

Delaware Division of Historical and Cultural Affairs



Historical and Cultural Affairs

Code of Ethics

Adopted April 2014
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PLEDGE OF EXCELLENCE

The Delaware Division of Historical and Cultural Affairs pledges that, in fulfillment of our educational mission, we will strive to operate according to national standards and best practices to the best of our abilities and in accordance with our resources.

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NONDISCRIMINATION STATEMENT

This program receives federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability, or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office of Equal Opportunity, National Park Service, 1849 C Street, N.W., Washington, DC 20240.

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Delaware Division of Historical and Cultural Affairs Code of Ethics

INTRODUCTION

The collections, programs, and properties of the Division of Historical and Cultural Affairs are held in public trust. The Division earns the trust of the community in its role as preserver of Delaware history, art, and culture and in its presentation of its materials with accuracy, honesty, and sensitivity. As a state agency, the Division holds a public trust. Foundations, public agencies, corporations, and individuals demonstrate their trust in the Division by awarding grants and making donations of funds, objects, and artifacts. This trust further presumes that funds are spent wisely and for the purposes stated. It is expected that the Division's administrative governance, director, staff, interpreters, interns, volunteers, and committee and board members (hereinafter "personnel") direct their efforts to further the greater community and social good.

The Division of Historical and Cultural Affairs operates six museums:

- First State Heritage Park Welcome Center and Galleries
- John Dickinson Plantation
- Johnson Victrola Museum
- New Castle Court House Museum
- Old State House Museum
- Zwaanendael Museum

And administers other programs and entities:

- Delaware State Historic Preservation Office
- Buena Vista Conference Center

The Division manages an additional 37 properties and maintains partnerships with local municipalities, non-profit institutions, and private citizens to ensure that community resources are preserved in accordance with best practices and national standards for preservation.

The Division supports the "Code of Ethics for Museums" established by the American Alliance of Museums and the "Statement of Professional Standards and Ethics," developed by the American Association for State and Local History, and used these documents as guidance in the development of the Code of Ethics for the Division of Historical and Cultural Affairs.

The Division's State Historic Preservation Office carries out programs defined by the National Historic Preservation Act of 1966, as amended. These programs are guided by the Secretary of Interior's "Standards and Guidelines for Archeology and Historic Preservation," "Standards and Guidelines for the Treatment of Historic Places," the criteria for the National Register of Historic Places, as well as relevant Federal, State, Tribal, and local historic preservation policies, laws, regulations, and standards.

The Delaware Public Integrity Commission, an agency within the Delaware Department of State, promotes ethics in government and serves as a resource for employees seeking information related to codes of ethics and conduct.

Employment within the Division is a public trust. This public trust must especially be recognized by persons having important responsibilities in formulating or administering policies and procedures governing the Division. Persons holding such responsibilities have a duty and an obligation to preserve and protect this trust. It is understood that such duty may entail the voluntary surrender of certain rights to personal privacy and economic activity. It is the goal of this Code of Ethics to preserve the public trust and the Division's good name with the least possible intrusion on personal rights. Those individuals affected in varying degrees are paid and unpaid staff of the Division, including docents, interns, research assistants, volunteers, board and advisory committee members, and others who may serve on committees or otherwise be associated in an official capacity with the Division.

1. CIVIC ENGAGEMENT

Community involvement is encouraged as a civic duty and as a means to nurture our democratic society. Board members and volunteers clearly demonstrate an elevated level of civic participation by their unpaid service to the Division. Outside service to the community is recommended for all staff as a means for social good and for healthy self-actualization. In particular, jury duty and reserve military service by staff members are supported by official state policy.

Keeping ties externally focused helps the Division remain attuned to changing economic, political, and cultural trends. The mission statement establishes a culture of non-competitive partnerships between the Division and numerous outside organizations to create social equity in our community.

Responsible environmental practices and sustainable operations shall be observed whenever possible to aid in the improvement of our community's quality of life and protection of our ecosystem for future generations.

2. CORE VALUES & GUIDING PRINCIPLES

- **COMMUNICATION**

We are committed to an open, proactive, and thoughtful exchange of information and ideas that promotes trust and understanding in our internal and external relationships.

- **PROFESSIONALISM**

We are committed to conducting ourselves in a professional manner to co-workers, partners, and the public in order to be recognized as a reputable and reliable resource.

