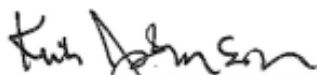
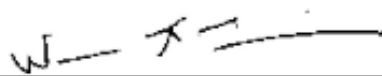


**National Museum of Natural History
Smithsonian Institution
Collections Management Policy**

Have read and approve:



Kirk Johnson
Sant Director, National Museum of Natural History



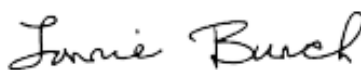
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9/18/23

Date

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National Museum of Natural History
Collections Management Policy
September 2023

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Section I. Introduction.

A. Purpose

This document sets forth policy for the acquisition, management, use, and disposition of the National Museum of Natural History's (NMNH) collection. It is subordinate to Smithsonian Directive 600, Collections Management (SD 600), and supersedes previous versions of this policy and any department level guidance.

B. Background

The NMNH is dedicated to the study of the natural world, including humans and the cultures they have created. As part of the larger Smithsonian mission, the NMNH is committed to the increase of knowledge and to disseminating that knowledge. The NMNH collection serves as primary reference material for exploring and understanding Earth history, biological and cultural diversity, and global change. The collection is international in scope and diverse in kind: ongoing and intensive scientific study of this reference collection provides critical information and establishes the NMNH as an important international user facility.

The NMNH is committed to the growth, improvement, and long-term stewardship of its collection, and to supporting its use. As the nation's natural history museum, the NMNH has a responsibility to conserve and protect its collection to assure continued accessibility by future generations, and to hold it in trust, ensuring fulfillment of its long-term potential.

The Act of August 10, 1846 [20 USC §§ 41, et seq.] established the Smithsonian and vested authority for management of the Institution in a Board of Regents. The Act establishes stewardship responsibility for collections. The Smithsonian implements its stewardship responsibility through Smithsonian's Collections Management Policy, SD 600, Collections Management.

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.”

On this authority, the NMNH serves as a repository for collections made by or on behalf of other Federal agencies and entities. These items are managed under the terms of the agreements establishing the repository arrangement, which are aligned with the same policies and standards of stewardship applicable to all other NMNH holdings. The NMNH manages the collection within applicable legal frameworks and in compliance with Smithsonian policy.

C. Applicability

This policy applies to all NMNH departments that have delegated authority to acquire, manage, and use collection items and associated collection information (analog and digital).

They are Anthropology, Botany, Entomology, Invertebrate Zoology, Mineral Sciences, Paleobiology, and Vertebrate Zoology, and the Collections Program, which holds collections on behalf of Education and Outreach. With the exception of the National Anthropological Archives (NAA), archival materials are transferred to the Smithsonian Institution Libraries and Archives (SLA), per SD 501, Archives and Records, and SD 503, Management of Archives and Special Collections in the Smithsonian Institution or are maintained within their collection of origin. Books and journals intended for permanent retention are accessioned and managed by the SLA in consultation with the NMNH, per SD 500, Smithsonian Libraries.

All NMNH staff, as well as emeriti, research associates or collaborators, fellows, contractors, interns, volunteers, and affiliated agency staff who are officially stationed at the NMNH (NHB and the MSC) and all facilities housing NMNH collection items are required to adhere to this policy, SD 600, and SD 103, Smithsonian Institution Standards of Conduct. These policies apply to members of Smithsonian units that are co-located with the NMNH collection, or whose work may affect the collection or occurs in the NMNH collection spaces, except as otherwise stipulated by other agreements.

NMNH's work is complemented by several Federal agencies that contribute to collection management and employ staff whose duty station is the NMNH. These agency staff are embedded within NMNH departments and are subject to SD 600 and this policy. In some departments, affiliated agency scientists provide curatorial oversight and expertise for specific NMNH items.

Although the NMNH Advisory Board has no specific authority for the NMNH's collection, Board members are required to comply with Smithsonian Institution rules regarding collections, including the Advisory Board Ethics Statement and the Statement of Values and Code of Ethics. The rules and monitoring of compliance are managed by the NMNH Director's Office.

D. Authority and Responsibility

The acquisition and possession of collection items imposes legal and ethical obligations to provide for the management, preservation, and use of collections and their associated information. Authorities and responsibilities for collection management at the NMNH are subordinate to the those at the Institution level, as defined in SD 600.

The Smithsonian Board of Regents holds ultimate oversight responsibility and fiduciary responsibility for Smithsonian collections. The Board of Regents, through the Secretary and other central administrators, delegates primary operational authority for the NMNH collection to the NMNH Director.

On a regular basis the NMNH Director delegates collection-specific authority through the Associate Director for Science and Chief Scientist to NMNH and affiliated agency staff based upon recommendations from the Department Chairs and Collections Managers. Curatorial authority is the authority to make decisions on the composition and strategic growth of the collection assigned to individual staff as well as authorizing all transactions, curation, and scientific access/use of the collection under their care, subject to all necessary approvals.

The stewardship of the NMNH collection requires an array of expertise and skills. In general, curatorial staff are responsible for the composition and strategic growth of the collection and for authorizing acquisitions, dispositions, loans, and scientific use. Collections staff are responsible for processing, organization, digital preservation, and access to the collection. Other staff may be delegated responsibilities based on their individual qualifications.

The NMNH Director

has authority for:

- Curatorial authority and physical access to all NMNH collections, including delegation of that authority to the Associate Director for Science and Chief Scientist.
- Approving and implementing an up-to-date unit collections management policy and collections stewardship plan.
- Approval of policy exceptions.
- Approving unit inventory plans and ensuring plans are appropriate to the nature, characteristics, and size of NMNH's collections, staff resources, and any unit-specific requirements, and receiving reports on the results of inventories.
- Approval of external agreements for partnerships and collaborations that affect the collection.
- Directly authorizing any acquisition or loan that requires or risks more than \$500,000 in museum resources (as based upon purchase price, insurance value, and/or cost of care); any item purchase or deaccession/disposition valued at more than \$100,000; and any deaccession/disposition of highly significant items.
- Serving as Primary Investigator on all museum-wide permits and delegating authority for their use.

is responsible for:

- Compliance with SD 600 and this policy, including the submission of an annual report.
- Policy guidance, program direction and planning, resources and staffing per the requirements of this policy.

The Associate Director for Science and Chief Scientist (ADCS)

has authority for:

- Establishing the NMNH Collections Management Policy and the NMNH Collections Stewardship Plan.
- Delegating curatorial authority and physical access to collections to individuals for all NMNH collections
- Directly authorizing any acquisition or loan that requires or risks between \$100,000 and \$500,000 in museum resources (as based upon purchase price, insurance value, and/or cost of care); any purchase or deaccession/disposition valued between \$50,000 and \$100,000; and any deaccession/disposition of significant items.

is responsible for:

- Providing curatorial leadership and supervising the museum's department chairs and central science staff, including the Assistant Director for Collections (ADC).
- Reviewing, approving, and revising department collections management plans and priorities.
- Reviewing agreements that affect the care and accountability of the collection and, when appropriate, recommending them to the Director for approval. NATIONAL MUSEUM OF NATURAL HISTORY COLLECTIONS MANAGEMENT POLICY Page 4 of 45
- Ensuring that relevant Science staff are accountable for collection tasks and that staff training is aligned with delegated authority and responsibility; enforcement of related performance measures.

The **Assistant Director for Collections (ADC)**

has authority for:

- Operations of the Collections Program, including the biorepository, conservation services, and the registrar, and delegated authority for management of the NMNH Education and Outreach Collections and centrally-held special collection items.
- Signing Internal Revenue Service forms for collection donations (IRS 8283 / 8282).

is responsible for:

- Developing training and monitoring and documenting compliance with policy.
- Advising on collection policy, management, priorities and resources; assisting in policy development.
- Establishing performance measures for collection management.
- Collaborating with the Informatics and Data Science Center (IDSC) to maintain functional information management systems and access to collections information.
- Communication of pan-museum collection management policies, procedures, standards, and priorities.

The **Registrar**

has authority for:

- Managing museum-level permits for acquisition, possession, use, or transport of items (e.g., Material Transfer Agreements [MTA], Prior Informed Consent [PIC], Mutually Agreed Terms [MAT], Certificate of Scientific Exchange [COSE], or Animal Plant Health Inspection Service [APHIS]).
- Signing and maintaining records of Internal Revenue Service (IRS) forms for collections donations (IRS 8283 / 8282).

is responsible for:

- Final review and maintenance of all collection transactions and associated analog and digital records.
- Providing support for permits regarding collection acquisition, use and transportation.
- Leading cyclical inventories in collaboration with departments; maintaining the museum's records of its inventories.
- Leading development, maintenance, and use of data standards for transaction management system in cooperation with the IDSC and collections management staff.
- Overseeing exhibit loans within NMNH (to Exhibits), between NMNH and other SI units, and with non-Smithsonian museums.
- Providing regular training on policy and procedures associated with all aspects of collection transactions.

The Conservator

is responsible for:

- Leading or collaborating on conservation initiatives including integrated pest management.
- Providing conservation services related to NMNH exhibitions.
- Advising staff on the physical care of the collection.
- Providing regular training that promotes the care of the collection.
- Communication of the pan-museum physical collection care risks, plans, procedures, standards, and priorities.

The Department Chairs

have authority for:

- The establishment, review, approval, and revisions of the department procedures and priorities.
- Directly authorizing any acquisition or loan that requires or risks between \$50,000 and \$100,000 in museum resources (as based upon purchase price, insurance value, and/or cost of care); and any purchase or deaccession/disposition between \$25,000 and \$50,000.

are responsible for:

- Ensuring that staff training is aligned with delegated authority and responsibility.
- Providing guidance, program direction and planning, and resources to meet requirements in this policy under the advisement of the ADCS and with consultation with the ADC.
- Approving the department collections and digitization plans.
- Ensuring that collections-related responsibilities are reflected in annual performance plans.

- Approving travel for fieldwork that will result in collecting activities and confirming with Collection Managers and staff that sufficient resources exist to receive and house the new material.
- Recommending appropriate staff with sufficient expertise to oversee parts of the collection to the ADCS and Director for annual delegation of curatorial authority and physical collections access.
- Management, preservation, and use of departmental archival holdings other than the National Anthropological Archives (NAA) and Human Studies Film Archives (HSFA).

The Curators

have authority for:

- The composition, access, and use of the collection under their delegated curatorial authority as it relates to scientific research, outreach, education, and exhibition in compliance with this policy.
- Initiating any acquisition, accession or loan that requires or risks less than \$50,000 in museum resources; and any purchase or deaccession/disposition of less than \$25,000.

are responsible for:

- Collaborating with relevant collections staff and Chairs on development and implementation of collection and digitization plans, including improvement on the quality and use of the collection and its catalog and other data.
- Initiating and/or approving the acquisition, accession, loan, deaccession and disposition of material related to items under their delegated authority.
- Initiating and/or approving requests for use of collection items, including but not limited to granting permission to extract genetic and/or genomic sequences or other destructive sampling and generation of any digital surrogates and images.
- Approving and supporting visitors to the collections under their curatorial responsibility.

The Department Collections, Archive, or Data Managers and Registrars, or those performing Registration duties

have authority for:

- Physical and digital collections access as assigned.
- Upholding this Collections Management Policy.

are responsible for:

- Collaborating with Curators and Chairs on the development and implementation of collection and digitization plans, including improvement on the quality and use of the collection and its data.
- Timely processing of acquisitions, accessions, loans, deaccessions, and dispositions jointly with the Department Curators per the timelines in this policy; maintaining associated records that reflect decisions and collection-related activities.
- Cataloging items and providing care and access for the collection and collections information (digital and analog) ensuring its accuracy, safety and security.

