

National Museum of Natural History
Smithsonian Institution
Collections Management Policy
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Collections Management Policy
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Section I. Introduction

A. Purpose

This document sets forth policies and guidance for the acquisition, management, use, and disposal of the collections of the National Museum of Natural History (NMNH). It is subordinate to *Smithsonian Directive 600: Collections Management (SD 600)* and distinct from the NMNH Collections Management Policy Implementation Plan.

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 to the public. The NMNH collections serve as primary reference materials for exploring and understanding Earth history, biological and cultural diversity, and global change. These collections are international in scope and diverse in kind: ongoing and intensive scientific study of these reference collections provides critical information and establishes the NMNH as an important international user facility.

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 SD 600, the Smithsonian's Collections Management Policy.

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 collections 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 collections.

The NMNH is committed to the growth, improvement, and long-term stewardship of its collections, and to supporting their use by scholars and the general public. As the nation's natural history museum, the NMNH has a responsibility to conserve and protect its collections in a manner that assures their continued accessibility by future generations, and to hold them in trust, ensuring fulfillment of their long-term potential.

The collections of the NMNH have grown in the dual context of the evolution of the Smithsonian Institution and the development of federally funded science. The Smithsonian Institution began to acquire natural history collections soon after it was founded in 1846. In 1858, specimens from the Wilkes Expedition were moved to the Smithsonian Building (“the Castle”). The United States National Museum (USNM) opened in the Arts & Industries Building in 1881 and moved to the Natural History Building (NHB) when it opened on the north side of the National Mall in 1910. In 1969, the USNM became the NMNH. In 1983, the Museum Support Center (MSC) opened in Suitland Maryland. The collections have grown to include anthropological, biological and geological items and data, and archival items.

Several Federal agencies maintain collections and employ staff at the NMNH. The collections and staff of these agencies are embedded within the NMNH departments and are subject to *SD 600* and this Collections Management Policy. In some departments, affiliated agency scientists provide the curatorial oversight and expertise for specific NMNH collections.

Collections holdings in each department are grouped into subcollections based on a characteristic such as taxon, time period, or locality. A single individual is delegated the primary curatorial authority and responsibility for each subcollection regarding acquisition, management, use, and disposal. That individual is expected to consult and collaborate with other designated curators, collections experts, and committees in the department when proposing and making decisions about the subcollections they oversee.

Documents relevant to NMNH collections management include:

- *SD 600*, Collections Management and companion *SD 600* Implementation Manual
- Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects
- *SD 103*, Smithsonian Standards of Conduct, the Advisory Board Ethics Statement, and the Statement of Values and Code of Ethics
- *SD 108*, Insurance and Risk Management
- *SD 109*, Disaster Management Program
- *SD 118*, Privacy Policy and Privacy Program Handbook
- *SD 500*, Smithsonian Libraries
- *SD 501*, Archives and Records of the Smithsonian Institution
- *SD 502*, Cellulose and Nitrate Still Picture and Motion Picture Film
- *SD 503*, Management of Archives and Special Collections in the Smithsonian Institution.
- *SD 609*, Digital Asset Access and Use
- *SD 610*, Digitization and Digital Asset Management Policy
- *SD 611*, Export Compliance and Trade Sanctions Related to Research, Export, and Museum Activities
- *SD 807*, Requests for Smithsonian Institution Information
- NMNH Collections Management Policy (this document) and companion Implementation Plan
- NMNH Strategic Plan 2016-2020
- NMNH Collections Plan
- NMNH Unit Digitization Plan
- NMNH Collections Information Access and Data Sharing at the NMNH Policy

C. Applicability

This policy applies to all the NMNH departments that have delegated authority to acquire, manage, and use collections and associated collections information (analog and digital). These collecting departments currently are: Anthropology, Botany, Entomology, Invertebrate Zoology, Mineral Sciences, Paleobiology, Vertebrate Zoology, and the Collections Program which holds collections on behalf of Education and Outreach. Archival materials are transferred to the Smithsonian Institution Archives (SIA), per Smithsonian Directives 501 and 503 or are housed within their collection of origin. Books and journals intended for permanent retention are accessioned and managed by the Smithsonian Libraries (SL) in consultation with the NMNH, per Smithsonian Directive 500.

All the NMNH staff including retirees, research associates, fellows, interns, and volunteers as well as affiliated agency staff who are officially stationed at the NMNH, (both the Natural History Building and the Museum Support Center) and others with delegated collections management responsibilities or access to the NMNH collections are required to adhere to this policy, *SD 600*, and *SD 103*.

These policies also apply to any staff, academic appointees, volunteers, contractors or visitors who are granted access to areas that house the NMNH collections, and to members of other Smithsonian units that are co-located with the NMNH collections, or whose work may affect the collections or occurs in the NMNH collections spaces, except as otherwise stipulated by other agreements.

Although the NMNH Advisory Board has no specific authority for the NMNH's collections, Board members are required to comply with Smithsonian rules regarding collections, including the Advisory Board Ethics Statement and the Smithsonian Institution 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 collections impose legal and ethical obligations to provide proper management, preservation, and use of the collections and their associated information. Authorities and responsibilities for collections management at the NMNH are subordinate to the authorities and responsibilities at the Institution level, as defined in SD 600 and its companion Implementation Manual.

The Smithsonian Board of Regents holds ultimate oversight responsibility and fiduciary responsibility for Smithsonian collections. This responsibility is carried out by the Secretary, Provost, Under Secretary for Finance and Administration, and their designees. The Board of Regents through the Secretary and the Provost delegates primary operational authority for the NMNH collections to the NMNH Director.

The NMNH Director provides written delegations of collections-specific authority to the NMNH and affiliated agency staff on an annual basis via an official memo.

The stewardship of the NMNH collections requires an array of expertise and skills. In general, curatorial staff are responsible for the composition and strategic growth of the collections and for authorizing acquisitions, accessions, scientific use, loans, deaccessions, and disposals. Collections staff are responsible for the processing, organization, digital preservation, and accessibility of each collection. Other staff may be delegated these responsibilities based upon their individual qualifications. All of the NMNH's staff members work collaboratively to support collections stewardship ensuring objectivity, compliance with policy, appropriate and efficient use of resources and alignment with agreed priorities.

The NMNH Director

is accountable for:

- Compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.
- Adherence to applicable professional practices.
- Proper management, preservation, and use of collections.
- The integrity and accuracy of collections information.

is responsible for:

- Providing museum policy guidance, program direction and planning, and budget support to carry out the collections management requirements established in SD 600, the SD 600 Implementation Manual, and this policy.
- Designating authorized collecting departments.
- Implementation of established collections management policies and procedures by delegating curatorial authority and assigning collections responsibility to the appropriate staff.
- Issuing an annual report on compliance to the National Collections Program and the museum.