- **CREATIVITY**
We are committed to supporting innovative thinking and nurturing a creative environment. Our passion for history inspires us to risk taking new approaches.
- **KNOWLEDGE**
We are committed to the growth and professional development of staff and volunteers in order to ensure that all of our activities are strongly grounded in scholarly research, current and reliable best practices, and relevant laws, rules, and regulations.
- **DISCOURSE/DIALOGUE**
We are committed to open debate and discourse on subjects relevant to the past, present, and future of Delaware.
- **COMMUNITY INVOLVEMENT**
We are committed to actively listening to and communicating, collaborating, and partnering with the community in the development of our programs and services.
- **COOPERATION**
We are committed to developing and maintaining trust and respect amongst co-workers, partners, and our audiences to provide a positive and collaborative atmosphere to achieve common goals.
- **STEWARDSHIP**
We are committed to the responsible management of the Division's assets, seeking to exceed best practices.

3. MISSION STATEMENT

The Division of Historical and Cultural Affairs serves Delaware residents and visitors by identifying, preserving, and interpreting Delaware history. Our activities foster strong communities, engaged citizens, economic vitality, and a deeper understanding of Delaware's role in world history. We do this in public trust for current and future generations.

4. VISION STATEMENT

- Our audiences are actively engaged in learning (in many ways) and understand how Delaware history is meaningful to their lives.
- Our audiences are actively exploring a diversity of historical and cultural perspectives to inform and influence decisions about the future.
- Our audiences feel welcomed, valued, and encouraged to question and explore.
- The Division of Historical and Cultural Affairs is a trustworthy, ethical, and reliable partner with organizations, agencies and individuals with whom we have common goals.

- All Division staff and volunteers will consistently make use of each other's knowledge and skills, building professional relationships across teams.

5. DIVISION GOVERNANCE

The Delaware Division of Historical and Cultural Affairs is an agency within the Department of State, State of Delaware. The mission of the Department of State is:

To promote the State's economy, generate revenue, ensure residents have access to information, promote Delaware history and art, assist Delaware veterans and their families, promote equal opportunity and protection for all persons, provide regulatory and licensing services to protect the public welfare and administer the State's public employment relations and ethics laws.

The Delaware Secretary of State (hereafter 'governing authority') leads the Department of State, and is appointed by, and reports to, the Governor of Delaware. The Department is governed by the laws and regulations of the State of Delaware and the federal government; the Division also follows guidelines established by the National Park Service as delegated by the U.S. Secretary of the Interior.

The Division of Historical and Cultural Affairs is managed on a daily basis by the Director of Historical and Cultural Affairs, a position appointed by the Delaware Secretary of State. The Deputy Director, an appointed position, is in place to manage the Division in conjunction with, and in absence of, the Director. It is the responsibility of the Director, working with the State of Delaware Merit Rules and hiring guidelines to ensure that:

- Division staff, paid or unpaid, meet qualifications
- All those who work for the Division understand and support the mission and public trust responsibilities
- All personnel understand and fulfill their public trust responsibilities and act corporately and not as individuals in the performance of their work responsibilities
- Division collections and programs, as well as human, physical, and fiscal resources are protected and developed in conjunction with the mission
- Division personnel maintain respectful relationships with one another as well as with state and community colleagues
- the Division is responsive to and represents the interests of society
- the Division meets professional and best practices standards

Volunteers are selected and supervised through a formal volunteer program with training and management following best practices and standards of operation.

The State Review Board for Historic Preservation and the Collections Committee are advisory bodies whose members are appointed by the Director of Historical and Cultural Affairs. Formal

guidelines are followed to ensure professional standards and community engagement in these important Division activities.

The Division's activities, and those of its personnel, are governed by the laws and regulations of the State of Delaware and all relevant federal laws and regulations, as well as all applicable international treaties. Acceptance of a paid or unpaid position in the Division of Historical and Cultural Affairs requires adherence to laws, policies, and procedures governing the Division, including those outlined in this document. The Code of Ethics shall be distributed to all personnel working for the Division.

6. GUIDELINES FOR PROFESSIONAL PRACTICES

A. Institution

Members of the Division's administration should respect the professional expertise of the paid and unpaid staff who have been selected because of their special knowledge or ability in some aspect of the Division's activities. Governance should be structured so that the resolution of issues involving professional matters incorporates the opinions and professional judgments of relevant members of the Division staff. In addition to the Code of Ethics outlined here, members of the Division's staff will also be subject to ethical codes based upon their professional or disciplinary expertise, including:

- American Alliance of Museums Code of Ethics for Museums:
- American Association for State and Local History's Statement of Professional Standards and Ethics:
- The Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation (48 CFR 44716):
- Principles of Archaeological Ethics, The Society of American Archaeology (SAA)
- Ethics Statement, Society for Historical Archaeology (SHA).
- American Institute for Conservation of Historic & Artistic Works

B. Whistleblower Protection

The Division of Historical and Cultural Affairs is subject to the State of Delaware's official whistleblower policy, "Delaware Whistleblowers' Protection Act," DE Code, Title 19, Chapter 17. This applies to all employees, full or part time, and shall include, but not be limited to, at-will employees, contract employees, and independent contractors. The details of protection, along with relief and damages, are outlined in the act.

