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# COLLECTIONS MANAGEMENT POLICY

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JANUARY 1, 2020  
THE FORSYTH-WARREN LIVING HISTORY FARM AND MUSEUM  
5182 Ridge Road, Warren's Corners, New York

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## **I. INTRODUCTION**

### **A. Mission Statement**

The mission of the Forsyth-Warren Tavern Living History Farm and Museum is to preserve the frontier settlement of Warren's Corners, the Forsyth-Warren Tavern and Farm, developing the site as a living history museum, to interpret the role played by taverns in the settlement of Western New York, to provide a regional educational, cultural and historic resource, to preserve local history, and to assist visitors, students, and scholars in understanding significant lives and events comprising the site's history. We pursue this mission by preserving and protecting the area's physical and intellectual assets and sharing them with the widest possible audience, whether on our campus or through outreach programs.

### **B. The Role of The Forsyth-Warren Tavern Living History Farm and Museum Collection**

The Forsyth-Warren Tavern Living History Farm and Museum, hereafter referred to as The Tavern, is an educational institution, whose mission mandates the collection, preservation and interpretation of artifacts. The objects in the collection serve two roles: as primary documents for the current and future staff, researchers, volunteers and public to study in their endeavors to better understand the past; and as objects for display to the public for their education and enjoyment. The primary responsibility of the Museum is the care of its collection in accordance with professional standards and the use of its collection for the benefit of the public. Policies of the Museum are based upon the preservation of collections and their use and interpretation to better serve the institution's educational mission.

### **C. Description of the Permanent Collection**

The Forsyth-Warren Tavern Living History Farm and Museum Permanent Collection is made up of diverse objects and materials, dating primarily from 1808-1940, that enhance the staff and the public's understanding of life and culture in western New York. The provenance of the majority of these materials and objects is local. The collection includes but is not limited to objects in the following categories: historic structures, furniture, textiles, clothing, ceramics, glass, metal, horse-drawn vehicles, tools and equipment, fine and folk art, books and archival materials.

### **D. Description of the Program Collection**

The staff and administration of The Tavern recognize the importance of maintaining a collection of material to be utilized in the exhibition buildings as

“hands-on” objects. This class of objects includes both antique and reproduction items and includes but is not limited to objects in the following categories: structures, furniture, textiles, clothing, ceramics, glass, metal, horse-drawn vehicles, tools and equipment, fine and folk art, books and archival materials. Although considered replaceable these objects serve an important interpretive function.

## **II. GOVERNANCE**

### **A. Role of the Collections Management Committee**

The Board of Trustees of the Corporation shall establish a Collections Committee. Pursuant to the Corporation's By-Laws, the President shall appoint the members and chair of this Committee. The Committee shall recommend items for accession to and deaccession from the collections of The Tavern.

The Collections Committee shall include in its deliberations, whenever deemed necessary, the advice of professionals with the goal of making well-considered and timely recommendations to the Board of Trustees.

The final decision to accession, to acquire without accessioning, or to deaccession items to or from the collections of The Tavern shall rest with the Board of Trustees.

### **B. Role of the President**

The President is an active member at the board level and participates with the Collections Committee on major acquisition and deaccession decisions to the extent authorized by the Museum Bylaws. The President shall also exercise such other powers as may be specifically set out herein.

### **C. Role of the Board of Trustees**

The Board of Trustees has the fiduciary responsibility for the protection of the assets of the Museum, including the collections, as stated in the charter. The Board also has a duty to ensure that the collections are carefully preserved and properly and effectively used for public educational purposes.

### III. PERMANENT COLLECTION

#### A. Acquisition

1. Acquisition is the discovery, preliminary evaluation, negotiation of terms for, taking custody of, taking title to, and acknowledging receipt of materials and objects.

2. Nature of Ownership:

Materials and objects may be acquired by purchase, commission, bequest, gift, exchange, field collection, archaeological excavation, or any other appropriate transaction by which full and absolute title is effectively transferred to The Forsyth-Warren Tavern Living History Farm and Museum. No materials or objects shall be knowingly or willfully accepted or acquired which are known to have been illegally imported or illegally collected in a manner contrary to state or federal law, regulation, treaty, or convention. The Tavern subscribes to the provisions of the International Council of Museums Convention of 1970, and the Native American Graves and Property Repatriation Act. The Tavern shall endeavor to obtain all right, title and interest for all acquisitions, without restrictions or limiting conditions if possible, or accepting only those restrictions which shall have the potential of being converted to free and clear title under appropriate law.

The Collections Committee shall maintain permanent acquisition files that shall contain all legal instruments and conveyances concerning each acquisition and its origin.

