



CODE OF ETHICS
New Mexico Holocaust Museum and Gellert Center for Education
Adopted January 2020

I. Board of Directors

A. General Responsibilities

The Board of Directors of the New Mexico Holocaust Museum and Gellert Center for Education (NMHM) serves the public interest as it relates to the museum and recognizes its accountability to the public as well as to the institution. As the ultimate legal entity for the museum, the board is responsible for the formulation and maintenance of its general policies, standards, condition, and operational continuity.

Directors must be unequivocally loyal to the purposes of the NMHM. Each director must understand and respect the basic documents that provide for the museum's establishment, character, and governance such as the charter, bylaws, and adopted policies.

Each director must devote time and attention to the affairs of the institution. Each shares responsibility for ensuring that the museum and the board act in accordance with the museum's basic documents and with applicable state and federal laws. Directors must ensure that no board policy or activity jeopardizes the nonprofit status of the museum or reflects unfavorably upon it as an institution devoted to public service.

A director shall not act in his or her individual capacity on behalf of the museum. He or she must work for the institution as a whole, and not solely as an advocate for particular activities or subunits of the museum. All actions should be taken as a total board, committee, or subcommittee, or should otherwise conform to the bylaws or applicable resolutions.

The NMHM recognizes that some of the museum board members also serve on the boards of other nonprofit organizations. It is crucial therefore that board members recognize and respect the confidentiality of information learned during the course of their activities, especially when that information concerns the administration or activities of the museum and is not generally available to the public.

The Board of Directors holds the ultimate fiduciary responsibility for the museum and for the protection and nurturing of its various assets: the collections and archives and related documentation, the plant, the financial assets, and the staff. The board is obliged to develop and define the purposes and related policies of the institution, and to ensure that all of the museum's assets are properly and effectively used for public purposes. The

board shall provide adequate financial protection for all museum officials including themselves, staff, and volunteers so that no one will incur inequitable financial sacrifice or legal liabilities arising from the performance of duties for the museum.

The board is obliged to provide the proper environment for the physical security and preservation of the collections, and to monitor and develop the financial structure of the museum so that it continues to exist as an institution of vitality and quality.

A critical responsibility of the Board of Directors derives from its relationship to the executive director, the institution's chief executive. The selection of that executive and the continuing surveillance of his or her activities are primarily board responsibilities which cannot be delegated and must be diligently and thoughtfully fulfilled.

In carrying out its duty to the collections, the board shall continue to examine and update its policies regarding collections, accessioning, and deaccessioning of objects. The board shall oversee compliance with these policies by the executive director and the staff. The board shall ensure that the directors, the executive director, and the staff understand and respect the restrictions, conditions, and all other circumstances associated with accessions or deaccessions, loans, and gifts.

B. Conflict of Interest

Board members who have experience, knowledge, and interest in areas related to NMHM activities can be of great assistance to the institution. However, each director must conduct his or her activities in such a way that no conflict arises between any outside interests and the policies, operations, or interests of the museum. Directors should also avoid the appearance of such conflicts.

The NMHM recognizes that some members of the Board of Directors or members of their immediate families collect objects similar in nature to those collected by the museum. The Board of Directors shall make every effort to ensure that no director competes with the museum for objects or takes personal advantage of information available to him or her because of board membership. Should any conflict develop between the needs of the individual and the museum, those of the museum shall prevail.

No director, person close to him or her, or person acting for him or her may acquire objects from the collections of the museum.

Directors must not expect staff assistance for personal needs beyond that available to members of the general public.

Directors serve the New Mexico Holocaust Museum and its public. No director shall derive any personal material advantage from his or her connection with the institution. Directors shall use museum property only for official purposes, and make no personal use of the museum's collections, property, or services in a manner not available to a comparable member of the general public.

II. Museum Staff and Volunteers

No employee or volunteer shall compete with the museum for objects or take personal advantage of information available to him or her because of their position or access to information. Should any conflict develop between the needs of the individual and the museum, those of the museum shall prevail.

No object from the museum's collection that has been deaccessioned or otherwise disposed of by the Board of Directors may be acquired by any director, employee or volunteer.

No object that has been offered for sale to the museum for collections may be purchased by any director, employee or volunteer, unless the curatorial staff and/or the museum's collections committee has determined that it will not be purchased by the museum.

Employees and volunteers shall not accept special favors from people who sell items or provide services to the museum. Employees and volunteers may not participate in or encourage any transactions or practices which would jeopardize the tax-exempt status of the institution, or which might bring the name of the museum into disrepute.

