public good rather than individual financial gain.

Collections

The distinctive character of museum ethics derives from the ownership, care, and use of objects, specimens, and living collections 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.

Thus, the museum ensures that:

- collections in its custody support its mission and public trust responsibilities
- collections in its custody are lawfully held, protected, secure, unencumbered, cared for, and preserved
- collections in its custody are accounted for and documented
- access to the collections and related information is permitted and regulated
- acquisition, disposal, 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
- acquisition, disposal, and loan activities conform to its mission and public trust responsibilities
- disposal of collections through sale, trade, or research activities is solely for the advancement of the museum's mission. Proceeds from the sale of nonliving collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections.
- the unique and special nature of human remains and funerary and sacred objects is recognized as the basis of all decisions concerning such collections
- collections-related activities promote the public good rather than individual financial gain
- competing claims of ownership that may be asserted in connection with objects in its custody should be handled openly, seriously, responsively and with respect for the dignity of all parties involved.

Programs

Museums serve society 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 museum's mission and are responsive to the concerns, interests, and needs of society.

Thus, the museum ensures that:

- programs support its mission and public trust responsibilities
- programs are founded on scholarship and marked by intellectual integrity
- programs are accessible and encourage participation of the widest possible audience consistent with its mission and resources
- programs respect pluralistic values, traditions, and concerns
- revenue-producing activities and activities that involve relationships with external entities are compatible with the museum's mission and support its public trust responsibilities
- programs promote the public good rather than individual financial gain.

Promulgation

This Code of Ethics for Museums was adopted by the Board of Directors of the American Association of Museums on November 12, 1993. The AAM Board of Directors recommends that each nonprofit museum member of the American Association of Museums adopt and promulgate its separate code of ethics, applying the *Code of Ethics for Museums* to its own institutional setting.

A Committee on Ethics, nominated by the president of the AAM and confirmed by the Board of Directors, will be charged with two responsibilities:

- establishing programs of information, education, and assistance to guide museums in developing their own codes of ethics
- reviewing the *Code of Ethics for Museums* and periodically recommending refinements and revisions to the Board of Directors.
Section 2

For purposes of this Act, the term—

(1) “burial site” means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.

(2) “cultural affiliation” means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

(3) “cultural items” means human remains and—

(A) “associated funerary objects” which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.

(B) “unassociated funerary objects” which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe,
(C) **“sacred objects”** which shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents, and

(D) **“cultural patrimony”** which shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

(4) **“Federal agency”** means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution.

(5) **“Federal lands”** means any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971 [43 U.S.C. 1601 et seq.].

(6) **“Hui Malama I Na Kupuna O Hawai’i Nei”** means the nonprofit, Native Hawaiian organization incorporated under the laws of the State of Hawaii by that name on April 17, 1989, for the purpose of providing guidance and expertise in decisions dealing with Native Hawaiian cultural issues, particularly burial issues.

(7) **“Indian tribe”** means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act) [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
(8) “museum” means any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. Such term does not include the Smithsonian Institution or any other Federal agency.

(9) “Native American” means of, or relating to, a tribe, people, or culture that is indigenous to the United States.

(10) “Native Hawaiian” means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(11) “Native Hawaiian organization” means any organization which—

(A) serves and represents the interests of Native Hawaiians,

(B) has as a primary and stated purpose the provision of services to Native Hawaiians, and

(C) has expertise in Native Hawaiian Affairs, and

shall include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai‘i Nei.

(12) “Office of Hawaiian Affairs” means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.

(13) “right of possession” means possession obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object or object of cultural patrimony from an Indian tribe or Native Hawaiian organization with the voluntary consent of an individual or group with authority to alienate such object is deemed to give right of possession of that object, unless the phrase so defined would, as applied in section 7(c) of this Act [25 U.S.C. 3005(c)], result in a Fifth Amendment taking by the United States as determined by the United States Court of Federal Claims pursuant to
Native American Graves Protection and Repatriation Act

28 U.S.C. 1491 in which event the “right of possession” shall be as provided under otherwise applicable property law. The original acquisition of Native American human remains and associated funerary objects which were excavated, exhumed, or otherwise obtained with full knowledge and consent of the next of kin or the official governing body of the appropriate culturally affiliated Indian tribe or Native Hawaiian organization is deemed to give right of possession to those remains.