3. Criteria for Acquisition:

Permanent Collection Materials and objects must meet the following criteria to the satisfaction of the Staff Collections Committee before being acquired.

- a. The acquisition must conform to The Forsyth-Warren Tavern Living History Farm and Museum's collecting objectives. The owner must have clear title and must sign a deed of gift transferring title to the Corporation. In the case of a bequest, the donor must also have had clear title.

- b. A transfer or ownership file containing gift agreements and other proofs of The Forsyth-Warren Tavern Living History Farm and Museum's legal ownership of acquisitions shall be maintained.
- c. Acquisitions by purchase shall not exceed the annual budget for such purchases unless additional proper financing has been arranged.
- d. No acquisition shall be appraised by a trustee, staff member, or any other person closely associated with either. (See U.S. Tax Reform Act of 1984 and Internal Revenue Service regulations relating to the act.)
- e. The Tavern must be capable of housing and caring for the proposed acquisition according to generally accepted professional standards.
- f. Proposed acquisitions shall be free of donor-imposed restrictions unless such restrictions are agreed to by the Collections Committee and the Board of Trustees.
- g. Acquisitions approved by the Board of Trustees for accessioning shall be promptly accessioned upon receipt and acceptance under a system approved by the Collections Committee and the Board of Trustees.
- h. Donors and prospective donors, whenever deemed appropriate, should be asked by the Collections Committee whether they would be willing to provide funds for the full or partial cost of accessioning and subsequent maintenance of materials gifted to The Forsyth-Warren Tavern Living History Farm and Museum. Willingness or unwillingness to provide such funds should usually not be a determining factor in the Board of Trustees decision to accept or reject a gift for accessioning.

4. Criteria for Historic Structures:

In addition to the above criteria for the Permanent Collection, historic structures are evaluated on the following criteria:

- a. The structure being considered for acquisition must be in a state of preservation considered to be appropriate.
- b. The amount of original or desired period material extant and the condition of the material should be consistent with the structure's intended use.
- c. The structure must be relevant to The Forsyth-Warren Tavern Living History Farm and Museum's mission.
- d. The structure must closely meet collection and interpretive planning needs.
- e. Relocating the building should be feasible and cost efficient.
- f. Restoration and future maintenance on the structure should be feasible and cost efficient.

5. Authority for Acquisition:

- a. Purchase of materials and objects: Subject to the requirements of Paragraph IIB, authority to purchase materials, objects or collections is delegated to the Collections Committee, with the approval of the President.
- b. If money needed to purchase an item is not in the acquisition budget but the object is considered desirable for the collection, staff may request the funds from the President who may grant the request if such funds can be found within the annual budget approved by the Board of Trustees, failing which approval by the Board of Trustees is required. In the event that time is of the essence and the approval of the Board of Trustees cannot be obtained within the time needed to purchase the item, approval may be granted by any three of the following Officers acting in concert - the Board Chair,



the President and CEO, the Chair of the Board Collections Committee and the Treasurer.

- c. Donation of materials and objects: The collections committee may receive donations of materials, objects or collections save that any donation of materials, objects or collections valued over \$10,000, but less than \$20,000, or which require extraordinary care or housing shall require the approval of the President and the Collections Management Committee. Donations of materials, objects or collections valued over \$20,000, shall require the approval of the Board of Trustees.
- d. Acquisition of Property by Gift: Prior to the acquisition of property by gift, a museum shall inform a donor or prospective donor of the provisions of this section and shall provide a donor or prospective donor with a written copy of its mission statement and collections policy, which shall include policies and procedures of the museum related to deaccessioning.

6. Accessioning:

Items acquired for the Permanent Collection will be accessioned according to standardized procedures by the collections staff. Collections staff shall maintain permanent files that shall contain all legal instruments and conveyances concerning each acquisition and its origin. In addition, location, condition, exhibition and conservation records as well as correspondence and research will be filed for each accession. These files will be separate from the files for the Program Collection.

7. Care and Preservation:

The Tavern realizes its obligation to protect its collections which are held in the public trust. Therefore, The Tavern shall act to the best of its ability, according to the following guidelines.

Primary responsibility for the management of the collections has been delegated within The Tavern to the President and the Collections Committee.