C. Staff Conduct

Staff must always be dedicated to the high standards and discipline of their positions. While staff must strive for professional excellence in their own specialties, they must at the same time

remember that they are part of a team effort and must cooperate supportively with their colleagues.

Employees, paid and unpaid, of the Division are expected to abide by the laws in Delaware Code 29, including: 29 *Delaware Code* 5805 “Prohibitions Relating to Conflicts of Interest” and 5806 “Code of Conduct.” They must also adhere to *State of Delaware Merit Rules* Section 15.02, “Outside Employment and Pecuniary Interests,” as they pertain to positions within the Division.

Employees are never wholly separable from the institution, despite disclaimers that may be offered. Due to the public visibility of the Division, any related action by an individual may reflect on the institution or be attributed to it. Employees must be cognizant of how their actions might be construed by the outside observer as well as by personal motivations and interests. Division personnel are state employees who represent the Division and hold a special duty to uphold the public trust. They must understand and fulfill their responsibilities to act corporately, not as individuals in the performance of their work duties. This includes the gathering of scholarly information and the honest, accurate, and appropriate dissemination of information to the public.

Employees must take affirmative steps to maintain their integrity to warrant public confidence. They must act not only legally but also ethically. Loyalty to the mission of the Division and to the public is the essence of historical and cultural work. Where conflicts of interest arise—actual, potential, or perceived—the duty of loyalty must never be compromised. No individual may use his or her position for personal gain or to benefit another at the expense of the Division, its mission, its reputation, and the society it serves. Public service is paramount.

Division employees should never abuse their official positions or their contacts within the cultural, historic preservation, and museum communities, impair in any way the performance of their duties, compete with the Division, or bring discredit or embarrassment to the profession in any activity, Division-related or not.

The reputation and name of the Division, along with confidential information, are valuable assets and should not be exploited for personal advantage or for any other person or entity.

The working relationship among all Division staff is based on equality and mutual respect. Staff will use the different skills, experiences, and styles that they and others bring to the workplace and program areas to foster opportunities for teamwork and collaboration. It is the ethical responsibility of staff to treat each other and the public respectfully and with sensitivity in the context of differences including but not limited to race, age, sexual orientation, physical and mental ability, gender, educational level, economic class, and cultural heritage. Division staff has a responsibility to maintain an open mind concerning diversity and what can be learned from new experiences.

As employees of a state agency, and as outlined in *Merit Rules* Section 15.3.2, staff shall not engage in any political activity or solicit any political contribution, assessment, or subscription during his/her hours of employment or while engaged in the business of the State. In addition,

the Division staff in federally funded positions “subject to I.M.S.S. [National Information Management and Support System] are further restricted in political activity according to provisions of the Hatch Act” as stated in *Merit Rules* Section 15.3.5.

D. Outside Employment:

If the conditions of employment permit outside activity, affected staff members should ensure that such outside interests do not interfere with their official duties and responsibilities or create a conflict of interest. Employees must follow the State of Delaware's policy on "Dual Employment" as codified in *Merit Rules* Section 4.3. In addition, employees must follow the State's policy on "Outside Employment and Pecuniary Interests" as codified in Section 15.2.

E. Service on Outside Boards

Division employees and volunteers may be asked to serve on the Boards of outside organizations. To avoid conflicts of interest or the appearance of conflict, such service should be reported in writing to the Division Director. Service on outside boards should not impede the performance of the employee's Division role and confidential “insider” information related to donors, budget, strategic initiatives, etc. shall not be shared if providing such information might be detrimental to the Division.

F. Conflict of Interest

Employees must follow relevant State code *Prohibitions Relating to Conflicts of Interest*, Title 29 DE Code, Tile 29 5805, and *Code of Conduct*, DE Code, Tile 29 5806.

No person may use his/her position in the Division for personal gain or to benefit another at the expense of the Division, its mission, its reputation, and the society it serves. Division staff is expected to refrain from acts or activities that may involve a conflict of interest.

Disclosure is fundamental to understanding and dealing with a potential conflict of interest. To resolve issues in a mutually satisfactory manner to both the Division and the staff members, disclosure should occur, providing discussion to determine whether a real or potential conflict of interest exists.

Staff, paid and unpaid, of the Division of Historical and Cultural Affairs will not provide appraisal services *on behalf of the Division*. As outlined here in Section 6D, outside employment must “not interfere with their official duties and responsibilities or create a conflict of interest.” As an outside employment opportunity, work as an appraiser could present a real or perceived conflict of interest and should only occur with written approval of the Division Director, in consultation with the Delaware Public Integrity Commission.

