

National Museum of Natural History Collections Management Policy

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Section I. Preamble

The National Museum of Natural History (NMNH) is dedicated to the study of the natural world, including humans and the cultures they have created and maintain. As part of the larger Smithsonian mission, the NMNH is committed to the increase of knowledge and to disseminating that knowledge to the public. This mission requires a strong foundation, built on basic research in natural history and anthropology. Within the museum context, such research is intimately tied to collections, as objects of research and as representations of the history of the Earth and beyond.

Smithsonian collections are essential for achieving the Institutional mandate for the increase and diffusion of knowledge. The quality, breadth and diversity of these national treasures form the foundation on which our unequaled scientific and educational institution is built. The collections of the National Museum of Natural History comprise the majority of the Smithsonian's collections, both in scope and in size, representing over 90% of the Institution's collections. These collections serve as primary reference materials for exploring and understanding the solid Earth and planet, biological and cultural diversity, evolutionary relationships, biological conservation, and global change. They help us to interpret our biological origins, our cultural heritage, and what the future may hold.

NMNH's collections are special resources that allow the museum to make unique contributions to answering significant scientific questions and responding to national mandates, priorities, and concerns. As such, the collections play a vital role in advancing scientific knowledge, addressing societal issues, and increasing the scientific literacy of our nation. The ongoing and intensive scientific consultation of these reference collections also provides critical information links to other collections throughout the world, establishing the NMNH as an important international user facility.

The collections are international in scope and diverse in kind. They range from DNA to cultural artifacts, from microfossils to elephant skulls, from stone tools to meteorites. In total, the NMNH counts millions of collection items and associated archival materials among its holdings, and recognizes a responsibility to preserve and provide access to those items in the service of science. The collections are constantly developed as the scientific knowledge base changes and matures, and as research programs and the needs and interests of researchers change. New collections build on old ones, reflect changing norms of research excellence, and add needed objects in the service of scientific inquiry.

According to statute (Sundry Civil Act of March 3, 1879 [20 USC § 59]), NMNH serves as a repository for collections made by or on behalf of other Federal agencies and entities. These collections are managed under the same

policies and standards of stewardship as all other NMNH collections, under the terms of the agreements establishing the repository arrangement.

The NMNH is committed to long-term stewardship of the collections and to supporting their use by scientists and the general public. This stewardship role is unique among other US natural history museums because it is federally mandated. As the nation's natural history museum, the NMNH has a mandated commitment to conserve and protect its collections in a manner that will assure their continued accessibility by future generations, to hold them in trust, resisting short-term trends or opportunistic uses in order to ensure fulfillment of their long-term potential. In this sense, the staff charged with the care and study of this national treasure serve as trustees of the collections and keepers of the NMNH's mission.

The public outreach efforts of the NMNH are based on the collections and the knowledge gained from them. The NMNH's well-deserved reputation for excellence in public education is in no small part an outgrowth of well cared for collections and the scientific infrastructure needed to ensure that care.

A. Purpose

This document establishes policies and guidance for the acquisition, management, and use of the NMNH's collections.

B. Definitions and Acronyms

The acronym NMNH is used to refer to the National Museum of Natural History, Smithsonian Institution, including all of its constituent facilities. When these are dealt with separately, the following acronyms or names may be used: "NHB" for the main Natural History Building on the National Mall; "MSC" for the Museum Support Center in Maryland; and "Garber" for Buildings 25 and 26 at the Garber Facility in Maryland. The acronym "US" may be used for NMNH's herbarium, and some collecting units may use "USNM".

Affiliated Agencies are resident groups of staff from Federal agencies having a formal agreement and logical connection to NMNH. Typically, those agencies include the US Department of Agriculture (USDA), US Geological Survey (USGS), National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), and Walter Reed Biological Unit, US Department of Defense (WRBU). Authorities and responsibilities of affiliated agencies regarding NMNH collections are defined in each Memorandum of Understanding that guides the affiliation between the agency and the museum.

Collections management is the deliberate development, maintenance, preservation, documentation, use and disposition of collections. Collections include objects, natural specimens, representational samples, artifacts, information about and derived from such holdings, and other items that are acquired, preserved and maintained for public exhibition, education, and study.

A **Collections Management Policy (CMP)** is a document that provides guidelines so that decisions concerning collections are prudent, responsible, informed, and in accordance with NMNH's mission and the Institution's policies and mission. A policy ensures collections are responsibly developed, maintained, exhibited, used, loaned, and preserved. The policy is separate and distinct from the procedures and mechanisms used to implement policy.

Collecting units are the Departments of Anthropology, Botany, Entomology, Invertebrate Zoology, Mineral Sciences, Paleobiology, and Vertebrate Zoology, and may include subordinate programs, and the Office of Education and Outreach. They are approved by the Director to acquire, lend, use, manage and dispose collections for scientific, archival or educational use for the museum.

Collections are objects, specimens and artifacts animate or inanimate, and their associated information, or certain compilations of data that act as proxy for items that cannot be collected, which are acquired with purpose, maintained in an orderly manner, and managed in the public trust for the purposes of research, documentation, exhibition, outreach, and education. Collections can be comprised of an individual **item**, in the form of an individual sample, a specimen that is animate or inanimate, an object, artifact, and archival holding. The minimal unit that can be logged for tracking or documentation purposes is the **item**. Collections may also be comprised of a **lot** or grouping of similar or related items. When collections are organized in **lots**, the **lot** is the meaningful unit for tracking and documentation.

A **collections plan** is a written document, approved by the Director, which guides the content of the collections and leads staff in a coordinated and uniform direction over time to refine and expand the value of the collections in a predetermined way. A collections plan provides a rationale for the collections and collecting and the context for decision-making regarding acquisition, deaccessioning, resource allocation, partnership with other institutions, and other aspects of building and sustaining the collections in relation to the unit's overall mission and goals. The process of collections planning determines what a collecting unit should be collecting, what it will retain, material appropriate for deaccessioning, and the required resources to implement the plan. A collections plan ensures logical, responsible collections growth by establishing well-defined goals and priorities that guide

collecting activities based on a unit's mission, strategic plan, and programmatic activities.

Collections Advisory Committees are appointed by the collecting unit chair or head. They serve as coordinating bodies within the unit and can provide to their unit and Chair a variety of services, including development, implementation and compliance with collections management policy at the collecting unit level, advising on collection transactions, among other duties.

The Collections Committee is a museum-wide advisory body to the Director or designee. Members of this committee are drawn from staff having a direct responsibility for the collections. The committee's duties include periodic review and updating of the NMNH collections management policy, reviews of museum compliance with NMNH and Smithsonian policy mandates, development of museum-level funding requests, development and maintenance of the collections assessment, and responding to other ad hoc collections issues.

Genetic Resources are non-human specimens of biological samples that contain macromolecules suitable for genetic studies. This includes samples specifically collected and preserved for that purpose or specimens preserved using traditional methods.

The **Genetic Resource Collection** comprises all those non-human genetic resources that are being maintained for the explicit purpose of and in a manner conducive to genetic research. Typically, these collections are maintained at ultra-cold temperatures in the centrally managed Biorepository.

The **Genetic Resources Oversight Committee** (GROC) reports to the Associate Director for Research and Collections (ADRC), and is composed of representatives from each relevant NMNH collecting unit, the ADRC, and central research and collections administrators. Composition of this committee is determined by the ADRC with advice from relevant department chairpersons.

Smithsonian Directive 600 (SD 600) is the Smithsonian's collections management policy. It is complemented by the **SD 600 Implementation Manual**, which provides technical guidance, advice, and information to assist collecting units in achieving the standards and implementing the policies set forth in this directive.

C. Background

The NMNH develops, maintains, preserves, researches, interprets, exhibits, and, in the case of living plants and animals, propagates, collections of

artifacts and natural specimens. The acquisition, preservation, management, and study of collections are fundamental to the NMNH's mission and have been the foundation upon which its reputation rests. Initially assembled over 160 years ago, the national collections are central to many of the core activities and to the vitality and significance of the NMNH and Smithsonian. Collections serve as an intellectual base for scholarship, discovery, exhibition, and education. Collections also provide content for Smithsonian ventures such as publishing, licensing, and media projects.

The collections have been amassed primarily through research activities of the staff and colleagues, as well as through gifts, purchases and exchanges from organizations and individuals. Significant parts of the collections were transferred from other institutions and agencies, where they were assembled in support of research. Collecting is planned and focused by questions of scientific importance. In some cases, collections were acquired specifically to enlarge or improve NMNH holdings in certain areas.

Each collecting unit maintains its own unique collection, purpose, character, and role in achieving the Smithsonian's mission of the "increase and diffusion of knowledge." Among the vast collections are irreplaceable icons of the nation, examples of common life, and scientific material vital to the study of the world's natural and cultural heritage. NMNH collections represent a diverse range of materials and disciplines, including natural and physical science specimens, living animals and plants, images, archives, libraries, audio and visual media, and their associated information. Together, they preserve the past, increase our understanding of diverse human cultures, and the natural world in which we live, and support the research that expands human knowledge in science. The scope, depth, and unparalleled quality of these collections make it imperative to ensure that they are properly preserved and made accessible for current and future generations for research, education, and enjoyment.

The Act of August 10, 1846 [20 USC § 41] established the Smithsonian and vested authority for management of the Institution in a Board of Regents. The Act establishes stewardship responsibility for collections.

In the Sundry Civil Act of March 3, 1879 [20 USC § 59], the following responsibility is charged:

"All collections of rocks, minerals, fossils, and objects of natural history, archaeology and ethnology, made by the National Ocean Survey, the United States Geological Survey, or by any other parties of the Government of the United States, when no longer needed for investigation in progress shall be deposited in the National Museum."

D. Applicability

This policy applies to all NMNH collecting units that have delegated authority to acquire, manage, and use collections and collections information. All NMNH staff and affiliated agency staff who are officially stationed at the NMNH, volunteers, fellows, and others with delegated collections management responsibilities or access to collections are required to adhere to the collections management policies established in this document and to the procedures and practices established in the associated NMNH Collections Management Policy Implementation manual.

The activities of non-collections units that may affect NMNH's collections and NMNH's spaces that house collections are also subject to this policy. These may include the activities of Smithsonian Enterprises, Smithsonian Associates, NMNH and Smithsonian Special Events, NMNH Office of Exhibits, Office of Exhibits Central, and Office of Facilities and Engineering Operations.

E. Authority and Responsibility

The acquisition and possession of collections impose legal and ethical obligations to provide proper management, preservation, and use of the collections and their associated information. Authorities and responsibilities for collections management at the NMNH are subordinate to the authorities and responsibilities at the Institution level, as defined in *SD 600* and its associated *Implementation Manual*.

NMNH recognizes that collections stewardship requires significant resources. As such, the standards expressed in this policy may present unfunded mandates to units within the museum. In these cases the Director and designee(s) will work with the units to establish and act upon priorities, as needed.

NMNH collections management authorities and responsibilities are delegated as follows:

E.1. The **Director** is responsible for:

- E.1.1.** Museum policy guidance, program direction and planning, and budget support to carry out the collections management requirements established in this document.
- E.1.2.** Designating authorized collecting units and assigning authority to acquire and manage collections.