(14) “Secretary” means the Secretary of the Interior.

(15) “tribal land” means—

(A) all lands within the exterior boundaries of any Indian reservation;

(B) all dependent Indian communities;

(C) any lands administered for the benefit of Native Hawaiians pursuant to the Hawaiian Homes Commission Act, 1920 [42 Stat. 108], and section 4 of Public Law 86-3 [note preceding 48 U.S.C. 491].

Section 3

(a) The ownership or control of Native American cultural items which are excavated or discovered on Federal or tribal lands after November 16, 1990, shall be (with priority given in the order listed)—

(1) in the case of Native American human remains and associated funerary objects, in the lineal descendants of the Native American; or

(2) in any case in which such lineal descendants cannot be ascertained, and in the case of unassociated funerary objects, sacred objects, and objects of cultural patrimony—

(A) in the Indian tribe or Native Hawaiian organization on whose tribal land such objects or remains were discovered;

(B) in the Indian tribe or Native Hawaiian organization which has the closest cultural affiliation with such remains or objects and which, upon notice, states a claim for such remains or objects; or
(C) if the cultural affiliation of the objects cannot be reasonably ascertained and if the objects were discovered on Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of some Indian tribe—

(1) [sic] in the Indian tribe that is recognized as aboriginally occupying the area in which the objects were discovered, if upon notice, such tribe states a claim for such remains or objects, or

(2) [sic] if it can be shown by a preponderance of the evidence that a different tribe has a stronger cultural relationship with the remains or objects than the tribe or organization specified in paragraph (1), in the Indian tribe that has the strongest demonstrated relationship, if upon notice, such tribe states a claim for such remains or objects.

(b) Native American cultural items not claimed under subsection (a) of this section shall be disposed of in accordance with regulations promulgated by the Secretary in consultation with the review committee established under section 8 of this Act [25 U.S.C. 3006], Native American groups, representatives of museums and the scientific community.

(c) The intentional removal from or excavation of Native American cultural items from Federal or tribal lands for purposes of discovery, study, or removal of such items is permitted only if—

(1) such items are excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act of 1979, as amended, [16 U.S.C. 470cc] which shall be consistent with this Act;

(2) such items are excavated or removed after consultation with or, in the case of tribal lands, consent of the appropriate (if any) Indian tribe or Native Hawaiian organization;

(3) the ownership and right of control of the disposition of such items shall be as provided in subsections (a) and (b) of this section; and

(4) proof of consultation or consent under paragraph (2) is shown.
(d)(1) Any person who knows, or has reason to know, that such person has discovered Native American cultural items on Federal or tribal lands after November 16, 1990, shall notify, in writing, the Secretary of the Department, or head of any other agency or instrumentality of the United States, having primary management authority with respect to Federal lands and the appropriate Indian tribe or Native Hawaiian organization with respect to tribal lands, if known or readily ascertainable, and, in the case of lands that have been selected by an Alaska Native Corporation or group organized pursuant to the Alaska Native Claims Settlement Act of 1971 [43 U.S.C. 1601 et seq.], the appropriate corporation or group. If the discovery occurred in connection with an activity, including (but not limited to) construction, mining, logging, and agriculture, the person shall cease the activity in the area of the discovery, make a reasonable effort to protect the items discovered before resuming such activity, and provide notice under this subsection. Following the notification under this subsection, and upon certification by the Secretary of the department or the head of any agency or instrumentality of the United States or the appropriate Indian tribe or Native Hawaiian organization that notification has been received, the activity may resume after 30 days of such certification.

(2) The disposition of and control over any cultural items excavated or removed under this subsection shall be determined as provided for in this section.

(3) If the Secretary of the Interior consents, the responsibilities (in whole or in part) under paragraphs (1) and (2) of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary with respect to any land managed by such other Secretary or agency head.

(e) Nothing in this section shall prevent the governing body of an Indian tribe or Native Hawaiian organization from expressly relinquishing control over any Native American human remains, or title to or control over any funerary object, or sacred object.
Section 4

(a) Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section:

Section 1170

“(a) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit, the human remains of a Native American without the right of possession to those remains as provided in the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years, or both.”

“(b) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit any Native American cultural items obtained in violation of the Native American Grave Protection and Repatriation Act shall be fined in accordance with this title, imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years, or both.”