- a. A stable environment for items in storage or on display shall be maintained to the best of The Forsyth-Warren Tavern Living History Farm and Museum's ability by providing protection from excessive light, heat, humidity and dust. The environmental needs of different materials shall be considered.
- b. All materials shall be protected against theft, fire, and other disasters by security and by a written disaster plan, to the best of The Forsyth-Warren Tavern Living History Farm and Museum's ability.
- c. When possible, paper materials shall be copied on microfilm, photocopied on acid-free paper, or otherwise made redundant and stored in a separate location.
- d. When deemed necessary by the Collections Committee, conservation of collection items shall be undertaken with the advice of a trained conservator.
- e. Records shall be kept using appropriate forms for documentation: i.e., temporary custody form, deed of gift, accession form, relevant correspondence, conservation reports and deaccession records.
- f. All library books will be cataloged using the Library of Congress system. Historic or rare books will also be accessioned into The Tavern Permanent Collection.
- g. Inventories and location records shall be kept up to date to prevent loss and to facilitate public access to the collection.
- h. The Tavern shall make its mission statement and collections policy available on its website.
- i. No collections or any individual art thereof shall be used as collateral for a loan.

## **B. Deaccession**

1. Deaccession is the process of permanently removing from the Permanent Collection accessioned museum objects or materials. The Deaccession process shall be cautious, deliberate and scrupulous.
2. Deaccession Criteria:

Materials and objects must meet at least one of the following criteria as determined by The Tavern to be considered for Deaccession:

- a. The item or material is inconsistent with the mission of the institution as set forth in its corporate purposes, mission statement, collections management policy.
- b. The material or object lacks original or physical integrity.
- c. The material or object has failed to retain its identity or authenticity, or has been lost or stolen and remains lost or stolen for longer than two years.
- d. The item or material is redundant or duplicates other items or material in the collection of the institution and is not necessary for research or educational purposes.
- e. The Tavern is unable to preserve or conserve the item or material in a responsible manner.
- f. The material or object lacks provenance, and is readily obtainable on the open market, or has been extensively repaired and is generally an inferior example of its type.
- g. The item or material is deaccessioned to accomplish refinement of collections as required by and/or stated in its collection management policy.
- h. The Tavern is repatriating the item or returning the item to its rightful owner.
- i. The Tavern is returning the item to the donor, or the donor's heirs or assigns, to fulfill donor restrictions relating to the item which the institution is no longer able to meet.

- j. The item or material presents a hazard to people or other collections items.

3. Restrictions:

Before any object or material is recommended for deaccessioning, or is deaccessioned, reasonable efforts must be made to ascertain that The Tavern is legally free to do so. Where restrictions as to disposition of the material or object are found, the following procedure shall be utilized.

- a. Mandatory conditions of acquisitions will be strictly observed unless deviation from their terms is authorized by a court of competent jurisdiction.
- b. In the event of a question concerning intent or force of restrictions, the staff shall seek the advice of legal counsel.
- c. Comply with the restrictions; and
- d. Notify the donor, if alive and at the address of record, if the material or object was accessioned within ten years.

4. Authority for Deaccession:

The Collections Committee is responsible for application of the above deaccession criteria. Any material identified for deaccessioning will be documented by a written statement describing the material and supported by the criteria believed to justify the deaccession. Such statement shall also include the estimated market value and the recommended means of disposal. All deaccession decisions will be approved by the President and the Collections Management Committee. In addition, deaccession of any single item having a value greater than \$1,000 shall require the approval of the Board of Trustees.

**C. Disposal**

1. Method of Disposal:

The preferred method of disposal is to sell or trade the deaccessioned item(s) to another public non-profit institution in order to ensure that the items will remain in the public domain. Deaccessioned objects

may also be sold at public auction or at public sale. In the case of infestation, extreme disintegration or extreme poor condition, some items may need to be disposed of by physical destruction.

2. Ethics of Sale:

Museum employees, officers, trustees, or their immediate families or representative shall not purchase through private or public sale, be given or otherwise transferred any collections object unless prior approval is granted by the board of trustees.

3. Proceeds:

Disposal of collections through any means is solely for the advancement of The Forsyth-Warren Tavern Living History Farm and Museum's mission. Proceeds from the sale of permanent collection items are to be used only for acquisition, preservation, protection or direct care of Permanent Collections.

Proceeds derived from any deaccessions of any property from collections or any indivial part thereof is to be restricted in a separate 'collections fund' to be used only for the acquisition, preservation, protection or care of collections.

In no event shall proceeds derived from deaccessioning of any property from the collections be used for operating expenses or for any purposes other than the acquisition, preservation, protection or care of collections; nor is it to be used as collateral for a loan.

4. Access to Policy:

A reference to the deaccession policy shall be imprinted on all deed of gift forms used by The Forsyth-Warren Tavern Living History Farm and Museum. A copy of the deaccession policy shall be made available to any donor or prospective donor upon request.

5. Records:

A list of all materials deaccessioned from the permanent collections within the past five years shall be kept current by senior collections staff and may be distributed in response to any reasonable inquiry. All records relating to deaccessioned objects will be marked "deaccessioned" and retained.