- E.1.3.** Final approval authority for all collections management policies and procedures, and approving exceptions to these policies and procedures.
- E.1.4.** Delegating authority for the establishment, review and revision of collecting unit collections management policies and procedures.
- E.1.5.** Delegating authority for collections management activities to the appropriate staff, in order to fulfill all staff responsibilities as defined in this policy.
- E.1.6.** Developing and implementing a long-term collections plan that provides a framework for making collection development, acquisition, management, and disposals decisions.
- E.1.7.** Requiring that each collecting unit develop a collections plan for review and approval by the Director for incorporation into the museum's collections plan.
- E.1.8.** Approving proposed collecting priorities to guide the development of collections per the approved collections plan including reasonable resource need projections, and reviewing those priorities on a regular basis.
- E.1.9.** Assuring compliance with *SD 600*, the *SD 600 Implementation Manual* and NMNH's collections management policy, including approval and submission of reports as required.
- E.1.10.** Assuring compliance with any policies related to collections specified in bylaws of the NMNH Advisory Board or by the Board of Regents.
- E.1.11.** Establishing performance measures for monitoring and reporting progress towards implementation of collections management standards.
- E.1.12.** Ensuring NMNH strategic plans include collections-specific elements with performance measures, targets, and timelines.
- E.1.13.** Approving the appointment of a representative Collections Committee with responsibility to advise the Director or designee on collections issues.
- E.1.14.** Aligning training of unit collections staff with the requirements of unit strategic plans, professional standards, job descriptions, delegated authority, and assigned responsibilities.

E.2. The **Associate Director for Research and Collections(ADRC)** is responsible for the following, as well as for any of the above functions that may be delegated by the Director:

- E.2.1.** Recommending units for collecting unit authorization to the Director, and assigning responsibility and authority for collecting.
- E.2.2.** Review of all collecting unit collections management policies and procedures, providing recommendations to Director for final approval.
- E.2.3.** Reviewing all the specific delegation of collections responsibility to the appropriate staff, in order to fulfill all staff responsibilities defined in this policy.
- E.2.4.** Advising each unit on its proposed Collections Plan for review and approval by the Director.
- E.2.5.** Reviewing proposed collecting priorities to guide the development of each collection under the NMNH Collections Plan as it is developed, with reasonable resource needs projections, and submitting those to the Director for review and approval.
- E.2.6.** Assuring compliance with *SD 600*, the *SD Implementation Manual*, and NMNH and any collecting unit collections management policies and procedures.
- E.2.7.** Assuring compliance with any directives related to collections specified in bylaws of the NMNH Advisory Board by the Board of Regents, through approval of reports for the Director's review.
- E.2.8.** Recommending a representative Collections Committee with responsibility to advise the ADRC and Director on collections issues.
- E.2.9.** Recommending a representative Genetic Resources Oversight committee with responsibility to advise the ADRC and Director on central genetic resources collection issues.
- E.2.10.** Reviewing reports from the unit's chairs on the actions of Collections Advisory Committees in each collecting unit.

- E.2.11.** Providing policy guidance, program direction and planning, and budget support to carry out the collections management requirements established in this policy.
 - E.2.12.** Reviewing and approving department collections procedures.
 - E.2.13.** Ensuring that collections responsibilities are reflected in annual performance plans.
 - E.2.14.** Ensuring, through coordination by the Collecting Unit leadership and the Chief of Collections, all staff have current training regarding laws and regulations affecting the acquisition, disposal, import, export, and transport of collections.
- E.3.** The **Chief of Collections** is responsible for the following, as well as for any functions that may be delegated by the ADRC and/or the Director:
- E.3.1.** Assisting the ADRC and Director in the establishment, implementation, review, and revision of NMNH's collections management policy.
 - E.3.2.** Advising and assisting collecting units to develop, implement and revise museum and unit collections management policies and procedures.
 - E.3.3.** Maintaining copies of all collecting unit collection management policies and procedures.
 - E.3.4.** Advising collecting units, ADRC, and Director on issues of compliance with collecting unit, NMNH, and Smithsonian policy mandates.
 - E.3.5.** Advising collecting units, ADRC, and Director on legal, ethical and procedural requirements affecting NMNH and its collecting units.
 - E.3.6.** Working with each unit to develop the NMNH Collections Plan for review by the ADRC.
 - E.3.7.** Providing guidance on proposed collecting priorities under each unit's collecting plan and reasonable resource projections, and reviewing those priorities at least every two years.
 - E.3.8.** Monitoring and documenting compliance with *SD 600*, the *SD 600 Implementation Manual*, and NMNH and collecting unit collections management policies, through preparation and

approval of reports for the ADRC's and Director's review, including annual reports on collections use and transactions.

- E.3.9.** Monitoring and documenting compliance with any directives related to collections specified in bylaws of the NMNH Advisory Board or by the Board of Regents.
- E.3.10.** Maintaining and overseeing permanent documentation of all collections transactions.
- E.3.11.** Establishing documentation requirements for NMNH collections activities.
- E.3.12.** Advising the ADRC and Director on appropriate authorizations regarding collections management activities, and maintaining records on authorities on behalf of the museum.
- E.3.13.** Working with the Assistant Director for Information Technology on information management systems and access to collections information.
- E.3.14.** Responding to the Office of the Inspector General (OIG) on audits related to collections and collections activities.

E.4. The **Office of the Registrar** is responsible for the following:

- E.4.1.** Serving as the record-keeper of collections transactions, and associated records that document decisions and collections related activities.
- E.4.2.** Implementing collections-related decisions made by the Chief of Collections regarding collections transactions.
- E.4.3.** Assisting with the review of legal, policy, and ethical issues and exploration of options, supporting the departments in their collections work.
- E.4.4.** Leading development and maintenance of automated transaction management systems.
- E.4.5.** Managing specific aspects of transactions, including insurance, and coordinating with other offices as needed.
- E.4.6.** Leading cyclical inventories and maintaining the museum's records of its inventories.
- E.4.7.** Holding records of past audits and museum accreditation.

- E.4.8.** Managing museum-level permits for acquisition, possession, or transport of items.
- E.4.9.** Reviewing documentation of all acquisitions, accessions, disposals, deaccessions, and loans.

E.5. The **Chairs/Heads of Collecting Units** are responsible for the following:

- E.5.1.** Directing the establishment, implementation, review and revisions of the unit collections management policy.
- E.5.2.** Delegating and overseeing implementation of the specific delegation of collections responsibility to the appropriate unit staff in order to fulfill all collections management policy requirements.
- E.5.3.** Appointing at least one Collections Advisory Committee for the unit, including representation by scientists and collections managers, and defining its role.
- E.5.4.** Reporting to the ADRC on the actions of the unit's Collections Advisory Committee(s).
- E.5.5.** Developing and approving the unit's collection's plan for review by the ADRC.
- E.5.6.** Assuring unit compliance with collecting unit, NMNH, and Smithsonian collections management policies, and reporting on compliance to the ADRC.
- E.5.7.** Recommending a representative to NMNH's Collections Committee that has responsibility to advise the ADRC and Director on collection issues.
- E.5.8.** Providing unit policy guidance, program direction and planning, and budget support to carry out the collections management responsibilities of the collecting unit in accordance with established policy.
- E.5.9.** Ensuring that collections-related responsibilities are reflected in annual performance plans.
- E.5.10.** Ensuring that staff members receive regular training necessary to perform their collections stewardship duties.

E.6. The **Collections Managers** of collecting units are responsible for the following:

- E.6.1.** Contributing to the establishment, implementation, review and revisions of the unit collections management policy.
- E.6.2.** Assigning delegated collections responsibility from the Unit Chair to the appropriate unit staff.
- E.6.3.** Supervise collections management staff ensuring adherence to policy mandates, strategic collection goals, and professional practices.
- E.6.4.** Serving on at least one Collections Advisory Committee for the unit.
- E.6.5.** Contributing to the unit's collections plan for review by the ADRC.
- E.6.6.** Contributing to development and implementation of the unit's collections plan for review by the Unit Chair.
- E.6.7.** Contributing to the development of proposed priorities to guide the unit's collections plan for approval by the Unit Chair.
- E.6.8.** Assuring unit collections management activities are conducted in compliance with collecting unit, NMNH, and Smithsonian policy requirements, and reporting compliance to Unit Chair.
- E.6.9.** Recommending to the Unit Chair a representative to the NMNH Collections Committee.
- E.6.10.** Requesting for unit policy guidance, program direction and planning, and budget support to carry out the collections management responsibilities established in this document.
- E.6.11.** Working with the Office of the Registrar to document collections transactions according to policy and OR requirements.
- E.6.12.** Providing direct physical care, preservation and access for collections as well as for professional handling of collections that ensure their safety and security, including genetic resources maintained at NMNH facilities.

E.7. The **Assistant Director for Information Technology** is responsible for the following:

- E.7.1.** Working with the Chief of Collections and Office of the Registrar staff, develop and maintain the museum's automated collections transaction system.
- E.7.2.** Working with the Chief of Collections, the ADRC, and the Collecting Units, develop and maintain collections information systems that support collections control and accessibility, ensuring collections information security.
- E.7.3.** Developing and maintaining the museum's Data Access Policy, and providing information per its terms as requested.
- E.7.4.** Providing public access to collections data through collections information systems.
- E.8. Collections Advisory Committees** are unit-specific bodies, with representation by scientists, collections managers, and/or educators in the unit, charged with advising the Chair or unit leadership on issues concerning proposed collections acquisitions, loans, borrows and deaccessions, as well as overall collections policy and procedure issues for the unit.
- E.9.** The **NMNH Collections Committee** is a museum-wide committee with representation from each collecting unit and NMNH facility, charged with advising the ADRC and Director on larger issues of collections policy.
- E.10.** The **Associate Director for Public Engagement** is responsible for ensuring that collections made or acquired by Office of Education and Outreach staff conform to this policy.
- E.11. All staff members, as well as affiliated agency staff officially stationed at NMNH, volunteers, interns, fellows, contractors, and others with delegated collections management responsibilities or access to collections** are responsible for carrying out their delegated collections management responsibilities to ensure the following:
 - E.11.1.** Implementation of established collections management policies and procedures.
 - E.11.2.** Adherence to applicable professional ethics and practices.
 - E.11.3.** Proper management, preservation, and use of collections.
 - E.11.4.** The integrity and accuracy of collections information.

E.12. Central Smithsonian offices, such as the Office of the Deputy Under Secretary for Collections and Interdisciplinary Support, National Collections Program, Office of General Counsel, Office of the Inspector General, Office of Protection Services, Office of Safety and Environmental Management, and the Office of the Treasurer's Division of Risk Management, provide collections management service oversight to NMNH, as specified in *SD 600* and the *SD 600 Implementation Manual*.

F. Ethics

NMNH recognizes and accepts its fiduciary responsibility to provide proper management, preservation, and use of its collections and of associated information for the benefit of the international scientific community and the general public. NMNH strives to exceed the legal standard and to manage its collections to the highest professional and ethical standards. The museum recognizes that we operate within national and international spheres of interest regarding collections. We seek to maintain awareness of the changing landscape of legal and ethical issues associated with collections, such as intellectual property rights, moral rights of artists, access and benefit sharing, and other emerging areas of interest nationally and internationally.

Staff members have legal, ethical, and professional obligations to maintain high levels of honesty, integrity, and loyalty to the Institution and the museum. These standards of conduct are set forth in *Smithsonian Directive 103, Standards of Conduct*. *SD 103* establishes Smithsonian policy regarding ethical standards to which all Smithsonian employees are required to adhere.