- Approval of this policy in consultation with staff with delegated collections management responsibilities.
- Approval of any NMNH Collections Management policy exceptions.
- Approval of the NMNH Collections Plan.
- Approval of external agreements for partnerships and collaborations that impact accessibility and accountability of collections.
- 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 collections purchase or disposal valued at more than \$100,000; and any significant disposal as defined in the NMNH Collections Management Policy Implementation Plan.

The **Associate Director for Science (ADS)** provides curatorial leadership to the NMNH, supervises the museum's departmental chairs and central science staff including the Assistant Director for Collections (ADColl), and

is accountable for:

- The establishment and enforcement of department collections management policies, procedures, and standards that comply with *SD 600*, the *SD 600 Implementation Manual*, and this policy.
- The establishment of the NMNH Collections Plan and the NMNH Collections Policy Implementation Plan.

is responsible for:

- Recommending to the Director specific delegation of curatorial authority and responsibility.
- Reviewing, approving, and revising department collections management policies, procedures, standards and priorities under the consultation of staff with delegated collections management responsibilities.
- Recommending to the Director collecting department authorization.
- Reviewing agreements that affect the care and accountability of collections under the consultation of staff with delegated collections management responsibilities and when appropriate, recommending to the Director for approval.
- Approving any exceptions to department collections management policies, procedures, and standards.
- Providing policy guidance, program direction and planning, and budget support to carry out the collections management requirements established in this policy.
- Ensuring that Department Chairs are accountable for collections tasks and that their staff's training is aligned with delegated authority and responsibility.
- Enforcement of performance measures for monitoring and reporting progress towards implementation of collections management policies, procedures, and standards.
- 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 collections purchase or disposal valued between \$50,000 and \$100,000; and any significant disposal as defined in the collections policy implementation plan.

The **Assistant Director for Collections (ADColl)** leads the Collections Program, oversees the Registrar, the Conservator, and pan-museum collections work, serving as a resource on collections accessibility and accountability for museum staff, and

is accountable for:

- Communication of the pan-museum collections management policies, procedures, standards, and priorities.
- Monitoring and documenting compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.

is responsible for:

- Advising museum staff on collections accessibility and accountability in compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.
- Reviewing requested exceptions to *SD 600*, the *SD 600 Implementation Manual*, and this policy, and providing recommendations to the ADS or Director for approval.
- Assisting the ADS and Director in the establishment, implementation, review, and revision of the NMNH's collections management policy.
- Establishing performance measures for monitoring and reporting progress towards implementation of collections management policies, procedures, and goals.
- Leading the NMNH Collections Committee.
- Serving as Department Chair for Education and Outreach collections.
- Leading the process to develop the NMNH Collections Plan and the NMNH Collections Policy Implementation Plan for review and approval by the ADS and Director.
- Preparation and approval of reports for the ADS's and Director's review, including annual reports on collections use and transactions.
- Advising Department Chairs on collections stewardship priorities relative to available pan-museum resources.
- Advising Department Chairs and Collection Managers on the development and implementation of departmental collections management policies and procedures.
- Collating and review of all department collections management policies and procedures, providing recommendations to ADS for final approval.
- Collaborating with the Assistant Director for Information Technology to maintain functional information management systems and access to collections information.
- Providing support in obtaining and properly using permits that allow collections acquisition, use, and transportation.
- Signing Internal Revenue Service forms for collections donations (IRS 8283 / 8282).

The Registrar

is accountable for:

- The documentation of collections transaction records, permits, and other agreements in compliance with *SD 600*, the *SD 600 Implementation Manual*, and the NMNH and collecting department collections management policies.

is responsible for:

- Maintaining the central registry of all collections transactions and associated analog and digital records that document decisions and collections related activities as defined in the NMNH Collections Policy Implementation Plan.
- Conducting a final review of documentation for all acquisitions, accessions, loans, deaccessions, and disposals, and reporting any policy or procedural discrepancies to the collecting departments, ADColl, ADS, and Director as appropriate.
- Maintaining a current knowledge of legal, policy, and ethical issues to advise the departments as they acquire, accession, loan, borrow, deaccession, dispose, and otherwise use collections.
- Leading cyclical inventories in collaboration with collecting department staff that have delegated curatorial authority and responsibility and maintaining the museum's records of its inventories.
- Leading development, maintenance, and use of data standards of automated transaction management systems in cooperation with the Assistant Director for Information Technology, Informatics, and collections management staff.
- Managing specific aspects of transactions, including insurance, and coordinating with other NMNH and central offices as defined in the NMNH and departmental collections management policies and procedures.
- Responding to the Office of the Inspector General (OIG) on audits related to collections and collections activities, and holding associated records including records of museum accreditation.

- 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 forms for collections donations (IRS 8283 / 8282).
- Providing regular training on policies and procedures associating with all aspects of collections transactions.

The Conservator

is accountable for:

- Establishing, maintaining and monitoring relevant professional standards with respect to care, preservation and safety of the NMNH collections and collections users.
- Communication of the pan-museum physical collections care risks, policies, procedures, standards, and priorities.

is responsible for:

- Advising staff with delegated collections responsibilities on the physical care of collections.
- Leading or collaborating on conservation initiatives including integrated pest management.
- Providing regular training that promotes the care of the collections.
- Providing conservation services related to exhibitions.

The **Department Chairs** manage scientific, curatorial, and collections management staff, and

are accountable for:

- The establishment, review, and revisions of the department collections management policy, procedures, standards, and priorities.
- The implementation of collections policies, procedures, standards, and priorities at a departmental level in compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.

are responsible for:

- Providing policy guidance, program direction and planning, and budget to carry out the collections management requirements established in this policy under advisement of the ADS and with consultation with the ADColl.
- Approving the department collections management policy, procedures, and collections plan.
- Ensuring that their staff's training is aligned with delegated authority and responsibility.
- Ensuring that collections-related responsibilities are reflected in annual performance plans.
- Approving travel for fieldwork that will result in collecting activities.
- Recommending appropriate staff to the ADS and Director for annual delegation of curatorial authority.
- Appointing department members to the NMNH Collections Advisory Committee.
- Establishing and overseeing any departmental working groups or committees.
- Ensuring appropriate access to collections areas and managing collections activities and use within the scope of resources.
- Management, preservation and use of any and all departmental archival holdings other than the National Anthropological Archives (NAA) and Human Studies Film Archives (HSFA).
- 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 collections purchase or disposal between \$25,000 and \$50,000.

