

# MANUAL OF PROCEDURE

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<b>PROCEDURE NUMBER:</b>	1046	<b>PAGE</b> 1 of 6
<b>PROCEDURE TITLE:</b>	Miami Dade College Museum of Art and Design, Code of Ethics	
<b>STATUTORY REFERENCE:</b>	FLORIDA STATUTES 1001.64 AND 1001.65	
<b>BASED ON POLICY:</b>	V-40, Miami Dade College Art in Public Places	
<b>EFFECTIVE DATE:</b>	October 28, 2015	
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<b>LAST REVIEW DATE:</b>	February 12, 2024	

## I. INTRODUCTION

The mission of Miami Dade College Museum of Art and Design (“Museum”), housed at the National Historic Landmark Freedom Tower in Downtown Miami, is to encourage the appreciation and understanding of visual aesthetics through direct engagement with original works of art and design. The Museum serves as a catalyst for the cultivation of creative dialogue and diverse perspectives through the art.

The District Board of Trustees of Miami Dade College and Museum’s Board of Advisors, as representatives of its membership and as stewards of the mission, set forth the following Code of Ethics by which the Museum will fulfill its mission and conduct itself according to the best practices for nonprofit entities and in the best interest of the public trust under which it operates.

In subscribing to this Code of Ethics, the Museum creates responsibility for the actions of the members of its governing authority, employees, and volunteers in the performance of Museum-related duties. These individuals are committed to conducting their activities in a professional manner in order to protect the interests of the Museum’s beneficiaries—the students at Miami Dade College and the general public.

The Museum is established by Miami Dade College, a State of Florida public institution of higher education. The Museum must comply with applicable local, state, and federal laws and international conventions, as well as the specific legal standards governing the use of property, acquisition of art and trust responsibilities. Legal requirements, however, provide only the minimum standards. As the Museum must act not only legally, but also ethically, this Code of Ethics outlines ethical standards that frequently exceed the legal minimum.

## **II. CONFLICTS OF INTEREST**

Loyalty to the Museum's mission is critical to the effective operation of all aspects of the Museum's work, whether volunteer or paid. When and where conflicts of interest arise—actual, potential, or perceived — the duty of loyalty must never be compromised. No individual may use his or her position in the Museum for personal gain or benefit at the expense of the Museum, its missions, its reputation, and the public it serves. Any appearance of using the Museum as a vehicle for self-promotion or financial gain will not be tolerated.

The Museum ensures that revenue-producing activities and activities that involve relationships with external entities are compatible with the Museum's mission and support its public trust responsibilities.

Specific regulations on staff, Board, and volunteer activities with regard to the Museum's collection and its potential disposal are outlined in detail in the Museum's Acquisition and Collection Management Policy.

## **III. GOVERNANCE**

Museum governance is an educational and public trust responsibility for the institution's service to the College and public. The Museum's responsibilities include the protection and enhancement of the Museum's collections, programs, and its physical, human, and financial resources. The Board of Advisors, through the recommendation of policies and other actions, facilitates that these resources support the Museum's mission and respond to the pluralism of society.

Thus, the Museum's Board of Advisors facilitates that:

- A. All those who work for or on behalf of the Museum understand and support its mission and public trust responsibilities.
- B. Its members understand and fulfill their advisement role and act collectively, and not as individuals.
- C. The Museum's collections and programs and its physical, human, and financial resources are protected, maintained, and developed in support of the Museum's mission.
- D. The Museum is responsive to and represents the interests of society and curricular support of the College's mission.
- E. The Museum maintains a relationship with staff in which shared roles are recognized and separate responsibilities respected.
- F. Working relationships among board members, employees, and volunteers are based on equity and mutual respect.

- G. Professional standards and practices inform and guide the Museum operations.
- H. Policies are articulated and prudent oversight is practiced.
- I. Governance promotes the public good, rather than individual gain.

#### **IV. COLLECTIONS**

The distinctive character of the Museum's ethics is derived from the ownership, care, and use of art. The stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility, and responsible de-accessioning.

Thus, the Museum ensures that:

- A. Collections in the Museum's custody support its mission and public trust responsibilities.
- B. Collections in the Museum's custody are protected, unencumbered, cared for, and preserved.
- C. Collections in the Museum's custody are accounted for and documented.
- D. Access to the collections and related information is permitted and controlled.
- E. Acquisition, de-accessioning, and loan activities are conducted in a manner that respects the protection and preservation of cultural resources and discourages illicit trade in such materials.
- F. Acquisition, de-accessioning, and loan activities conform to the Museum's mission and public trust responsibilities.
- G. De-accessioning of collections through gift, exchange, or sale (public auction) is solely for the advancement of the Museum's mission and use of the proceeds from the sale of collections is restricted to the acquisition or direct care of collections.
- H. The unique and special nature of human remains, and funerary and sacred objects is recognized as the basis of all decisions concerning such collections.
- I. Collections-related activities promote the public good rather than individual financial gain.