All affiliated agencies that are stationed at NMNH are also bound by the ethical standards established by their respective agencies. If such standards are in conflict with those of the Smithsonian, the affiliated agency employee must bring this to the attention of the Chair of that unit as well as to the ADRC.

Smithsonian employees are expected to be aware of and guided by generally accepted ethics and professional standards applicable in their fields, as published by reputable professional membership societies and organizations. If such standards are in conflict with those of the Smithsonian, the employee must abide by the Smithsonian's standards. Such a conflict should be brought to the attention of the Chief of Collections and the ADRC immediately.

F.1. NMNH staff, research associates, affiliates, interns, fellows and volunteers, and affiliated agency staff (all hereinafter referred to collectively as "staff"), shall not maintain personal collections in NMNH facilities without the express written approval of their Chair and ADRC. Personal collections contain items similar in nature to items in the NMNH collections, such as collections of fossils,

ethnographic objects, minerals, etc. Approval may be given only when it would be in the best interest of the Museum.

- F.1.1.** Personal book collections used for work purposes, and personal collections determined to be reasonably outside the scope of the owner's unit and used primarily as office decoration, are excepted from this rule.
- F.2.** When approval is given for a personal collection to be kept on site an inventory of the collection shall be provided to the Chair and the collection shall be stored only in specific locations approved by the Chair.
- F.3.** Collections acquired or possessed contrary to legal requirements may not be brought into any NMNH facility.
- F.4.** Living animals that are not part of approved NMNH research projects may not be brought into any NMNH facility, except for service animals.
- F.5.** Staff members and persons officially associated with the NMNH shall comply with the standards regarding personal acquisition of museum items and commercial dealing in items, as stated in *SD 103*.
 - F.5.1.** No staff members may acquire important collection items in direct competition with the collecting activities of any Smithsonian unit.
 - F.5.2.** In cases of conflict, or the appearance thereof, clearance must be obtained from a Smithsonian Ethics Counselor. In cases where the conflict cannot be resolved in other ways, clearance may require providing the Smithsonian the opportunity to purchase or otherwise acquire the object, or, if already acquired by the employee, a reasonable time for the Smithsonian to decide whether to obtain the object from the employee upon payment of the employee's costs of acquisition.
 - F.5.3.** Staff members who are directly responsible for acquiring, managing or caring for items within NMNH collections must obtain clearance from the unit Chair, ADRC, Director, and the Smithsonian Ethics Counselor for personal acquisition of any object, material or specimen that is actively being sought by the Museum for the collection for which they are responsible.
 - F.5.4.** Personal items such as jewelry and building materials composed of rocks, ores, wood or other natural products are exempt from this rule.

- F.5.5.** Clearance is not required for objects received by staff as bequests, or for gifts that can be accepted pursuant to the requirements of *SD 103*.
- F.5.6.** Staff members who are directly responsible for acquiring, managing, or caring for NMNH collections who own a personal collection within the scope of the collection for which they are responsible must provide the unit Chair with a written list of items in that collection. The level of detail required and the timing of periodic updates of this list should be set forth in the unit's collections management policy.
- F.5.7.** No personal collecting may be done on NMNH business or field trips unless written permission from the Chair and ADRC is obtained in advance.
- F.6.** Staff members, research associates, affiliates, interns, fellows and volunteers, affiliated agency staff, NMNH Board members, and anyone whose association with NMNH might appear to provide advantage in acquiring collections items, shall not be permitted to obtain items deaccessioned from NMNH collections.
- F.7.** Staff may not ask relatives or friends to engage in a collections transaction on behalf of the NMNH. Staff must encourage members of their immediate family to avoid direct competition with NMNH collecting activities.
- F.8.** Staff shall not provide valuations or market appraisals of collections or collections items except for official museum purposes such as insurance, audit and security, or acquisitions that are an exchange or a purchase. Staff may provide potential donors with contact information for professional non-profit organizations such as the Appraisers Association of America, International Society of Appraisers, and Appraisal Foundation.
- F.9.** All resources of the Smithsonian and NMNH, including collections, facilities, equipment and personnel, are to be used only for officially approved activities. Unauthorized use of these resources is prohibited and may subject the party to penalties under Smithsonian policies or applicable laws.
- F.10.** Staff will make diligent efforts not to infringe the copyrights, intellectual property rights or moral rights of artists whose creation or artifacts form part of NMNH collections.
- F.11.** Staff will strive to remain abreast of the concerns that indigenous source communities may have about objects, recordings, biological

specimens, protected localities and environments, and information in NMNH collections as well as concerns they have regarding research access to collections.

G. Accounting for Collections

Smithsonian collections are held for research, education, outreach, and public exhibition in furtherance of public service, rather than financial gain.

Collections are protected, kept unencumbered, cared for, and preserved and they are subject to the requirement that proceeds from sales of collections are to be used only to acquire other collection items.

Accordingly, the Smithsonian does not treat its collections as assets for purposes of reporting in its financial statements. The Smithsonian adheres to the applicable financial reporting standards governing collections held in public trust, as set forth in the *SD 600 Implementation Manual*.

H. Exceptions

Prudent exceptions to NMNH's CMP may be permitted in appropriate cases when in the best interests of the Smithsonian and NMNH. Exceptions must be approved according to the process stated below.

All exceptions must be approved by the:

- National Collections Coordinator,
- Office of General Counsel,
- Deputy Under Secretary for Collections and Interdisciplinary Support,
- **and** Under Secretary for Science.

Requests should be submitted by the Director to the National Collections Coordinator, who will facilitate the required review.

The National Collections Coordinator will annually report to the Secretary all exceptions that have been authorized during the reporting period.

I. Compliance

The **Director** is responsible for the museum's compliance with *SD 600*. The Director must respond to the Secretary or other Smithsonian administrative offices' requests for information on NMNH's collections activities and compliance with Smithsonian and NMNH policies.

NMNH's **Office of the Registrar** plays a critical role in documenting compliance by permanently maintaining official signed documents (including documentation of collections ownership, collections custody, legal permits and letters of permission) and maintaining associated electronic databases.

A formal reporting protocol is invaluable in documenting museum compliance at all staff levels, as well as for collections not monitored by the above offices. This protocol shall include the following elements:

- I.1.** All employees who work with collections in the course of their assigned duties will have an element in their performance plan that affirms compliance with NMNH and Smithsonian CMPs and any unit policies and procedures. This includes staff with direct responsibility to collect, acquire, lend, borrow, sample, or analyze items, as well as those with authority to approve such activities, and supervisors of collecting unit staff.
- I.2.** Each collecting unit will develop a compliance checklist as part of its CMP implementation document. Unit checklists will be based on a template provided by the NMNH Collections Committee, and reviewed by that committee for consistency across units. Collections managers and other supervisors in the unit will be required to check off areas in which the unit has complied, and to account for areas of noncompliance. The unit Chair will then provide a signed compliance statement with checklist to the Collections Committee.
- I.3.** The **Collections Committee** will review all NMNH collecting unit statements/checklists, summarize the information for the entire museum, and submit it through the ADRC to the Director or designee. The Director will periodically report on NMNH compliance to the Secretary and the NMNH community.

J. Disputes

In the event of disputes that cannot be resolved within the collecting unit, the Director or designee will make a final decision.

K. Review Cycles

This policy will be reviewed every five (5) years, unless a significant change in circumstances or a collection issue arises that indicate a need for review.

L. NMNH Policy Requirements

L.1. Guiding Principles

- L.1.1.** Only designated collecting units have the authority to acquire and manage collections. The Director, with input from the museum's Collections Committee, will determine the level of

collecting authority to be delegated to the collecting unit. In determining the level of delegation, the Director will examine the facts associated with a unit's need to acquire, accession, deaccession, dispose, maintain, and use collections. The Director will designate authorized collecting units in writing via formal letter. This authority must be renewed in a regular basis that is consistent with the needs of the NMNH. Unless explicitly authorized on a case-by-case basis, and in writing, no other units have the authority to acquire and manage collections.

- L.1.2.** Each collecting unit develops, implements, and adheres to a written collections management policy approved by the Director to ensure the proper physical care and preservation of its collections; provide for the documentation of the identification, location, condition, and provenance; and ensure accessibility consistent with their preservation, security, and legal considerations. Collecting unit policies adhere to the policies set forth in this document, *SD 600*, and the standards established in the *SD 600 Implementation Manual*. In the event of any conflict between NMNH and collecting unit policies, the NMNH policy shall have precedence unless specifically approved by the Director in writing.
- L.1.3.** Each collecting unit has a Collections Advisory Committee authorized by the Director to guide the unit's acquisition, disposal, loan, use, and access proposals, decisions and actions regarding the unit's collections.
- L.1.4.** All policy-related decisions and collections transactions are to be documented by written records.
- L.1.5.** Collecting unit policies are periodically reviewed and, if necessary, revised and reauthorized.
- L.1.6.** Each collecting unit develops policies specific to the nature, scope and character of their collections and discipline. Collecting unit policies must include the following components and provisions:
 - L.1.6.1.** Statement of purpose.
 - L.1.6.2.** Primary statement of authority.
 - L.1.6.3.** Definition of collection.
 - L.1.6.4.** Collecting scope statement.

L.1.6.5. Specific collections management activities.

L.1.7. Each collecting unit must develop a collections plan.

L.2. Categories of NMNH Collections

This policy applies to all of NMNH's collections, which fall within the following categories:

L.2.1. Permanent Accessioned Collection. Items deemed to be of major significance for research or exhibition, or considered important to preserve as part of the world's natural history or cultural heritage. Items accessioned into the permanent collection are expected to be preserved as part of the permanent collection for an indefinite period of time. Genetic Resources collections may be gradually consumed through analysis but are still considered permanent. The permanent collection includes ancillary collections, which are of two types:

L.2.1.1. Those items that are not themselves collection materials, but that support a collection item as documentation.

L.2.1.2. Hard copy and digital Collections of images, recordings, scientific reproductions or archival materials or digital surrogates that are representations of items or phenomena.

L.2.2. Educational or Teaching Collection. Items not desired for permanent accessioned collections, but appropriate for educational purposes or other outreach uses. Each scientific unit holds teaching collections, and in addition there are teaching collections managed by the Office of Education and Outreach.

L.2.3. Unaccessioned Collection. Items not suitable for inclusion in the permanent accessioned collection because of an agreement, impediment, duplication, or other consideration which leaves them available for exchange, sampling and destruction, or means that they must be maintained per agreement. These items may also be referred to records systems simply as "acquired".

L.2.4. Backlogged Collection. This category includes items that are part of the processing backlog of materials that may eventually either become part of the permanent collection (accessioned), or remain as unaccessioned but properly acquired items. This category does not include collections that are in NMNH's

custody for acquisition consideration, which are considered to be loans.

- L.2.5. Exhibit Props** are not considered collections items, as a general rule.

Section II. NMNH Policy Elements

A. Acquisition and Accessioning

Acquisition is the act of gaining legal title to a collection item or group of items.

Accessioning is the formal process used to acquire legally **and** record a collection item or group of items into the NMNH permanent collections.

Principles

The acquisition of collections is fundamental and critical to the mission and purpose of the NMNH. The NMNH acquires collection items by a variety of methods, including gift, bequest, purchase, exchange, transfer, and field collecting. In addition, some NMNH collecting units may also acquire collections by propagation. Some items may be acquired initially as exhibit props or specifically for educational (teaching) collections.