Department Curators are those individuals who have received the annual delegation of curatorial authority for one or more subcollections from the NMNH director. Curators are typically federal or trust Research Scientists; however, in certain cases, curatorial authority will be delegated to affiliated agency scientists or

other NMNH staff based on their particular expertise and experience. Curatorial authority is the authority to make decisions on the composition and strategic growth of the collections and for authorizing acquisitions, accessions, scientific use, loans, deaccessions, and disposals subject to all necessary approvals.

are accountable for:

- The composition, accessibility, composition, and use of collections under their delegated curatorial authority as it relates to scientific research, outreach, education, and exhibition in compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.

are responsible for:

- Initiating and/or approving the acquisition, accession, loan, deaccession, and disposal of their subcollections according to the deadlines set forth in this policy.
- Developing and implementing collections plans for their assigned subcollections.
- Initiating and/or approving requests for use of collections items; their surrogates and images, and information; and promoting responsible use of the collections.
- Initiating any acquisition or loan that requires or risks less than \$50,000 in museum resources; and any collections purchase or disposal less than \$25,000.
- Undertaking or pre-approving any fieldwork that results in collecting.

Department Collections Managers are responsible for the accessibility and accountability of one or more subcollections, and may supervise collections staff. Collections managers

are accountable for:

- Monitoring and enforcing compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy at the departmental level.
- Communication of the pan-museum and departmental collections management policies, procedures, standards, and priorities.

are responsible for:

- Advising departmental staff on collections accessibility and accountability in compliance with *SD 600*, the *SD 600 Implementation Manual*, and this policy.
- Ensuring all collections are registered, identified, processed, and maintained according to departmental policy, procedures, and standards.
- Providing direct physical care and access for collections and collections information (digital and analog) ensuring their safety and security.
- Assisting the Department Chair by leading the establishment, implementation, review, and revision of the department's collections management policy, procedures, standards, and priorities.
- Advising and collaborating with the Department Curators on the development and implementation of department collections plan.
- Advising Curators on collections stewardship priorities relative to departmental resources and staff.
- Collaborating with Curators to improve the quality and use of collections according to departmental procedures and priorities.
- Preparation and approval of reports for the Department Chair's, ADColl's, ADS's and Director's review, including annual reports on collections use and transactions.
- Implementation, maintenance, and use of data standards for the collections information systems in cooperation with departmental and Informatics staff.
- Assisting the Registrar with cyclical inventories and maintaining the department's records of its inventories.
- Timely processing of acquisitions, accessions, loans, deaccessions, and disposals jointly with the Department Curator.
- Providing departmental support in obtaining and properly using permits that allow collections acquisition, use, and transportation.
- Maintaining a current knowledge of legal, policy, and ethical issues to advise the department as they acquire, loan, borrow, dispose, and otherwise use collections.

- Documenting records of all collections transactions and associated records that document decisions and collections related activities as defined in the NMNH Collections Policy Implementation Plan.

The **Associate Director for Operations (ADO)** oversees the planning, management and budget of the Natural History Building and the Museum Support Center, staff who lead emergency planning and response, and the financial and personnel functions of the museum. The ADO liaises with the Smithsonian Institution Office of Protection Services, Smithsonian Enterprises, and Smithsonian Facilities. The ADO is accountable and responsible for:

- Ensuring that the facility and its systems are appropriate for the care and use of the collections.
- Ensuring that emergency response plans and systems are appropriate for the protection of the facility, its occupants, and the collections.

The **Museum Support Center Program Manager** provides oversight of the MSC facility. The MSC manager is accountable and responsible for:

- Ensuring that the facility and its systems are appropriate for the care and use of the collections.
- Ensuring that emergency response plans and systems are appropriate for the protection of the facility, its occupants, and the collections

The **Assistant Director for Information Technology** working with the ADColl, the ADS and the collecting departments, is accountable and responsible for:

- Developing and maintaining collections information and transaction management systems that support collections control and accessibility.
- Ensuring collections information security.
- Developing and maintaining the museum's Data Access Policy, and providing information per its terms as requested.
- Providing public access to collections data through online collections information systems.

The **Assistant Directors for Education and Exhibition** are each responsible for working with Department Curators and Collections Managers to ensure that the NMNH collections borrowed for exhibitions or acquired for use in educational programs are used in compliance with this policy.

The **NMNH Collections Committee** has representation from each collecting department and the NMNH facility, led by the ADColl, and charged with advising the ADS and Director on larger issues of collections policy and management. This committee leads significant collections initiatives and projects for the benefit of the entire museum.

The NMNH Collecting Departments each establish **Collections Advisory Committees** to support the Department Chair in the stewardship of the collections and the designated curators in their delegated responsibilities. Collections Advisory Committees assist with reviews of potential collections transactions, and may advise on significant sampling requests.

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

Central Offices, such as the Provost, National Collections Program, Office of General Counsel, Office of Protection Services, Risk Management of the Office of Finance and Accounting, Privacy Office, Digitization

Program Office, Office of the Chief Information Officer, and Smithsonian Facilities, provide a collections management service oversight to the NMNH as specified in *SD 600* and the *SD Implementation Manual*.

E. Ethics

The NMNH's collections 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*; *SD 600: Collections Management*; and the *SD 600 Implementation Manual*. The NMNH recognizes and accepts its fiduciary responsibility to provide proper management, preservation, and use of its collections and of associated information for the benefit of the international scientific community and the general public. The NMNH strives to exceed the applicable legal standards and to manage its collections to the highest professional and ethical standards. The museum recognizes that we operate within national and international spheres of interest regarding collections. We seek to maintain awareness of the changing landscape of legal and ethical issues associated with collections, such as intellectual property rights, 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 are in 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 ADS.

Staff will consider and evaluate the concerns of indigenous source communities regarding collections items, recordings, information, collecting activities and use.

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 collections transactions on behalf of the NMNH. Staff will follow the provisions in *SD 103* related to appraisals of collection items, authentication of collection items, and dealing in collection items.

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

External parties must warrant that collections they bring into the NMNH's facilities are acquired or possessed legally. If collections already in the NMNH's custody are found to have been acquired improperly, the NMNH will promptly and thoroughly resolve their status.

Personal Collections. The NMNH staff, research associates, interns, fellows, volunteers, visitors, and affiliated agency staff (all hereinafter referred to collectively as "staff") may not maintain personal collections in the NMNH's facilities without the express written approval of their Department Chair and the ADS. Once the ADS gives approval for 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 only be done on 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 ADS is obtained in advance and subject to the requirement that any such collecting be conducted on annual leave taken in the midst of business or field trips. Personal items remaining in the NMNH's facilities 90 days after the close of an academic appointment tenure or contract will be considered abandoned. The NMNH will handle such items according to this policy.

F. Accounting for Collections

Smithsonian collections are held for public exhibition, education, and research in furtherance of public service rather than financial gain. Collections are protected, kept unencumbered, cared for, and preserved, and they are subject to the requirement that proceeds from sales of collections are to be used to acquire other collections items. 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 as set forth in the *SD 600 Implementation Manual*.

