Smithsonian Directive 208: Standards of Conduct Regarding Smithsonian Institution Volunteers

I. PURPOSE

This directive describes the standards of conduct that apply to the Smithsonian Institution (the “Smithsonian”) volunteers as well as to Smithsonian employees when working with such volunteers.

A Smithsonian volunteer (as used hereinafter, “Volunteer”) is one who, for civic, charitable, or humanitarian reasons, and at the Smithsonian’s request, provides a service to the Smithsonian without promise, expectation, or receipt of compensation. A Volunteer is not an employee, fellow, paid intern, recipient of an academic appointment, research associate, emeritus, or visitor when the individual is acting in one of the aforementioned capacities; however, individuals in these categories separately may serve as Volunteers.

This directive does not apply to members of the Smithsonian Board of Regents and its committees, nor to the Smithsonian Advisory Boards and their committees, when such member is performing official duties of the board or committee. Board and committee service is governed by other appropriate governance documents.

II. BACKGROUND

Volunteers are an essential component of the Smithsonian’s mission and undertake a broad range of important roles and responsibilities at the Smithsonian. Certain Volunteers represent the Smithsonian to the public as they interact with visitors; others advance Smithsonian purposes and goals behind the scenes as they work with Smithsonian collections, research, or staff. The extent and varied nature of Volunteer participation in Smithsonian work require the Smithsonian to set uniform standards of conduct, but also to allow for differences between Volunteer programs.

The rules and policies in this directive are not comprehensive. Each Smithsonian unit accepting Volunteer services is invited to maintain additional written policies that are appropriate to the particular Volunteer program. If such additional policies are maintained, they must be consistent with this directive in that they must meet at least the requirements of this directive; although such policies may add additional requirements and be more stringent if necessary and appropriate to the volunteer program or activity and approved by the OGC.

III. POLICY

The purpose of Volunteer service is to fulfill the mission of the Smithsonian. A Volunteer may not use a Volunteer position for private gain beyond the inherent satisfaction and goodwill derived from volunteer service. A Volunteer must conduct himself or herself in a manner that does not compromise the integrity of, or public confidence in, the Smithsonian.

A Volunteer’s service is subject to supervision by a Smithsonian employee. The Smithsonian reserves the right to modify and/or discontinue its Volunteer program, activity, or any particular Volunteer’s service, without cause or notice at any time.
This directive shall not create any employment agreement, entitlement, or other benefit, guarantee, or promise to the volunteer.

IV. RESPONSIBILITIES

Volunteer. A Volunteer’s conduct must (i) comply with this directive and any other Smithsonian policy that applies to the volunteer’s duties and (ii) not compromise the integrity of, or public confidence in, the Smithsonian.

Volunteer Program Manager. The head of each Smithsonian museum, office, program, or unit (for example, the Smithsonian National Air and Space Museum, The Smithsonian Associates - TSA, the Smithsonian Center for Folklife and Cultural Heritage, or the Smithsonian Environmental Research Center) accepting Volunteer service is responsible for managing its volunteer program and must designate an employee or employees to perform these duties. Responsibilities include managing the Volunteer program as a whole as well as recruiting, interviewing, selecting, orienting, training, and supervising individual Volunteers in the program. The head may delegate Volunteer Program Manager responsibilities in whole or part to appropriate Smithsonian employees.

Volunteer Supervisor. A Volunteer Supervisor is the Smithsonian employee designated by the Volunteer Program Manager to be responsible for the day-to-day training and supervision of a particular Volunteer. The Volunteer Supervisor ordinarily is the primary point of contact between the Volunteer and the Smithsonian. The Volunteer Supervisor may be the Volunteer Program Manager as well.

Visitor Information and Associates Reception Center (“VIARC”). VIARC is the pan-institutional program described in Smithsonian Directive 828. For purposes of this directive, the head of VIARC is the Volunteer Program Manager for the Behind-the-Scenes Volunteer Program, Castle Docents, and Volunteer Information Specialists volunteer programs.