NMNH requires responsible, disciplined acquisition of collections through the following principles:

- Acquisition of collections relevant to the mission and goals of the NMNH.
- Establishment and periodic review of collections plans that define collecting goals and priorities.
- Clear delegation of collecting authority within NMNH.
- Use of written, formalized acquisition evaluation criteria, strict adherence to professional ethics and all applicable laws and regulations relating to collections acquisition
- Consideration and approval of the associated lifecycle costs of collections management and preservation.

Policy

A.1. All collections acquisitions are subject to this policy. Collections may be acquired only in accordance with established authority and only when consistent with applicable law and professional ethics. NMNH exercises due diligence in complying with all applicable federal, state, local, and international laws, treaties, regulations, and conventions. Laws and regulations will be observed, and compliance documented by providing all applicable collecting, transportation, and use permits or agreements in writing to the Office of the Registrar.

A.1.1. The primary collecting authority rests with the Director, who delegates general responsibility to appropriate staff and committees. The type and value of the collection item under consideration may dictate the level of delegated authority.

- A.1.2.** Each NMNH collecting unit must stipulate the appropriate staff to whom collecting authority has been delegated, and establish policy and procedures for the formal review and approval of collection acquisitions.
 - A.1.3.** All staff with delegated authority to acquire must take training to ensure compliance with pertinent laws and regulations.
 - A.1.4.** Any delegation of collecting authority to non-Smithsonian employees must be made in writing by the collecting unit chair or head in advance of the collecting activity.
- A.2.** NMNH observes the highest legal and ethical standards in the acquisition of collections. Staff shall obtain all necessary collecting, import, export, and transportation authorizations and permits, in writing, prior to the acquisition. Collecting units shall exercise due diligence in the acquisition of collections, including making reasonable inquiries into the provenance of collection items under consideration for acquisition. Inquiries are made in order to determine that the NMNH can acquire valid title to the collection item and that the acquisition will conform to all legal and ethical standards.
- A.2.1.** The Director, before authorizing an acquisition directly or through designee(s), has the responsibility to ascertain that the collection in question was not stolen or wrongfully converted, and is not illegally present in the United States.
 - A.2.2.** The Director has the responsibility to ascertain directly or through designee(s) that any proposed new acquisition was not unethically acquired from its source, unscientifically excavated, or illegally removed from its country of origin.
 - A.2.3.** Staff will use due diligence in reviewing the legal and ethical status of acquisitions by consulting with the Office of the Registrar, the National Collections Program, and the Office of General Counsel as necessary, and other appropriate resources and considering acceptable professional practices within the relevant discipline.
- A.3.** NMNH will not acquire, by direct or indirect means, biological, ethnographic, archaeological, or geological items that have been collected in contradiction of laws governing such collecting.
- A.4.** Potential acquisitions must undergo a rigorous, documented selection and review process.

- A.4.1.** NMNH collecting units must establish evaluation criteria for reviewing potential acquisitions in addition to that listed as policy below. These criteria must be stated in the unit's policies.
- A.4.2.** Evaluation criteria must be actively used by Collection Advisory Committees and authorized collecting staff during the review of all proposed acquisitions.
- A.4.3.** Collection records must document decision-making processes of acquisitions evaluation including proposal, review, and approval.
- A.4.4.** Intake of acquisitions and collections for acquisition consideration will be managed through a centralized point in each collecting unit. As a general rule, each transaction will be entered into the museum's collections information systems within 15 business days of receipt.
- A.5.** As a general rule accessions will be processed within eighteen (18) months of acquisition. In extreme circumstances exceptions may be considered by the Director or designee.
- A.6.** NMNH may be offered collections from institutions that can no longer care for items. When such material meets appropriate collecting unit criteria for acquisition, it may be considered for acceptance.
 - A.6.1.** If there are institutions where the collections would be more appropriately housed, or where there are researchers who would actively study them, the NMNH will work with its colleagues to facilitate the placement of such collections in those locations instead of acquiring them.
- A.7.** NMNH may acquire items jointly with other agencies, institutions or museums with which it agrees to share ownership and management. In such events, a written agreement must stipulate the terms and conditions of the agreement and the responsibilities of each party. The Office of the Registrar and Office of General Counsel must be consulted in such cases. Similarly, shared ownership and management may also be established for objects subject to repatriation claims. Any agreement must be formalized and approved by the Office of the Director and the Office of the General Counsel before final acceptance.
- A.8.** As a general rule, items are acquired and accessioned only when there is a good faith intention to retain them in the collections for an indefinite period of time. Under certain circumstances (e.g., Genetic Resource samples), collections may be acquired that may be subject to consumption in part or whole, or which may be culled in the course of

identification and study. If at the time of acquisition NMNH intends to dispose of part or all of the collection, this decision should be documented in museum records and communicated to the source or party conveying ownership.

A.9. NMNH only acquires unrestricted collections as a general rule. Certain restrictions are routinely accepted, such as instances in which the country or agency of origin places restrictions on use and disposal, in which a donor may place a limited term of restriction on archival materials to protect rights of personal privacy, or on retention of intellectual property rights by an individual, community or indigenous group. Any restrictions must be documented in museum records at the time of acquisition, and must be reviewed by the collecting unit chair or head and collections advisory committee, Office of the Registrar, Associate Director for Research and Collections, and Director, as is appropriate in each case.

A.9.1. Exceptions to this rule may be made by the Director or designee in consideration of the museum's mission, resources, and relevant policies.

A.10. Where applicable, and as practically possible, ownership of copyright and other intellectual property rights must be established and documented at the time the collection is considered for acquisition.

A.10.1. In considering works of visual art, the moral rights of living artists (the right of attribution and the right of integrity) will be taken into consideration at the time a work is proposed for acquisition, as delineated in the Visual Artists Rights Act of 1990 and any subsequent revisions.

A.10.2. NMNH agrees with the spirit of the Convention on Biological Diversity and the Nagoya Protocol, and puts procedures in place regarding access and benefit sharing of genetic resources and traditional knowledge.

A.11. Authority to document and process acquisitions and accessioning is vested in the Director and delegated to the NMNH Office of the Registrar.

A.11.1. Collecting units are responsible for providing documentation to the Office of the Registrar.

A.12. Consultation with the Director is required before acquisition of any collection that would require substantial resources beyond the allocated budgets of the collecting unit or Museum, or substantial

resources of other units for the management or preservation of the collection.

- A.12.1.** The Director must refer any proposed acquisition that in his/her judgment needs additional review because of unusual circumstances to the Under Secretary for Science.
- A.13.** Among the various Smithsonian or NMNH collecting units, some overlap in collecting is inevitable; however, competition for a particular acquisition is inappropriate. When more than one collecting unit seeks to acquire the same collection item, the parties concerned must agree on which unit will acquire the collection item.
 - A.13.1.** If the competition for an acquisition is at the Smithsonian level, the parties will be guided by *SD 600* in gaining resolution.
 - A.13.2.** If the competition for an acquisition is within NMNH and the parties involved cannot resolve the placement of a collection item, the Director will make a final decision.
- A.14.** NMNH will avoid competitive bidding with federal organizations for collection items of common interest, and will seek mutually acceptable agreements whenever the potential for competitive bidding with such organizations becomes apparent.
- A.15.** NMNH collecting units may accession a specimen(s) “found in collection” if there is no evidence that the item(s) entered the museum as a loan, and if continued undisturbed possession supports the presumption of a valid acquisition of ownership.
- A.16.** NMNH does not accession every collection item it acquires, depending upon the intended uses of the item.
- A.17.** NMNH scientific collecting units have the right of first refusal for items offered to or acquired for interpretive purposes by the Office of Education and Outreach. The collecting units will make every effort to make these items available to the Office of Education and Outreach. The Director will make a final decision in the event of a dispute.
- A.18.** Collecting units shall not opportunistically or purposefully collect or acquire items outside of their recognized discipline on behalf of another collecting unit without the prior agreement of the Collections Advisory Committee of the relevant collecting unit.
- A.19.** NMNH may decline offers of collections items at its discretion in accordance with established policy, authority and acquisition criteria.

A.20. When a proposed acquisition is inappropriate for an NMNH collecting unit, staff should recommend another NMNH unit or Smithsonian unit if the collection item is consistent with the collecting goals and mission of that unit.

A.20.1. When the NMNH cannot accommodate a collection, staff may assist potential donors in locating local, regional, or international repositories that can effectively use the collection for educational or scientific purposes.

A.21. Acquisitions, once accessioned, are subject to the deaccessioning criteria of this policy.

A.21.1. Certain laws may require that acquired and accessioned objects be deaccessioned from the collections of the NMNH and repatriated elsewhere as per the specific statute or law. Prospective donors of material likely be affected by such laws are to be informed of this issue during initial donation discussions.

A.22. The Director and specific designees, as identified in writing, are the only persons authorized to sign international or national agreements and permits on behalf of NMNH. Any exceptions that may be made will be done on a case-by-case basis.

A.22.1. The Director and specific designees, as identified in writing, are the only persons authorized to sign an Internal Revenue Service form 8283.

B. Deaccessioning and Disposal

Deaccessioning is the process used to formally approve and record the removal of a collection item or group of items from the NMNH's accessioned collections.

Disposal is the act of physically removing a collection item or group of items from an NMNH collection. This may include sampling, consumption, and destructive analysis.

Repatriation is the act of removing collections items in accordance with provisions of the National Museum of the American Indian (NMAI) Act [20 USC. § 80q (1989)] or other applicable laws or policies, in order to be returned to either lineal descendants of the original individuals or owners, or to representatives of the culture of origin as defined by law.

Sampling, consumption, and destructive analysis refers to any of a number of procedures in which items, or samples of those, are removed for research, entailing the use of analytical processes that require the permanent alteration or destruction of part or all of an item in order to obtain information. NMNH encourages the uses of non-destructive analytical techniques where feasible, and seeks to incorporate the findings of such analyses in permanent collections records.

Principles

As a general rule, items are acquired for NMNH collections only when there is a good-faith intention to retain them for an indefinite time period. They are retained as long as they continue to serve the goals and objectives of the NMNH and can be properly maintained and used.

Deaccessioning and disposal are a legitimate part of responsible collections management. Prudent collections management actions, including judicious evaluation, deaccessioning, and disposal of existing collections, are intended to refine and improve the quality and relevance of the collections with respect to the museum's mission and purpose. Associated procedures are designed to insure thoughtful, well-documented consideration of each proposed collection item in the context of the long-term interest of the Smithsonian, the general public, and the collection item.

Deaccessioning and disposal occur for a variety of reasons, such as deterioration of collection items beyond usefulness; lack of adequate information such as locality data; duplication or redundancy of collection material; insufficient relationship of collection items to the mission and goals of the museum such that they are judged to be better placed elsewhere; repatriation; and selection for consumptive research or educational use.

The NMNH Repatriation Office, in accordance with the NMAI Act, sets repatriation policy and procedures. These supersede policy and procedures for all other forms of deaccessioning and disposal for affected collections; reviews and approvals are specified with the guidelines of the Repatriation Office that is the authority for repatriation of NMNH collection items.

Sampling, consumption, and destructive analysis procedures are set at the collecting unit level for all routine consumptive uses of collections items. Extraordinary sampling or destructive analysis, as defined below, requires additional approval above the collecting unit level.

NMNH disposes of collections by a variety of methods, such as donation, transfer, exchange, sale, repatriation, and destruction.