No employee may appraise or otherwise judge the monetary value of any artifacts for compensation. No employee may authenticate, catalog, or otherwise describe artifacts for compensation. These restrictions shall not apply to such activities as necessitated by scholarly research or publication, nor to consultation requested by another museum.

No director, employee or volunteer may use the name of the museum or its logotype in the conduct of activities unrelated to museum business. Similarly, no employee or volunteer may suggest that the museum is a sponsor of, or in any way endorses, his or her personal activities.

III. Collections

A. Acquisition, Disposal, Management, and Care

In acquiring and disposing of collection materials, the NMHM weighs carefully the interests of the public for which it holds the collection in trust, the donor's intent in the broadest sense, the interests of the scholarly and cultural community, and the institution's own financial well-being. Acquisition and disposal of any collections item shall be handled according to procedures outlined in the Collections Management Policy.

While the Board of Directors bears legal responsibility for the museum's collections, the curatorial and administrative staffs, together with their technical associates, are best qualified to assess the pertinence of an object to the collection or the museum's programs.

Materials accepted for the collections must be relevant to and consistent with the museum's mission, purpose, and activities. They must advance the research, exhibition, or educational goals of the museum.

The museum will acquire only those materials for which it can provide preservation, care, documentation, and access according to the highest professional standards.

The museum must be reasonably certain that materials placed in the permanent collections have been acquired in full compliance with laws and regulations of the country or countries or origin, of the United States, and of the relevant states, tribal governments, and local communities within the United States. The museum will not knowingly acquire materials whose circumstances of collection were unethical or contrary to the goals and good practices of the museum or the museum profession.

All acquisitions must be accompanied by valid legal title. A legal instrument of conveyance setting forth an adequate description of the materials and the precise conditions of transfer must accompany all gifts, purchases, and exchanges, and must be kept on file at the museum.

Donations of collections materials should be made without restrictions. Restricted donations may be accepted if there is a compelling reason to do so and if they are approved through normal museum procedures. Every effort should be made to place a reasonable time limit on the restrictions and to define conditions for their termination. All mutually agreed-upon restrictions should be completely documented and retained as part of the record pertaining to the donation.

In order to improve the quality of its permanent collections, the museum reserves the right to selectively edit its holdings. The museum may deaccession items that are not within the scope of the museum's collecting priorities; that are irrelevant to or inconsistent with the museum's mission, purpose, and activities; or that fail to advance the research, exhibition, or educational goals of the museum. In addition, the museum may dispose of materials whose condition has deteriorated to the extent that their continued care represents a drain on available resources (including funds, space, and staff time), or whose presence endangers the condition of other objects in the collections.

Finally, the museum may deaccession objects whose valid legal title is demonstrated to reside with parties other than the museum, or for which disposition outside the museum is determined to be appropriate.

Deaccessioned objects will be disposed of in the manner that best serves the interests of the NMHM. Objects may be disposed of through exchange with or sale to another institution, through public sale, or through donation to another institution. Before offering objects for sale to the public, the museum will make reasonable efforts to place them with other institutions; however, maximum benefit to the NMHM's own collections is the primary consideration in deaccessioning and disposing of objects. Proceeds from the sale

of any deaccessioned objects will be directed toward NMHM acquisitions or toward the conservation and care of the museum's collections.

IV. Violations of the Code of Ethics

The New Mexico Holocaust Museum and Gellert Center for Education ("museum") is a charitable nonprofit educational institution organized under the laws of the State of New Mexico that is governed by its Board of Directors ("board"). The museum's directors, employees and volunteers are responsible for stewardship of the resources the museum holds in trust. All directors, employees and volunteers are required to abide by this Code of Ethics throughout their association with the museum.

If an individual is unsure as to whether conduct violates the Code of Ethics, he or she is encouraged to ask the Executive Director for clarification. Any issue that raises ethical questions or concerns should be brought to the attention of both the appropriate supervisor, and then, to the Executive Director and/or President of the board, if needed. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. A Whistleblower Protection Policy is in effect and copies are available for review at any time from the Director of Administration.

Violations of the Code will be grounds for disciplinary action, up to and including termination, regardless of position within the museum's community.

A. CONFIDENTIALITY

No director, employee or volunteer shall disclose privileged or confidential information to unauthorized parties. Information acquired in the course of museum duties and not generally known or available to the public must be considered proprietary to the museum and treated with strict confidentiality, including any discussion regarding museum affairs outside the confines of the museum where outsiders might hear or overhear remarks or information inadvertently. No one associated with the museum shall use for personal advantage nor for purposes detrimental to the museum any information received as a result of their affiliation with the museum.