G. Compliance

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

Each collecting department will report on its compliance with this policy. Curators, collections managers, and other supervisors in the department will indicate areas in which the department has complied, and will account for areas of noncompliance. The Department Chair will then provide a signed compliance statement with checklist to the ADColl. The Director will periodically report on the NMNH's compliance to the National Collections Program and the NMNH community.

H. Exceptions

Prudent exceptions to the NMNH's collections management policy may be permitted when in the best interests of the NMNH. Exceptions to the NMNH Collections Management Policy must be approved by the Director in writing and only after consultation with the National Collections Program and the Office of General Counsel, and approval by the Provost. Requests should be submitted to the National Collections Program, which will facilitate the required review.

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 collections undergo the accessioning process managed by the Registrar. Care of permanent collections is prioritized over other types of collections. Genetic resources collections may be gradually consumed through research use but are still considered permanent. Archival assets such as printed and digital collections of images, recordings, scientific reproductions and illustrations (works of art), or digital surrogates that are representations of items or phenomena are collections items.

Custodial or Repository Collections. These collections are a type of Accessioned Collections. They are items transferred to the NMNH by another federal agency or entity for which the NMNH has long-term custody but does not fully “own” because the items are owned by the United States. 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 in general 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 of use that retain some rights or establish obligations that the NMNH must fulfill.

Acquired Unaccessioned Collections. Some items are not suitable for inclusion in the permanent accessioned collections because of an agreement, impediment, duplication, or other consideration that leaves them available for exchange, sampling, and destruction, or means that they must be maintained per agreement. These items may be referred to in records systems simply as “acquired.” All of these collections must be properly acquired, used, managed and disposed to the same level of accountability as the permanent collections.

Educational or Teaching Collections. These collections are a type of Acquired Unaccessioned Collections. They are items not desired for permanent accessioned collections, but appropriate for educational or other outreach uses. Unlike the permanent collections, there is no expectation of permanence for educational or teaching collections. The NMNH holds a defined Education Collection, managed by the Collections Program, developed and maintained to support the museum’s educational programs. Other teaching collections are held in scientific departments. All of these collections must be properly acquired, used, managed and disposed to the same level of accountability as the accessioned collections.

Section II. The NMNH’s Policy Elements

A. Acquisition and Accessioning

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

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

PRINCIPLES

The acquisition of collections is fundamental and critical to the mission, purpose, and programmatic goals of the NMNH. The museum observes the highest legal and ethical standards in the acquisition of collections. The NMNH requires responsible, disciplined acquisition of collections through the following principles:

- Acquisition of collections relevant to the mission, programmatic goals, and collections plan of the NMNH.
- The establishment, utilization and regular updating of museum and departmental collections plans to define the museum’s vision of the collection (intellectual framework), collecting goals and priorities, and implementation strategies.
- Strict adherence to all applicable laws and regulations and to professional ethics relating to collections acquisition and use.
- Written delegation of curatorial authority within the NMNH.
- Use of formalized, stringent acquisition evaluation criteria.
- Consideration and approval of the associated resource requirements and the lifecycle costs of long-term collections management, preservation, storage, and use.
- Acquisition and accession is initiated and approved only by individuals with delegated curatorial authority

The Smithsonian repudiates the illicit traffic in objects and specimens that contribute to the despoliation of museums, monuments, environments, sites and species resulting in irreparable loss to science and humanity. Items that have been stolen, unscientifically gathered or excavated, or unethically acquired should not be made part of Smithsonian collections.

The NMNH acquires collections items by a variety of methods, including gift, bequest, purchase, exchange, transfer, field collecting, and propagation. Items are acquired for three main purposes: research, exhibition, and education. The NMNH may acquire or otherwise have custodial responsibility for collections via a repository or similar agreement.

POLICY

COVERAGE. All collections 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.

Each NMNH collecting department must recommend to the Director the staff to whom curatorial authority will be delegated, and establish procedures for the formal review and approval of collections acquisitions.

Only those 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 on behalf of another collecting department 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 collections acquisition on behalf of the NMNH. The ADColl and Registrar are the only staff members authorized to sign IRS forms 8283 / 8282.

LEGAL COMPLIANCE. Collections 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 department staff shall obtain all necessary authorizations and permits, in writing, prior to acquisition.

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 collections 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 "provenance" 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*, adopted by the Board of Regents on April 13, 2015, which affirms the Smithsonian support for efforts of local, state, national, and international authorities to protect art, antiquities, national treasures, and ethnographic material from destructive exploitation. It sets forth rules for the acquisition and borrowing of art, antiquities, and other items. The text of the Policy is included in the *SD 600 Implementation Manual*. The NMNH does not consider geological, paleontological, or mineralogical materials in an unmodified state to be cultural property 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 or borrowing a collection item, the NMNH must ascertain, from the circumstances surrounding the transaction or knowledge of the item's provenance that the collection item was not stolen or wrongfully converted and is not illegally present in the United States. The NMNH must also ascertain, consistent with Smithsonian policy, that the collections item was not unethically acquired from its source, unscientifically excavated, or illegally removed from its country of origin after 1970.

The provenance of collections 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 related to named individuals or extant cultural groups shall be managed in a sensitive, respectful manner.

EVALUATION. The NMNH collecting departments must establish evaluation criteria when reviewing potential acquisitions. The following criteria must be considered during the review and evaluation of potential acquisitions:

- Consistency with the NMNH's mission, strategic plan, programmatic goals, collecting scope and collections plan
- Documentation of clear and legal title, including compliance with all national and international laws and regulations
- Fits within the collecting department's existing storage space
- The NMNH and/or the collecting department has the ability and resources to provide appropriate management, care, and accessibility, including documentation, long-term preservation, conservation, digitization, and storage
- Does not require substantial care that would place undue hardship on the museum.

Consultation with the Director is required before acquisition of any collections that would require substantial resources beyond the allocated budgets of the collecting department, space beyond the allotted footprint for the department, or other substantial resources for the management or preservation of the collections. Consultation with the Provost and National Collections Program is required before acquisition of any collection that would require substantial resources, including collections 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.

METHODS OF ACQUISITION

The NMNH acquires collections 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 permits

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:** All 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 and 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 which is reviewed and approved by the NMNH Director and the Office of General Counsel.
- **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 the Office of General Counsel. OGC is the sole signatory for bequests.
- **Purchases:** Wherever possible, purchases must be documented by use of a standard purchase order or, if the terms of the purchase are complex, negotiated contracts written in consultation with the Office of General Counsel and/or Office of Contracting. If necessary to purchase by petty cash or credit card, the purchase 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* and the *SD 600 Implementation Manual* 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 as long as the general criteria for acquisitions are adhered to for the proposed acquisition and the criteria governing deaccessions are adhered to for a collections item selected for removal and exchange. Questions about exchange agreements will be referred to the Office of General Counsel.
- **Government Transfers:** Transfers are documented by a transfer agreement between the NMNH and the transferring entity that is reviewed and approved by the Office of General Counsel.
- **Found in Collection:** the NMNH collecting departments may acquire or accession a collection item(s) by the discovery of its presence (found in collection) 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 the National Collections Program and Office of General Counsel as appropriate. Prior to transferring title to a “found in collection” item to a third party, the NMNH will consult with the National Collections Program and the Office of General Counsel.