Policy

- B.1.** Collections may be deaccessioned and disposed of only in accordance with established authority and only when consistent with applicable law and professional ethics.
 - B.1.1.** All applicable federal, state, local, and international laws, treaties, and regulations and any other applicable restrictions will be observed and documented.
 - B.1.2.** Staff will use due diligence in reviewing the legal and ethical implications of the proposed action.
 - B.1.3.** Staff will obtain the necessary appraisals and approvals for deaccessions and disposals of collections having market values of more than \$10,000. Two independent appraisals or informed estimates of fair market value are required for deaccessions estimated to have a monetary value of more than \$100,000.
- B.2.** Collection items shall only be deaccessioned in compliance with the criteria and procedures established by the unit's Collections Advisory Committee.
- B.3.** Deaccessions and disposals, including destructive analysis or sampling may proceed only after establishing clear and unrestricted title to an item. In cases where title is in question, the collecting unit must first seek guidance from the Office of the Registrar, the National Collections Program and the Office of General Counsel.
- B.4.** Collections may be sold only when proceeds realized from public sale are designated for additional collection acquisitions within the collecting unit that disposed of the items. The Director must approve all sales in advance.
- B.5.** Insurance settlements for collections that are lost or destroyed when on loan will be used only for future collections acquisitions within the collecting unit that experienced the collections loss.
- B.6.** The collecting unit disposing of collections items shall comply with all legal and regulatory requirements that may be posed by hazardous or regulated materials. Compliance with those requirements will be documented.
- B.7.** All exchange of items must be made per written exchange agreements.
- B.8.** Written records of deaccession transactions are to be kept permanently and must be promptly forwarded to the Office of the Registrar.

- B.9.** Collection items may not be disposed of without undergoing the deaccession process unless they meet the following criteria:
- B.9.1.** They are unaccessioned or have no evidence of ever having been accessioned, and have no associated accession or catalog number; **and**
 - B.9.2.** They lack data needed to associate them with a donor or other records.
- B.10.** Disposal by the following methods requires the Director's approval:
- B.10.1.** Sale.
 - B.10.2.** Extraordinary destruction for disposal or destructive analysis as defined below.
- B.11.** Only the following disposal methods may be used without the approval of the Director:
- B.11.1.** Documented exchange.
 - B.11.2.** Long-term open exchange with recognized educational organizations involved in similar research
 - B.11.3.** Return to the rightful owner when NMNH lacks title.
 - B.11.4.** Donation to an educational organization.
 - B.11.5.** Transfer to another Smithsonian or Federal organization.
 - B.11.6.** Transfer to another organization under the terms of an established collecting agreement or contract.
 - B.11.7.** Routine destruction for disposal or destructive analysis as established by the standards of the collecting unit.
 - B.11.8.** Routine destruction of items from teaching collections that have deteriorated past usefulness.
 - B.11.9.** Repatriations as approved by the Secretary.
- B.12.** Collection items deaccessioned by any means other than repatriation may not be acquired through any means by NMNH Board members, staff or associates, affiliated agencies staff, volunteers, interns or fellows.

- B.12.1.** Repatriated human remains and objects may on occasion be legitimately transferred to a Smithsonian employee, volunteer or other associate, but only in those instances in which:
- B.12.1.1.** The Smithsonian party is also a legitimately appointed representative of the affected tribal group or nation, **or**
 - B.12.1.2.** The Smithsonian party is a lineal descendant of a named individual whose remains or items are repatriated under the NMAI Act, **or**
 - B.12.1.3.** The Smithsonian party is a lineal descendant of a named individual whose remains are held in the NMNH, and the Smithsonian party requests the returns of those remains only, **and**
 - B.12.1.4.** The Smithsonian party has not participated in an official capacity in this determination.
- B.12.2.** Transfer of repatriated human remains or objects to NMNH Board members, staff or associates, affiliated agencies staff, volunteers, interns or fellows must be approved by the Office of General Counsel.
- B.13.** Destructions requiring a high level of approval must be witnessed by the Director or designee. The Director's approval is required before the destruction, including destructive analysis, of any item(s) meeting one or more of the following criteria:
- B.13.1.** Item is classified as a primary or name-bearing type specimen and sampling technique would destroy a significant portion of it, or a Smithsonian iconic object.
 - B.13.2.** Item has been independently appraised as having a monetary value of over \$10,000 **and** is being considered for outright destruction rather than analytical sampling.
 - B.13.3.** Item is considered to have a very high public profile in the United States and/or in its country of origin.
- B.14.** Routine destruction for disposal or destructive analytical studies of items does not require approval outside the collecting unit.
- B.15.** When collections items proposed for disposal are suitable for public teaching purposes, such items should first be offered to the Office of Education and Outreach, or considered for the collecting unit's teaching collections.

C. Preservation

Preservation is the protection and stabilization of collections, as well as their associated information, through a coordinated set of activities aimed at minimizing chemical, physical, and biological deterioration and damage and preventing loss of intellectual, aesthetic, and monetary value. Preservation is an ongoing process with the goal of making collections and their associated information available for current and future use.

Principles

The NMNH's ability to carry out its mission is directly related to its commitment and ability to provide for the physical care and adequate storage of collections as well as preserving, managing and enhancing the information inherent in them.

NMNH is responsible for working with other Smithsonian units to provide appropriate collections spaces, environmental conditions, and housing. NMNH strives to protect the collections as best as possible against agents of deterioration.

NMNH balances the preservation of the collections with promoting the use of the collections per the museum's mission.

Policy

- C.1.** The NMNH provides the necessary preservation, protection, and security for all collections acquired, accessioned, borrowed and in the custody of the NMNH, including associated information.
- C.2.** Conservation intervention, restoration, destructive sampling, or consumptive use of collection items shall be carried out only as authorized by the appropriate collecting unit advisory committee and in consultation with the museum's conservator
 - C.2.1.** The collecting unit shall appropriately document these activities.
- C.3.** Each collecting unit shall assess and record the condition of collection items selected for loan to others, whether internal or external, through the loan agreement at the time the loan is established.
- C.4.** Each collecting unit shall assess the status of the collections within its oversight on a cyclical basis. This cycle shall be established by the collecting unit's policy except when established by the Director. This information will be reported to the Director or designee.

- C.5.** NMNH must balance current research and educational use with the preservation requirements of collection items to ensure that collection items are maintained for future generations and rightfully serve their intended purpose.
- C.6.** NMNH develops and maintains an integrated pest management policy and implementation plan across all its collections facilities.
- C.7.** No collecting unit shall obtain collections that require facilities or substantial resources beyond the unit's allocated budget or substantial resources of other Smithsonian units for the management and preservation of the collections without first gaining the approval of the Director.
 - C.7.1.** The Director is responsible for ensuring that the NMNH and MSC facilities provide the basic utilities and programs for safety and well being of the collections.
 - C.7.2.** During periods of renovation or construction, it is the responsibility of the Director or designee to coordinate collections security and care efforts with the collecting units and other Smithsonian offices in a clear and timely manner.
 - C.7.3.** When collections develop by changing or growing in such a way that significantly affects the resources necessary for their housing and care, the collecting unit should coordinate plans with the Director or designee so that resources can be prioritized.

D. Collections Information and Digitization

Collections information is the documentation of the intellectual significance, physical characteristics, location and legal status of collection items including transaction documentation, as well as the collections management processes they undergo and their use in education and exhibitions. Collections information is part of an ongoing process, with documentation residing in many formats, including documentary files (e.g., field notes and logbooks, illustrations, and photographs), electronic information systems, and multi-media formats. The value of collections information lies in its quality, integrity, comprehensiveness, and potential for use for research and educational purposes.

Digitization is the process by which collections items and associated information are represented in digital form.

Principles

The documentary value of a museum collection is a principal criterion for its excellence. Well-documented results of scientific, historic, and aesthetic research enable the NMNH to fulfill its mandate to increase and diffuse knowledge.

The primary purpose of collections information is to provide access to NMNH collections, associated information and documents, research findings, images, and other representations of collections. To support this goal, the NMNH has a responsibility to acquire, develop, and maintain collections information systems that enhance access to and accountability for its collections and research findings and to ensure long-term preservation of the resultant information in manual and electronic formats.

To that end, the NMNH is committed to the fundamental objective of effective use of its collections by placing collections information and images in computerized databases, maximizing the application of networked technologies, implementing professional documentation standards, and sharing collections information through collaborations among NMNH collecting units and with other educational and research institutions.

Policy

- D.1.** Centrally supported collections information systems that document collection holdings and transaction management must support and meet NMNH goals for accountability and access.
- D.2.** Access to electronically maintained data, electronic surrogates of documents and physical items, and documentary files, is governed by the standards established in the NMNH policy *Collections Information Access and Data Sharing at the NMNH*.
 - D.2.1.** Use of data for non-commercial purposes or by not-for-profit entities and organizations must conform to conditions and stipulations stated in *Collections Information Access and Data Sharing at the NMNH*.
 - D.2.2.** Use of data for commercial purposes, by for-profit entities and organizations, or by individuals for profit purposes, requires approval by the Director or designee, after consultation with the Office of General Counsel. Acceptable usage and profit-sharing arrangements between the user and NMNH must be stipulated in a formal agreement approved by the Director or designee, Office of General Counsel, and Office of Contracting, as appropriate.
- D.3.** The provenance of acquired collection items is a matter of public record. Access to certain sensitive information, such as donor and collector information, custody and physical location, collecting

localities, intellectual property restrictions, security, and requirements for restricted use, and other issues of privacy, may legitimately be limited at the discretion of the collecting unit. Decisions about limitations must be documented by the collecting unit's Collections Advisory Committee. The collecting unit shall consult the Office of General Counsel and the Office of the Registrar when determining policy for restriction of access to information.

- D.4.** Collections information, including all records of collections-related decisions and activities, must comply with established NMNH and Smithsonian standards, and must be maintained according to accepted practice.
- D.5.** Ownership and custody information for all collections items must be recorded by the collecting unit, in a method and format appropriate to the collection status of the item.
- D.6.** Custody information for collections on loan for exhibition purposes is maintained in the Office of the Registrar.
- D.7.** All original primary collection records (e.g., field notes, research-related notes, images, photographs, illustrations, correspondence, original card catalogues, sound and visual recordings, and other records and documents directly or indirectly related to the collections or collection activities of NMNH) are the property of NMNH.
 - D.7.1.** All such original primary collection records are to be maintained in good order and must be accessible to staff, in keeping with current archival policy and standards.
 - D.7.2.** Some collectors and governmental agencies may reserve the right to retain original primary collections records for specimens conveyed to NMNH. NMNH will make surrogates of these records when possible.
- D.8.** The NMNH is responsible for developing and maintaining a digitization plan for collections data development, maintenance, preservation, and retention. All media containing collections information are maintained for long-term use and must be preserved in keeping with archiving policy and standards.
- D.9.** The responsibilities for information protection and retention is as follows:
 - D.9.1.** The Office of the Registrar is responsible for retaining, archiving and protecting all original collections records. NMNH collections records are the property of the Smithsonian.

- D.9.2.** Original documents relating to all collections transactions, including acquisition, accession, loan, borrow, exchange, deaccession, shipping, insurance and disposal, as well as all associated information, are managed and preserved by the Office of the Registrar.
 - D.9.3.** The Assistant Director for Information Technology, in collaboration with collecting units, develops and implements procedures, and allocates resources for the protection and management of collections information in electronic form.
- D.10.** Disputes involving access to or use of, collections information will be resolved by the Director or designee. The Office of General Counsel must be consulted regarding all Freedom of Information Act requests.