- Preparation of routine and ad hoc collection reports.
- Implementation, maintenance, and use of data standards for the collection information systems in cooperation with department and IDSC staff.
- Assisting the Registrar with cyclical inventories and maintaining records of inventories, appropriate use of permits, and comprehensive registration.
- Facilitating access to the collections as approved by departmental curators.

The Associate Director for Operations (ADO) and Museum Support Center

Management Officer

have authority for:

- Providing administrative oversight of the NHB and MSC facilities and the safety of the items housed there in collaboration with NMNH staff.

are responsible for:

- The planning, management, and budget of the NHB and MSC in coordination with the staff who lead emergency planning and response, and the financial and personnel functions of the museum.
- Ensuring that the facilities and their systems are appropriate for the care and use of the collection.
- Ensuring that emergency response plans and systems are appropriate for the protection of the facility, its occupants, and the collection. Liaising with the Smithsonian Institution Office of Protective Services, Smithsonian Enterprises, and Smithsonian facilities offices.

The Informatics and Data Science Center Leader (IDSC)

has authority for:

- Developing and maintaining collection information and transaction management systems that support collection control and accessibility.

Is responsible for:

- Ensuring collection information security and data integrity.
- Developing and maintaining the museum's Data Access Policy and providing information per its terms as requested.
- Providing public access to collection data through online collection information systems.

The **Assistant Directors for Education, Outreach and Visitor Experience (ADEOVE) and Exhibits (ADE)** are each responsible for working with the ADC, Registrar, Conservator, Department Curators, and Collections Managers to ensure that the NMNH items borrowed for exhibitions or intended for educational programs comply with this policy. The Office of Exhibits is responsible for consulting with the Registrar regarding terms and management of incoming loans (borrows) of items for NMNH exhibitions.

The NMNH Collecting Departments each establish **Advisory Committees** to support the Department Chair in the stewardship of the collection and the designated curators in their delegated responsibilities. Advisory Committees assist with reviews of potential collection transactions, sampling requests, or other collection stewardship matters; this advisory role does not impinge upon curatorial responsibilities.

The NMNH may establish standing, temporary, or ad hoc committees to guide and advise on collection management or to perform services on behalf of the museum. Such committees will have a charter and will operate under the oversight of the ADC, ADCS, or the NMNH Director.

E. Ethics

The NMNH's activities are conducted in compliance with the [*Smithsonian Institution Statement of Values and Code of Ethics*](#); [*SD 103, Smithsonian Institution Standards of Conduct*](#), the [*Advisory Board Ethics Statement*](#), and SD 600. NMNH recognizes and accepts its fiduciary responsibility to provide management, preservation, and use of its collection and of associated information for the benefit of the international scientific community and the public. The NMNH strives to exceed the applicable legal standards and to manage its collection 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 Ethical Returns and Shared Stewardship, intellectual property rights, access and benefit sharing, and other emerging areas of interest, nationally and internationally.

Smithsonian staff 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 conflict with those of the Smithsonian, the NMNH staff member must abide by the Smithsonian's standards. Such a conflict should be brought to the attention of the ADCS.

Staff should recognize that Indigenous and other source communities have ongoing relationships with the collection, particularly cultural heritage items, and interest in the care, use, and representation of items connected with their communities. Staff have a responsibility to consider and evaluate the concerns of Indigenous and other source communities regarding items, recordings, information, collecting activities, and use. Wherever possible, the stewardship of the collections and related materials should be conducted in consultation with source community representatives. Agreements about shared stewardship that result from a request for ethical return should be in writing and approved per this policy's section on Ethical Stewardship.

Staff are required to avoid personal and institutional conflicts of interest in collections activities, including the provisions of SD 103 related to personal acquisition of collection items. Only authorized staff may engage in collection transactions on behalf of the NMNH. Staff will follow the provisions in SD 103 related to appraisals of collection items, authentications, and dealing. Staff will not provide appraisal services to any prospective donor or outside party, including Borrowers or Lenders, for exhibitions.

All affiliated agencies stationed at the NMNH are bound by the ethical standards established by their respective agencies. If such standards conflict with those of the Smithsonian, the affiliated agency employee must bring this to the attention of the ADCS.

External parties must warrant that items they bring into the NMNH's facilities are acquired or possessed legally, via NMNH's Agreement Concerning Possession and Use of Outside Materials in NMNH Facilities (Warranty) form. If items already in the NMNH's custody are found to have been acquired improperly, the NMNH will promptly and thoroughly resolve their status.

Personal Collections and Collecting. The NMNH staff, research associates, interns, fellows, volunteers, visitors, and affiliated agency staff (all hereafter referred to collectively as "staff")

may not maintain personal collections in NMNH's facilities without the express written approval of their Department Chair and the ADCS. Once the ADCS approves a personal collection to be kept on-site, an inventory of the collection shall be provided to the Department Chair. Personal book collections used for work purposes and personal collections determined to be reasonably outside the scope of the owner's department and used primarily as office decoration are excepted from this rule. Personal collecting may not conflict with the museum's collecting interests and may only be done in personal time. No personal collecting may be done on the NMNH's business or field trips unless written permission from the Department Chair and the ADCS is obtained in advance and subject to the requirement that any such collecting be conducted on annual leave taken during business or field trips. Personal items remaining in the NMNH's facilities 90 days after the close of an academic appointment or contract will be considered abandoned. The NMNH will handle such items according to this policy. In the rare event that staff are allowed to loan personal collection items to NMNH for exhibition or exhibitions organized by outside parties, they will be credited anonymously in all related exhibition materials.

F. Financial Accounting for Collections

Smithsonian collections are held for research, public exhibition, and education in furtherance of public service rather than financial gain. Items are protected, cared for, and preserved, and subject to the requirement that proceeds from sales of items are to be used to acquire additional collection items or the direct care of existing collections. Accordingly, the Smithsonian does not treat its collections as assets for purposes of reporting in its financial statements. The NMNH adheres to the applicable financial reporting standards governing collections held in public trust and complies with the Smithsonian's policy regarding the non-capitalization of collections.

G. Compliance

All employees who work with the collection in the course of their assigned duties will have an element in their performance plan that affirms compliance with relevant NMNH and Smithsonian policies and any department procedures.

Each collecting department will report on its compliance with this policy via a signed statement and completed checklist from the Department Chair. The Director will report on the NMNH's compliance to NCP and the NMNH community.

H. Exceptions

Prudent exceptions to the NMNH's collection management policy may be permitted when in the best interests of the NMNH. Exceptions to the policy must be approved by the Director in writing and only after consultation with NCP and OGC, and approval by the Under Secretary for Science and Research.

I. Policy Review and Revision

This policy will be reviewed every five (5) years, unless the Director determines that a significant change in circumstances or a collections issue has arisen that indicates a need for review.

J. Categories of the NMNH's Collections

This policy applies to the following categories of the NMNH's collections:

Accessioned (Permanent) Collections. Items that are significant for research or exhibition and important to preserve for an indefinite period. These items undergo the accessioning process managed by the Registrar. Care of the permanent collection is prioritized over other types of collections. Genetic resources items may be gradually consumed through research use but are still considered permanent. Archival assets are collection items, which may include but are not limited to printed and digital images, recordings, scientific reproductions, and illustrations (works of art), or digital surrogates that are representations of items or phenomena.

Custodial or Repository Collections. These items are a type of Accessioned Collections. They are transferred to the NMNH by another federal agency or entity for long-term custody, but ownership is retained by the United States (U.S.) government. These items and associated documentation are acquired only under specialized agreement, signed by the Director or at the Institutional level.

Agreement terms may vary with each collection, but typically the NMNH gains custodial responsibilities and specific usage rights. These collections differ from permanent (accessioned) collections in that the organization conveying custody and rights has established terms that retain some rights or establish obligations that the NMNH must fulfill.

Acquired (Non-accessioned) Collections. Some items are not suitable for inclusion in the permanent accessioned collection because of an agreement, impediment, duplication, or other consideration that leaves them available for exchange, sampling, and destruction. Educational or Teaching items fall into this category because there is no expectation of permanence. These items may be referred to in record systems simply as "acquired." All acquired collections items are subject to this policy and the same level of accountability as the permanent collections.

Section II. The NMNH's Policy Elements

A. Acquisition and Accession

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

Accessioning is the formal process used to enter a collection item or group of items into the NMNH's permanent collection.

PRINCIPLES

The acquisition of items is fundamental to ensuring the continual development and refinement of the collection in support of the mission and programmatic goals of the NMNH. Acquisition imposes legal and ethical obligations to provide proper planning, management, documentation, reservation, storage, and use of items and their associated information. The museum observes the highest legal and ethical standards in the acquisition and care of the collection. Acquisition and accessioning procedures are designed to ensure thoughtful, well-documented decisions based on responsible stewardship planning and the long-term interests of the NMNH, the public, and the collection item.

Accessioned items are subject to a high standard of care and comprise items the NMNH intends to keep, preserve, protect, steward, and document for an indefinite period for public exhibition, education, research, and/or other mission-related activities. Some items may be acquired and designated for non-accessioned status for exhibit, education, research, or consumptive use. Non-accessioned items require the same acquisition documentation as accessioned items.

POLICY

COVERAGE. All collection acquisitions are subject to this policy.

AUTHORITY. Primary collecting authority rests with the Director, who delegates general responsibility for a subcollection(s) to appropriate staff via written memorandum. Any delegation of collecting activity to non-Smithsonian staff will be made in writing by the Director.

Only staff with written delegation from the Director may acquire collections. Collecting departments shall not opportunistically or purposefully collect or acquire items outside of their recognized discipline without the prior agreement of the designated curator of that subcollection.

Authority to document and process acquisitions and accessioning is vested in the Director and delegated to the Registrar. All staff with delegated authority to acquire must take training from the Registrar to ensure compliance with all applicable laws and regulations.

The Director and specific designees, as identified in writing, are the only staff members authorized to sign international or national agreements and permits regarding collection item acquisition on behalf of the NMNH. The ADC and Registrar are the only staff members authorized to sign IRS forms 8283 / 8282.

LEGAL COMPLIANCE. Items will be acquired only in accordance with established authority and only in compliance with applicable laws, regulations, and professional ethics. The NMNH exercises due diligence in complying with all applicable federal, state, local, and international laws, treaties, regulations, and conventions. Compliance is documented by obtaining and providing all applicable collecting, transportation, and use permits or agreements in writing to the Registrar. Collecting staff shall obtain all necessary authorizations and permits, in writing, prior to acquisition. All foreign language permits must be accompanied by a translation to English.

PROVENANCE. The concept of provenance refers to the history of ownership of a collection item. Collecting departments shall exercise due diligence in the acquisition of collections, including making reasonable inquiries into the provenance of items under consideration for acquisition consistent with Smithsonian policy. Such inquiries are made to determine that the NMNH can acquire valid title to the collections item and that the acquisition will conform to all legal requirements and ethical standards. For the purposes of this policy, the scientific concept of “provenience” that relates to the locality where an item originated will be referred to as the item’s “locality.”

The NMNH complies with the [*Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects*](#). The NMNH does not consider geological, paleontological, or mineralogical materials in an unmodified state to be covered by this Policy. However, gems and items of jewelry that have an historic or iconic nature will be subject to the Policy.

Before acquiring an item, the NMNH must ascertain, from the circumstances surrounding the transaction or knowledge of the item’s provenance that it was not stolen or wrongfully converted and is not illegally present in the United States. The NMNH must also ascertain that the item was not unethically acquired from its source or unscientifically excavated.

The provenance of items shall be a matter of public record. Locality 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.