The NMNH may decline offers of collections items at its discretion as appropriate.

DOCUMENTATION. Collections 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 the *SD 600 Implementation Manual*. Gifts must be acknowledged in writing by the collecting department within 30 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 within 15 business days of receipt, regardless of type of transaction

- The accession process will be completed within the year of acquisition, 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.
- Items should be catalogued promptly.

JOINT OWNERSHIP. 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. Joint ownership and management may also be established for collection items subject to repatriation claims. Joint ownership agreements must be approved by the NMNH Director and the Office of General Counsel. 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 the OGC.

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), collections may be acquired that may be subject to consumption in part or whole, or which may be culled in the course of identification and study. If at the time of acquisition the NMNH intends to dispose of part or all of the collections, this decision should be documented in museum records and communicated to the source or party conveying ownership.

RESTRICTION. The NMNH acquires unrestricted collections as a general rule. Certain restrictions are routinely accepted, such as instances in which the country or agency of origin places restrictions on use and disposal, in which a donor may place a limited term of restriction on archival materials to protect rights of personal privacy, or on retention of intellectual property rights by an individual, community, or indigenous group. Any restrictions must adhere to written policy, be documented in museum records at the time of acquisition, and must be reviewed by the collecting Department Chair and Collections Advisory Committee, Registrar, ADColl, ADS, and Director, as is appropriate in each case. Any restriction must be accepted by the NMNH Director and set forth in the deed of gift or other transfer document.

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

If the museum decides to accept specific restrictions, it will attempt to have the restrictions binding only for a set period.

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

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. 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 collections transaction and item records. Signed agreements are managed by the Registrar.

COMPETITION. Some overlap among Smithsonian collecting units or the NMNH collecting departments is inevitable; however, competition for a particular acquisition is inappropriate. When more than one NMNH collecting department seeks to acquire the same collections item, the parties concerned must agree on which department will acquire the collections item. In those cases, when placement of a collections item cannot be resolved by the collecting department chairs, the Director will decide.

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

B. Deaccessioning and Disposal

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

***Disposal** is the act of physically removing an unaccessioned or deaccessioned collections item or group of items from a NMNH collection. Types of disposal include donation, transfer, exchange, sale, repatriation, sampling for destructive analysis, consumptive or educational use, and destruction.*

PRINCIPLES

Deaccession and disposal are a legitimate part of responsible collections management. Prudent collections management actions, including evaluation, deaccession, and disposal of existing collections, are intended to refine and improve the quality and relevance of the collections with respect to the museum's mission, purpose, programmatic goals, and collections plan.

Deaccession and disposal 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 of the museum; repatriation; 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 deaccessioning and disposal for affected collections; reviews and approvals are specified with the guidelines of the Repatriation Office that is the authority for repatriation of the NMNH collection items.

POLICY

COVERAGE. Once acquired and/or accessioned, all collections items are subject to deaccessioning and disposal policy. Collection items proposed for removal must undergo the deaccession process unless they meet the following criteria: They are unaccessioned 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 disposals, 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, the National Collections Program, and the Office of General Counsel.

Only the following disposal 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
- Loans which will require total consumption of the item or sample (with permission from the Lender)
- 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 collections item or a group of collections items considered for disposal 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 the National Collections Program, the Office of General Counsel, the Provost, 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 the National Collections Program, the Office of General Counsel, the Provost, the Secretary, and the Board of Regents.

DOCUMENTATION. All disposals and deaccessions will be documented in permanent files maintained by the Registrar.

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

METHODS OF DISPOSAL

The NMNH disposes of collections items by a variety of methods, including transfer, exchange, repatriation, sampling, sale and destruction.

- Donations or External Transfers: The NMNH may donate or transfer deaccessioned collections 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 disposal are suitable for public teaching purposes, such items should first be offered to the NMNH's Office of Education and Outreach, 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 disposal. 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 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)], to lineal descendants of the original individuals or owners, or to representatives of the culture of origin as defined by law.
- **Sampling for Destructive Analysis:** This refers to any of a number of procedures in which collection items, or samples of those, are removed for research, entailing the use of analytical processes that require the permanent alteration or destruction of part or all of an item in order to obtain information. 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 within the collecting department that disposed of 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 for disposal 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.

HAZARDS. The collecting department disposing of collections items shall comply with all legal and regulatory requirements that may be posed by hazardous or regulated materials. Compliance with those requirements will be documented.

ACQUISITION OF DISPOSED ITEMS. Collections items disposed by means other than repatriation may not be acquired through any means by the NMNH Board members, staff or research associates, affiliated agencies staff, volunteers, interns, or fellows.

EXCEPTION: Repatriated human remains and objects may on occasion be legitimately transferred to a Smithsonian employee, volunteer or other associate, but only in those instances in which: 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 the Office of General Counsel.

C. Preservation

***Preservation** is the protection and stabilization of collections, as well as their associated information, through a coordinated set of activities to minimize chemical, physical, and biological deterioration and damage and to prevent loss of intellectual, aesthetic, cultural, and monetary value. Preservation is an ongoing process with the goal of making collections and their associated information available for current and future uses.*

PRINCIPLES

The NMNH's ability to carry out its mission is directly related to its commitment and ability to provide for the proper physical care and appropriate space for collections as well as preserving, managing, and enhancing the information inherent in them. The NMNH's mission balances the preservation of the collections with promoting the use of the collections.

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

POLICY

COVERAGE. The NMNH provides the necessary preservation, protection, training, and security for all collections 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 collections. During periods of renovation or construction, it is the responsibility of the Director or designee to coordinate collections security and care efforts with the collecting departments and other Smithsonian offices in a clear and timely manner. When collections develop by changing or growing in a way that significantly affects the resources necessary for their housing and care, the collecting department should coordinate plans with the Director or designee so that resources can be prioritized.

Conservation intervention, restoration, destructive sampling, or consumptive use of collections items shall be carried out only as authorized by the Department Chair with advice from the appropriate collecting department's Collections Advisory Committee and in consultation with the museum's Conservator.

The ADO and MSC Facility Manager have authority and responsibility for maintaining facilities that are appropriate for collections preservation.