## **IV. LOANS AND TEMPORARY CUSTODY OF PERMANENT COLLECTIONS**

### **A. Terms and Conditions for Outgoing Loans**

1. Limitations on Use:

The borrower shall use the borrowed property solely for educational, scholarly, or cultural purposes. The Tavern does not lend collection objects to individuals or to organizations or institutions that are not educational in nature or do not further the purpose of the institution or collection.

2. Documentation:

The loan is documented by The Tavern's loan form, signed by both parties. Correspondence, condition reports and other records shall be filed with the loan form.

3. Protection of Borrowed Property:

The borrower shall take precautions to protect the loan from damage, loss, destruction, or alteration from the moment of receipt. The Tavern shall establish the value of the loan for insurance coverage. The borrower shall provide The Tavern with proof of insurance.

4. Liability:

The Tavern shall hold the borrower liable for any damage or loss to the loan during the loan period

5. Surrender of Borrowed Property:

The borrower shall not surrender the loan to anyone other than The Tavern or The Tavern's agents.

6. Indemnification:

The borrower shall indemnify and hold The Tavern harmless from all losses, claims, actions, liabilities, damages, costs, and expenses, including

attorneys' fees, costs and expenses, incurred by The Tavern, arising from, in connection with, or as a result of this loan agreement.

7. Right of Inspection:

The Tavern shall have the right to enter the premises on which the borrowed property is located to inspect said borrowed property. Inspections may be made during normal business hours, or, in the event the borrowed property is used outside normal business hours, during the hours the borrowed property is so used.

8. Governing Law:

Loan agreements are governed by the laws of the State of New York pertaining to contracts.

9. Approval:

The loan of any item having a value greater than \$5,000 but less than \$10,000 shall be approved by the President and Collections Management Committee. The loan of any item having a value greater than \$10,000 shall be approved by the Board of Trustees.

10. Statement of Justification.

A written statement of justification shall be prepared by the Collections Committee in all instances and shall include, the items to be loaned, the reasons for such loan, value of the loan, the amount of insurance required and information about the borrower.

11. Certification of Documentation:

Certificates of Insurance issued by the Borrower shall be deposited with, and verified by, The Tavern's Chief Financial Officer prior to any loan being implemented.

## **B. Preparing Outgoing Loans**

### 1. Documentation:

Collections staff shall complete and execute all forms and their filing, shall set insurance values for the items being loaned, shall write a condition report for each item in the loan; shall coordinate insurance coverage for the loan, and shall register all outgoing materials and objects. Loan records shall be maintained and placed in the transaction file by the collections staff.

### 2. Transport:

Collections staff shall supervise packing and transport of all artifacts.

### 3. Costs:

Costs for outgoing loans shall be borne by the borrowing institution. Costs to be billed included packing materials, staff time for packing, special conservation treatments, travel frames, vehicle rental, staff or personal vehicle mileage, and staff travel expenses. An estimate of all costs for a loan shall be given to the borrower in writing, but costs are not limited to that estimate. A loan fee may be billed, to be determined on a case-by-case basis by the Staff Collections Committee.

## **C. Borrowing**

### 1. Borrowing:

The Tavern may borrow materials and objects for its own exhibits or for study from any institution or individual. Care and security for items borrowed by The Tavern will equal that given the Permanent Collection. The Tavern will provide proof of insurance to the lender when requested.

### 2. Authority:

Collections staff shall initiate all incoming loans, and shall report each loan to the Collections Committee. Negotiations for The Tavern's borrowing of materials and objects must be completed and approved by the President



thirty (30) days before the loan arrives at the museum. Contracts for borrowing materials and objects will be executed on The Tavern's loan agreement form unless an institution requires use of its loan form for lending its collections.

3. Return of Loan:

It is the lender's responsibility to notify The Tavern of a change of address or a change in the ownership of the loaned object. If, at the expiration of the loan The Tavern is unable to contact the lender, The Tavern will initiate action as proscribed by the State of New York's abandoned property law

**D. Temporary Custody**

1. Temporary Custody:

As a public service, collections staff may attempt to attribute, identify, or authenticate items brought to The Tavern by the public. Staff may also borrow objects under temporary custody for the purpose of research or study, or to consider the objects for acquisition.

2. Liability and Abandoned Property:

All owners depositing objects or materials with The Tavern for these purposes shall sign a written agreement setting out the terms and conditions under which such deposit may be made, including:

(a) full identification of each material or object

(b) that the materials or objects shall be covered by the lender's insurance as property on loan to Tavern and that The Tavern assumes no responsibility for the object(s).