Items or remains related to named individuals or cultural groups shall be managed in a sensitive, respectful manner.

EVALUATION. Collecting departments must use the following evaluation criteria when reviewing potential acquisitions:

- Consistency with the NMNH’s mission, strategic plan, programmatic goals, collecting scope, and collections stewardship plan.
- Documentation of clear and legal title, including compliance with all national and international laws and regulations.
- Consistency with current ethical standards.
- Fit within the collecting department’s existing storage space.
- Ability and resources to provide appropriate management, care, and accessibility, including documentation, long-term preservation, conservation, digitization, and storage.

- Is not of a nature (fragile or hazardous) that would require substantial care or precaution that would place undue hardship on the museum.

Consultation with the Director is required before the acquisition of any item(s) that would require substantial resources beyond the allocated budgets of the department, space beyond the allotted footprint of the department, or other substantial resources for the management or preservation of the collection.

Consultation with the Under Secretary for Science and Research and NCP is required before the acquisition of any collection that would require substantial resources, including collection storage space, beyond the NMNH's allocated budget and space or substantial resources of other Smithsonian units for the management, preservation, or storage of the collection.

ACQUISITION METHODS.

The NMNH acquires items by a variety of methods, including gift, bequest, purchase, exchange, transfer, fieldwork, and propagation.

- **Fieldwork**: Field collecting activities must be undertaken in compliance with all applicable local, state, federal, and international laws, regulations, and conventions, and compliance must be appropriately documented at the time of acquisition, including all necessary governmental permit(s) and other applicable permissions. All the NMNH and research collaborators conducting scientific field research and collecting as part of their official duties must be authorized in advance and obtain all necessary collecting permits, export/import licenses, and other necessary permissions. Shipping and handling of items acquired in the field must conform to the NMNH procedures and comply with all applicable laws and regulations.
- **Gifts**: Gifts to the museum must be documented in writing by a deed of gift or gift agreement to establish transfer of legal title to the NMNH. The Museum must comply with applicable IRS regulations concerning acknowledgement of gifts to donors. All fractional gifts must be documented in a fractional gift agreement reviewed and approved by the NMNH Director and OGC.
- **Bequests**: The NMNH reserves the right to accept or decline any bequest, or a portion of a bequest, at its discretion, or to negotiate with executors to obtain bequests of a clear and unrestricted nature. The museum applies the same criteria to bequests as to gifts with respect to restrictions. All release or receipt documents relating to a bequest must be reviewed and approved by OGC and signed by an authorized Smithsonian official.
- **Purchases**: Wherever possible, purchases must be documented by use of a standard purchase order or negotiated contracts written in consultation with OGC and/or Office of Contracting (OCon). Petty cash or credit card purchases must be documented by a standard invoice or bill of sale. These instruments document the transfer of title and, if applicable, transfers of associated rights such as intellectual property rights. The NMNH complies with the documentation requirements of SD 600 for determining that the proposed purchase price is fair and reasonable.

- Exchanges: The NMNH may engage in exchanges with other non-profit and educational organizations documented by an exchange agreement if the general criteria for acquisitions are adhered to for the proposed acquisition and the criteria governing deaccessions are adhered to for an item selected for disposition and exchange.
- Government Transfers: Transfers are documented by a transfer agreement between the NMNH and the transferring entity that is reviewed and approved by OGC.
- Found in Collection: The NMNH departments may acquire or accession an item(s) by the discovery of its presence (found in collections) in the NMNH without connection to provenance or loan status records or otherwise abandoned if written evidence of due diligence is approved by the Registrar, who may consult with NCP and OGC as appropriate. Prior to transferring title to a “found in collection” item to a third party, the NMNH will consult with NCP and OGC.

The NMNH may decline offers of collection items at its discretion.

DOCUMENTATION. All material acquired by the NMNH must be transacted in the RCIS and paperwork filed with the Office of the Registrar. Records must show decision-making processes of acquisitions evaluation, including proposal, review, approval and required donor acknowledgement, and must include all necessary acquisition documents such as collecting authorizations/permits, import/export licenses, transportation permits and manifests, indication of legal title and provenance, all legal documents associated with the acquisition, intellectual property rights where applicable, and all other documentation required by SD 600. Gifts must be acknowledged in writing by the collecting department within 30 business days of receipt. Records are managed by the Registrar.

PROCESSING. Receipt and processing of acquisitions is managed through a centralized log-in point in each collecting department.

- Each transaction should be entered into the museum’s collections transaction management systems, if only in rudimentary form, within 15 business days of receipt, regardless of type of transaction.
- The acquisition and accession process will be completed within 365 calendar days of physical receipt, unless there are extenuating circumstances that result in an extension granted through the chain of command. Extensions must be in writing and filed with the Registrar.
- An acquisition is accessioned and made part of the permanent collection via the completion of the Accession Memorandum which indicates the decision to add the items to the museum’s permanent collection. This memorandum accompanies all the documentation required for an acquisition. Together, these documents comprise the accession file which is sent to the Registrar for review, final acceptance and maintenance.
- Items should be catalogued promptly, but do not need to be cataloged prior to accessioning.

RETENTION. Items are acquired and accessioned with a good faith intention to retain them for an indefinite period. Under certain circumstances (e.g., genetic resource samples), items may be acquired that may be consumed in part or whole, or which may be culled during identification and study. If, at the time of acquisition, the NMNH intends to disposition part or all the items, this decision should be documented in museum records and communicated to the source or party conveying ownership.

JOINT OWNERSHIP/SHARED STEWARDSHIP. The NMNH may acquire items jointly with other entities with which it agrees to share ownership and management. In such cases, a written agreement must stipulate the terms and conditions of the agreement and the responsibilities of each party. Shared stewardship, which may or may not involve joint ownership, may also be established for items subject to repatriation claims or as a resolution to an ethical returns request. These agreements must be approved by the NMNH Director and OGC. Fractional gifts may result in a joint ownership situation, if only for a limited time. All fractional gifts must be reviewed and approved by the Director and OGC.

RESTRICTIONS. The NMNH acquires restricted items only in 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 other proposed restrictions must be reviewed and approved by the Director prior to acceptance of the item, and the restriction terms must be recorded in the deed of gift or other transfer document. Restrictions that would substantially limit NMNH's ability to use or dispose of an acquisition may be accepted only after consultation with OGC and NCP. Under no circumstances, however, may NMNH agree to conditions requiring the retention or display of collection items in perpetuity.

If the museum decides to accept specific restrictions, it will attempt to set a time limit.

In evaluating whether to accept a restriction, the NMNH will consider:

- the significance of the gift
- the future use(s) of the collections item(s)
- the nature of the limitations
- the precedent set by acceptance
- the ability to adhere to such restrictions immediately and long-term

RIGHTS. Where applicable, and as practically possible, ownership of copyright, artist's rights, terms of use, and other intellectual property rights must be established and documented at the time the collections are considered for acquisition.

The NMNH agrees with the spirit of the Convention on Biological Diversity and the Nagoya protocol, and voluntarily implements procedures regarding access and benefit sharing of genetic resources and traditional knowledge. Relevant agreements taking the form of Prior Informed Consent (PIC), Mutually Agreed Terms (MAT), Memorandum of Agreement (MOA) or understanding (MOU), terms expressed in Material Transfer Agreements (MTAs), or similar documents are agreed in writing by the Director or designee and associated with the collection's transaction and item records. Signed agreements are managed by the Registrar.

COMPETITION. While overlap in collecting among Smithsonian collecting units is inevitable, competition for a particular acquisition is inappropriate. When more than one Smithsonian collecting unit seeks to acquire the same collection item, the respective unit directors must agree on which unit will acquire the item or consider pursuing a joint acquisition/ownership agreement. In those rare cases when the placement of a collection item cannot be resolved by the unit directors, the Deputy Secretary will decide after consultation with the appropriate Under Secretary or Under Secretaries and NCP. Competing NMNH parties will agree on which department acquires the item. When the placement of an item cannot be resolved by the departments, the NMNH Director will decide.

The NMNH will avoid competitive bidding with federal agencies for items of common interest and will seek mutually acceptable agreements if such competition becomes apparent. This applies to all collecting activity by any federally established institution or agency, including the Smithsonian.

B. Deaccession and Disposition

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

Disposition is the act of physically removing a collection item or group of items from a NMNH collection via an approved method.

PRINCIPLES

Deaccession and disposition are a legitimate part of responsible collections management. Prudent actions, including evaluation, deaccession, and disposition of existing items, are intended to refine and improve the quality and relevance of the collection to meet the museum's mission, purpose, programmatic goals, and collection plan. Digital surrogates of deaccessioned items are managed in line with the physical disposition.

Deaccession and disposition may occur for a variety of reasons, such as deterioration of collections items beyond usefulness; lack of adequate information such as locality or other provenance data; duplication or redundancy of collections material; insufficient relationship to the mission and programmatic goals and collections stewardship plan of the museum; repatriation; ethical returns; and 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 deaccession and disposition for affected collections; reviews and approvals are specified with the guidelines of the Repatriation Office.

POLICY

COVERAGE. Once acquired and/or accessioned, all collections items are subject to deaccession and disposition policy. Items proposed for disposition must undergo the deaccession process unless they meet the following criteria: They are non-accessioned or have no evidence of

ever having been accessioned and have no associated accession or catalog number; and they lack data needed to associate them with a donor or other records.

AUTHORITY. Collections may be deaccessioned and disposed of only in accordance with established authority, and only in compliance with all applicable laws and regulations, professional ethics, and terms agreed upon at the time of acquisition.

Deaccessions and dispositions, including destructive analysis or sampling, may proceed only after establishing unrestricted title to an item. In cases where title is in question, the collecting department must first seek guidance from the Registrar and OGC.

Only the following disposition methods may be used without the approval of the Director:

- Return to the rightful owner when the NMNH lacks title
- Transfer to another Smithsonian collecting unit, Federal agency, or an educational organization
- Transfer to another organization under the terms of an established collecting agreement or contract
- Routine destructive analysis as established by the approval procedures of the collecting department
- Routine destruction of items from teaching collections that have deteriorated past usefulness
- Repatriations as approved by the Secretary.

APPRAISAL. In accordance with SD 600, if the estimated value of a single item or a group of items considered for disposition is:

- More than \$10,000, collecting department staff must obtain a written, independent appraisal or informed estimate of fair market value.
- More than \$100,000, the NMNH must obtain two written, independent appraisals or informed estimates of fair market value and approval of the deaccession and disposal from NCP, OGC, the Under Secretary for Science and Research, and the Secretary.
- More than \$500,000, the NMNH must obtain two written, independent appraisals or informed estimates of fair market value and approval of the deaccession and disposal from NCP, OGC, the Under Secretary for Science and Research, the Secretary, and the Board of Regents.

DOCUMENTATION. All deaccessions and dispositions will be transacted in the RCIS and documented in permanent files maintained by the Registrar.

EVALUATION. Collections items shall only be deaccessioned or dispositioned in compliance with the criteria and procedures established by the department's Collections Advisory Committee.

DISPOSITION METHODS

The NMNH may dispose of collections items by a variety of methods, including transfer, exchange, repatriation, ethical return, sampling, sale, and destruction.