Office of General Counsel (“OGC”). OGC provides legal advice to the Smithsonian regarding Volunteer matters, generally, and this directive.

V. REGISTRATION

The Volunteer Program Manager is responsible for assuring that all volunteers within his or her program are registered.

Registration in this context depends on the length of volunteer service.

- **Long term**: For volunteers who anticipate providing more than eight hours of service, registration means, at a minimum, documentation of the volunteer’s name, contact information, emergency contact information, volunteer project, and a signed Volunteer Acknowledgement and Release, the template for which is attached at Appendix A.
- **Short term**: For volunteers who anticipate providing less than eight hours of service, registration means, at a minimum, documentation of the volunteer’s name, contact information, volunteer
project, and a signed Volunteer Acknowledgement and Release the template for which is attached at Appendix B.

The Smithsonian may not register volunteers aged 17 or younger without first obtaining consent from the prospective volunteer’s parent or guardian. A Parent/Guardian Acknowledgement and Release template is attached at Appendix C.

Registration documentation must be kept by the Volunteer Program Manager for the duration of the volunteer’s service at the Smithsonian, plus six years.

In addition, the Volunteer Program Manager shall follow Office of Protection Services policy and instructions regarding identification badges and background investigations for Volunteers prior to registration.

VI. ORIENTATION
The Volunteer Program Manager shall provide volunteers in the program with all applicable Smithsonian policies and procedures, including any updates.

Applicable Smithsonian policies and procedures include at a minimum: the Smithsonian Institutional Code of Ethics, Smithsonian Directives 102 (Disclosing, Protecting, and Commercializing Inventions), this Smithsonian Directive 208 (Code of Conduct for Smithsonian Volunteers), Equal Opportunity and Prevention of Workplace Harassment and Violence policies, and, for volunteers who will have access to Smithsonian computers or networks, the Smithsonian Directive 931 (Use of Computers & Networks). OGC is available to discuss any modifications to this list.

VII. TRAINING
The Volunteer Program Manager shall provide to Volunteers in the program an appropriate training that conveys:

- Purpose and mission of the Smithsonian and the volunteer program;
- Particular volunteer position to be fulfilled;
- Training requirements;
- Expected and/or minimum time commitments;
- Attendance expectations;
- Procedures for absences/substitutions;
- Benefits and privileges;
- Appropriate dress code;
- Safety rules including emergency and inclement weather procedures; and
- Any other appropriate program or activity-specific terms.

VIII. SUPERVISION
The Volunteer Supervisor is responsible for day-to-day management of a Volunteer’s service, including oversight of Volunteer compliance with Smithsonian policies and instructions as applicable to the Volunteer’s service.
IX. CONFLICT OF INTEREST

A conflict of interest may arise when a Volunteer’s duties at the Smithsonian are similar or related to an active, outside personal or paid activity of the Volunteer or the Volunteer’s immediate family or household. For example:

- A Volunteer works directly with Smithsonian collections and either the Volunteer or a member of the Volunteer’s immediate family or household is involved in collecting or dealing in the same types of objects and materials.
- A Volunteer lends to the Smithsonian item(s) from the personal collection of the Volunteer or the Volunteer’s immediate family or household.
- A Volunteer is paid by a third party to perform services that are the same or similar to services the Volunteer provides to the Smithsonian (e.g., a docent provides, or contracts to provide, paid tour guide services in a Smithsonian museum).

A Volunteer promptly should disclose in writing to his or her Volunteer Supervisor the nature and extent of any possible conflict of interest.

The Volunteer Supervisor should determine whether the disclosed activity:

- is compatible with the full and proper discharge of the Volunteer’s duties;
- cannot reasonably be construed by the public as an official action of the Smithsonian; and
- will not create a conflict of interest or the appearance of a conflict of interest.

In making this determination, the Volunteer Supervisor shall consult with the Volunteer Program Manager, Smithsonian management, and OGC ethics counselors, as appropriate, and should maintain a record of the decision. Each decision must be made on its own facts and circumstances; in some instances disclosure itself will be sufficient to manage the possible conflict. In other instances the Smithsonian may modify the Volunteer’s assignment, terminate the relationship, or take other action it deems appropriate.