(c) that the depositor agrees to release and hold harmless Tavern, its employees, officers, and agents from any liability concerning the materials and objects while on deposit or in transit except for clear gross negligence.

(d) that such materials and objects are not to be deposited on The Tavern's premises for longer than thirty days and that The Tavern accepts no responsibility for notification of individuals regarding the return of such deposits.

(e) that, if the depositor of record fails to collect the materials and objects, or if delivery cannot be affected after the removal date, The Tavern will mail the depositor at its address of record a warning to remove.

(f) that The Tavern assumes no responsibility to search for a depositor or listed owner not located at the address of record.

(g) that items not claimed within one year of deposit are considered abandoned property and become property of The Tavern.

(h) that abandoned property of negligible value may be disposed of with the consent of the Staff Collections Committee. Property of greater than negligible value may be disposed of under law by direction of the President.

(i) that attributions, dates, and other information shown on the receipt are not to be considered appraisals or official opinions of The Tavern. The fact that materials and objects have been in The Tavern's custody shall not be misused to indicate institutional endorsement.

(j) that materials and objects may be photographed and examined by non-invasive methods by The Tavern for its own purposes, but will not be restored, treated, or otherwise altered without written permission of the depositor.

(k) that in forwarding imported materials and objects for deposit, the depositor is required to comply with all government regulations.

(l) that in the event the objects and materials are being offered for sale or donation to The Tavern, the depositor, in the absence of written notice to The Tavern to the contrary, warrants that they upon request are prepared to pass full and clear title to the objects and materials, including any copyright interests.

(m) and that the temporary custody agreement shall be construed in accordance with the law of New York State.

3. Access to Policy:

A member of the public depositing items with The Tavern will receive a copy of this temporary custody policy at the time of deposit.

**V. ACCESS TO THE PERMANENT COLLECTION**

**A. Access**

Providing public access to The Forsyth-Warren Tavern Living History Farm and Museum collection in controlled situations is an important part of the mission of The Tavern.

1. Inventories, relevant files and the assistance of a staff member or trained volunteer shall be available to members of the public who are legitimate researchers with legitimate justification. Such researchers must work with The Tavern's staff to establish a mutually convenient date and time for research.
2. A registration form listing rules for usage shall be read, filled out and signed by all researchers.
3. The Tavern may limit the use of fragile or unusually valuable or difficult to access materials.
4. Hours of operation may be designated hours or by appointment, depending on the availability of staff or trained volunteers.
5. A fee may be charged for research work done by staff to meet requests: the amount shall be set by the Collection Committee.
6. The Tavern may refuse access to an individual researcher who has demonstrated such carelessness or deliberate destructiveness as to endanger the safety of the materials.
7. The Tavern has the right to set fees for the use of the collection in any way, or withhold approval for access or use of the collection.
8. Photographic and xerographic reproductions:

- a. A request for copies form containing a notice of copyright restriction shall be signed by each user before copies are made.
  - b. Copies may not be used “for any purpose other than private study, scholarship or research.” (US Copyright Law, Title 17)
  - c. Reproduction by the institution in no way transfers either copyright or property rights, nor does it constitute permission to publish or to display materials.
  - d. A nominal fee will be charged for photographic or xerographic reproduction.
  - e. In some cases, The Tavern may refuse to allow copies to be made because of the physical condition of the materials, restrictions imposed by the donor, copyright law, or right-to-privacy statutes.
9. The Tavern is committed to bringing to the public information culled from its documents, photographs, artifacts and oral histories by presenting public programs, including slide shows, live acts, videos and films; mounting exhibits; and publishing newsletters, pamphlets, checklists and guides to the collections whenever possible.

## **VI. PROGRAM COLLECTION**

### **A. Acquisition**

The Program Collection holds objects and materials intended for use in the educational, exhibition and living history programs of The Tavern. The Program Collection is by its very nature a collection of disposable material and items intended to be used in a hands-on way to serve the needs of interpretive programming objectives. These items can also complement Permanent Collection artifacts on display, can be used when original artifacts are unavailable, and can be used where original or fragile artifacts would be at undue risk if exhibited or used

1. Acquisition means the discovery, preliminary evaluation, negotiation of terms for, taking custody of, taking title to, and acknowledging receipt of materials and objects for the Program Collection.