- Donations or External Transfers: The NMNH may donate or transfer deaccessioned items to another non-profit or educational institution. The transfer agreement shall grant the NMNH the right of first refusal in the event the recipient organization decides to dispose of the collections item.
- Internal Transfers: When collections items proposed for disposition are suitable for public teaching purposes, such items should first be offered to the NMNH's Office of Education, Outreach, and Visitor Experience, or considered for the collecting department's teaching collections.
- Smithsonian Transfers: Smithsonian collecting units shall have right of first refusal of collections items proposed for disposition. Such transfers are without compensation, except when the NMNH disposes of a collections item acquired through purchase.
- Exchanges: All exchange of items must be made per written exchange agreements. Long-term open exchange with recognized educational organizations having a similar mission, such as museums and herbaria, may be done with prior written approval by the Director or designee. Such agreements will be reviewed periodically to ensure continuing alignment with the NMNH's mission, policies, programmatic goals, and collections stewardship plan.
- Repatriation: The NMNH may return collections items in accordance with provisions of the National Museum of the American Indian (NMAI) Act [20 USC. § 80q (1989) as amended 1996], to lineal descendants of the original individuals or owners, or to representatives of the culturally affiliated tribe or tribes. Repatriation of human remains and funerary objects may also be made in accordance with NMNH policies for culturally unaffiliated collections and for international requests.
- Ethical Returns: The NMNH may return collections items in accordance with the Smithsonian's and NMNH's Shared Stewardship and Ethical Returns policies, which recognize that there may be some collections that, although legally collected, may have been unethically acquired. Before collections may be deaccessioned and returned for ethical reasons, NMNH must consult with the Under Secretary for Science and Research, OGC, and NCP, and must obtain all approvals for deaccessioning and returns required by SD 600 as outlined above.
- Sampling for Destructive Analysis: This refers to any of several procedures in which items, or samples of those, are dispositioned for use of analytical processes that require the permanent alteration or destruction of part or all of an item to obtain information. The NMNH encourages the uses of non-destructive analytical techniques where feasible and seeks to incorporate the findings of such analyses in permanent collections records.
- Sales: Collections may be sold only via public sale and when proceeds realized are designated for additional collections acquisitions or direct care of existing collections within the collecting department that dispositioned the items. The Director must approve all sales proposals in advance.
- Destruction: The Director's approval is required before the destruction, including destructive analysis, of any collection item(s) meeting one or more of the following criteria:
 - 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 collection item.

- 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.
- Item is considered to have a very high public profile in the United States and/or in its country of origin.

Routine destruction due to deterioration or destructive analysis does not require approval outside the collecting department. The Conservator should be consulted regarding destructive sampling methods. Destructions requiring a high level of approval must be witnessed by the Director or designee.

Dispositions resulting in a transfer of ownership to a third party must be documented in a written agreement approved by OGC.

Transfers of deaccessioned collection items to foreign entities must comply with SD 611, Export Compliance and Trade Sanctions Related to Research, Export and Museum Activities.

HAZARDS. The collecting department removing 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.

ACQUISITION OF DISPOSITIONED ITEMS. Collections items dispositioned by means other than repatriation may not be acquired, directly or indirectly, by staff or research associates, affiliated agencies staff, volunteers, interns, or fellows of NMNH or of the Smithsonian.

EXCEPTION: Repatriated human remains and objects may be legitimately transferred to a Smithsonian employee, volunteer, or other associate, but only in those instances in which the Smithsonian party is also a legitimately appointed representative of the affected tribal group or nation, or the Smithsonian party is a lineal descendant of a named individual whose remains or items are repatriated under the NMAI Act, or 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 the Smithsonian party has not participated in an official capacity in this determination. Such transfer of repatriated human remains or objects to the NMNH Board members, staff or research associates, affiliated agencies staff, volunteers, interns, or fellows must be approved by OGC.

C. Loans

Loan transactions are the temporary transfer of possession of collection items for an agreed-upon purpose and on the condition that the items are returned at a specified time and in a specified condition. These transactions do not result in a change of ownership. A Loan of an NMNH item may be referred to as an “outgoing loan.” Incoming loans from external parties may be referred to as a “borrow.”

PRINCIPLES

Lending and borrowing items for research, public exhibition, and education are integral to achieving the NMNH’s mission. Loan transactions between Smithsonian collecting units are fundamental to Institutional programs, as are transactions to and from other educational and scientific organizations. The NMNH is collegial when using loan mechanisms to manage the exhibition of its own collection.

The NMNH adheres to the *Guidelines for Exhibiting Borrowed Objects* issued by the American Alliance of Museums (AAM). The NMNH adheres to SD 611 and SD 603, *Exhibition, Program Planning, Research, and Educational Content*.

POLICY

AUTHORITY. Primary lending and borrowing authority rests with the delegated curatorial authority, in consultation with Departmental Collections Manager and Registrar.

The Office of Exhibits has authority to request incoming exhibit loans. Exhibit loans are documented and managed in conjunction with the Registrar and Conservator to establish legal and physical conditions under which an item may be lent. The Assistant Director for Exhibitions has the authority to sign borrow agreements equivalent to a Department Chair.

For outgoing exhibit loans, the collecting department establishes which collection items may be lent for exhibition in consultation with the Registrar and Conservator, as needed. The curator in charge signs off on the exhibit loan. If the loaned item is of high value, it is signed at increasing levels of authority up to and including the Director. The collecting department also establishes the legal and physical conditions under which an item may be lent.

LEGAL COMPLIANCE. A collections item may be loaned or borrowed only in accordance with established authority and only when consistent with applicable laws, treaties, regulations, conventions, mutually agreed terms (MAT), and professional ethics. The NMNH applies the *Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects*, adopted by the Board of Regents (April 13, 2015) to incoming loans.

EVALUATION. Lending and borrowing shall comply with the criteria and procedures established by the NMNH collecting departments. Departmental loans requested by the Office of Exhibits shall comply with the NMNH collecting department requirements based on collection type, as applicable, and in consultation with the Registrar.

PURPOSE. The NMNH collection is lent for research, public non-commercial exhibition, or non-profit educational purposes. Loans are made to institutions or organizations. Loans may be made to private individuals when it is consistent with the community of practice within a scientific discipline and if it is in the interests of the NMNH to do so.

The NMNH only loans items if it has the rights to do so. The NMNH does not allow third-party loans. The NMNH does not act as an intermediary of objects owned by Board members for loans or other use by other museums or institutions.

In accordance with the Smithsonian Strategic Plan's priority of cross-unit collaboration, the NMNH will, to the extent possible, facilitate and subsequently expedite exhibition and public display loans to other Smithsonian collecting units in accordance with the *Smithsonian Unit-to-Unit Object Loan Guidelines*. It is understood that all loan protocols will be observed, including donor restrictions, collection availability and physical condition, and preservation/security requirements. Prior contractual or other agreements or in-house exhibition schedules may preclude such loans.

GAIN. The NMNH collections may not be lent for private pecuniary gain or commercial purposes.

SPECIALIZED LOANS and LOAN SUBTYPES. The NMNH may lend and borrow collections for purposes that require special considerations for authority, evaluation, and management. The terms of SD 600 will apply regarding loans to for-profit entities, loans to high-ranking government officials, loans from the Smithsonian Board of Regents, and loans from members of Smithsonian advisory boards.

- **Sampling or Treatment**, also referred to as analysis or destructive analysis. 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 department that made the loan, and if not precluded by terms of use agreed at the time of acquisition. Collections items borrowed by the NMNH may not be sampled or consumed through destructive analysis or undergo conservation treatment without the prior written permission of the owner or applicable agreement.
- **Forensic Analyses and Law Enforcement.** The NMNH may be asked to participate and offer comparative information regarding forensic material, remains, specimens and objects by medical, investigative, and enforcement agencies. These inquiries must be processed in NMNH's registration system as received incoming loans of items for forensic identification and analysis from medical, investigative and enforcement agencies. These loans may also be authorized, documented and managed according to Memoranda of Understanding (MOU) or other formal agreements with the referring agency but must still be recorded as loans in NMNH's registration system.

Items on loan to the NMNH for these purposes are subject to the requirements of the applicable MOU or agreement, which may supersede some 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.

DOCUMENTATION. All material entering into temporary custody of the NMNH on loan, and material owned by NMNH and transferring temporary custody to another entity, must be transacted in the RCIS and paperwork filed with the Office of the Registrar. All loans must be documented by a written loan agreement or contract, with documentation of all aspects of the loan agreement maintained in the museum's collections transaction management systems, both digital and analog. These agreements must be reviewed and approved by the collecting department and, depending upon delegated authorities, by others within the chain of command as specified within its policy. Significant departures from standard Smithsonian loan terms and conditions must be reviewed by OGC. Agreements or contracts for the Office of Exhibits must be reviewed by OCon in consultation with the Registrar.

Each collecting department shall assess and record the condition of collections items selected for loan to others, whether internal or external, through the loan agreement at the time the loan is established.

Each collecting department must ensure proper documentation before transportation events associated with collection items issued for loan or borrow. This may include, but is not limited to, SI Shipping Invoices, and import/export documents, as applicable.

TERMS. All loan transactions are for a specified time period, with a specified party, with option for renewal as appropriate. The NMNH does not permit indefinite or permanent loans.

- **Length of Loan.** Formal long-term repository or off-site enhancement programs may be established as long-term loans having defined renewal dates and clearly specified terms or early conclusion of the agreement. These must be reviewed and approved by the Registrar, OGC, and NCP.
- **Access, Care, and Management.** Methods of access, care, and management of the physical collections and digital assets created of NMNH collections on loan to or in the custody of others must be stipulated in the loan agreement or applicable documents. The terms of use for items borrowed by the NMNH, as well as to the NMNH collections on loan to or in the custody of others, must be stipulated in the loan agreement or applicable PIC, MAT, MOA, MTA, or similar document.

FEES. With the approval of the Director, the NMNH may charge fees to borrowing organizations and may recover actual expenses for making outgoing loans. All such fees shall go into the funds of the lending collecting department to cover the associated collections management and conservation costs.

INSURANCE. Insurance settlements for NMNH collection items that are lost or destroyed when on loan will be used only for future collections acquisitions or direct care of existing collections within the collecting department that experienced the collections loss.

DENIALS. The NMNH may deny loan requests at its discretion and may recall loans prior to the agreed-upon date in accordance with the loan agreement. The NMNH may also deny loans if:

- the item(s) is being actively used by an NMNH researcher for a research project that has not yet been published;
- the item(s) is on or scheduled for exhibition; the requestor cannot provide proper facilities or fulfill standard preservation requirements;
- the item(s) is of great scientific or cultural value, is unique, or of highly limited quantity;
- the item(s) is in such a condition that loaning it would place it at risk;
- the requestor has previously violated the terms of a loan, including handling, sampling and/or return requirements;
- issues related to cultural sensitivity and/or repatriation mandate a restriction in access;
- in the judgment of the collecting department, the loan would compromise privacy, safety, or intellectual property rights;
- the loan would impose on the NMNH inordinate costs and resources to satisfy the request; or
- loans are restricted or prohibited per the terms of an agreement (e.g., PIC, MAT, MTA) made at the time of the acquisition of the collection item(s) or subsequently agreed as shared stewardship terms.

ABANDONMENT. The status of loans to the NMNH which have expired, but for which the lender cannot be found, shall be resolved in accordance with the terms of the loan agreement, reasonable search, and notification procedures and with the advice of NCP and OGC.

Unsolicited Packages will be returned to sender, if possible, within applicable laws. If material is sent to the museum and due diligence efforts to return it to the sender are unsuccessful, the material will be considered NMNH property to be managed in accordance with this policy.

EXHIBITION. No collections item will be exhibited to its detriment deliberately or exhibited in such a way as to risk human health and safety or the integrity and stability of the collection item.

Exhibit loans shall not exceed five years but may have the option to renew. The length of exhibit loans and renewals must be mutually agreed upon in writing by both parties.

The collecting department establishes which collections items may be lent for exhibition, and in consultation with the Registrar and Conservator, also establishes the legal and physical conditions under which an item may be lent. The NMNH will be appropriately credited in the exhibition and in all supporting publications. Condition reporting requirements for exhibition of collections items are established by the collecting department with the Registrar and the Conservator.