X. USE OF SMITHSONIAN NAME OR VOLUNTEER ASSOCIATION IN CONNECTION WITH PAID OUTSIDE ACTIVITIES

(a) Use of Volunteer’s Title or Association
A Volunteer may use his or her Smithsonian Volunteer title or association as mere professional identification or biographical data. For example, a Volunteer may list his or her Volunteer experience(s) on his or her resume or curriculum vitae.

(b) Writing or Speaking about the Smithsonian

A Volunteer shall obtain advance clearance from VIARC before publicly appearing in connection with writing, or speaking about any aspect of the Smithsonian for compensation. When travel expenses (in-kind or by reimbursement) are the only form of compensation, no prior clearance is required. VIARC will consider the (non-exclusive) factors described above in the section titled Conflicts of Interest and other
provisions of this directive as may be appropriate. VIARC shall consult with OGC ethics counselors as appropriate and shall maintain a record of the decision.

XI. PROHIBITION ON GIFTS
(a) Policy- A Volunteer shall not solicit or accept any gift that is in return for performance of an official act. In addition, a Volunteer shall not solicit or accept any gift that is or appears to be offered because the Volunteer holds a position at the Smithsonian or may have influence within the Smithsonian. A “gift” includes objects, financial interests, money, entertainment, favors, discounts, meals, travel, and lodging. A gift does not include loans, promotions, or discounts on terms generally available to the public. A gift also does not include benefits offered by the Smithsonian to its Volunteers on the same general terms, such as discounts at Smithsonian shops or restaurants. This prohibition does not apply to gifts accepted on behalf of the Smithsonian, such as reimbursement of expenses that otherwise would have been paid by the Smithsonian or in-kind gifts for Smithsonian use. Nor does this prohibition apply if the gift is motivated by a family relationship or personal friendship rather than the Volunteer’s position at the Smithsonian. This prohibition also does not apply to tokens awarded by the Volunteer Supervisor or Volunteer Program Manager in recognition of the volunteer’s service. Cash is not a token and acceptance of cash by individual Volunteers is prohibited.

(b) Exception- A Volunteer may accept unsolicited gifts if it would offend the giver to decline. Such gifts shall be deemed accepted on behalf of the Smithsonian. Within five (5) days of acceptance of such gift, the Volunteer must report the gift to the Volunteer Supervisor. The Volunteer Supervisor shall decide if the gift may be used for official purposes or not; if not, then the Volunteer Supervisor shall decide how to dispose of the gift.

XII. PROHIBITION ON PRIVATE USES
Volunteers shall not directly or indirectly use or permit the use of Smithsonian property or resources (including, for example, e-mail, equipment, facilities, information that is not available to the general public, confidential or proprietary information, and staff or Volunteer time) for purposes unrelated to official Volunteer duties or unfair advantage.

For example, a Volunteer should avoid the following conduct while on duty or otherwise on Smithsonian property or using Smithsonian resources:

- Soliciting, endorsing, or promoting sales of any non-Smithsonian product or service;
- Soliciting staff advice regarding the Volunteer’s personal collections or those of the Volunteer’s family or friends;
- Using Smithsonian property or resources to store, research, or otherwise work on the Volunteer’s personal collections;
- Using a Volunteer’s access to Smithsonian property or resources primarily in order to network, seek a paid position, or obtain entry to special events or non-public areas of the Smithsonian or other federal facilities;
- Giving preferential treatment to any person, such as giving behind the scenes tours to friends or family; or
Using Smithsonian internal information for the Volunteer’s personal career or advancement.

XIII. INTELLECTUAL PROPERTY

Volunteers shall respect the intellectual property and other ownership rights of the Smithsonian in its name, brand, goodwill, collections, property, and other assets.