ASSESSMENT. Each collecting department shall assess the status of the collections within its oversight on a cyclical basis. This cycle shall be established by the collecting department's policy except when established by the Director. This 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 collections 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 prohibits smoking and the consumption of food and drink in locations that place the collections at risk. Special events held in the museum exhibitions that involve food and drink must have a risk management plan approved by the Director.

The NMNH must balance current research and educational use with the preservation requirements of collections items to ensure that collections items are maintained for future generations and rightfully serve their intended purpose.

D. Collections Information Management and Digitization

Collections information documents the intellectual significance, provenance, physical characteristics, location, and legal status of analog and digital collections items including transaction documentation, as well as the collections management processes they undergo and their use in research, education and exhibitions. Gathering, recording and managing collections information is part of an ongoing process, with some information taking the format of items included in archival collections, or documentary files (e.g., field notes and logbooks, illustrations and works of art, data sets, and photographs), electronic information systems, and multi-media formats. The value of collections information lies in its quality, integrity, comprehensiveness, and potential for use for research and educational purposes.

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

PRINCIPLES

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

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

The NMNH houses analog and digital collections information and surrogates in its Research and Collection Information System (RCIS), commonly called “EMu,” which is the official NMNH database of record and includes the research and collections database, transaction management, genetics sample processing (with a server-level integration to the NMNH’s Biorepository Freezer Pro system), and multimedia management (with a server-level integration to the SI-wide Digital Asset Management System - DAMS). This system of record maximizes computerized technologies, workflows, professional documentation standards, and supports the sharing of collections information through collaborations among the NMNH collecting departments and with other educational and research institutions.

POLICY

AUTHORITY. The Assistant Director for Information Technology has authority over the RCIS as a system. The ADS has authority over the collections data or content of the RCIS.

RESPONSIBILITY. Centrally supported collections information systems that document collections holdings and transaction management must support and meet the NMNH goals for accountability and access.

ACCESS AND USE. Access to and, use of, digital or electronically maintained data is governed by the standards established in the NMNH policy *Collections Information Access and Data Sharing at the NMNH*.

Use of data for commercial purposes, by for-profit entities and organizations, or by individuals for profit purposes, requires approval by the Director or designee, after consultation with the Office of General Counsel. Acceptable usage and profit-sharing arrangements between the user and the NMNH must be stipulated in a formal agreement approved by the Director or designee, Office of General Counsel, and Office of Contracting, as appropriate. See also Section G.

The provenance of collections items shall be a matter of public record. Specific collecting localities may be reasonably protected from non-approved access if there is reason to fear any site vandalism or theft, or locality data is otherwise limited by regulation or documented agreement.

Decisions about restrictions must be documented in collections records. The collecting department shall consult the Office of General Counsel and the Registrar when determining policy for restriction of access to information. See also Section A.

RIGHTS. All original primary collections 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 collections or collections activities of the NMNH) are the property of the NMNH.

All such original primary collections records are to be maintained in good order and must be accessible to staff, in keeping with current archival policy and procedures.

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

DIGITIZATION PLANS / PROJECT DIGITAL ASSET MANAGEMENT PLANS. The NMNH is responsible for developing and maintaining a digitization plan and project digital asset management plans for collections data development, maintenance, preservation, and retention per *SD 609: Digital Asset Access and Use* and *SD 610: Digitization and Digital Asset Management Policy*, in collaboration with the Digitization Program Office. All media containing collections information are maintained for long-term use and must be preserved in keeping with archival policy and standards.

E. Inventory

Inventory is a repeated and ongoing process for physically locating and verifying all, or a specified subset, of the museum's collections items. Results of this process are documented in the museum's Research and Collections Information System (RCIS).

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 collections items. Inventory records serve as a tool for accountability. The NMNH counts its collections at the item level for standard reporting purposes. For some collections, these are qualified estimates. The collections also may be counted as "lots" or groups of one or more items that have shared characteristics. The ADColl will recommend the appropriate method for counting the collections on a case-by-case basis. The Director will make the final decision on how the collections are counted.

POLICY

AUTHORITY. The Registrar has authority to initiate an inventory in any collecting department. Others may initiate an inventory per their delegated level of authority.

LOCATION RECORDS. Collecting departments must maintain and update accurate location records of all collections items including those on loan or on exhibit.

CENTRAL CONTROL POINT. All collection items entering or leaving a collecting department must pass through a control point designated by that collecting department. Records of movement of all collections items will be documented in the collections department and available to the Registrar.

CYCLICAL INVENTORY. Collecting departments must establish and implement a cyclical inventory plan. Results of cyclical inventories must be filed promptly with the Registrar.

F. Risk Management and Security

***Risk management** is the process of identification and evaluation of risk to prevent or minimize exposure to factors that may cause loss, damage, or deterioration of collections, or risks to health and safety of persons exposed to collections.*

PRINCIPLES

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

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

POLICY

AUTHORITY. The ADO and MSC Facility Manager have authority to take action to manage risks to the collections as posed by deficiencies in the facility or in response to security matters. They are the primary points of contact with the Smithsonian's Division of Risk Management, Office of Safety, Health and Environmental Management, and Office of Protection Services. 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 and controls the level of risk of loss or damage to collections through established collections management practices such as regular inspection, inventory, and integrated pest management.

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 collections, who assure sufficient control and accountability in accordance with *SD 115: Management Controls*.

All staff have the obligation to be aware of the Institution's risk management and security process. Staff must note and communicate to the appropriate office, including the Risk Management Division in the Office of Finance and Accounting, the Office of Protection Services, the National Collections Program, the Office of General Counsel, the Office of Contracting, the Director, the ADS, the ADColl, 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 at the Smithsonian by the Risk Management Division in the Office of Finance and Accounting and governed by *SD 108: Insurance and Risk Management*. At the NMNH, risk management and insurance is coordinated with Risk Management staff through the ADColl.

Security is coordinated at the NMNH by the Office of Protection Services through the Associate Director for Operations. The NMNH will implement the collections space security standards outlined in the *SD 600 Implementation Manual*. Collecting department staff will use the Smithsonian Collections Pass to track and verify movement of the NMNH collections from and between Smithsonian facilities.

INSURANCE. Except in extraordinary circumstances, the NMNH does not insure its own collections while they are in the care and possession of the NMNH. Collections on loan to the NMNH and the NMNH collections 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 the NMNH collections will be used for collections acquisition within the affected collecting department.

REPORTING THEFT. Suspected or confirmed theft or loss must be reported promptly to the Registrar, ADColl, ADS, Director, the Office of Protection Services (OPS), Division of Risk Management, Office of Finance and Accounting, and the National Collections Program.

EMERGENCY PREPAREDNESS. All NMNH facilities, owned or leased, must have a written comprehensive emergency preparedness plan as required by *SD 109: Disaster Preparedness*. The Director shall ensure that an emergency preparedness and response plan is developed and maintained that includes planning, response, and recovery from disasters as well as evaluation and assessment following an incident.