RESPONSIBILITIES. Regardless of the length and type of outgoing loan, the NMNH retains fiduciary responsibility for the continued oversight of its collections. This includes the physical collections and the digital assets created while on loan.

The NMNH acknowledges its responsibility to provide appropriate physical safeguards for borrowed collections items in its custody, for the full term of the transaction agreement or applicable PIC, MAT or MTA. Responsibility for routine monitoring and preservation of loaned collections items must be established at the time the transaction agreement is initiated. Typically, the responsible party is the Department Curator delegated with responsibility for the collection, or the curator initiating the incoming loan.

D. Preservation

Preservation is the protection and stabilization of collection items, as well as their associated information, through a coordinated set of activities to minimize chemical, physical, and biological deterioration and damage and preventing loss of intellectual, aesthetic, cultural, and monetary value.

PRINCIPLES

Preservation, preventive care, and remedial conservation are integral components of collection management, ensuring items are available for use. The NMNH's ability to carry out its mission directly relates to its ability to preserve and safeguard the collection, associated records, and other documentary materials for public benefit. Given the diverse nature and educational significance of the NMNH collection, it is imperative to balance use and access with preservation needs. The NMNH is responsible for working with other Smithsonian collecting units and central offices to provide appropriate collection spaces, environmental conditions, and housing. The NMNH strives to protect the collection as best as possible against loss in value.

POLICY

COVERAGE. The NMNH provides the necessary preservation, protection, training, and security for all collection items acquired, accessioned, borrowed, and in the custody of the NMNH, including associated information.

AUTHORITY. 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 collection. During periods of renovation or construction, it is the responsibility of the Director or designee to coordinate security and care efforts with the collecting departments and other Smithsonian offices in a clear and timely manner. When the collection develops in a way that significantly affects the resources necessary for housing and care, the collecting department should coordinate plans with the Director or designee so that resources can be prioritized.

Conservation treatment (cleaning and other intervention or restoration), destructive sampling, or consumptive use of items shall be carried out only as authorized by the Department Chair and relevant Curator and Collection Manager, with advice from the appropriate collecting department's Collections Advisory Committee and in consultation with the museum's Conservation staff.

ASSESSMENT. Each collecting department shall assess the status of the collection within its oversight on a cyclical basis. This cycle shall be established by the collecting department except when established by the Director. Assessment cycles and information will be reported to the Director or designee.

PREVENTION. The NMNH develops and maintains an integrated pest management policy and implementation plan across all its collection facilities. The Integrated Pest Management Plan is developed by the Conservator in collaboration with NHB and MSC Facility Managers. Every occupant of the facilities is responsible for following procedures that reduce pest-related risks. The NMNH will consider the American Institute for Conservation (AIC) [Code of Ethics and Guidelines for Practice](#) when developing preservation policies, standards, and procedures.

The NMNH prohibits smoking and the consumption of food and drink in locations that place the collection at risk. Special events held in the museum exhibitions that involve food and drink must have a risk management plan approved by the Director.

SUSTAINABILITY. The NMNH is committed to sustainability in the preservation and management of its collection, including the design, management, and maintenance of collection space and preservation environments in accordance with SD 422, Sustainable Design of Smithsonian Facilities.

The NMNH aims to provide and actively manage optimized preservation environments based on a balance of scientific research, engineering capability, collection management protocols, and environmental impact. The museum, with Smithsonian facilities offices and NCP, shall support collaborative, evidence-based, decision-making processes among the professional disciplines and stakeholders who share responsibility for establishing and implementing sustainable collection environments, as outlined in the Smithsonian Institution Declaration on the Collections Preservation Environment.

E. Collection Information Management and Digitization

***Collection information** is the incremental, cumulative documentation of the intellectual significance, physical characteristics, legal status, use, provenance, and history of collection items, and the collection management processes and transactions they undergo. Collection information can be in analog or digital form and include text and images. This information is commonly known as catalog information.*

***Digitization** is the process by which collection information and the items themselves are represented in digital form. Analog refers to the physical items and associated information such as field notebooks, original labels, and other physical data, which can be digitized.*

***Primary Digital Collection Objects (PDCO)**, or ‘born-digital’ collection items, are those items that are created and exist only in digital format with no corresponding analog specimen or object. SD 610, Digitization and Digital Asset Management Policy establishes the policy for the acquisition, creation, management, and oversight of Smithsonian digital assets.*

PRINCIPLES

The documentary value of a collection is a principal criterion for its excellence. Well-documented results of scientific, historic, and aesthetic research enable the NMNH to fulfill its mission and programmatic goals.

The primary purpose of collection information systems is to provide access to the NMNH analog and digital collection and associated information and documents. The NMNH has a responsibility to acquire, develop, and maintain collection information systems that enhance access to and accountability for its items and research findings and to ensure long-term preservation in analog and digital formats.

The NMNH houses analog and digital collection information and surrogates in its Research and Collection Information Systems (RCIS), EMu and ArchivesSpace, which are the official NMNH databases of record for museum and archival collections, respectively. These systems support collection and research data, transaction management, genetics sample processing, and multimedia management.

POLICY

AUTHORITY. The ADCS has authority over the collection data policy and content of both analog items and of the RCIS. The IDSC Leader has authority over the RCIS EMu, as a system. OCIO’s Libraries and Archives Systems Support Branch (LASSB) has authority over ArchivesSpace as a system. OCIO’s DAMS Branch has authority over the SI DAMS.

RESPONSIBILITY. Collections Management staff are responsible for creating descriptive (i.e., catalog) records for the collections. NMNH IDSC has primary responsibility for the NMNH RCIS, which includes the research and collection database, the transaction management system, and links to NMNH’s Biorepository and SI DAMS. IDSC is a centrally supported collection information unit that supports and meets the NMNH goals for accountability and access to data and digital assets.

ACCESS AND USE. Access to and use of digital or electronically maintained data is governed by the standards established in the NMNH policy Collections-based Information and Databases. In accordance with SD 609, Digital Asset Access and Use and SD 118, Privacy Policy and the Smithsonian Open Access Initiative, all NMNH digital assets not protected by copyright, unless subject to an allowable restriction, should carry a Creative Commons Zero CC0 designation, identifying those assets as being free of copyright restrictions.

Digital assets with a CC0 designation do not need approval for use for any purpose, whereas digital assets with allowable restrictions may require approval for access to and/or use of those assets. Approval to access and use restricted assets is provided by designated NMNH staff, the Director, OGC, OCon, and/or the Smithsonian Filming Committee, as appropriate.

Commercial use of restricted assets requires an OCon or OGC pre-approved or custom agreement that stipulates the terms of use and any exchange of fees or profit-sharing arrangements. Fees may not be charged for the use of CC0-designated assets, regardless of the use. Fees related to processing access and use requests, including digitizing collection or collection information, may be assessed. Use or licensing fees should only be assessed when the Smithsonian is the intellectual property rights holder.

The provenance of items shall be a matter of public record. NMNH may restrict access to sensitive information involving privacy, collecting localities, security, storage location, value, intellectual property restrictions, and culturally sensitive content.

Approved restrictions must be documented in the RCIS. The collecting department should annually review time-based restrictions. The collecting department shall consult OGC and the Registrar when determining policy for the restriction of access to information.

RIGHTS. All original primary collection records created by the NMNH staff in the course of their duties (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 collection or collection activities of the NMNH) are the physical and intellectual property of the NMNH.

All such original primary collection records are to be maintained in good order and must be accessible to staff, in keeping with museum and archival best practices and professional guidance for appropriate scientific fields and current archival procedures.

Some collectors and governmental agencies may reserve the right to retain original primary collection records for specimens donated or transferred to the NMNH. The NMNH will make surrogates of these records when possible.

DIGITIZATION PLANS. The NMNH is responsible for developing and maintaining a digitization plan for collection data development, maintenance, preservation, and retention per SD 610, Digitization and Digital Asset Management Policy, in collaboration with the Digitization Program Office (DPO). All media containing collection information are maintained for long-term use and must be preserved in keeping with archival policy and standards.

F. Inventory

Inventory is an itemized listing of items, groups, or lots that identifies the current physical location of each item, group, or lot; the process of physically locating all or a selection of items for which the department is responsible; and appropriate information to facilitate research, collection management, security, and access.

PRINCIPLES

In addition to facilitating research, documentation, and storage, an ongoing inventory program is an essential security device to deter and detect theft or misplacement of items. Inventory records serve as a tool for accountability and a critical component of collections documentation.

POLICY

AUTHORITY. The Registrar is designated as the Principal Inventory Officer and works in collaboration with Department Collection Managers to conduct inventories in all departments. Museum collecting units can initiate inventories within the guidelines of the NMNH Collection Inventory Plan.

RESPONSIBILITIES. The Registrar is responsible for developing and implementing inventory processes and standards and a written inventory plan that ensures a separation of duties and internal controls when conducting and reconciling inventories and reporting inventory results. The Registrar reports inventory results annually to the NMNH Director and to NCP upon request. Departments have the responsibility to work with the Registrar to define and conduct inventories.

PLAN. NMNH's plan is in writing and is appropriate to the size of the collection and staff resources. Inventories are completed on a predetermined schedule using statistically sound methods.

RECORDS. Departments demonstrate inventory control by maintaining reliable information about the identification, location, and presence of all items, including those on loan or on exhibit.

COUNTING METHODS. The NMNH counts its holdings at the item level for standard reporting purposes. For some parts of the collection, these are qualified estimates. The collection also may be counted as "lots" or groups of one or more items that have shared characteristics. The ADC will recommend the appropriate method for counting the collection on a case-by-case basis. The Director will make the final decision on how the collection is counted.

CENTRAL CONTROL POINT. All collection items entering or leaving the NMNH must be recorded in the RCIS, identified as the control point, along with the collection staff designated by the responsible collecting department. Records of movement of all items will be documented in the department and available to the Registrar. This includes items shipped or hand carried to NMNH facilities. External visitors bringing in personal research specimens must read and sign the NMNH Agreement Concerning Possession and Use of Outside Materials in NMNH Facilities (Warranty). Specimens belonging to affiliated agencies and operating under formal Inter-Agency agreements are exempt from this specific policy requirement and do not need to utilize the NMNH Agreement.

G. Risk Management, Safety, and Security

***Risk Management** is the process of identifying and evaluating risk to prevent or minimize exposure to factors that may cause loss or damage of collection items, or injury or illness to staff and the public.*

Safety encompasses occupational health and safety, industrial hygiene, and environmental management.

Security encompasses an entire range of activities concerned with the protection of life, facilities, and property, including collection items, from direct or perceived threats.

PRINCIPLES

The programmatic activities of the NMNH naturally expose collection items to certain levels of risk of damage or loss during exhibition, loan, transit, storage, research, treatment, or handling. Items also may contain a wide range of chemical, biological, and physical hazards, whether inherent in the nature, composition, or construction of the item itself or resulting from preparation, treatment, alteration, or degradation. Certain activities may expose staff or affiliated persons to hazardous materials associated with the item, storage equipment, or exhibit case materials.

The Smithsonian has adopted an integrated risk management assessment program to mitigate exposure to a variety of risks by requiring the review of potential hazards including natural and human-made emergencies; climate change; vandalism and theft; disease; space and environmental deficiencies; human error; mechanical or operational system failures' deterioration; and collection-based hazards.