(b) The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item:

“1170, Illegal Trafficking in Native American Human Remains and Cultural Items.”

Section 5

(a) Each Federal agency and each museum which has possession or control over holdings or collections of Native American human remains and associated funerary objects shall compile an inventory of such items and, to the extent possible based on information possessed by such museum or Federal agency, identify the geographical and cultural affiliation of such item.

(b)(1) The inventories and identifications required under subsection (a) of this section shall be—
(A) completed in consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders;

(B) completed by not later than the date that is 5 years after November 16, 1990, [the date of enactment of this Act], and

(C) made available both during the time they are being conducted and afterward to a review committee established under section 8 of this Act [25 U.S.C. 3006].

(2) Upon request by an Indian tribe or Native Hawaiian organization which receives or should have received notice, a museum or Federal agency shall supply additional available documentation to supplement the information required by subsection (a) of this section. The term “documentation” means a summary of existing museum or Federal agency records, including inventories or catalogues, relevant studies, or other pertinent data for the limited purpose of determining the geographical origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American human remains and associated funerary objects subject to this section. Such term does not mean, and this Act shall not be construed to be an authorization for, the initiation of new scientific studies of such remains and associated funerary objects or other means of acquiring or preserving additional scientific information from such remains and objects.

(c) Any museum which has made a good faith effort to carry out an inventory and identification under this section, but which has been unable to complete the process, may appeal to the Secretary for an extension of the time requirements set forth in subsection (b)(1)(B) of this section. The Secretary may extend such time requirements for any such museum upon a finding of good faith effort. An indication of good faith shall include the development of a plan to carry out the inventory and identification process.

(d)(1) If the cultural affiliation of any particular Native American human remains or associated funerary objects is determined pursuant to this section, the Federal agency or museum concerned shall, not later than 6 months after the completion of the inventory, notify the affected Indian tribes or Native Hawaiian organizations.
(2) The notice required by paragraph (1) shall include information—

(A) which identifies each Native American human remains or associated funerary objects and the circumstances surrounding its acquisition;

(B) which lists the human remains or associated funerary objects that are clearly identifiable as to tribal origin; and

(C) which lists the Native American human remains and associated funerary objects that are not clearly identifiable as being culturally affiliated with that Indian tribe or Native Hawaiian organization, but which, given the totality of circumstances surrounding acquisition of the remains or objects, are determined by a reasonable belief to be remains or objects culturally affiliated with the Indian tribe or Native Hawaiian organization.

(3) A copy of each notice provided under paragraph (1) shall be sent to the Secretary who shall publish each notice in the Federal Register.

(e) For the purposes of this section, the term “inventory” means a simple itemized list that summarizes the information called for by this section.

Section 6

(a) Each Federal agency or museum which has possession or control over holdings or collections of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony shall provide a written summary of such objects based upon available information held by such agency or museum. The summary shall describe the scope of the collection, kinds of objects included, reference to geographical location, means and period of acquisition and cultural affiliation, where readily ascertainable.

(b)(1) The summary required under subsection (a) of this section shall be—

(A) in lieu of an object-by-object inventory;

(B) followed by consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders; and
(C) completed by not later than the date that is 3 years after November 16, 1990, [the date of enactment of this Act].

(2) Upon request, Indian Tribes and Native Hawaiian organizations shall have access to records, catalogues, relevant studies or other pertinent data for the limited purposes of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American objects subject to this section. Such information shall be provided in a reasonable manner to be agreed upon by all parties.

Section 7

(a)(1) If, pursuant to section 5 of this Act [25 U.S.C. 3003], the cultural affiliation of Native American human remains and associated funerary objects with a particular Indian tribe or Native Hawaiian organization is established, then the Federal agency or museum, upon the request of a known lineal descendant of the Native American or of the tribe or organization and pursuant to subsections (b) and (e) of this section, shall expeditiously return such remains and associated funerary objects.

(2) If, pursuant to section 6 of this Act [25 U.S.C. 3004], the cultural affiliation with a particular Indian tribe or Native Hawaiian organization is shown with respect to unassociated funerary objects, sacred objects or objects of cultural patrimony, then the Federal agency or museum, upon the request of the Indian tribe or Native Hawaiian organization and pursuant to subsections (b), (c) and (e) of this section, shall expeditiously return such objects.