Emergency management at the Smithsonian is coordinated by the Office of Emergency Management in accordance with *SD 109: Disaster Management Program*. Collecting departments must develop and maintain plans for continuity of collections stewardship in the event of temporary, partial or full closure of museum facilities.

G. Access

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

PRINCIPLES

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

POLICY

AUTHORITY. Approving access to the collections is delegated to the Collecting Department Chair or Curator and is facilitated by the Collections Manager.

PRESUMPTION of ACCESS. The NMNH operates with the presumption of access to collections and associated information. It will provide reasonable access to collections and collections information consistent with its stewardship responsibilities. Physical and intellectual access to the collections must be balanced against preservation and protection concerns. See also Section I.

PHYSICAL ACCESS. Staff responsible for providing physical access to collections, as authorized within each collecting department, must be familiar with the collections and their preservation needs.

The NMNH collections users are required to demonstrate competence in handling collections, as appropriate, and also willingness to comply with security precautions or other restrictions.

Access to the collections may be denied to individuals who fail to handle items in accordance with the NMNH's approved practices and standard professional guidelines.

The NMNH may deny access to collections and collections information if access would disrupt or compromise ongoing research.

RIGHTS. The NMNH acknowledges that the right to reproduce a collections item may be held by another individual or organization. In instances where such rights are believed to be held by a non-NMNH or Smithsonian party, the potential user will be notified and required to take full responsibility for obtaining any rights necessary for the intended use. The NMNH undertakes no responsibility for determining the nature of such rights or for obtaining any permissions on behalf of the potential user.

The NMNH collecting departments may enter into agreements of restricted access at the request of Native American tribes (see Section III. Specific Legal and Ethical Issues), in connection with the repatriation process.

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

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

Electronic access to collections or collections 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.

The NMNH generally has items in its care that are not the property of the Smithsonian. These items may include long-term loans; items borrowed for identification, evaluation, consideration of acquisition study, or exhibition; or collections with shared custody and care. The NMNH is responsible for limiting access to these items pending the permission of their owners.

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 collections as associated information, respecting the terms of use made at the time of acquisition such as a limitation on commercial uses, and the fair and equitable sharing of benefits resulting from the use of collections and 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. The NMNH has developed a statement regarding commitment to the principles of access and benefit sharing, and procedures that guide and document the acquisition and use of relevant collections and associated information.

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

Members of the public are allowed access to the collections only when resources and conditions allow, for specific legitimate reasons, e.g., to conduct selected research or to participate in prearranged formal educational activities.

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.

FOIA. The Smithsonian and the NMNH are not subject to the Freedom of Information Act (FOIA), which governs access by the public to federal agency records. The Smithsonian has a policy based on FOIA, *Smithsonian Directive 807: Requests for Smithsonian Institution Information*, which governs requests for Smithsonian Institution information. All requests citing FOIA or SD 807 must be referred to the Office of General Counsel.

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 collections items only if such fees are established in accordance with the *SD 600 Implementation Manual* and 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.

The NMNH may charge a fee or royalty for granting permission to reproduce collections objects 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 collections item must be approved by the Director or designee.

PRIVATE PHOTOS. Visitors are permitted to photograph collections items on display in public galleries for personal use only when the collections item belongs to the NMNH so long as a hand-held camera with guarded flash is used and the photographer stays outside of the exhibition barriers.

SAMPLING. The NMNH allows destructive sampling and analysis of collections items and the consumption of genetic resource samples in the intent and spirit of the Nagoya Protocol; in accordance with established collecting department policies and procedures; and in compliance with any documented restrictions on use of the items. The importance of test results must be weighed against the total loss of the collections 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.

CREDIT. Researchers and users of the NMNH collections must acknowledge or credit the NMNH for providing information or collections access per collecting department procedures.

H. Loans and Borrows

Loan and Borrow transactions are the temporary transfer of possession of collections items for an agreed purpose and with the agreement that the collections item is returned at a specified time and in a specified condition. These transactions do not result in a change of ownership. A Loan of the NMNH's collections may also be referred to as an outgoing "loan." Incoming loans from external parties may also be referred to as a "borrow."

PRINCIPLES

Lending and borrowing collections 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 collections transactions to and from other educational and scientific organizations. The NMNH is collegial when using loan mechanisms to manage the exhibition of its own collections.

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

The NMNH adheres to *Smithsonian Directive 611: Export Compliance and Trade Sanctions Related to Research, Export and Museum Activities*.

POLICY

AUTHORITY. A collections item may be loaned or borrowed only in accordance with established authority and only when consistent with applicable laws, treaties, regulations, 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 in 2015, to incoming loans.

PURPOSE. As a general rule, the NMNH collections are lent for research, public non-commercial exhibition, or non-profit educational purposes.

Loans of the NMNH's collections are made to institutions or organizations, and with rare exceptions to private individuals. 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 facilitate to the extent possible expeditious loans to other Smithsonian collecting units, including the Smithsonian Travelling Exhibition Service, as well as to Smithsonian Affiliate museums. 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 from time to time.

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

HIGH RANKING GOVERNMENTAL REQUESTS. The NMNH may lend collections items to high-ranking government officials according to procedures and guidelines established in the *SD 600: Implementation Manual*. Such loans may only be approved by the collecting department with notification to the Director and the Office of Government Relations. Any such loan requires a written loan agreement signed by the collecting unit and an official authorized to commit to the terms of the loan agreement on behalf of the high-ranking government official.

In the case of loans to the White House, the Curator of the White House is the authorized official. In the case of loans to members of Congress, the Senate Curator is the authorized official for loans to Senators and the Clerk of the House is the authorized official for loans to members of the House. In the case of loans to Justices of the Supreme Court, the Curator of the Supreme Court is the authorized official. In cases where there are no staff representing the borrower that are specifically responsible for collections related activities, the authorized official is generally the high-ranking government official's Chief of Staff.

SAMPLING OR TREATMENT. 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 PIC, MAT or MTA.

DOCUMENTATION. All loans and borrows 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 this policy. Significant departures from standard Smithsonian loan terms and conditions must be reviewed by the Office of General Counsel. Exhibition agreements or contracts must be reviewed by the Office of Contracting (OCon).

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.

TERMS. All loan and borrow 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.

Formal long-term repository or off-site enhancement programs may be established as long-term loans having defined renewal dates and clearly specified terms for early conclusion of the agreement. These must be reviewed and approved by the Registrar, the Office of General Counsel and National Collections Program.

ACCESS. Access to collections or terms of use of 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 transaction 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.

RESPONSIBILITIES. Regardless of the length and type of outgoing loan, the NMNH retains fiduciary responsibility for the continued oversight of its collections.

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.

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 a 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).