POLICY

AUTHORITY. The ADO and MSC Facility Manager have authority to take action to manage risks to the collection as posed by deficiencies in the facility or in response to security matters. They are the primary points of contact with the Smithsonian's Office of Finance and Accounting (OF&A) Risk Management Division, Office of Safety, Health and Environmental Management (OSHEM), and Office of Protection Services (OPS). The ADO and MSC Facility Manager communicate and coordinate with Department Chairs, Curators and Collections Managers about facility-related risks and security matters.

PREVENTION. The NMNH minimizes the level of risk of loss or damage to items through established collection management practices, such as inventories, regular inspections, integrated pest management, prohibitions against smoking, food/beverages in collection areas, and controlled presence of live plants and animals in NMNH Facilities.

Living animals (except for service animals) that are not part of approved NMNH research projects or educational programs may not be brought into any NMNH facility.

MANAGEMENT CONTROLS. Effective management controls are the responsibility of all NMNH managers and supervisors responsible for the collection, who assure sufficient control and accountability.

The Smithsonian will provide hazard awareness and establish safe work practice information in accordance with SD 419, Smithsonian Institution Safety, Health, and Environmental Program. OSHEM is responsible for the direction, planning, and technical supervision of occupational safety, health, and environmental protection at the Smithsonian.

All staff have an obligation to be aware of the Institution's risk management and security process. Staff must note and communicate to the appropriate office, including the OF&A Risk Management Division, OPS, NCP, OGC, OCon, the Director, the ADCS, the ADC, the Registrar, and the Conservator of situations that create the potential for damage or loss to collections, personal injury, or legal liability.

Risk management and insurance is coordinated by the OF&A Risk Management Division and governed by SD 108, Insurance and Risk Management. The Office of the Registrar coordinates risk management and collection insurance with Smithsonian Risk Management staff.

Security is coordinated by the OPS through the Associate Director for Operations. The NMNH implements collections space security standards in accordance with SD 420, Security Operations and Policies and Collections Space Security Standards. Staff use the Smithsonian Collections Pass to track and verify movement of the NMNH collection items from and between Smithsonian facilities.

INSURANCE. Except in extraordinary circumstances, the NMNH does not insure its own collection items while they are in the care and possession of the NMNH. Items on loan to the NMNH and NMNH's items on loan to or in the custody of others will be insured as stipulated by authorized loan agreements or negotiated contracts.

Insurance proceeds from the settlement of claims for damage or loss to NMNH collection items will be used for collection acquisition, or direct care of existing items within the affected department.

REPORTING THEFT. Suspected or confirmed theft or loss must be reported promptly to the Registrar, ADC, ADCS, Director, the OPS, OF&A Risk Management Division, and NCP.

EMERGENCY PREPAREDNESS. All NMNH facilities, owned or leased, must have a written comprehensive emergency preparedness plan as required by SD 109, Smithsonian Emergency Management Program. The Director shall ensure that an emergency preparedness and response plan is developed and maintained that includes planning, response, and recovery from disasters, and evaluation and assessment following an incident. Departments must develop and maintain plans for continuity of collection stewardship in the event of temporary, partial or full closure of museum facilities.

H. Access

Access is the opportunity for the public, scholars, and staff to explore and use the diverse collections and associated information resources of the museum.

PRINCIPLES

The NMNH promotes access to its collection and associated information through research opportunities, reference systems, loan and exchange of items, digital information services, traditional and digital exhibitions, and educational programs and publications. It will provide reasonable access to collection items and collection information consistent with its stewardship responsibilities. Physical, digital and intellectual access to the collection must be balanced against preservation and protection concerns. Where possible, NMNH consults with Native North American communities regarding uses of associated items in NMNH's collection.

POLICY

AUTHORITY. Approving access to the collection and digital assets is delegated to the Curator and is facilitated by the Collections and/or Data Manager(s), Registrar and IDSC Leader.

PHYSICAL and DIGITAL ACCESS. Staff responsible for providing physical and digital access to items, as authorized within each collecting department, must be familiar with the collection and its preservation needs.

Users are required to comply with the NMNH Code of Conduct, demonstrate competence in handling collection items, and a willingness to comply with security precautions or other restrictions.

Access to the collection may be denied to individuals who fail to handle items or do not conduct themselves in accordance with approved practices and standard professional guidelines. The NMNH may deny access to collection items, digital assets, and collection information if access would disrupt or compromise ongoing research. Access may also be restricted to items, digital assets, or collection information that are under legal or other policy-related review.

RIGHTS and RESTRICTIONS. The NMNH acknowledges that the right to reproduce a collection item may be held by another party. For any such rights held by a party other than NMNH, the potential user will be required to take full responsibility for obtaining any rights necessary for the intended use. The NMNH undertakes no responsibility for determining the nature of such rights or for obtaining any permissions on behalf of the potential user.

Digital access to items or information should be based on traditional principles guiding access to original collection items and documents by complying with SD 609, *Digital Asset Access and Use*, *Smithsonian Open Access* and [Smithsonian Terms of Use](#), as applicable, and should serve to enhance the mission of the NMNH.

The NMNH generally has items in its care that are not the property of the Smithsonian. These may include incoming loans, items borrowed for identification, evaluation, consideration of acquisition, study or exhibition; or items with shared custody and care, such as repatriated collections. The NMNH is responsible for limiting access to these items pending the agreed permissions between their owners and NMNH or relevant collecting department.

Access to items and information may be restricted or embargoed due to any of the following: resource limitations, security, collection availability, cultural sensitivity, intellectual property rights, applicable restrictions, chain of custody issues or evidentiary concerns, ownership or legal question, approved research requests, loan agreement and preservation constraints.

Members of the public are allowed access to the collection only when resources and conditions allow, for specific legitimate reason (e.g., to conduct selected research or to participate in prearranged formal educational activities). The NMNH collecting departments may enter into agreements of restricted access at the request of Native American tribes or other Indigenous communities in connection with the repatriation process, ethical return, or a shared stewardship agreement.

The NMNH reserves the right to refuse to furnish images or objects intended for reproduction, and, to the extent it may be entitled to do so, deny permission for such reproduction at its discretion, using criteria including but not limited to:

- Whether the circumstances of the reproduction would alter the appearance of or otherwise misrepresent the item involved;
- Whether the reproduction work would cause harm to the item;
- Whether the attribution, rights, or identification of the item are in question;
- Whether an agreement precludes granting permission for reproduction, or the NMNH's rights regarding the item are unclear; or
- When the reproduction is prohibited by an agreement.

Electronic access to collection or collection information should be based on traditional principles guiding access to original collections items and documents, comply with SD 609, and should serve to enhance the mission of the NMNH.

Only authorized staff from the collecting department may provide access to that collecting department's collections. All others must obtain approval in advance from authorized staff in the relevant collecting department. NMNH will make reasonable efforts to comply with Smithsonian accessibility policy and guidelines.

FOIA and SD 807. The Smithsonian and the NMNH are not subject to the Freedom of Information Act (FOIA). The Smithsonian has a policy based on FOIA, SD 807, *Requests for Smithsonian Institution Information*, which governs requests for Smithsonian Institution information. All requests citing FOIA or SD 807 must be referred to OGC.

FEES. The NMNH collecting departments may charge organizations or individuals from commercial and non-commercial entities access fees for NMNH-owned intellectual property or materials such as images, recordings, digital surrogates, data and collection items only if such fees are established in accordance with SD 609. Such fees may be in addition to fees charged for reproduction, transportation, security, and conservation. Access fee schedules must be approved by the Director or designee.

The NMNH may charge a fee or royalty for granting permission to reproduce collection items in books, journals, catalogues, magazines, and similar scholarly, commercial, or general publications. All reproductions must be fully credited to the NMNH unless an alternate written agreement exists. Contracts for reproduction of any collection item must be approved by the Director or designee. Fees may not be charged for items that are listed as CC0.

MEDIA ACCESS and PRIVATE PHOTOS. Visitors are permitted to photograph collection items on display in public galleries for personal use only when the collection item belongs to the NMNH. A hand-held camera with guarded flash must be used and the photographer must stay outside of the exhibition barriers (See *Section II. I Intellectual Property Rights* for research and educational uses).

Media inquiries that require filming in all NMNH facilities should be consulted with the Registrar and applicable collecting departments.

SAMPLING. The NMNH allows destructive sampling and analysis of collection items and the consumption of genetic resource samples in the intent and spirit of the Nagoya Protocol; in accordance with established collecting department procedures and guidelines; 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 item or sample and its potential for replacement. Information

gained from the analysis shall be provided to the collecting departments and included in the museum's records. Destructive sampling and reproduction of Native North American collection items should show prior evidence of tribal consultation for the proposed sampling and research.

CREDIT. Researchers and users of the collection must acknowledge or credit the NMNH for providing information or access per collecting department procedures. This includes credit to the physical items and digital assets in a format specified by the collecting department. The use of NMNH Globally Unique Identifiers (GUIDs) for crediting NMNH collection items is strongly encouraged where appropriate, including but not limited to publication, online public platforms, and web posters or presentations.

I. Intellectual Property Rights

***Intellectual Property Rights** are protections based on federal or state statutes or common law such as patent, trademark, copyright, privacy, and publicity.*

***Digital Assets** are as defined by SD 609.*

***Usage Rights** are the rights designated by the owners of the physical item regarding the permissions of use for the digital representation of that item.*

PRINCIPLES

The museum strives to protect the intellectual property (IP) 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 museum's ability to use its collection or associated intellectual property may be subject to intellectual property rights held by others.

When acquiring an item, the museum will determine what steps are required to obtain any rights necessary for the intended use of the item. The museum will document intellectual property restrictions, and usage rights, in accordance with SD 609. IP rights, usage rights and restrictions are recorded in collection records and other platforms as determined by the collecting department, Office of Exhibits, NMNH Photo and Media, and other non-collecting departments that may manage digital assets. The museum will ensure that those records are consulted for possible restrictions or prohibitions and in compliance with SD 609, Smithsonian Open Access, and the Smithsonian Terms of Use, before using an object in a manner that may implicate intellectual property rights, including reproducing a collection item for use by the museum and/or others in any physical, or digital format (print, electronic, audio, video, the Internet, etc.).

The NMNH recognizes that under some circumstances and for some types of items the establishment of intellectual property rights and usage rights may be unclear at the time the item is accepted. It also recognizes that ownership of intellectual property rights may change over time for some collection items and under some circumstances. Therefore, the NMNH will make a good faith effort to identify the holder of those intellectual property rights associated with an item at the time of its acceptance by the Museum and to document ownership in collection records. This may include but is not limited to, born-digital collections, replicas/reconstructions, and works for hire created under a contract or agreement initiated under the Office of Exhibits.

POLICY

NMNH PROPERTY. Collection items and documentation, including digital and physical faithful reproductions created because of research conducted by staff and non-Smithsonian staff working at the NMNH or under the aegis of the NMNH, is considered the NMNH's property and, subject to any written agreement to the contrary with a third party, the NMNH is considered the owner of any associated intellectual property rights. When faithful reproductions of NMNH-owned collection items are created, NMNH retains the authority to request physical custody, share copies of transfer management, and designate the usage rights for the physical product and digital assets.

RIGHTS. The NMNH will not knowingly permit infringement of intellectual property rights. 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.

If the NMNH permanently transfers a collection item to another institution, the NMNH will deal with the disposal of any physical and digital assets of collection items, including the status of IP rights designated usage rights retained or owned by the museum in the transfer agreement. The agreement should be made in consultation with the Registrar, Collections Manager, Data Lead, and delegated curatorial authority of NMNH and the receiving institution or entity. Decisions and agreements for disposal should consider the Smithsonian's and NMNH's Shared Stewardship and Ethical Returns policies, when appropriate.