(3) The return of cultural items covered by this Act shall be in consultation with the requesting lineal descendant or tribe or organization to determine the place and manner of delivery of such items.
(4) Where cultural affiliation of Native American human remains and funerary objects has not been established in an inventory prepared pursuant to section 5 of this Act [25 U.S.C. 3003], or the summary pursuant to section 6 of this Act [25 U.S.C. 3004], or where Native American human remains and funerary objects are not included upon any such inventory, then, upon request and pursuant to subsections (b) and (e) of this section and, in the case of unassociated funerary objects, subsection (c) of this section, such Native American human remains and funerary objects shall be expeditiously returned where the requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion.

(5) Upon request and pursuant to subsections (b), (c) and (e) of this section, sacred objects and objects of cultural patrimony shall be expeditiously returned where—

(A) the requesting party is the direct lineal descendant of an individual who owned the sacred object;

(B) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the tribe or organization; or

(C) the requesting Indian tribe or Native Hawaiian organization can show that the sacred object was owned or controlled by a member thereof, provided that in the case where a sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendents, upon notice, have failed to make a claim for the object under this Act.

(b) If the lineal descendant, Indian tribe, or Native Hawaiian organization requests the return of culturally affiliated Native American cultural items, the Federal agency or museum shall expeditiously return such items unless such items are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States. Such items shall be returned by no later than 90 days after the date on which the scientific study is completed.
### Native American Graves Protection and Repatriation Act

<table>
<thead>
<tr>
<th>Section Ref</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 U.S.C. 3005(c), Standard for repatriation</td>
<td>(c) If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Federal agency or museum did not have the right of possession, then such agency or museum shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.</td>
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<tr>
<td>25 U.S.C. 3005(d), Sharing of information by Federal agencies and museums</td>
<td>(d) Any Federal agency or museum shall share what information it does possess regarding the object in question with the known lineal descendant, Indian tribe, or Native Hawaiian organization to assist in making a claim under this section.</td>
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<tr>
<td>25 U.S.C. 3005(e), Competing claims</td>
<td>(e) Where there are multiple requests for repatriation of any cultural item and, after complying with the requirements of this Act, the Federal agency or museum cannot clearly determine which requesting party is the most appropriate claimant, the agency or museum may retain such item until the requesting parties agree upon its disposition or the dispute is otherwise resolved pursuant to the provisions of this Act or by a court of competent jurisdiction.</td>
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<tr>
<td>25 U.S.C. 3005(f), Museum obligation</td>
<td>(f) Any museum which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of breach of fiduciary duty, public trust, or violations of state law that are inconsistent with the provisions of this Act.</td>
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### Section 8

(a) Within 120 days after November 16, 1990, the Secretary shall establish a committee to monitor and review the implementation of the inventory and identification process and repatriation activities required under sections 5, 6 and 7 of this Act [25 U.S.C. 3003, 3004, and 3005].
(b)(1) The Committee established under subsection (a) of this section shall be composed of 7 members,

(A) 3 of whom shall be appointed by the Secretary from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders with at least 2 of such persons being traditional Indian religious leaders;

(B) 3 of whom shall be appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations; and

(C) 1 who shall be appointed by the Secretary from a list of persons developed and consented to by all of the members appointed pursuant to subparagraphs (A) and (B).

(2) The Secretary may not appoint Federal officers or employees to the committee.

(3) In the event vacancies shall occur, such vacancies shall be filled by the Secretary in the same manner as the original appointment within 90 days of the occurrence of such vacancy.

(4) Members of the committee established under subsection (a) of this section shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for GS-18 of the General Schedule for each day (including travel time) for which the member is actually engaged in committee business. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5 [United States Code].

(c) The committee established under subsection a) of this section shall be responsible for—

(1) designating one of the members of the committee as chairman;

(2) monitoring the inventory and identification process conducted under sections 5 and 6 of this Act [25 U.S.C. 3003 and 3004] to ensure a fair, objective consideration and assessment of all available relevant information and evidence;

(3) upon the request of any affected party, reviewing and making findings related to—
(A) the identity or cultural affiliation of cultural items, or
(B) the return of such items;

(4) facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of such items including convening the parties to the dispute if deemed desirable;

(5) compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommending specific actions for developing a process for disposition of such remains;

(6) consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the committee affecting such tribes or organizations;

(7) consulting with the Secretary in the development of regulations to carry out this Act;

(8) performing such other related functions as the Secretary may assign to the committee; and

(9) making recommendations, if appropriate, regarding future care of cultural items which are to be repatriated.