2. Nature of Ownership:

Materials and objects may be acquired by purchase, gift, exchange, field collection, archaeological excavation, deaccession from the Permanent Collection, or any other appropriate transaction by which full and absolute title is effectively transferred to The Tavern. No materials or objects shall be knowingly or willfully accepted or acquired which are known to have been illegally imported or illegally collected in a manner contrary to state or federal law, regulation, treaty, or convention. The Tavern subscribes to the provisions of the International Council of Museums Convention of 1970, and the Native American Graves and Property Repatriation Act. The Tavern shall endeavor to obtain all right, title, and interest for all acquisitions, without restrictions or limiting conditions if possible, or accepting only those restrictions which shall have the potential of being converted to free and clear title under appropriate law.

3. Criteria for Acquisition, Program Collection:

- a. Items must be structurally sound and inherently stable to allow for reasonable and safe use by staff and/or visitors.
- b. Original Items shall, first and foremost, be deemed not to be suitable for acquisition in the Permanent Collection.
- c. Items, other than reproductions, should preferably not possess original and/or fragile surface finishes of paint or other media.
- d. Items should preferably be those that are readily available in the marketplace or from craftspeople making reproductions.
- e. Preferred items will include centennial pieces, early 20th century copies, inspirations or continuations of earlier styles, significantly repaired or altered items, durably manufactured items, and contemporary reproductions.

4. Authority for Acquisition:

The members of the Staff Collections Committee and/or the Director of Interpretation will be responsible for acquiring objects and materials for the Program Collection. Money for purchases will come from budgets within the Interpretation Department, and will not come from the acquisition budget for the Permanent Collection or from the proceeds derived from deaccessioning.

5. Accessioning:

No objects or materials acquired for addition to the Program Collection shall be accessioned into the Permanent Collection. Collections staff shall maintain permanent acquisition files that shall contain all legal instruments and conveyances concerning each acquisition and its origin, which shall be separate from the records and files for the Permanent Collection. Items in the Program Collection with an estimated value of \$50 or more shall be assigned Program Collection registration numbers so they can be tracked by the collections staff.

6. Care and Preservation:

All records regarding the acquisition, location, repair, or disposal of items in this collection will be kept by the collections staff.

The Program Collection is made up of objects and materials intended to be placed in environments or used in processes that may inevitably lead to their destruction. It is understood that these items possess a monetary and educational value and, in all cases, represent a finite resource that should be used in a manner that encourages their long-term use and preservation. Items may be painted or repainted; distressed to achieve a particular look; working components may be lubricated, sharpened or replaced; damaged, broken or missing elements may be repaired, replicated or replaced by competent individuals. Funds for such work will come from budgets within the Interpretation Department, not from budgets for the care of the Permanent Collection or from the proceeds derived from deaccessioning.

**B. Disposal, Program Collection:**

Since items in the Program Collection are intended to be used, and as such are disposable, interpretive staff will report lost or broken items and items which can no longer be used to the Staff Collections Committee. Items may be disposed of as the Staff Collections Committee sees fit.

## **VII. Ethical Standards**

### **A. Overview**

The Tavern has endorsed and adopted the American Association of Museum's Code of Ethics for Museums, approved in 1993, as attached in Appendix 1.

### **B. Conflicts of Interest**

The Tavern operates in the public trust. Employment by The Tavern carries an obligation to act in strict accordance with generally accepted ethical principles and the highest standards of objectivity.

#### **1. Professional Obligation:**

While every staff member is entitled to a measure of personal independence in professional and scholarly judgement each is expected to acknowledge the degree of public esteem resulting from association with The Tavern and to exercise that independence in a manner consistent with professional and corporate obligations. Staff members shall avoid activities likely to be perceived as an abuse of their official positions with The Tavern or their contacts with the community of like institutions.

#### **2. Public Confidence:**

As a condition of employment, acceptance of certain restrictions necessary to maintain public confidence in The Tavern and in the museum profession are essential. Staff members shall employ a high degree of circumspection in referring the public to outside suppliers of services such as appraisers, dealers, restorers, or conservators. Whenever possible, at least three qualified sources should be provided so that no appearance of favoritism is created. In no event shall any fee, gift, favor or other form of dispensation be accepted because of such referrals. Staff members shall not make appraisals of artifacts other than for internal use by or, with the President's approval, for other nonprofit institutions.

### **C. Personal Collections**

As a condition of employment, all employees must recognize The Forsyth-Warren Tavern Living History Farm and Museum's collection interests and needs, which take priority over those of any individual employee.