FAIR USE. When the museum does not hold IP rights, the use of physical and digital reproductions of collections for standard museum purposes by the NMNH may be allowed by the doctrine of fair use. This will apply in appropriate circumstances in making reproductions of collection items for standard museum purposes, such as archival, research, educational, exhibition, and similar purposes. Fair use assessments will be made on a case-by-case basis by the collecting department Collections Advisory Committee. OGC should be consulted if there is any question regarding whether an intended use may be considered fair use.

USAGE RIGHTS AND OPEN ACCESS. Digital assets of items created, stored, and maintained by NMNH collecting departments and non-collecting departments must be made as accessible as possible, for use and reuse, in accordance with Smithsonian Open Access (SI OA). As applicable, digital assets of collections may be restricted under the Smithsonian Terms of Use in accordance with allowable restrictions outlined in SD 609.

Designation of usage rights for NMNH digital assets will be determined by the collecting units holding the physical item. The collecting departments will record these designations in the applicable system of record. NMNH Photo and Media, and other non-collecting units, as applicable, will designate usage rights for non-collections-based media and record them in appropriate systems (SI DAMS, etc.).

Rights and restrictions will also be evaluated in accordance with the ethical and cultural responsibility of the [SI Open Access Initiative Values](#).

J. Shipping and Transportation

PRINCIPLES

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

POLICY

COMPLIANCE. Staff shall comply with state, federal, and international laws and regulations when transporting collections. The NMNH adheres to SD 611.

RECORDS. Collecting department staff and the Registrar shall maintain permanent records of transportation events associated with the transaction and/or collections items. Staff shall promptly file all required import/export documents when transacting relevant items across international borders. Copies of cleared declarations must be included in transaction records.

TRAINING. Department Chairs, Collections Managers, the NMNH Shipping Office, and the Registrar ensure that staff members are trained in acceptable procedures and use appropriate materials for packaging, labeling, and transporting items locally, regionally, nationally, and internationally. Staff must be properly certified for areas such as hazardous shipments.

TRANSIT. NMNH collection items may only be moved between SI facilities using the Collections shuttle, SI vans, or other Smithsonian vehicles. Shipments should be arranged through the NMNH Shipping Office. The Office of the Registrar and the Shipping Office should be consulted regarding other shipping methods. Hazardous materials must be properly packed and inside secondary containment. Items of special value (monetary or other) may require an OPS escort. Due to liability issues, collection items may not be transported in private vehicles. Anyone transporting items in a private vehicle may be liable for loss or damage. Collection items may not be shipped or hand carried to a home address.

Transit of loaned items for exhibition should be arranged in consultation with the Office of the Registrar and Conservation staff, using methods deemed appropriate by both borrowing /lending institutions and NMNH. Outgoing shipments must be coordinated through the NMNH Shipping Office. Special requirements may be in effect for items that are hazardous or pose other risks.

Shipping methods used for incoming and outgoing research loans must meet all national and international regulations and should be used in consultation with the Shipping Office and the Office of the Registrar.

Section III. Specific Legal and Ethical Issues

A. Shared Stewardship and Ethical Returns

PREAMBLE

This policy was developed in response to contemporary collections stewardship and ethical standards and in compliance with SD 600.

OVERVIEW AND APPLICABILITY. The National Museum of Natural History (NMNH) acknowledges and complies with the [Smithsonian's Ethical Returns and Shared Stewardship Policy](#) (April 29, 2022) and accordingly has developed this policy to guide NMNH in the stewardship of its collections and the fostering of relationships with communities. This policy applies to NMNH biological, cultural, and geological collections, excluding human remains. U.S. Native American repatriation policy and procedure per the NMAI Act of 1989 (updated in 1996) has priority for those collections, and other policies will be developed for remains not covered by the NMAI Act. Associated collection data, images, and documentation are also subject to this policy. NMNH recognizes that information currently available under the Smithsonian's Open Access Initiative may need to be retracted or otherwise included in shared stewardship terms.

ACKNOWLEDGEMENT AND INTENTION. We acknowledge that the unethical removal of items from communities has caused harm to the well-being of communities and that continuing to hold items separately from communities may continue to cause harm. We aspire to authentic, mutually beneficial relationships with communities because we believe they lead to improved collection stewardship, better research, and social justice. We are committed to transparent and respectful engagements, meaningful consultation, collaboration, and prompt responses to inquiries and requests. NMNH welcomes the opportunity to discuss and act on shared stewardship agreements.

DEFINITIONS.

- *Access* refers to physical examination, research, sampling, tour viewings, access to analog and digital data, or other uses.
- *Claims* apply only to repatriation requests per the NMAI Act and NMNH's Repatriation Policy.
- *Ethics* are principles that govern behavior or the conduction of an activity; connected with beliefs and principles about what is right and wrong.
- *Ethical Returns** are the act of giving back to a more rightful owner based on ethical considerations when not required by law. In making an ethical return, technical legal defenses such as statute of limitations or laches which may be available are not asserted to retain ownership or possession.
- *Inquiries* are requests for information.
- *Provenance/provenience* refers to the information about the original location, source, or rights to an item or collection.

- ***Requests** come from parties with standing who are asking for action.*
- ***Returns** result in an action whereby the museum relinquishes ownership status and stewardship responsibilities.*
- ***Shared stewardship agreements** may result in changes to ownership status and/or changes to physical care, access, and use practices.*
- ***Standing** is the requesting party's authority to make a request, agree to stewardship terms and receive returns.*

**Source: SI Working Group for Ethical Returns*

NMNH PARTIES.

- *Director*
- *Associate Director and Chief Scientist (ADCS)*
- *Assistant Director for Collections (ADC)*
- *Registrar*
- *Departmental Chair(s)*
- *Curator(s)*
- *Ethical Stewardship Research Team (ESRT)*

AUTHORITIES AND RESPONSIBILITIES. As authorized by the Smithsonian's Shared Stewardship and Ethical Returns Policy, NMNH may enter into **shared stewardship arrangements** based on ethical considerations. The NMNH may also deaccession and return collections in appropriate circumstances based on ethical considerations, henceforth referred to as "**Ethical Returns.**"

The Director, in consultation with the National Collections Program (NCP), the Office of the General Counsel (OGC), and the Office of the Under Secretary for Science and Research, will make the final decision on returning items to requestors. Where relevant, decisions to return items will follow the monetary value thresholds in NMNH's Collections Management Policy and will follow current deaccessioning policy and procedure.

The Director delegates responsibility for responding to inquiries and requests to the Ethical Stewardship Research Team (hereinafter, the ESRT), a part of the Office of the Registrar and under the oversight of the Assistant Director for Collections. The ESRT initiates and oversees the provenance research needed to respond to an inquiry or a request.

Findings and final determinations are provided in writing to the NMNH parties listed above, NCP, OGC and Office of the Under Secretary for Science and Research, and will include all references or documents used in the provenance research process. Records of inquiries, requests, decisions, and actions will be maintained by the Office of the Registrar.

Findings are reviewed by the curator in charge of the relevant collection, who will recommend that it is reviewed and approved by the departmental Chair, Assistant Director for Collections (ADC), Associate Director and Chief Scientist (ADCS), and Director.

Upon notification from the Director, initiation and negotiation of Shared Stewardship agreements will be made by the relevant curator(s), the Chair, the ADC, ADCS and Director. No other parties have authority to initiate agreements or conduct negotiations with requesting parties. Decisions on shared stewardship that result from a request for ethical return must be approved by the Under Secretary for Science and Research, in consultation with the Office of General Counsel and the National Collections Program.

The NMNH Collections Program will develop and maintain a public website with information on how to make an inquiry for information or a request for shared stewardship or return, and this policy. The NMNH Collections Program is responsible for implementing decisions and ensuring that all relevant NMNH parties are consulted and included, as appropriate, in actions.

APPROVALS AND DENIALS. The Requestor will receive a copy of the findings and final determination, with the notification of approval or denial of the request, including the basis for the decision.

If a request for ethical return is denied, the NMNH may offer shared stewardship terms.

If a request for a specific shared stewardship term is denied, the NMNH will communicate with the requestor to explore whether other terms are mutually agreeable.

If the request results in a denial of both ethical return and shared stewardship, the requestor will receive the findings, final determination, and decision, including a narrative describing the basis for the decision.

DETERMINATIONS. Decisions on **Standing of the requesting party** are made by the Director using a report from the ESRT that addresses the factors below. Requestors are encouraged to provide information in support of their assertion of Standing. A decision shall be made considering the facts and circumstances of the request.

1. What is the nature of the requestor's relationship to the item?
2. Are there competing requests regarding the item?
3. Were any prior requests for return not governed under then-current policy?
4. Is the requestor an official representative of the cultural group or home community where the item(s) originated?
5. Is the requestor authorized to act on behalf of a cultural group?
6. Is the requestor a lineal descendant of the person(s) who owned the item?
7. Do other groups potentially have an interest or have standing relative to the item(s) in question?

Determinations on the ETHICS of an acquisition are made by the Director using recommendations by the Curator in charge of the relevant collection, the departmental Chair, the Assistant Director for Collections, and the Associate Director and Chief Scientist. Recommendations will be based on a report from the ESRT that addresses the factors below.

1. How the item was originally obtained
2. How the item was acquired by the Smithsonian

3. Is there any evidence that the item(s) was legally acquired but was acquired forcibly from a party under duress, through coercion, or without consent from the rightful owner(s)?
4. Is there any evidence that an unfair price was paid for a purchased item?
5. Would retaining the item perpetuate harm?
6. Would returning the item to the requester redress the harm or unethical circumstances of acquisition?

Ethical Determinations will NOT be based upon:

- Requestor's ability to meet NMNH standards for care
- Requestor's intended use or management practices
- The artistic, historical, cultural, or monetary value of the requested item(s).

NMNH will notify other SI units holding similar items of inquiries and requests and will share the results of inquiries and requests unless otherwise constrained by confidentiality or a shared stewardship agreement by contributing to the Smithsonian's *internal Shared Stewardship and Ethical Returns Tracking Tool*.

Items under consideration for return or shared stewardship terms may be sequestered or otherwise restricted from ongoing research projects, access, destructive sampling, or other uses until the final disposition of the inquiry/request is made.

DECISIONS. All decisions will be communicated to the inquiring or requesting parties in writing. Denials will include the basis for the decision. Documentation of all decisions will be filed in the Office of the Registrar, with entries for each relevant collection item made in NMNH's collections information system.

In acting upon decisions to return items or engage in shared stewardship, NMNH welcomes visits by requestors to prepare items for return or initiate shared stewardship terms such as changes in physical care practices. Visits will be supported with access to NMNH spaces (e.g., the MSC smudging room) and resources if the NMNH has the ability to do so.

Shared Stewardship agreement monitoring, if needed, will be provided by the relevant Curator(s) and the Office of the Registrar, including responsibility for any ongoing communications that support the Agreement.

INFORMATION SHARING. NMNH's receipt and response to inquiries and requests for ethical returns and shared stewardship are a matter of museum and public record. However, NMNH will ask the Requesting Party about their wishes regarding any publicity or other public notice regarding the inquiry, request and ultimate action. NMNH will maintain a publicly accessible website that provides information on how to send an inquiry or request and provides information as agreed with recipients on completed ethical returns.

B. Human Remains

Note: The Smithsonian is developing its policy regarding Human Remains. Once that policy and associated policies regarding ethical return and shared stewardship have been completed NMNH's Collections Management Policy will be revised.

PRINCIPLES

NMNH has acquired human remains from a variety of sources and primarily through scientific excavation, donation, and transfer. Remains can take the form of skeletal and dental elements, hair, soft tissues, or genetic samples. During its collecting history, ethical norms and professional best practices related to collecting have changed, particularly with respect to collecting and managing human remains.