(d) Any records and findings made by the review committee pursuant to this Act relating to the identity or cultural affiliation of any cultural items and the return of such items may be admissible in any action brought under section 15 of this Act [25 U.S.C. 3013].

(e) The committee shall make the recommendations under paragraph (c)(5) of this section in consultation with Indian tribes and Native Hawaiian organizations and appropriate scientific and museum groups.

(f) The Secretary shall ensure that the committee established under subsection (a) of this section and the members of the committee have reasonable access to Native American cultural items under review and to associated scientific and historical documents.
Native American Graves Protection and Repatriation Act

25 U.S.C. 3006(g), Duties of the Secretary, regulations, and administrative support

(g) The Secretary shall—

(1) establish such rules and regulations for the committee as may be necessary, and

(2) provide reasonable administrative and staff support necessary for the deliberations of the committee.

25 U.S.C. 3006(h), Annual report to Congress

(h) The committee established under subsection (a) of this section shall submit an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year.

25 U.S.C. 3006(i), Committee termination

(i) The committee established under subsection (a) of this section shall terminate at the end of the 120-day period beginning on the day the Secretary certifies, in a report submitted to Congress, that the work of the committee has been completed.

Section 9

25 U.S.C. 3007, Penalty assessment, museums

(a) Any museum that fails to comply with the requirements of this Act may be assessed a civil penalty by the Secretary of the Interior pursuant to procedures established by the Secretary through regulation. A penalty assessed under this subsection shall be determined on the record after opportunity for an agency hearing. Each violation under this subsection shall be a separate offense.

25 U.S.C. 3007(b), Amount of penalty

(b) The amount of a penalty assessed under subsection (a) of this section shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

(1) the archaeological, historical, or commercial value of the item involved;

(2) the damages suffered, both economic and noneconomic, by an aggrieved party, and

(3) the number of violations that have occurred.
Native American Graves Protection and Repatriation Act

25 U.S.C. 3007(c), Legal actions to recover penalties

(c) If any museum fails to pay an assessment of a civil penalty pursuant to a final order of the Secretary that has been issued under subsection (a) of this section and not appealed or after a final judgment has been rendered on appeal of such order, the Attorney General may institute a civil action in an appropriate district court of the United States to collect the penalty. In such action, the validity and amount of such penalty shall not be subject to review.

25 U.S.C. 3007(d), Authority to issue subpoenas

(d) In hearings held pursuant to subsection (a) of this section, subpoenas may be issued for the attendance and testimony of witnesses and the production of relevant papers, books, and documents. Witnesses so summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

Section 10

(a) The Secretary is authorized to make grants to Indian tribes and Native Hawaiian organizations for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items.

(b) The Secretary is authorized to make grants to museums for the purpose of assisting the museums in conducting the inventories and identification required under sections 5 and 6 of this Act [25 U.S.C. 3003 and 3004].

Section 11

Nothing in this Act shall be construed to—

(1) limit the authority of any Federal agency or museum to—

(A) return or repatriate Native American cultural items to Indian tribes, Native Hawaiian organizations, or individuals, and

(B) enter into any other agreement with the consent of the culturally affiliated tribe or organization as to the disposition of, or control over, items covered by this Act;

(2) delay actions on repatriation requests that are pending on November 16, 1990;

(3) deny or otherwise affect access to any court;
(4) limit any procedural or substantive right which may otherwise be secured to individuals or Indian tribes or Native Hawaiian organizations; or

(5) limit the application of any State or Federal law pertaining to theft or stolen property.

Section 12

This Act reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

Section 13

The Secretary shall promulgate regulations to carry out this Act within 12 months of November 16, 1990.

Section 14

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

Section 15

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this Act and shall have the authority to issue such orders as may be necessary to enforce the provisions of this Act.
Utah State Antiquities Act (UCA 9-8-301 - 308)

and the implementing regulations as codified in R212-4.
(http://history.utah.gov/contactabout/archstat)

9-8-301. Purpose.
(1) The Legislature declares that the general public and the beneficiaries of the school and institutional land grants have an interest in the preservation and protection of the state's archaeological and anthropological resources and a right to the knowledge derived and gained from scientific study of those resources.