E. Inventory

Inventory is an information base containing sufficient information to allow retrieval of collection items, groups, or lots; the process of physically locating all or a selection of items for which the museum is responsible; and appropriate information to facilitate research, collections management, security, and access.

Cyclical Inventory is a planned inventory of collection items conducted according to a predetermined schedule. Cyclical inventories may include a complete inventory or a specific percentage or sampling of the entire collection inventory, as predetermined using statistically sound inventory methods.

Principles

Effective collection management requires a system to support decisions regarding collections use, growth, storage, and security. In addition to facilitating research, documentation, and storage, an ongoing inventory program is an essential security device to deter and detect theft of collection items. Inventory records serve as a tool for accountability, and are also useful in supporting other NMNH programs when augmented with additional documented information.

Policy

All **collecting units** must:

- E.1.** Keep accurate records of collections item location information.
 - E.1.1.** All collection items entering or leaving a unit must pass through a control point designated by that unit.

- E.1.2.** Records of movement of all collections items will be documented in the collections unit and available to the Office of the Registrar.
- E.2.** Have a cyclical inventory plan that has been approved by the Director or designee.
 - E.2.1.** The Associate Director for Research and Collections is responsible for ensuring the coordination of collections inventory plans and the implementation thereof.
- E.3.** Ensure adequate separation of duties and other internal controls to minimize the possible unauthorized removal of collection items and removal or alteration of corresponding records, according to the risks associated with the specific collections items.
- E.4.** Maintain and update an inventory of all items on exhibit or in exhibit storage.
- E.5.** Report promptly to the Director any suspected or confirmed theft or loss.
- E.6.** Promptly amend collections records to document collections losses.

F. Risk Management and Security

Risk management is the process of identification and evaluation of risk in order to prevent or minimize exposure to factors that may cause loss, damage, or deterioration of collections.

Principles

The programmatic activities of the NMNH naturally involve an exposure of collections to risks of damage or loss. Exposure to risks can occur to a collection item when it is on exhibition or loan, in transit, in storage, or while being studied, treated, or handled. Potential hazards include natural disasters, vandalism, terrorism, theft, disease, space and environmental deficiencies, human error, mechanical or operational system failure, pests and deterioration.

Prudent collections management requires identification, reduction, or elimination of risks to the collections through a systematic risk management assessment program. Risk management requires thoughtful review of potential hazards.

Policy

- F.1.** The NMNH will endeavor to minimize and control the level of risk of loss or damage to collections through established collections management practices.
- F.2.** Effective management controls are the responsibility of all NMNH managers and supervisors responsible for collections, who assure sufficient control and accountability in accordance with *SD 115, Management Controls*.
- F.3.** Staff has the obligation to be aware of the Institution's risk management and security process. Staff must note and communicate to the appropriate office, including the Office of Risk and Asset Management, the Office of Protective Services, the Office of General Counsel, the Office of Contracting, the Director, the Associate Director for Research and Collections, and the Office of the Registrar, of situations that create the potential for damage or loss to collections, personal injury, or legal liability.
- F.4.** Risk management and insurance is coordinated at the Smithsonian by the Office of the Treasurer's Risk Management Division and governed by *SD 108, Insurance and Risk Management*. At NMNH risk management and insurance is coordinated with the Treasurer's Risk Management Division through the ADRC.
- F.5.** Security is coordinated at the NMNH by the Office of Protection Services through the Associate Director for Operations.
- F.6.** Except in extraordinary circumstances, the NMNH does not insure its own collections while they are in the care and possession of the NMNH. Collections on loan to the NMNH and NMNH collections on loan to or in the custody of others will be insured as stipulated by authorized loan agreement or negotiated contract.
- F.7.** Insurance proceeds from the settlement of claims for damage to NMNH collections will be used for the conservation and restoration of the specific collection item.
- F.7.1.** If received on account of a total loss of a collection item or in excess of the cost of conservation and restoration of a damaged collection item insurance proceeds will be designated only for collections acquisition in the collection unit that sustained the loss.
- F.8.** The Director shall develop and maintain a disaster preparedness and response plan that includes planning, response, and recovery from disasters as well as evaluation and assessment following an incident. All NMNH facilities, owned or leased, must have a written

comprehensive disaster preparedness plan as required by *SD 109, Disaster Preparedness*.

- F.9.** Collecting units must develop and maintain plans for continuity of collections stewardship in the event of temporary, partial or full closure of museum facilities.
- F.10.** NMNH complies with Smithsonian policies regarding collections security.

G. Access

Access is the opportunity for the general public, scholars, and Smithsonian staff to use the diverse collection resources of the museum.

Access and Benefit Sharing refers to concepts in the Convention on Biological Diversity and the Nagoya Protocol that guide use of collections from other nations. These include gaining prior informed consent regarding planned and future uses of collections as associated information, respecting the terms of use made at the time of acquisition such as a limitation on commercial uses, and the fair and equitable sharing of benefits resulting from the use of collections and associated information.

Principles

To carry out its mission, NMNH promotes access to its collections and associated information through research opportunities, reference systems, loan and exchange of collections, electronic information services, traditional and electronic exhibitions, and educational programs and publications.

Policy

- G.1.** The NMNH will provide reasonable access to its collections and collections information consistent with its stewardship responsibilities. Physical and intellectual access to the collections must be balanced against preservation and protection concerns.
- G.2.** In keeping with its stewardship responsibilities, NMNH will control, monitor, and document access to and use of collections.
- G.3.** Staff responsible for providing physical access to collections, as authorized within each unit, must be familiar with the collections and their preservation needs.
- G.4.** NMNH collection users are required to demonstrate competence in handling collections, as appropriate, and also willingness to comply with security precautions or other restrictions.

- G.4.1.** Access to the collections may be denied to individuals who fail to handle items in accordance with NMNH approved practices and standard professional guidelines.
- G.5.** Access to collections and collections information may be restricted or embargoed due to any of the following: resource limitations, security, object availability, cultural sensitivity, intellectual property rights, applicable restrictions, chain of custody issues or evidentiary concerns, ownership or legal question, approved research requests, loan agreements, and preservation constraints.
 - G.5.1.** The Genetic Resources Oversight Committee reviews and approves requests to embargo genetic resources. A registry of embargoes is maintained in the Office of the Registrar.
 - G.5.2.** The Collections Advisory Committee of each collecting unit is responsible for establishing standards for restricted access.
 - G.5.3.** As a general rule, members of the public are allowed access to the collections when resources and conditions allow, for specific legitimate reasons, e.g., to conduct selected research or to participate in prearranged formal educational activities.
 - G.5.4.** As a general rule, only those staff from the collecting unit may provide access to that collecting unit's collections. All others should obtain approval in advance from authorized staff in the relevant collecting unit.
- G.6.** NMNH collecting units may charge organizations or individuals from commercial and non-commercial entities access fees for NMNH-owned intellectual property or materials. This fee may be in addition to fees charged for reproduction, transportation, security, and conservation.
 - G.6.1.** Access fee schedules must be approved by the Director and the Under Secretary for Science.
 - G.6.2.** All such fees shall go into the funds of the unit for collections management costs.
- G.7.** The Smithsonian and NMNH are not subject to the Freedom of Information Act (FOIA), which governs access by the public to federal agency records. The Smithsonian follows the intent and spirit of the law as a matter of policy.
 - G.7.1.** All requests citing FOIA must be referred to the Office of General Counsel.

- G.8.** NMNH may charge a fee or royalty for granting permission to reproduce collection objects in books, journals, catalogues, magazines, and similar scholarly, commercial, or general publications.
- G.8.1.** Fee schedules must be approved by the Director.
 - G.8.2.** All reproductions must be fully credited unless an alternate written agreement exists.
- G.9.** Contracts for reproduction of any collection item must be approved by the Director or designee.
- G.10.** NMNH reserves the right to refuse to furnish photographs or objects intended for reproduction, and also, to the extent it may be entitled to do so, deny permission for such reproduction at its discretion, using criteria such as the following:
- G.10.1.** The circumstances of the reproduction would be such as to demean, alter the appearance of, or otherwise misrepresent the collection item involved and/or bring discredit to the Smithsonian.
 - G.10.2.** It is determined that the reproduction work would cause harm to the object.
 - G.10.3.** The attribution of the collection item is in question.
- G.11.** NMNH acknowledges that the right to reproduce a collection item may be held by another individual or organization. In instances where such rights are believed to be held by a non-NMNH or Smithsonian party, the potential user will be notified and required to take full responsibility for obtaining any rights necessary for the intended use.
- G.11.1.** The NMNH undertakes no responsibility for determining the nature of such right or for obtaining any permission on behalf of the potential user.
- G.12.** Private individuals are permitted to photograph collections items on display in public galleries when the collections item belongs to the NMNH.
- G.12.1.** There are no other restrictions regarding such photography if the photographs are for personal use only, a hand-held camera with guarded flash or high speed film is used, and the photography is done at a distance of at least six (6) feet from the collection items (see *SD 805: Handling Outside Permission Requests to Use Smithsonian Images and Schedule C*).

- G.13.** NMNH permits destructive sampling and analysis of collections items and the consumption of genetic resource samples in accordance with established collecting unit policies and procedures and in compliance with any documented restrictions on use of the items. The importance of test results must be weighed against the total loss of the collection item or sample and its potential for replacement.
- G.13.1.** Information gained from the analysis shall be provided to the collecting units and included in the museum's records.
- G.14.** NMNH collecting units may enter into agreements of restricted access at the request of Native American tribes (see Section III. Specific Legal and Ethical Issues), in connection with the repatriation process.
- G.15.** Electronic access to collections or collection documentation should be based on traditional principles guiding access to original objects and documents, and should serve to enhance the mission of the NMNH relative to access.
- G.15.1.** Material provided through electronic access is subject to the same conditions and restrictions covering physical access and use of collections.
- G.15.2.** Use of collection material obtained through electronic networks may not be used for illegal or unethical purposes.
- G.16.** NMNH generally has items in its care that are not the property of the Smithsonian. These items may include long-term loans; items borrowed for identification or evaluation, acquisition, study, or exhibition; or collections with shared custody and care.
- G.16.1.** NMNH collecting units shall clearly address and respect access considerations, conditions, and restrictions in formal agreements with the property owner(s). Access to and use of such items is governed by agreements with the property owner(s).
- G.17.** Collections and collection documentation created as a result of research conducted by staff and non-Smithsonian staff working at NMNH is considered NMNH's property.
- G.17.1.** NMNH may deny access to such collections and collection documentation if access would disrupt or compromise ongoing research.

G.18. Researchers and users of NMNH collections must acknowledge or credit the NMNH for providing information or collection access per collecting unit standards.

G.19. NMNH develops a statement regarding commitment to the principles of access and benefit sharing, and procedures that guide and document the acquisition and use of relevant collections and associated information.

H. Loans and Borrows

Loan and **Borrow** transactions are the temporary transfer of possession of collection items for an agreed purpose and with the agreement that the collection item is returned at a specified time and in a specified condition. These transactions do not result in a change of ownership.

NMNH Loan: Under formal agreement, NMNH units temporarily relinquish custody of, but not any implied title to, collection items for temporary use, on condition that the items be returned or otherwise dealt with by a specific time and in a specified condition. A Loan may also be referred to as an **outgoing loan**.

NMNH Borrow: Under formal agreement, NMNH units obtain custody of, but not any implied title to, collection items for temporary use, on the condition that the items be returned or otherwise dealt with by a specific time. A Borrow may also be referred to as an **incoming loan**.