POLICY

NMNH will provide optimal physical care for all human remains in the collection. Where known or determined through provenance research, NMNH will consult with lineal descendants regarding care, use and disposition of human remains. NMNH encourages community consultation with Native North American communities and requires evidence of this consultation prior to allowing any research on human remains or associated funerary items.

Access, research, and loans involving human remains may be restricted by the Director.

Remains of persons who lived less than 300 years ago (12 25-year generations) will only be exhibited if NMNH has a written record of consent.

C. Repatriation of Indigenous Human Remains or 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 in 1996, 20 USC. § 80q. Under the NMAI Act, the Smithsonian is required to compile information and to disseminate it to and consult with tribes about collections that may be subject to repatriation, and, in certain circumstances, to return remains and items 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 regarding the NMNH's collections. The applicable NMAI Act standards and guidelines for compliance are set forth by the NMNH Repatriation Office.

Repatriation of Indigenous human remains and associated funerary objects not found to be culturally affiliated under the NMAI Act, and human remains from outside the United States may be addressed under the *NMNH Policy for Culturally Unaffiliated Human Remains and Associated Funerary Objects* and the *NMNH Policy for the International Repatriation of Human Remains*.

In addition to the applicable requirements of the NMAI Act and repatriation policies, collecting departments with Indigenous collections should be aware of and sensitive to other issues that arise out of cultural concerns of Indigenous groups. Concerns may relate to appropriate standards

for the use and management of Indigenous remains and items and interests in the intellectual content associated with them.

Collecting departments are encouraged to consult with Indigenous groups associated with items in the collection and to take their Indigenous interests into account when managing and using these items, provided that practices are consistent with applicable law and the NMNH's duties of care and management.

POLICY

AUTHORITY. The NMNH administers the Repatriation Office, which is the authority for the NMNH under the NMAI Act. The Repatriation Office acts as the liaison between the NMNH and all groups or individuals seeking discussion about or repatriation of any NMNH materials subject to these policies. This Office sets policies, guidelines, and procedures for repatriation. Any repatriation request received by any NMNH collecting department for Native American or Native Hawaiian remains or items should be referred to the NMNH Repatriation Office for advice and guidance. Repatriation of human remains from outside the U.S. is addressed by the NMNH Policy for the International Repatriation of Human Remains. International repatriation requests are referred to the NMNH's Anthropology Department.

Final repatriation decisions are made by the Secretary or the Secretary's designee. All repatriation decisions are subject to the general policies of the Board of Regents.

COVERAGE and COMPLIANCE. The NMNH collections include Native American or Native Hawaiian human remains and items to which the requirements of the NMAI Act are applicable. The NMNH collections also include Indigenous remains and items from the United States and other countries not subject to the NMAI Act. The *NMNH Policy for Culturally Unaffiliated Human Remains and Associated Funerary Objects* allows for repatriation requests for human remains and associated funerary objects from the United States that are found to be culturally unaffiliated under the NMAI Act. The *NMNH Policy for the International Repatriation of Human Remains* allows for repatriation of human remains from outside the United States. In addition to these policies, decisions to return or repatriate collections items outside the scope of the NMAI Act will be managed in accordance with this policy, SD 600, and the Smithsonian's *Shared Stewardship and Ethical Returns Policy*.

ACQUISITION. New acquisitions will be reviewed to determine the applicability of the NMAI Act and this policy.

RESPONSIBILITY/METHOD. The NMNH Repatriation Office's Guidelines and Procedures for Repatriation sets forth the standards and methodologies for repatriation. The Repatriation Office evaluates all repatriation requests covered by the NMAI Act, assesses their validity, and responds accordingly. The Repatriation Office is responsible for completing inventories and summaries, and documenting and processing repatriation requests and returns.

D. Human Subjects in Research and the Institutional Review Board

PRINCIPLES

The NMNH acknowledges and accepts responsibility to minimize risks to human research subjects and ensure that their participation is based on informed consent. To fulfill this responsibility, all individuals engaged in research involving human subjects must understand their individual and collective responsibilities and comply with all applicable federal, state, or local laws, regulations, and ethical principles, so that the rights and welfare of human subjects involved in research are protected.

POLICY

AUTHORITY. The NMNH maintains an Institutional Review Board (IRB) to review and advise on issues involving research on human subjects, as required by Federal regulation. Any research that uses humans, surveys of human subjects, or human subjects' records requires IRB review and approval.

COMPLIANCE. The NMNH complies with SD 606, Research Involving Human Subjects regarding research involving human subjects, and all applicable legal and ethical requirements for responsible reliance on human subjects in any form of research undertaken by the NMNH. Procedures that have been identified by the National Institutes of Health, the National Science Foundation, and scientific discipline groups as being unacceptable regarding human subjects will not be supported or condoned.

ACQUISITION. The NMNH will not knowingly accept items or information derived from research conducted in violation of laws relating to the use of human subjects.

E. Collections Made During Fieldwork

PRINCIPLES

NMNH research and collecting activities must be undertaken with sensitivity to continued protection of cultural and biological diversity as well as geological resources and in compliance with applicable laws protecting cultural property, and animal and plant species. When conducting sampling activities, the preservation of heritage will be emphasized. Collecting should not cause undue detriment to the diversity and ecological conditions in the area.

POLICY

AUTHORITY. The Director and specific designees, as identified in writing, are the only staff members authorized to sign international or national agreements and permits regarding collection acquisition made via fieldwork. 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.

COMPLIANCE. The NMNH complies with SD 611, *Export Compliance and Trade Sanctions Related to Research, Export, and Museum Activities*. The NMNH agrees with the spirit of the Convention on Biological Diversity and the Nagoya Protocol and voluntarily implements certain procedures regarding access and benefit sharing of genetic resources and traditional knowledge. The NMNH complies with the *Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects*, and SD 606.

ACQUISITION. 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 scientific research or for other educational purpose, and; the NMNH's field activities will not cause harm to communities, biological diversity, geoheritage and ecological conditions in the area. Instances of salvage collecting as sanctioned by the authorities of the country in question is permitted.

METHOD. Field collecting should be preceded by disclosure and consultation and under all appropriate permits.

Items related to named individuals or extant cultural groups shall be managed in a sensitive, respectful manner, consulting lineal descendants and cultural groups about their wishes and interests, and taking them into consideration.

ACCESS AND BENEFIT SHARING. These concepts are found in the Convention on Biological Diversity and the Nagoya Protocol, and they guide use of collections from other nations. These include gaining Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) regarding planned and future uses of items 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 items and traditional knowledge regarding genetic resources. Such terms of use may also be expressed in Material Transfer Agreements (MTAs.) Although the United States is not a signatory to the Convention on Biological Diversity or the Nagoya Protocol, the NMNH voluntarily complies with these agreements when possible.

F. Unlawful Appropriation of Objects During the Nazi Era

PRINCIPLES

Between 1933 and 1945, the Nazi Regime and its collaborators orchestrated a system of confiscation, coercive transfer, looting, and destruction of cultural property and artwork throughout Europe on an unprecedented scale. Millions of objects were unlawfully appropriated 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. Postwar restitution efforts to return unlawfully seized objects to their rightful owners did not lead to complete and comprehensive restoration.

Guidance issued by the American Alliance of Museums (AAM) and the Association of Art Museum Directors (AAMD) concerning objects that may have been unlawfully appropriated during the Nazi era recommends museums identify objects in their collections that were created before 1946, acquired by the museum after 1932, underwent changes in ownership during the Nazi era, and were or may reasonably be thought to have been in continental Europe between 1933 and 1945. The NMNH is committed to implementing the AAM and applicable AAMD guidelines by researching, identifying, and making public any objects that fall within their scope.

POLICY

AUTHORITY. The ADCS, ADC, and Registrar have the authority and responsibility for implementing and ensuring compliance with the Smithsonian policy on Nazi era appropriated

objects and the applicable professional guidelines issued by AAM and AAMD. Certain circumstances may require consulting with OGC, NCP, and the Under Secretary for Science and Research.

COMPLIANCE. The NMNH adheres to the *Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects, Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era*, issued by the AAM, and, where applicable, *tm (AAMD Report on the Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945))*. Each collecting department shall apply the applicable provisions of the AAM and AAMD guidelines to its collections management activities.

ACQUISITION. The NMNH shall not knowingly acquire items that were unlawfully appropriated during the Nazi era without subsequent restitution. If the NMNH has acquired in good faith an 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 item.

G. 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.

POLICY

AUTHORITY. The NMNH established and maintains an Institutional Animal Care and Use Committee (IACUC) to review and advise on issues regarding the use of living animals as research subjects, as required by Federal regulations.

COMPLIANCE. The NMNH complies with the AWA in all collecting departments in which living animals are essential subjects of research, both in the field and in captivity. The NMNH staff will comply with SD 605, Animal Care and Use. 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.

ACQUISITION. The NMNH will not knowingly accept specimens of animals collected for research purposes in violation of the humane requirements of the AWA.

METHOD. The NMNH will only maintain living animals for research or approved educational purposes in fully acceptable captive care conditions, as determined by the IACUC and scientific discipline standards.

H. Collections Posing Health and Safety Risks

PRINCIPLES

The NMNH owns and has custody of items that may pose some risk to health and safety, either due to hazards inherent in their original composition or fabrication, acquired over time through exposure to hazardous materials in their environment, or acquired over time because of alterations from aging or treatment. The NMNH will promote awareness of the potential hazards and of established protective work practices to those at risk, including NMNH employees, docents, interns, volunteers, visiting researchers, and contractors who are in contact with these items. In addition, people to whom the NMNH loans or transfers objects with hazardous materials will also be notified. The visiting public will be protected from and/or informed of adverse health or safety risks from objects on display or made available for research, tours, or educational programs. The NMNH protects the environment from undue contamination through proper disposal of waste materials generated during curation, treatment, and management of NMNH collections.

POLICY

AUTHORITY. The ADO and MSC Facility Manager have authority to take action to manage hazards posed by items that may have health and safety risks. They are the primary points of contact with the Smithsonian's Division of Risk Management, OSHEM, and OPS. The ADO and MSC Facility Manager communicate and coordinate with Department Chairs, Curators, and Collections Managers concerning such risks.

COMPLIANCE. The 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.

IDENTIFICATION OF HAZARDS. Collecting departments must make reasonable attempts to determine the presence of hazardous materials within the collection. Once a hazard is identified, employee health risk must be determined through occupational exposure surveys conducted by OSHEM and the results must be communicated to affected staff and users.

METHOD. Written Safe Work Practices and storage, transportation and disposal procedures must be developed by the Conservator, the collections management staff, and the relevant Curators for the particular needs of the collecting department or program. Storage methods must be appropriate to the risk.

COMMUNICATION. All staff have a responsibility to themselves and to the Institution for their safety and the safety of others. Staff and users or persons who come into contact with hazardous items will be informed by the ADO, the MSC Facility Manager, or the Safety Officer, in consultation with departmental staff of any known risks, and must be provided with appropriate procedures, materials, and equipment for mitigating the risks of working with those collections. Hazard notification, to the extent applicable, is incorporated into transaction and repatriation documents. Communication of hazards 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 item labels, storage cases, storage rows, or entry doors to storage, exhibit signage, or text in transaction documents.

SHIPPING. The NMNH Shipping Office or other properly trained staff is responsible for ensuring that hazardous materials shipped on behalf of the NMNH are packed, shipped and transported as required by applicable laws and international treaties. Incoming loan and acquisition and/or 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 has established and maintains written guidance on the shipping and transport of hazardous/dangerous goods.

END NMNH COLLECTIONS MANAGEMENT POLICY