1. Employees, whether full-time or part-time, shall not compete with The Tavern to acquire an object.
2. All Officers, Trustees and all full-time employees shall specifically be required to observe the following procedures with respect to the formation of personal collections.
  - a. Upon learning of or acquiring an object that may relate to The Forsyth-Warren Tavern Living History Farm and Museum's collections, all Officers, Trustees and all full-time employees must give The Tavern the first option to acquire the object at its stated purchase price plus out-of-pocket costs.
  - b. Any personal acquisition within The Forsyth-Warren Tavern Living History Farm and Museum's sphere of interest must be disclosed to the Sr. Director of Programs and Collections. If it is appropriate and necessary to the collections of the Museum, The Tavern may purchase it at that time. If not appropriate, senior collections staff shall formally decline the purchase, thereby waiving The Forsyth-Warren Tavern Living History Farm and Museum's future interest.
  - c. For the protection of both Officers, Trustees and full-time employees and The Forsyth-Warren Tavern Living History Farm and Museum, any offer and response shall be documented. Collections acquired before employment, family inheritances, and collections outside The Forsyth-Warren Tavern Living History Farm and Museum's fields of interest are exempt from these requirements.
3. Employees, whether full-time or part-time, of The Tavern shall not act as antiques or collectibles dealers, be employed by dealers, or retain an interest in a dealership. Although artifacts may be acquired for a personal collection and later resold at a profit, this should not be the principal motivation for their acquisition.



4. Officers, Trustees and employees, whether full-time or part-time, shall not possess or remove any item from the museum grounds for any reason, other than those already specifically authorized in this document, without the written permission of the Collections Committee and the President. Such permission shall only be granted in exceptional circumstances and only when the removal of the item from the museum grounds furthers the official purposes of the museum. The reason and duration of such possession shall be documented through the appropriate loan forms.
6. Employees, whether full-time or part-time, shall not store or conserve personal collections on The Tavern property, unless a formal agreement is executed with The Tavern for its own benefit and purposes. If employees lend objects from a personal collection for a Forsyth-Warren Tavern Living History Farm and Museum exhibition, or agree to their use as illustrations in The Tavern publications, they may do so anonymously or may be cited as the owner.
7. If a trustee or employee, whether full-time or part-time, decides to dispose of part or all of their personal collection of items within The Forsyth-Warren Tavern Living History Farm and Museum's field of interest, it would be appropriate to offer it first to The Tavern whether as a gift or at fair market value. In the event of public sale, the employee must be sensitive to their relationship to The Forsyth-Warren Tavern Living History Farm and Museum, must not trade on that relationship, and must differentiate personal ownership from institutional affiliation.

**D. The Proprietorship of Research and Related Materials**

The Forsyth-Warren Tavern Living History Farm and Museum's ownership of such scholarly materials shall in no way restrict researchers' full and free use of those materials during their employment by The Tavern and subsequently, if appropriate permission from and credit to The Tavern are established, in any resulting publications.

Notwithstanding anything stated herein to the contrary, The Tavern reserves the exclusive right to publish comprehensive catalogs of its collections. However, scholars are encouraged to include individual objects from the collections in other scholarly publications, with appropriate credit to The Forsyth-Warren Tavern Living History Farm and Museum.

## **APPENDIX 1**

### **Code of Ethics for Museums**

#### **Introduction**

Ethical codes evolve in response to changing conditions, values, and ideas. A professional code of ethics must, therefore, be periodically updated. It must also rest upon widely shared values. Although the operating environment of museums grows more complex each year, the root value for museums, the tie that connects all of us together despite our diversity, is the commitment to serving people, both present and future generations. This value guided the creation of and remains the most fundamental principle in the following Code of Ethics for Museums.

### **Code of Ethics for Museums**

Museums make their unique contribution to the public by collecting, preserving, and interpreting the things of this world. Historically, they have owned and used natural objects, living and nonliving, and all manner of human artifacts to advance knowledge and nourish the human spirit. Today, the range of their special interests reflects the scope of human vision. Their missions include collecting and preserving, as well as exhibiting and educating with materials not only owned but also borrowed and fabricated for these ends. Their numbers include both governmental and private museums of anthropology, art history and natural history, aquariums, arboreta, art centers, botanical gardens, children's museums, historic sites, nature centers, planetariums, science and technology centers, and zoos. The museum universe in the United States includes both collecting and noncollecting institutions. Although diverse in their missions, they have in common their nonprofit form of organization and a commitment of service to the public. Their collections and/or the objects they borrow or fabricate are the basis for research, exhibits, and programs that invite public participation.

Taken as a whole, museum collections and exhibition materials represent the world's natural and cultural common wealth. As stewards of that wealth, museums are compelled to advance an understanding of all natural forms and of the human experience. It is incumbent on museums to be resources for humankind and in all their activities to foster an informed appreciation of the rich and diverse world we have inherited. It is also incumbent upon them to preserve that inheritance for posterity.

