

# **INSTITUTIONAL CODE OF ETHICS**

## **PHOEBE A. HEARST MUSEUM OF ANTHROPOLOGY**

### **PREAMBLE**

Established in 1901, the Phoebe A. Hearst Museum of Anthropology (Hearst Museum) is a division of the University of California, Berkeley. The Hearst Museum is organized as a public trust committed to upholding the University of California's central mission: to discover and advance knowledge through teaching, research, and public service. As part of this effort, the Hearst Museum rigorously and continuously upholds its own mission to promote the tools of humanists and social scientists, encouraging people to reflect on alternative perspectives, connect with others, and take action for positive change.

The provisions of this Code of Ethics articulate the Hearst Museum's core values and standards, and recognize its complex responsibilities to scholarly discipline, the stewardship of resources, and all those who have an interest in those resources. The principles detailed herein apply to any individual or group—including Hearst Museum staff members, faculty curators, researchers, student employees, volunteers, and members of the Hearst Museum's Advisory Board and Native American Advisory Council (hereafter, "the Hearst Museum's community")—whose actions or conduct are, or may be construed as, representative of the Hearst Museum. All members of the Hearst Museum's community are expected to maintain the highest standards of honesty, integrity, and respect at all times.

### **GOVERNANCE**

As an organized research unit of the University of California, Berkeley, the Hearst Museum's collections are held in trust for the people of the State of California on behalf of the University of California's Board of Regents. Official governing authority resides with academic administration at both the University of California (UC) System and Campus levels in the form of the University of California Office of the President (UCOP), the UC Berkeley Office of the Chancellor, and the UC Berkeley Vice Chancellor for Research Offices (VCRO). Responsibility for day-to-day operations and long-range planning is delegated by the VCRO to the Hearst Museum's Director. In turn, the Director collaborates with museum staff and advisory bodies and – when appropriate – other members of the Hearst Museum's community to develop, refine, and implement the Hearst Museum's mission, functions, and goals.

The primary role of the Hearst Museum's governing authority—as delegated to the Hearst Museum Director—is to protect and enhance the Hearst Museum's collections and programs as well as its physical, human, and financial resources. These responsibilities include, but are not limited to, the dissemination of the Hearst Museum's mission to the Hearst Museum's community; the implementation of professional standards and practices across the Hearst Museum's work functions; the development of clear policies, protocols and job duties; the deference to the public good over financial gain, when those interests may conflict; and the embodiment of an ethos in which the diverse and sometimes adverse views of stakeholders are acknowledged, duly considered and, where possible, mitigated.

The Hearst Museum adheres to University of California policies and all applicable legal instruments governing ownership and title, import, care, and other issues critical to the acquisition and curation of archaeological and cultural materials. These include, but are not limited to the Native American Graves Protection and Repatriation Act (NAGPRA), the Convention on International Trade in Endangered Species (CITES), the Archaeological Resource Protection Act (ARPA), the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (the 1970 UNESCO Convention), and regulations on the Curation of Federally Owned and Administered Archeological Collections (36 CFR 79). The Hearst Museum also abides by the respective codes of ethics of the American Alliance for Museums, the Society for American Archaeology, the Archaeological Institute of America, the International Council of Museums, and those of all other appropriate professional organizations.

The Hearst Museum also adheres to the University of California, Berkeley's Code of Conduct and its provisions regarding Fair Dealing, Individual Responsibility and Accountability; Respect for Others; Compliance with Applicable Laws and Regulations; Compliance with Applicable University Policies; Procedures and Other Forms of Guidance; Conflicts of Interest or Commitment; Ethical Conduct of Research; Records: Confidentiality/Privacy and Access; Internal Controls; Use of University Resources; Financial Reporting; and Reporting Violations and Protection from Retaliation.

## **CONFLICTS OF INTEREST AND PERSONAL GAIN**

In all Museum-related activities, members of the Hearst Museum's community are expected to act in the best interest of the Hearst Museum, not for personal gain or for the furtherance of the interests of a specific stakeholder. Museum community members should refrain from engaging in any collecting activities in competition with the Hearst Museum, accessing collections for personal use or for any other reason contrary to the Hearst Museum's mission and purpose, and abusing their Hearst Museum affiliation in any way. Members of the Hearst Museum community must proactively identify and avoid apparent or actual conflicts of interest, due to their undermining effect on the Hearst Museum's mission and the public trust, and ensure transparency in assessing and managing any conflict that may arise.