- J. No discredit to the Museum or any work of art in its care is caused by improper commercial use, photographic reproduction, distortion or defacement.
- K. Compliance is maintained to national and international regulations regarding collections development and management, including the UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export or Transfer of Ownership of Cultural Property (1970); Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague Convention, 1954); the Native American Graves Protection and Repatriation Act (NAGPRA); and the American Art Museums Directors (AAMD) Task Force on the Spoliation of Art during the Nazi/World War II Era, 1933-45

## **V. PROGRAMS**

The Museum works to advance the understanding and appreciation of art through programs including exhibitions, research, scholarship, lectures, publications, symposiums, art related events and educational activities. These programs further the Museum's mission and are responsive to the concerns, interests, and needs of the people of the Museum's region, while not compromising the requirement to preserve the collections as a public trust.

Thus, the Museum ensures that:

- A. Programs support the mission and public trust responsibilities.
- B. Programs are founded on scholarship and marked by intellectual integrity.
- C. Programs are accessible and encourage participation of the widest possible audience consistent with its mission and resources.
- D. Programs respect diversity in values, traditions, and concerns.
- E. Revenue-producing activities and activities that involve relationships with external entities are compatible with the Museum's mission and support its public trust responsibilities.
- F. Programs promote the public good rather than the individual gain.

## **VI. PAID AND UNPAID PERSONNEL**

It is the Museum's policy, under governance of the College's policy, to provide equal employment opportunity for all employees and qualified applicants without regard to race, color, religion, sex, age, national origin, marital status, sexual orientation, veteran status, disability unrelated to the

ability to perform a job with or without reasonable accommodation, or membership in any protected category under federal, state, or local law. This policy applies to all personnel actions, benefits, terms, and conditions of employment including, but not limited to, hiring, placement, training, compensation, transfer, promotion, leave-of-absence, termination, layoff, and recall. This policy also applies to dealings with artists, collectors, and non-employees such as visitors, volunteers, vendors, or subcontractors. The Museum is committed to the highest ethical principles in all relationships with artists, collectors, and business suppliers. Any Museum staff member who is authorized to spend Museum funds should do so with impartiality, honesty, and with regard only for the best interests of the Museum.

Every Museum employee is entitled to a measure of personal independence equal to that granted comparable professionals in other disciplines, consistent with their professional responsibilities. Loyalty to the Museum must always be in the forefront as the Museum and its employees enjoy public visibility and enjoy a generous level of esteem. To the public, the Museum and its staff are never wholly separated. Staff, members of the Board of Advisors and volunteers must be concerned not only with their own true, personal motivations and interests but also with the way in which such actions might be construed by the outside observer.

Subject to applicable laws, staff members, members of the Board of Advisors and volunteers must protect all confidential information relating to the source of material owned by or on loan to the Museum, as well as security arrangements of the Museum, or the security arrangements of private collections or any place visited in the course of official duties. Confidentiality must also be respected in relation to any item brought before the Museum for identification of donors or potential donors. Information not otherwise available to the general public about the activities of the Museum, including administrative or non-scholarly activities, that the staff, members of the Board of Advisors, or volunteers may acquire in the course of their duties shall not be used for personal advantage or other purposes.


Any and all materials or items developed, written, designed, drawn, painted, constructed, or installed by employees, members of the Board of Advisors or volunteers while carrying out their responsibilities to the Museum are considered to be the property of the Museum/College with the College having all the rights to the property.

Volunteers are vital to the Museum's programs. The staff should collaborate with volunteers as fellow workers and provide them with appropriate training. Access to the Museum's internal activities and information is a trust. The lack of material compensation does not free volunteers from adherence to standards that apply to paid staff.

In addition, employees, members of the Board of Advisors and volunteers shall be governed by the conflict of interest and ethics provisions that are contained in Florida Statutes and/or the College Policies and Procedures, as may be applicable.

**VII. RECOURSE**

Any issue that raises ethical questions should be brought to the appropriate supervisor and then on to the Executive Director, if needed. Once reviewed by the Executive Director and depending on the issue at hand, the matter might be brought before the Board of Advisors and then, if necessary, onto the District Board of Trustees to take appropriate action if needed. If an ethical issue is raised regarding a member of the Board of Advisors, then the Executive Director and the District Board of Trustees, if needed, will discuss the matter, and take appropriate action as needed.

	02/12/2024
<b>PRESIDENT</b>	<b>DATE</b>