(2) (a) The Legislature finds that policies and procedures for the survey and excavation of archaeological resources from school and institutional trust lands are consistent with the school and institutional land grants, if these policies and procedures insure that primary consideration is given, on a site or project specific basis, to the purpose of support for the beneficiaries of the school and institutional land grants.

(b) The Legislature finds that the preservation, placement in a repository, curation, and exhibition of specimens found on school or institutional trust lands for scientific and educational purposes is consistent with the school and institutional land grants.

(c) The Legislature finds that the preservation and development of sites found on school or institutional trust lands for scientific or educational purposes, or the disposition of sites found on school or institutional trust lands, after consultation between the division and the School and Institutional Trust Lands Administration to determine the appropriate level of data recovery or implementation of other appropriate preservation measures, for preservation, development, or economic purposes, is consistent with the school and institutional land grants.

(d) The Legislature declares that specimens found on lands owned or controlled by the state or its subdivisions may not be sold.

(3) It is the purpose of this part and Part 4 to provide that the survey, excavation, curation, study, and exhibition of the state's archaeological and anthropological resources be undertaken in a coordinated, professional, and organized manner for the general welfare of the public and beneficiaries alike.

9-8-302. Definitions.
As used in this part and Part 4:
(1) "Agency" means a department, division, office, bureau, board, commission, or other administrative unit of the state.

(2) "Archaeological resources" means all material remains and their associations, recoverable or discoverable through excavation or survey, that provide information pertaining to the historic or prehistoric peoples of the state.

(3) "Collection" means a specimen and the associated records documenting the specimen and its recovery.

(4) "Curation" means management and care of collections according to standard professional museum practice, which may include inventorying, accessioning, labeling, cataloging, identifying, evaluating, documenting, storing, maintaining, periodically inspecting, cleaning, stabilizing, conserving, exhibiting, exchanging, or otherwise disposing of original collections or reproductions, and providing access to and facilities for studying collections.
(5) "Curation facility" is defined as provided in Section 53B-17-603.
(6) "Excavate" means the recovery of archaeological resources.
(7) "Museum" means the Utah Museum of Natural History.
(8) "Repository" is defined as provided in Section 53B-17-603.
(9) "School and institutional land grants" means the transfer of properties pursuant to Sections 6, 8, and 12 of the Utah Enabling Act and Article XX, Utah Constitution.
(10) "School and institutional trust lands" are those properties defined in Section 53C-1-103.
(11) "Section" means the State Antiquities Section.
(12) "Site" means any petroglyphs, pictographs, structural remains, location of archaeological deposits, or other location which is the source of specimens.
(13) "Specimen" means all man-made artifacts and remains of an archaeological or anthropological nature found on or below the surface of the earth, excluding structural remains.
(14) "State historic preservation officer" means that position mentioned in 16 U.S.C. Sec. 470a of the National Historic Preservation Act of 1966, as amended.
(15) "Survey" means surface investigations of archaeological resources.

9-8-303. State Antiquities Section.
(1) There is created within the division the State Antiquities Section.
(2) The division is the authority of the state for the protection and orderly development of archaeological and anthropological resources.

9-8-304. Antiquities section duties.
(1) The section is responsible for:
   (a) the stimulation of research, study, and activities in the field of antiquities;
   (b) the marking, protection, and preservation of sites;
   (c) the collection, preservation, and administration of specimens until they are placed in a repository or curation facility;
   (d) the administration of site survey and excavation records; and
   (e) the editing and publication of antiquities records.
(2) The section shall cooperate with local, state, and federal agencies and all interested persons to achieve the purposes of this part and Part 4.