As a non-profit institution, the Hearst Museum seeks and relies on funding from a variety of sources. The Hearst Museum will only accept support from sources that align with the Hearst Museum's mission, and pose no threat to its integrity, independence, reputation or the public trust.

## **COLLECTIONS**

The Hearst Museum's stewardship of its collections entails the highest public trust. The Hearst Museum's community must behave ethically in the acquisition, care, and - where applicable - disposition of the collections that it stewards. Accordingly, those who are privileged with the care, interpretation, and administration of - and the control of access to - the Hearst Museum's collections must maintain the highest standards of honesty, integrity, professionalism, and

respect at all times. Any action or conduct that would threaten the Hearst Museum’s mission or its public trust is unacceptable.

The Hearst Museum may acquire only objects that are relevant to the Hearst Museum’s mission and purpose. In every instance, the Hearst Museum assumes the duty to prove that an object’s provenance aligns with relevant legal instruments and best practices for acquisition, does not contribute to the commercialization of archaeological sites, the destruction of the archaeological record, or the exploitation of living societies. The Hearst Museum will seek alternative disposition of any such items that come into, or are discovered in, the Hearst Museum’s physical custody.

All Hearst Museum collections will be treated according to professional museum standards, ensuring their proper physical care and documentation, and that access to them is appropriately controlled. The Hearst Museum will acknowledge, respond to, and—wherever practicable, and in line with the Hearst Museum’s mission and governing principles—seek to mitigate all conflicts between standard museum practice and the specific sensitivities and cultural needs of Hearst Museum stakeholders related to object care.

The Hearst Museum holds its collections in trust for present and future generations. Alternative disposition for any object in the Hearst Museum’s care will only be considered if it is determined not to be relevant to the Hearst Museum’s mission, if its physical integrity is compromised, if the burden of proving its licit collection cannot be shouldered by the Hearst Museum, or if it is the subject of an approved repatriation or disposition claim under NAGPRA or other legal process. Any necessary disposal of Hearst Museum collections will be conducted in a manner that respects the protection and preservation of similar resources and discourages illicit trade in such materials. Adhering to the AAM Code of Ethics, income realized from the sale of deaccessioned objects, less associated costs, will be used for expenses related to the acquisition and direct care of the Permanent Collection. Collections shall not be deaccessioned or disposed of in order to provide financial support for institutional operations, facilities maintenance, or any reason other than the preservation of—or acquisitions to—the Permanent Collection, which is defined in the Hearst Museum’s Collections Management Policy as the “ethnological objects, archaeological objects, human remains, and audiovisual media accessioned and cataloged by the Museum.” The Hearst Museum collections will not be given, sold, or otherwise transferred to members of the Hearst Museum’s community or their families, or to other organizations or agencies with which the Hearst Museum governs or maintains a contract or agreement.

## **PROGRAMS**

The Hearst Museum supports its mission through exhibitions, research, scholarship, publications and educational activities. These programs must embody an open, accessible approach, and adhere to professional standards. All programs, regardless of audience, must be academically sound—including activities intended for revenue generation.

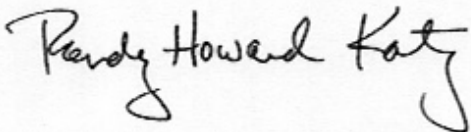
## **TRANSPARENCY**

As a public institution, and a steward of knowledge, the Hearst Museum community will operate with an ethos of transparency across its programmatic and administrative functions. Active

communication and openness will be the default postures adopted by the Hearst Museum, unless contrary to the Hearst Museum's mission.

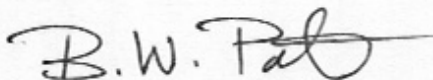
**APPROVAL**

As the governing authority of the Phoebe A. Hearst Museum of Anthropology, I hereby approve of this Code of Ethics



Randy Howard Katz, PhD  
Vice Chancellor for Research  
University of California, Berkeley

As the director of the Phoebe A. Hearst Museum of Anthropology, I hereby approve of this Code of Ethics



Benjamin W. Porter, PhD  
Museum Director  
University of California, Berkeley