Unless made public through board action or official museum communication/policy, covered material ("covered material") includes, but is not limited to:

- Financial information and activities
- Confidential board discussions and documents
- Personnel records
- Museum assets, including all property and restricted archival and collection materials
- Security procedures
- Information regarding the acquisition, sale, storage or movement of collection materials
- Proprietary Information Technology system information

- Internal planning and procedural documents
- Charitable gifts to the museum
- Personal information related to prospects, donors, lenders, and funders; communications with prospects, donors, lenders, and funders.

B. CONFLICT OF INTEREST

Directors, employees and volunteers shall conduct themselves so as to avoid real or apparent conflicts with the activities, policies, operations, and interests of the museum. Where conflicts of interest arise, whether actual, potential, or perceived, the duty of loyalty must never be compromised. No individual may use his or her position in the museum for personal gain or to benefit another at the expense of the museum, its mission, its reputation, and the community it serves.

A conflict of interest occurs whenever a person acts on an issue in which he or she has a financial, personal, or other interest, or when there is a dual interest or the appearance of a dual interest. In the case of potential conflicts of interest, directors, employees and volunteers must act to preserve and enhance the public trust by putting the interests of the museum ahead of all other business and personal interest. If involved in a decision that could substantially benefit them, their family members, or others close to them, there can be an appearance that the decision was not arrived at objectively, and that there exists a conflict of interest.

The museum is a public nonprofit institution; therefore, its directors, employees and volunteers enjoy a measure of public esteem by their association. Such associates are never wholly separable from the institution, and any museum-related action by the individual may reflect upon the institution or be attributed to it. Therefore, an associate must be concerned not only with his or her own motivations and interest as he or she sees them, but also with the way his or her actions might be construed by others.

Guidelines:

Upon the commencement of their association with the museum all directors, employees and volunteers shall notify the Executive Director or President of the Board of Directors of any personal, business, organizational or other interest and affiliations that could be construed as museum-related. Individuals are responsible for updating this disclosure throughout the course of their affiliation with the museum if circumstances warrant.

C. FRAUD AND DISHONEST CONDUCT

This policy applies to any fraud or dishonest conduct or suspected fraud or dishonest conduct which affects the museum. It covers all directors, employees and volunteers associated with the museum.

Fraud is defined as the intentional, false representation or concealment of material fact.

Examples of behavior that could constitute fraud and/or dishonest conduct include, but are not limited to:

- Theft
- Forgery or unauthorized alteration of any document or account belonging to the museum
- Impropriety in the handling or reporting of money or financial transactions
- Profiting as a result of insider knowledge of museum activities
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the museum
- Failing to disclose conflicting interests
- Accepting or offering a bribe
- Destruction, removal or inappropriate use of the museum's assets

Guidelines:

- If any director, employee or volunteer becomes aware of any fraud or dishonest conduct which affects or potentially affects the museum, or reasonably believes that fraud or dishonest conduct may have occurred, he or she must immediately report the matter to their supervisor, the Executive Director or the President of the Board, as appropriate. The matter should not be discussed with any other member of the staff to maintain confidentiality.
- Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
- Anyone filing a complaint concerning a violation or suspected violation of the code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the code. Any allegations which are proven to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.
- Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position, title, or relationship to the museum

D. GROSS MISCONDUCT

Conduct on the part of a director, employee or volunteer which shows deliberate, willful or wanton disregard of the museum's interests is considered gross misconduct and will not be tolerated. Such conduct will result in disciplinary action as outlined in section IV.

Examples of gross misconduct include but are not limited to:

- Malicious damage to museum property
- Obscene or indecent behavior, sexual misconduct or the circulation of offensive material
- Theft from, or violence to, staff or members of the public
- Breach of security or of financial procedures

- Breach of trust and confidence
- Incapacity brought on by alcohol or illegal drugs
- Possession of illegal drugs in the workplace
- Acting in a manner which endangers the health and safety of others
- Gross negligence
- Disparagement of the museum or any of its staff, employees or member of the board
- Creating hostile work environments for others
- Demonstrating a lack of respect and professionalism in the workplace

E. WORK FOR HIRE

All material prepared by directors, employees or volunteers as part of their normal duties, or prepared at the museum’s expense, is the property of the museum. Further, all work obtained or created through privileged access to the museum’s collection is the property of the museum.

Unless arranged otherwise with the Executive Director and documented in writing, all work done for the benefit of the museum shall be considered a “work for hire.” The museum shall retain the right to copyright and publish any work produced as such and shall receive all royalties, profits and/or honoraria.

The undersigned hereby agrees to be bound by this code and abide by it at all times during their affiliation with the museum.

SIGNATURE

DATE

NAME—PLEASE PRINT