Principles

Lending and borrowing collection items for research, public exhibition, and education are an integral part of the NMNH's mission. Loan transactions between Smithsonian units are fundamental to Institutional programs, as are collections transactions to and from other educational and scientific organizations.

In general, loans of NMNH materials are made to institutions or organizations. Loans may be made to private individuals when it consistent with the community of practice within a scientific discipline or if it is in the interests of NMNH to do so.

NMNH can only loan items for which it has clear title.

Authority is delegated to the Office of the Registrar to document, monitor, and maintain records on the status of loan transactions.

The NMNH adheres to the *Guidelines for Exhibiting Borrowed Objects* issued by the American Association of Museums (AAM).

Policy

H.1. A collection item may be loaned or borrowed only in accordance with established authority and only when consistent with applicable law and professional ethics.

H.1.1. All loans and borrows must adhere to applicable federal, state, local, and international laws, treaties, and regulations.

H.1.2. All loans and borrows must be documented by a loan agreement or contract.

H.1.3. NMNH loans items for which it has clear title. If NMNH has custody of an item and wishes to loan it to a third party, prior written agreement from the owner is required.

H.2. As a general rule, NMNH collections are lent for research, public exhibition, or educational purposes.

H.2.1. NMNH collections may not be lent for private pecuniary gain. Collections may be lent for commercial purposes with the written approval of the Director and as documented in a written agreement or contract.

H.3. All regular borrow and loan agreements must be reviewed and approved by the collecting unit.

H.3.1. Transactions of collections items governed by a contract may also require review and approval by the Director or designee, Office of General Counsel, and Office of Contracting.

H.4. All loan and borrow transactions are for a specified time period, with a specified party, with option for renewal as appropriate.

H.4.1. The NMNH does not permit indefinite or permanent loans.

H.4.2. Formal long-term repository or off-site enhancement programs may be established as long-term loans. These must be reviewed and approved by the Office of the Registrar and the Office of General Counsel.

H.4.3. NMNH may recall loans prior to the agreed-upon date in accordance to the loan agreement.

- H.4.4.** Neither loaned nor borrowed items may be forwarded to a third party without prior written approval of the party who owns the items.
- H.5.** Access to collections borrowed by NMNH, as well as to NMNH collections on loan to or in the custody of others, must be stipulated in the transaction agreement.
- H.6.** With the approval of the Director, the NMNH may charge fees to borrowing organizations, and may recover actual expenses for making the outgoing loan.
- H.6.1.** All such fees shall go into the funds of the lending unit for collections management costs.
- H.7.** The NMNH may be asked to lend collection items to high-ranking government officials according to guidelines established in the *SD 600 Implementation Manual*.
- H.7.1.** Such loans must be approved by the collecting unit with notification to the Director.
- H.7.2.** All such approved loans must be made through a direct arrangement with the appropriate curator or contact person in the agency or body requesting the loan (e.g., the House, Senate, White House, or government department) not by transacting solely with the borrowing official.
- H.8.** Outgoing loans that are part of a centrally-administered Smithsonian Affiliation agreement with another organization are subject to the Affiliation Policy adopted by the Board of Regents in September 1996, *SD 600*, and guidelines set forth in the *SD 600 Implementation Manual*.
- H.8.1.** Other affiliations or partnerships between the NMNH and other organizations that are not Smithsonian Affiliates are subject to the terms of *SD 600* and this policy, as well as the procedures of the collecting unit loaning the items.
- H.9.** Regardless of the length and type of outgoing loan, the NMNH retains fiduciary responsibility for the continued oversight of its collections.
- H.10.** NMNH acknowledges its responsibility to provide appropriate physical safeguards for borrowed collections items in its custody, for the full term of the transaction agreement.

- H.11.** Loans between NMNH collecting units as well as to or with other Smithsonian units, must be documented according to established requirements in this policy, and must adhere to collecting units' policies and procedures.
- H.11.1.** Responsibility for routine monitoring and preservation of transacted collection items must be established at the time the transaction agreement is initiated.
- H.12.** NMNH may deny loan requests at its discretion, in consideration of the following criteria:
- H.12.1.** The items are being actively used by an NMNH researcher in the midst of a bona fide research project that has not yet been published.
- H.12.2.** The item(s) requested is on or scheduled for exhibition.
- H.12.3.** The requestor cannot provide proper facilities or fulfill standard preservation requirements.
- H.12.4.** The requested item(s) is of great scientific value, is unique, or of highly limited quantity.
- H.12.5.** The requested item is in such a condition that loaning it would place it at risk.
- H.12.6.** The requestor has previously violated the terms of a loan, including handling, sampling and/or return requirements.
- H.12.7.** Issues related to cultural sensitivity and/or repatriation mandate a restriction in access.
- H.12.8.** In the judgment of the collecting unit, the loan would compromise privacy, safety, or intellectual property rights.
- H.12.9.** Inordinate costs and resources to satisfy the request.
- H.12.10.** Loans are restricted or prohibited per the terms of an agreement made at the time of the items' acquisition.
- H.13.** Organizations and individuals whose loan requests have been denied may appeal to the Director or designee, who will make a final decision on the request.

- H.14.** Loaned NMNH collections items may only be sampled or consumed through destructive analysis or undergo conservation treatment with the prior written permission of the collecting unit that made the loan.
- H.15.** Collections items borrowed by NMNH may not be sampled or consumed through destructive analysis or undergo conservation treatment without the prior written permission of the owner.
- H.16.** The status of loans to NMNH which have expired, but for which the lender cannot be found, shall be resolved in accordance with the due process, reasonable search, and notification procedures set forth in the *SD 600 Implementation Manual*.
- H.17.** As part of its mission, NMNH makes its collections available to the public through loan for exhibition in a number of venues.
- H.17.1.** The collecting unit will not allow any collection item to be exhibited to its detriment, or exhibited in such a way as to risk human health and safety or the integrity and stability of the item.
- H.17.2.** The collecting unit establishes which items may be lent for exhibition, and also establishes the legal and physical conditions under which an item may be lent.
- H.17.2.1.** The Collections Advisory Committee of the collecting unit makes recommendations for the resolution of disputes on exhibition of items, and forwards those to the Director.
- H.17.3.** NMNH will be appropriately credited in the exhibition and in all supporting publications.
- H.17.4.** Condition reporting requirements for exhibition of collections items are established by the collecting unit with the Office of the Registrar and the NMNH Conservator.
- H.18.** Unit Collections Advisory Committees shall establish guidelines for incoming and outgoing loans including registry into museum transaction management systems and notification to appropriate collections managers and other unit members to ensure proper management of the borrowed items and use of the unit's resources. Ownership and custody information for all collection items must be recorded.
- H.19.** NMNH receives incoming loans of items for forensic identification and analysis from numerous medical, investigative and enforcement agencies. Such transactions are authorized, documented and managed

according to Memoranda of Understanding (MOU) or other formal agreements with the referring agency.

- H.19.1.** Items on loan to NMNH for forensic purposes are subject to the requirements of the applicable MOU or agreement, which supersede routine transaction policy and procedures. These may include stringent requirements regarding access to the item and all associated information as well as specialized requirements for storage, handling and conservation.
- H.19.2.** NMNH recognizes the public value of its forensics services and accordingly upholds these requirements.

I. Intellectual Property Rights

Intellectual Property Rights are rights and protections based on federal or state statutes or common law such as patent, trademark, copyright, privacy, and publicity, as well as the moral rights of living artists as delineated in the Visual Artists Rights Act of 1990 and any subsequent revisions thereof.

Principles

The NMNH is both a holder and a user of intellectual property and therefore seeks to protect the intellectual integrity of collections and promote wide access to collections for scientific and educational purposes. In support of its mission, the museum strives to protect the intellectual property rights of creators and intellectual property owners, including the museum itself as rights holder, and promote the responsible dissemination of knowledge.

Intellectual property rights are distinct from the right to possess the collection item itself and arise from its content. Holders of such rights may limit the uses that may be made of a collection item. The NMNH's ability to use collection items or associated intellectual property may be subject to intellectual property rights held by others.

The NMNH recognizes that under some circumstances and for some types of collections the establishment of intellectual property rights may be unclear at the time a collection item is accepted. It also recognizes that ownership of intellectual property rights may change over time for some collection items and under some circumstances. As a consequence, NMNH will make a reasonable, good faith effort to identify the holder of those intellectual property rights associated with a collection item at the time that collection item is accepted by the Museum.

Policy

- I.1.** NMNH will not knowingly permit infringement of intellectual property rights.

- I.1.1.** The NMNH will make a good faith effort to protect the intellectual property rights of creators and intellectual property owners, including the museum itself as rights holder.
- I.1.2.** NMNH will adhere to the regulations of *SD 103* when considering ethics issues related to the establishment and handling of intellectual property rights associated with collections.
- I.1.3.** Fees may be charged to outside organizations and individuals for use of images, recordings, digital surrogates, data and collection items only if such fees are established in accordance with *SD 805, Handling Outside Permission Requests to Use Smithsonian Images*, and the *SD 600 Implementation Manual*.
- I.1.4.** Reproductions of collections for standard museum purposes by the NMNH may be allowed by the doctrine of fair use.
- I.1.5.** Fair use assessments will be made on a case-by-case basis by the unit Collections Advisory Committee. The Office of General Counsel should be consulted if there is any question regarding whether an intended use may be considered a fair use.
- I.1.6.** The NMNH may not claim intellectual property rights for items permanently transferred to other institutions, including duplicate items, unless such rights are expressly retained by the NMNH and mutually agreed upon by the recipient organization in writing at the time of the transfer.

J. Shipping and Transportation

Principles

NMNH strives to ensure the safety and integrity of its collections and the collections that are being transacted with the museum, while complying with relevant state, federal and international laws and regulations.

Policy

- J.1.** Staff shall comply with state, federal and international laws and regulations when transporting collections.
- J.2.** Staff shall maintain permanent records of transportation events in association with the transaction and/or collections items.
- J.3.** Collecting Unit leaders, the Shipping Office, and the Office of the Registrar ensure that staff members are trained in acceptable

procedures and use appropriate materials for packaging, labeling, and transporting collections locally, regionally, nationally and internationally.

- J.4.** Staff shall promptly file USFWS electronic declarations (3-177 declarations) when transacting relevant collections across international borders. Copies of cleared declarations must be included in transaction records.

Section III. Specific Legal and Ethical Issues

NMNH acquires, holds, and manages collections to which particular legal and ethical issues apply. Because each collecting unit's holdings are different, and because certain types of collections present specific legal and ethical issues, each collecting unit may need to develop policies and/or procedures accordingly.

A. Native American and Native Hawaiian Human Remains and Objects

Principles

Native American and Native Hawaiian human remains, funerary objects, sacred objects, and objects of cultural patrimony are subject to the terms of the National Museum of the American Indian (NMAI) Act, as amended, 20 USC. § 80q. Under the NMAI Act the Smithsonian is required to compile information about such material, to disseminate the information to and consult with tribes about collections that may be subject to repatriation, and, in certain circumstances, to return such material to affiliated Native American tribes, Native Hawaiian groups, or lineal descendants.

The Smithsonian Repatriation Review Committee, established by the NMAI Act, serves as an advisory body to the Secretary or designee on application of the NMAI Act. The applicable NMAI Act standards and guidelines for compliance are set forth in the *SD 600 Implementation Manual*.