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 due process, reasonable search, notification procedures set

forth in the *SD 600: Implementation Manual*, and with the advice of the National Collections Program and the Office of General Counsel.

EXHIBITION. The NMNH makes its collections available to the public through loan for exhibition in a number of venues.

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.

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.

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

FORENSIC ANALYSES. The NMNH receives incoming loans of items for forensic identification and analysis from medical, investigative and enforcement agencies. Such transactions are authorized, documented and managed according to Memoranda of Understanding (MOU) or other formal agreements with the referring agency.

Items on loan to the NMNH for forensic purposes are subject to the requirements of the applicable MOU or agreement, which supersede routine transaction policy and procedures. These may include stringent requirements regarding access to the item and all associated information as well as specialized requirements for storage, handling and conservation.

I. Intellectual Property Rights

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

PRINCIPLES

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

Intellectual property rights are distinct from the right to possess the collections item itself and arise from its content. Holders of such rights may limit the uses that may be made of a collections item. The museum's ability to use its collections or their associated intellectual property may be subject to intellectual property rights held by others. When acquiring a collection item, the Museum will determine what steps are required to obtain any rights necessary for the intended use of the item. The Museum further will document intellectual property restrictions in collections records and ensure that those records are consulted for possible restrictions or prohibitions before using an object in a manner which may implicate intellectual property rights, including reproducing a collection item for use by the museum and/or others in any media format (print, electronic, audio, video, the Internet, etc.).

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

POLICY

NMNH PROPERTY. Collections and documentation created as a result 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.

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 disposition of any intellectual property rights owned by the Museum in the transfer agreement.

FAIR USE. Reproductions of collections for standard museum purposes by the NMNH may be allowed by the doctrine of fair use in appropriate circumstances in making reproductions of collections 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, taking into consideration the facts and circumstances of the proposed use and the legal parameters of the fair use doctrine. The Office of General Counsel should be consulted if there is any question regarding whether an intended use may be considered a fair use.

J. Shipping and Transportation

PRINCIPLES

The NMNH strives to ensure the safety and integrity of its collections and the collections 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 *Smithsonian Directive 611* regarding Export Compliance.

RECORDS. Collecting department staff and the Registrar shall maintain permanent records of transportation events in association with the transaction and/or collections items. Staff shall promptly file United States Fish and Wildlife Services (USFWS) electronic declarations (3-177 declarations) when transacting relevant collections 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 collections locally, regionally, nationally and internationally.

Section III. Specific Legal and Ethical Issues

A. Native American and Native Hawaiian Human Remains and Objects

PRINCIPLES

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

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

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

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

POLICY

The NMNH collections include Native American or Native Hawaiian materials to which the requirements of the NMAI Act are applicable. The NMNH repatriation of Native American and Native Hawaiian human remains and objects is governed by the requirements set forth in the National Museum of the American Indian Act, 20 USC. § 80q (1989), as amended.

The NMNH administers the Repatriation Office, which is the authority for the NMNH under the NMAI Act and acts as the liaison between the NMNH and any and all groups or individuals seeking discussion about or repatriation of any Smithsonian materials. The Repatriation Office evaluates all repatriation requests covered by the Act, assesses their validity and responds accordingly. Any repatriation request received by any NMNH collecting department should be referred to the NMNH Repatriation Office for advice and guidance.

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

Any Native American or Native Hawaiian collections whose repatriation is not required by the NMAI Act shall be managed in accordance with this policy, *SD 600*, and the *SD Implementation Manual*. Decisions to return or repatriate collections items outside the scope of the NMAI Act will be evaluated and processed in accordance with routine and established deaccession and disposal policies and criteria.

B. Collections Made via Fieldwork

PRINCIPLES

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

Field collecting should be preceded by disclosure and consultation and under all appropriate permits. Field activities must be conducted lawfully, support educational and scientific purposes, and not cause undue detriment to the diversity and ecological conditions in the area of the activity other than in instances of salvage collecting in areas which will be destroyed by development projects or other endeavors sanctioned by the authorities of the country in question.

POLICY

Items may be acquired by or on behalf of the NMNH through field collecting only when such collecting is legally authorized; the item is obtained solely for purposes of scientific research, or for other educational purposes; and the Smithsonian's field activities will not cause undue detriment to the diversity and ecological conditions in the area of the activity.

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.

The NMNH complies with Smithsonian Directive 611 regarding Export Compliance.

C. Unlawful Appropriation of Objects during the Nazi Era

PRINCIPLES

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

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

POLICY

The NMNH shall not knowingly acquire collections items that were unlawfully appropriated during the Nazi era without subsequent restitution.

If the NMNH has acquired in good faith a collections 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 collections item.

Each collecting department shall apply the applicable provisions of the AAM and AAMD guidelines to its collections management activities.

D. Animal Welfare and Institutional Animal Care and Use Committee

PRINCIPLES

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

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

POLICY

The NMNH staff will comply with *Smithsonian Directive 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.

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.

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

E. Human Subjects in Research and the Institutional Review Board

PRINCIPLES

The NMNH research involving human subjects compiles 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

The NMNH complies with *Smithsonian Directive 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. It will establish and maintain an Institutional Review Board (IRB) to review and advice on these issues, as required by Federal regulation. Any research that uses humans, surveys of human subjects, or human subjects' records requires IRB review and approval.

NMNH will not support or condone the use of any procedures that have been identified by the National Institutes of Health, the National Science Foundation, and scientific discipline groups as being unacceptable in relation to human subjects of research.

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

F. Collections Posing Health and Safety Risks

PRINCIPLES

The NMNH owns and has custody of collection items that may pose some risk to health and safety, either due to hazards that are their inherent original composition or fabrication, acquired over time through exposure to hazardous materials in their environment, or acquired over time as a result of alterations from ageing or treatment. The NMNH will promote awareness of the potential hazards and of established protective work practices to those at risk. People at potential risk, who need to receive occupational hazard awareness information, include Smithsonian employees, docents, interns, volunteers, visiting researchers, and contractors who are in contact with these collections. In addition, people to whom the NMNH loans or disposes objects with hazardous materials will also be notified. The visiting public will be protected from adverse health or safety risk 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

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 collections. Once a hazard is identified, employee health risk must be determined through occupational exposure surveys conducted by the Office of Safety, Health, and Environmental Management (OSHEM) and the results must be communicated to affected staff and users.

PROCEDURES AND METHODS. Written *Safe Work Practices* and storage 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 and users or persons who come into contact with hazardous items will be informed 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 collections labels, storage cases, storage rows, or entry doors to storage, 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 accession agreements should also include a description, from the sender, of any known or suspected hazardous material. Such documentation is to be in accordance with applicable law or international treaties. The Shipping Office will establish written guidance on the shipping and transport of hazardous/dangerous goods.