Museums in the United States are grounded in the tradition of public service. They are organized as public trusts, holding their collections and information as a benefit for those they were established to serve. Members of their governing authority, employees, and volunteers are committed to the interests of these beneficiaries. The law provides the basic

framework for museum operations. As nonprofit institutions, museums comply with applicable local, state, and federal laws and international conventions, as well as with the specific legal standards governing trust responsibilities. This Code of Ethics for Museums takes that compliance as given. But legal standards are a minimum. Museums and those responsible for them must do more than avoid legal liability, they must take affirmative steps to maintain their integrity so as to warrant public confidence. They must act not only legally but also ethically. This Code of Ethics for Museums, therefore, outlines ethical standards that frequently exceed legal minimums.

Loyalty to the mission of the museum and to the public it serves is the essence of museum work, whether volunteer or paid. 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 a museum for personal gain or to benefit another at the expense of the museum, its mission, its reputation, and the society it serves.

For museums, public service is paramount. To affirm that ethic and to elaborate its application to their governance, collections, and programs, the American Association of Museums promulgates this Code of Ethics for Museums. In subscribing to this code, museums assume responsibility for the actions of members of their governing authority, employees, and volunteers in the performance of museum-related duties. Museums, thereby, affirm their chartered purpose, ensure the prudent application of their resources, enhance their effectiveness, and maintain public confidence. This collective endeavor strengthens museum work and the contributions of museums to society — present and future.

## **Governance**

Museum governance in its various forms is a public trust responsible for the institution's service to society. The governing authority protects and enhances the museum's collections and programs and its physical, human, and financial resources. It ensures that all these resources support the museum's mission, respond to the pluralism of society, and respect the diversity of the natural and cultural common wealth.

Thus, the governing authority ensures that:

- all those who work for or on behalf of a museum understand and support its mission and public trust responsibilities
- its members understand and fulfill their trusteeship and act corporately, not as individuals

- 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
- it is responsive to and represents the interests of society
- it maintains the relationship with staff in which shared roles are recognized and separate responsibilities respected
- working relationships among trustees, employees, and volunteers are based on equity and mutual respect
- professional standards and practices inform and guide museum operations
- policies are articulated and prudent oversight is practiced
- governance promotes the public good rather than individual financial gain.

## **Collections**

The distinctive character of museum ethics derives from the ownership, care, and use of objects, specimens, and living collections representing the world's natural and cultural common wealth. This stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility, and responsible disposal.

Thus, the museum ensures that:

- collections in its custody support its mission and public trust responsibilities
- collections in its custody are lawfully held, protected, secure, unencumbered, cared for, and preserved
- collections in its custody are accounted for and documented
- access to the collections and related information is permitted and regulated
- acquisition, disposal, and loan activities are conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade in such materials

- acquisition, disposal, and loan activities conform to its mission and public trust responsibilities
- disposal of collections through sale, trade, or research activities is solely for the advancement of the museum's mission. Proceeds from the sale of nonliving collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections.
- the unique and special nature of human remains and funerary and sacred objects is recognized as the basis of all decisions concerning such collections
- collections-related activities promote the public good rather than individual financial gain
- competing claims of ownership that may be asserted in connection with objects in its custody should be handled openly, seriously, responsively and with respect for the dignity of all parties involved.

## **Programs**

Museums serve society by advancing an understanding and appreciation of the natural and cultural common wealth through exhibitions, research, scholarship, publications, and educational activities. These programs further the museum's mission and are responsive to the concerns, interests, and needs of society.

Thus, the museum ensures that:

- programs support its mission and public trust responsibilities
- programs are founded on scholarship and marked by intellectual integrity
- programs are accessible and encourage participation of the widest possible audience consistent with its mission and resources
- programs respect pluralistic values, traditions, and concerns
- revenue-producing activities and activities that involve relationships with external entities are compatible with the museum's mission and support its public trust responsibilities

- programs promote the public good rather than individual financial gain.

## **Promulgation**

This Code of Ethics for Museums was adopted by the Board of Directors of the American Association of Museums on November 12, 1993. The AAM Board of Directors recommends that each nonprofit museum member of the American Association of Museums adopt and promulgate its separate code of ethics, applying the Code of Ethics for Museums to its own institutional setting.

A Committee on Ethics, nominated by the president of the AAM and confirmed by the Board of Directors, will be charged with two responsibilities:

- establishing programs of information, education, and assistance to guide museums in developing their own codes of ethics
- reviewing the Code of Ethics for Museums and periodically recommending refinements and revisions to the Board of Directors.

This Policy was formally approved and adopted by the Board of Trustees of the

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On \_\_\_\_\_

Signed (officer): \_\_\_\_\_

Typed or printed name of officer: \_\_\_\_\_

Title: \_\_\_\_\_