In addition to the applicable requirements of the NMAI Act, collecting units with Native American and Native Hawaiian collections should be aware of and sensitive to other issues that arise out of cultural concerns of Native American tribes or Native Hawaiian groups. Such concerns may relate to appropriate standards for the use and management of Native American or Native Hawaiian objects and interests in the intellectual content associated with such objects.

Collecting units are encouraged to consult with Native American tribes and Native Hawaiian groups associated with objects in their collections and to take their interests into account in establishing policies for the management of these collections, provided that such policies are consistent with applicable law and the Smithsonian's duties for the care and management of its collections.

Policy

- A.1.** NMNH collections include Native American or Native Hawaiian materials to which the requirements of the NMAI Act are applicable. NMNH and Smithsonian repatriation of Native American and Native

Hawaiian human remains and objects is governed by the requirements set forth in the National Museum of the American Indian Act, 20 USC. § 80q (1989), as amended.

- A.2.** NMNH administers the Repatriation Office, which is the authority for NMNH under the NMAI Act and acts as the liaison between NMNH and any and all groups or individuals seeking discussion about or repatriation of any Smithsonian materials.
- A.3.** The NMNH Repatriation Office, established under the NMAI Act, evaluates all repatriation requests covered by the Act, assesses their validity and responds accordingly.
 - A.3.1.** Any repatriation request received by any NMNH unit should be referred to the NMNH Repatriation Office for advice and guidance.
- A.4.** Final repatriation decisions are made by the Secretary or designee. All repatriation decisions are subject to the general policies of the Board of Regents.
- A.5.** Any Native American or Native Hawaiian collections whose repatriation is not required by the NMAI Act shall be managed in accordance with this directive. Decisions to return or repatriate collection items outside the scope of the NMAI Act will be evaluated and processed in accordance with routine and established deaccession and disposition policies and criteria.

B. Cultural Property

Principles

The *Smithsonian Institution Policy on Museum Acquisitions*, adopted by the Board of Regents on May 9, 1973, affirms the Smithsonian support for efforts of local, state, national, and international authorities to protect art, antiquities, national treasures, and ethnographic material from destructive exploitation.

The Smithsonian repudiates the illicit traffic in art and cultural objects that contributes to the despoliation of museums and monuments and the irreparable loss to science and humanity of archeological remains. Items that have been stolen, unscientifically gathered or excavated, or unethically acquired should not be made part of Smithsonian collections.

The *Policy on Museum Acquisitions* sets forth rules for the acquisition and borrowing of art, antiquities, and other items. The text of the Policy is included in *the SD 600 Implementation Manual*. NMNH does not consider

geological, paleontological or mineralogical materials in an unmodified state to be cultural property, nor are gems and items of jewelry.

Policy

- B.1.** All collecting unit collections management policies and activities will comply with the *Smithsonian Institution Policy on Museum Acquisitions*.
- B.2.** Before acquiring or borrowing a collection item, the collecting unit must ascertain, from the circumstances surrounding the transaction or knowledge of the item's provenance that the collection item was not stolen or wrongfully converted and is not illegally present in the United States.
- B.3.** Before acquiring or borrowing a collection item, the collecting unit must ascertain that the collection item was not unethically acquired from its source, unscientifically excavated, or illegally removed from its country of origin after May 9, 1973.
- B.4.** The provenance of collection items shall be a matter of public record, with the provision that provenance records and related information may be reasonably protected from non-approved access if there is reason to fear any breach of privacy or confidentiality, site vandalism, or theft.
- B.5.** Items related to named individuals or extant cultural groups shall be managed in a sensitive, respectful manner.

C. Biological Items

Principles

The Smithsonian has long been a leader in the effort to halt the continuing degradation of the world's natural history and environmental resources. Smithsonian research and collecting activities must be undertaken with sensitivity to continued protection of biological diversity and in compliance with applicable laws protecting animal and plant species, especially those that are threatened or endangered.

Field studies and collecting of biological material should be preceded by disclosure and consultation with the proper authorities and interested scientific institutions in the location of the fieldwork and under all appropriate permits.

Field activities must be conducted lawfully, support educational and scientific purposes, and not cause undue detriment to the biodiversity and ecological conditions in the area of the activity other than in instances of salvage

collecting in areas which will be destroyed by development projects or other endeavors sanctioned by the authorities of the country in question.

Policy

- C.1.** Biological items may be acquired by or on behalf of the NMNH through field collecting only when such collecting is legally authorized; the item is obtained solely for purposes of scientific research, to add to the Smithsonian collections, or for other educational purposes; and the Smithsonian's field activities will not cause undue detriment to the biodiversity and ecological conditions in the area of the activity.
- C.2.** The NMNH name may not be used to justify or support permit applications for activities that have not been authorized by or on behalf of the NMNH in accordance with this policy, the *SD 600 Implementation Manual*, and collecting unit policy.
- C.3.** NMNH will only acquire or borrow biological items collected or obtained by others if to the best of our knowledge the transaction complies with established unit standards and applicable international, national, state, local, and tribal laws.
- C.4.** Biological items in NMNH collections or custody will be managed in accordance with all applicable legal requirements, including collecting, transportation, shipping, documentation, access, and use requirements.
- C.5.** Authority and responsibility for obtaining and managing permits for museum-wide use are vested in the Director. Authority and responsibility for obtaining and managing collecting permits for specific biota, localities, or events is held by the Director and may be delegated to the relevant collecting unit within NMNH.
- C.6.** Biological collections shall only be used according to the terms of any agreements that permitted their acquisition.

D. Unlawful Appropriation of Objects during the Nazi Era

Principles

Between 1933 and 1945, the Nazi Regime caused the unlawful appropriation of millions of art objects and other cultural property from their rightful owners, including private citizens; victims of the Holocaust; public and private museums and galleries; and religious, educational, and other institutions. Some of these objects ultimately were transferred, in good faith and without knowledge of their prior unlawful appropriation, through the legitimate market and may have been acquired by museums. In recent years,

public awareness of the extent and significance of Nazi looting of cultural property has grown significantly.

The Smithsonian adheres to the *Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era*, issued by the American Association of Museums (AAM), and, where applicable, the *Report of the Association of Art Museum (AAMD) Directors Task Force on the Spoilation of Art during the Nazi/World War II Era*. The text of these documents is included in the *SD 600 Implementation Manual*.

Policy

- D.1.** The NMNH shall not knowingly acquire collection items that were unlawfully appropriated during the Nazi era without subsequent restitution.
- D.2.** If the NMNH has acquired in good faith a collection item that is subsequently determined to have been unlawfully appropriated during the Nazi era without restitution, the NMNH will take prudent and necessary steps to resolve the status of the collection item.
- D.3.** Each collecting unit shall apply the applicable provisions of the AAM and AAMD guidelines to its collections management activities.

E. Animal Welfare and Institutional Animal Care and Use Committee

Principles

The Federal Animal Welfare Act (AWA) and the Public Health Service (PHS) Policy set standards for the responsible and humane treatment of animals captured alive in the field as well as those maintained in captivity. This includes standards for capture, restraint, handling, marking, captive care and euthanasia. Demonstration of compliance with AWA provisions is increasingly required by societies and peer-reviewed research journals.

The NMNH complies with the AWA in all units in which living animals are essential subjects of research, both in the field and in captivity. It will establish and maintain an Institutional Animal Care and Use Committee (IACUC) to review and advise on these issues, as required by Federal regulations.

Policy

- E.1.** The NMNH will not support or condone the use of any procedures that have been identified by the AWA and scientific discipline groups as being inhumane in the capture, restraint, handling, marking, captive care or euthanasia of living animals.

- E.2.** The NMNH will only maintain living animals for research purposes in fully acceptable captive care conditions, as determined by the IACUC and scientific discipline standards.
- E.3.** The NMNH will not knowingly accept specimens of animals collected for research purposes in violation of the humane requirements of the AWA.

F. Human Subjects in Research and the Institutional Review Board

Federal research involving human subjects is governed by the Code of Federal Regulations, Title 45, Public Welfare, Part 46 (commonly referred to as 45 CFR 46).

Principles

NMNH complies with all legal and ethical requirements for responsible reliance on human subjects in any form of research undertaken by the NMNH. It will establish and maintain an Institutional Review Board (IRB) to review and advise on these issues, as required by Federal regulation. Any research that uses humans, surveys of human subjects, or human subjects' records requires IRB review and approval.

Policy

- F.1.** The NMNH will not support or condone the use of any procedures that have been identified by the National Institutes of Health, the National Science Foundation, and scientific discipline groups as being unacceptable in relation to human subjects of research.
- F.2.** The NMNH will only rely on human subjects in research under fully acceptable conditions, as determined by the IRB and scientific discipline standards.
- F.3.** The NMNH will not knowingly accept collections items or information derived from research conducted in violation of laws relating to the use of human subjects.

G. Collections Posing Health and Safety Risks

Principles

NMNH owns and has custody of items that may pose some risk to health and safety, either due to hazards that are their inherent original composition or fabrication, acquired over time through exposure to hazardous materials in their environment, or acquired over time as a result of alterations from ageing or treatment. NMNH will promote awareness of the potential hazards, and of established protective work practices to those at risk. People at potential risk, who need to receive occupational hazard awareness information, include

Smithsonian employees, docents, interns, volunteers, visiting researchers, and contractors who are in contact with these collections. In addition, people to whom NMNH loans, deaccessions, or transfers objects with hazardous materials will also be notified. The visiting public will be protected from adverse health or safety risk from objects on display. NMNH protects the environment from undue contamination through proper disposal of waste materials generated during curation, treatment, and management of NMNH collections.

Policy

- G.1.** NMNH shall comply with the Smithsonian Hazard Communication Program (see *SD 419*), Smithsonian authorities, and all applicable laws in the handling, storage, shipping, transport, fumigation, and transacting of such items, and in the event of their disposal.

- G.2.** Collecting units must make reasonable attempts to determine the presence of hazardous materials within collections.
 - G.2.1.** Once a hazard is identified, employee health risk must be determined.
 - G.2.1.1.** Results must be communicated to affected staff.
 - G.2.1.2.** Appropriate labeling must be used to warn users of potential risk.
 - G.2.1.3.** Storage methods must be appropriate to the risk.

- G.3.** Written *Safe Work Practices* and storage procedures must be developed for the particular needs of the collecting unit or program.

- G.4.** All staff, docents, interns, volunteers, visiting researchers, and private contractors who are responsible for handling, caring for, or otherwise managing such items will be informed of any known risks, and must be provided with appropriate procedures, materials, and equipment for mitigating the risks of managing those collections.

- G.5.** Collecting units shall ensure that hazard notification, to the extent applicable, is incorporated into loan, accession and de-accession, transfers and surpluses, and repatriation documents.

- G.6.** The Shipping Office or other properly trained staff is responsible for ensuring that hazardous materials shipped on behalf of NMNH are packed, shipped and transported as required by applicable laws and international treaties. Incoming loan and accession agreements should also include a description, from the sender, of any known or suspected hazardous material. Such documentation is to be in accordance with

applicable law or international treaties. The Shipping Office will establish written guidance on the shipping and transport of hazardous/dangerous goods.

- G.7.** Employee health risk should be determined through occupational exposure surveys conducted by OSEM.
 - G.8.** Communication of hazards to users must take the form of written fact sheets, incorporation of collections-based hazards into the basic NMNH Hazard Communication Training program, and/or information labels or signs on collections labels, storage cases, storage rows, or entry doors to storage.
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