The Smithsonian owns all work product and other materials created or developed by volunteers in the scope of their Volunteer position, including all copyright or other intellectual property rights. Volunteers are required to sign a volunteer agreement which acknowledges the Smithsonian’s ownership in the Volunteer’s work product, the template for which is attached at Appendix A.

A Volunteer should submit any request to use Smithsonian intellectual property to his or her Volunteer Supervisor, who will submit such request to the appropriate licensing or reproduction rights manager for approval. If in doubt, OGC is available to advise.

XIV. PERSONAL EXPRESSION

Volunteers represent the Smithsonian to the public and are perceived as speaking for the Smithsonian. For this reason, Volunteers should use judgment and discretion whenever interacting with the public. While on duty, on or using Smithsonian property or resources, a Volunteer should refrain from speculating or expressing personal beliefs, opinions, or judgments in a way that could appear as if the Volunteer is stating an official position of the Smithsonian.

Off-duty, a Volunteer should take steps to insure that any statements he or she makes about the Smithsonian do not create an impression that the Volunteer is speaking officially or on behalf of the Smithsonian; such steps may include an appropriate disclaimer, particularly if the Volunteer otherwise refers to his or her Volunteer position or association with the Smithsonian.

XV. APPRAISALS

Volunteers may not provide opinions on authenticity or the value of objects, materials, or specimens of the types collected by the Smithsonian unless such opinions are separate and distinct from and do not mention the Volunteer’s position or work at the Smithsonian.

XVI. POLITICAL ACTIVITIES

Volunteers may participate, as private citizens, in the activities of political groups. However, participation in partisan political campaigns while performing volunteer duties at the Smithsonian is subject to restriction because the Smithsonian is a trust establishment of the United States government and by policy complies with the federal Hatch Act. In particular, Volunteers MAY NOT engage in political activity while (1) on duty or (2) on or using Smithsonian property or resources. Political activity includes such things as encouraging others to engage in political activity, forwarding partisan e-mails, or wearing political buttons or apparel.
XVII. RESTRICTION ON DISCLOSURE OF INFORMATION

Unless the Volunteer Supervisor gives prior permission, a Volunteer may not disclose any Smithsonian information that is of a confidential or sensitive nature, or any other information of such character that its disclosure might be contrary to the best interests of the Smithsonian. Such information includes private, personnel, medical, or business-related information furnished to the Smithsonian in confidence. Security and investigative data for official use only shall not be divulged to unauthorized persons or agencies.

XVIII. LIABILITY

A Volunteer promptly should report to the Volunteer Supervisor and/or Volunteer Program Manager any injuries or damage incurred or otherwise observed by the Volunteer while the Volunteer is on duty.

If a Volunteer is injured while engaging in official Volunteer duties, the Volunteer Supervisor should submit a Federal Employee’s Compensation Act (FECA) claim for such injury or damage as the supervisor would do for a Smithsonian employee; FECA claims are determined by the Department of Labor. If FECA is not available, the Volunteer may submit a Federal Tort Claims Act (FTCA) claim to the OGC.

If a Volunteer injures another person or causes damage to the property of another while the Volunteer is engaging in official volunteer duties, the Smithsonian’s liability shall be determined pursuant to the FTCA. In addition, the federal Volunteers Protection Act of 1997 limits volunteer personal liability for certain harms caused by the volunteer if the volunteer is acting within the scope of the volunteer’s responsibilities for the Smithsonian at the time of the volunteer’s act or omission that caused the harm and provided that certain additional conditions are met. 42 U.S.C.S. §§ 14503 and 14504.

XIX. RESPONSIBILITY, COMPLIANCE, AND REMEDIAL ACTION

Failure by a Smithsonian employee or Volunteer to comply with his or her responsibility under these standards may be cause for remedial or disciplinary action. Such action may include a change in assigned duties, appropriate training or counseling, and/or dismissal in the case of employees or discontinuance of the volunteer’s service in the case of volunteers, or any other action the Smithsonian deems appropriate.

XX. ADDITIONAL RESOURCES AND GUIDANCE