9-8-305. Permit required to survey or excavate on state lands -- Ownership of collections and resources -- Revocation or suspension of permits -- Criminal penalties.
(1) (a) Before any person may survey or excavate for archaeological resources on any lands owned or controlled by the state or its subdivisions, other than school or institutional trust lands, that person shall obtain a permit from the division. The division may enter into memoranda of agreement to issue permits, project numbers, or to retain other data for federal lands and Native American lands within the state.
   (b) Application for a permit shall be made on a form furnished by the section.
   (c) The division shall make rules for the issuance of permits specifying or requiring:
      (i) minimum permittee qualifications;
      (ii) duration;
      (iii) for excavation permits, proof of permission from the landowner to enter the property for the purposes of the permit;
      (iv) for excavation permits, research designs that provide for the recovery of the maximum
amount of historic, scientific, archaeological, anthropological, and educational information, in addition to the physical recovery of specimens and the reporting of archaeological information meeting current standards of scientific rigor;
   (v) the need, if any, to submit data obtained in the course of field investigations to the division;
   (vi) proof of consultation with the appropriate Native American tribe, if necessary;
   (vii) proof of consultation with the museum regarding curation of collections;
   (viii) for excavation permits, proof of consultation with other agencies that may manage other legal interests in the land; and
   (ix) other information the division considers necessary.
   (d) All archaeological work shall be carried out under the supervision of the state archaeologist, which shall be under the direction of the director.
   (e) A person may not remove from the state, prior to placement in a repository or curation facility, any specimen, site, or portion of any site from lands owned or controlled by the state or its subdivisions, other than school or institutional trust lands, without permission from the division, and prior consultation with the landowner and any other agencies managing other interests in the land.

(2) (a) Before any person may survey or excavate for archaeological resources on school or institutional trust lands, that person shall obtain a permit from the School and Institutional Trust Lands Administration.
   (b) The School and Institutional Trust Lands Administration may, by rule, delegate the authority to issue either survey or excavation permits, or both, for archaeological resources to the Division of State History.
   (c) Application for a permit shall be made on a form furnished by the School and Institutional Trust Lands Administration.
   (d) Issuance of a permit is an undertaking requiring consultation with the state historic preservation officer pursuant to Section 9-8-404.
   (e) The School and Institutional Trust Lands Administration shall enact rules for the issuance of permits specifying or requiring:
      (i) minimum permittee qualifications;
      (ii) duration;
      (iii) the need to submit data obtained in the course of field investigations to the administration;
      (iv) proof of consultation with the appropriate Native American tribe, if necessary;
      (v) proof of consultation with the museum regarding curation of collections; and
      (vi) other information the School and Institutional Trust Lands Administration considers necessary.
   (f) A person may not remove from the state, prior to placement in a repository or curation facility, any specimen, site, or portion of any site from school or institutional trust lands without permission from the School and Institutional Trust Lands Administration, granted after consultation with the Division of State History.

(3) (a) Collections recovered from school and institutional trust lands shall be owned by the respective trust.

   (b) Collections recovered from lands owned or controlled by the state or its subdivisions,
other than school or institutional trust lands, shall be owned by the state.

  (c) The repository or curation facility for collections from lands owned or controlled by the state or its subdivisions shall be designated pursuant to Section 53B-17-603.

  (4) The permitting agency may revoke or suspend a permit if the permittee fails to conduct a survey or excavation pursuant to law, the rules enacted by the permitting agency, or permit provisions.

  (5) (a) Any person violating this section is guilty of a class B misdemeanor.

  (b) A person convicted of violating this section, or the rules promulgated by the Division of State History or the School and Institutional Trust Lands Administration under this section, shall, in addition to any other penalties imposed, forfeit to the state or the respective trust all archaeological resources discovered by or through the person's efforts.

9-8-306. Archaeological or anthropological landmarks.

  (1) Sites of significance may be recommended to and approved by the board as state archaeological or anthropological landmarks. No privately owned site or site on school or institutional trust lands may be so designated without the written consent of the owner.

  (2) A person may not excavate upon a privately owned designated landmark without a permit from the division.

  (3) Before any alteration is commenced on a designated landmark, three months' notice of intent to alter the site shall be given the division.


  (1) Any person who discovers any archaeological resources on lands owned or controlled by the state or its subdivisions shall promptly report the discovery to the division.

  (2) Any person who discovers any archaeological resources on privately owned lands shall promptly report the discovery to the division.

  (3) Field investigations shall be discouraged except in accordance with this part and Part 4.

  (4) Nothing in this section may be construed to authorize any person to survey or excavate for archaeological resources.

9-8-308. Forgery or false labeling of specimens unlawful.

It is unlawful to reproduce, rework, or forge any specimen or make any object, whether copied or not, or falsely label, describe, identify, or offer for sale or exchange any object, with intent to represent it as an original and genuine specimen. No person may offer for sale or other exchange any object with knowledge that it was collected or excavated in violation of this part.