G. Gifts, favors, discounts, dispensations:

According to State Merit Rules and DE Code, Title 29 5805, all Division employees authorized to spend state funds will do so with impartiality, honesty, and with regard only to the best interest of the Division. As outlined in *Promoting Ethics in State Government* by the State Public Integrity Commission, employees “do not accept other employment, compensation, gifts or anything of monetary value if it may result in: a) impaired judgment; b) preferential treatment; c) official decisions outside official channels or d) any adverse effect on the public’s confidence in its government”. State employees will not receive gifts, favors, personal discounts, or other dispensations in carrying out the business of the state when there is the potential perception that by receiving such gifts and favors a conflict of interest is created.

7. COLLECTIONS AND PROPERTY

A. Collections

The ownership, care, and use of objects, artifacts, and groups of objects (hereafter “groups”) representing Delaware history, art, and culture confers special responsibilities upon the Division. The stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility, and responsible disposal. The ethical obligation of the Division as a repository is to educate others and apply appropriate high standard of stewardship.

The Division of Historical and Cultural Affairs’ Collections Management Policy outlines the policies for acquisitions, loans, appraisals and deaccessions within the collection. The Division holds its collections for the benefit of the people of Delaware, and derives its importance and meaning from those same collections. Because the care of collections is paramount in its mission, the Division works to provide physical care which meets best practices and standards of the discipline they represent. The collections of the Division are diverse, encompassing a wide variety of objects, artifacts, and records, each requiring particular environmental standards. The Division also recognizes its obligation to pursue a deliberate and systematic program of conservation, as well as conservation projects oriented toward a particular purpose or a single object. All repair, restoration, or conservation measures shall respect the historical and physical integrity of the object.

The Division will ensure that collections in its custody are appropriately accounted for, managed, maintained, and documented. Collections-related activities will promote the public good rather than individual financial gain. Competing claims of ownership that may be asserted in connection with objects in its custody will be handled openly, seriously, and responsively, with respect for the dignity of all parties involved.

The unique and special nature of human remains and funerary and sacred objects must be recognized within the context of specific cultural norms and applicable laws. The Division will consult with the appropriate specialists and affiliated cultural groups as needed and

appropriate to identify these objects or artifacts and use that consultation to inform all decisions concerning such collections.

Collections personnel, paid or unpaid, Collections Committee and governing authority members, and their associated immediate families will not acquire objects, artifacts, or groups from the collections owned, controlled, or deaccessioned by the Division. Non-collections personnel, paid or unpaid, may acquire objects, artifacts, or groups from the collections owned, controlled, or deaccessioned by the Division via public auction. As outlined in the Collections Management Policy, all proceeds realized from the sale of a deaccessioned object, artifact or group shall be allocated to the Acquisition Fund and used exclusively for new acquisitions.

Staff may assist potential donors in locating qualified appraisers. It is understood that acceptance of an item at its appraised value does not imply endorsement of or agreement with an appraisal. Responsibility for the appraisal of all gifts for tax purposes, as well as required forms and preparation, rests with the donor.

B. Collection Access

Access to the collections and related information is permitted and regulated within guidelines presented in the Division's Collections Management Policy.

C. State Property

The property of the Division, whether physical or intellectual, is acquired, produced, and maintained for the sole purpose of furthering the Division's mission. Use of state property by Division personnel for projects outside of state business will not occur without the express consent of the appropriate authority. Division personnel will not use property or materials owned by the State for personal profit or gain, or to further political, personal, or religious causes, or in any way that would reflect negatively on the Division.

D. Commercial Use of Collections

Any commercial activities undertaken by the Division will not violate the integrity of the mission or the ability of staff to maintain professional standards. Any commercial activities undertaken will be in keeping with the mission of the Division and supportive of its educational objectives.

In arranging for the manufacture and sale of replicas, reproductions, or other commercial items adapted from an object in the Division's collections, all aspects of the commercial venture must be carried out in a manner that will not discredit either the integrity of the Division or the intrinsic value of the original object and follows copyright law. Such objects will be permanently identified as to what they are. The material and scale of replicas or reproductions will not be identical with those of the original object.

E. Ownership of Scholarly Material

The objects in the Division's collections, their documentation, and all additional documentation developed subsequent to their acquisition, are the property of the Division.

Any and all intellectual property and materials or items developed, written, designed, drawn, painted, constructed, or installed by staff while carrying out their responsibilities as employees of the Division, are considered to be the property of the Division, with the Division having the rights to all said property.

The Division has the right to copyright or patent any and all such materials produced by its staff while carrying out their job responsibilities as employees of the Division, when it deems it appropriate to do so. The Division is entitled to receive any and all fees, royalties, or honoraria earned in conjunction with any and all materials or items produced by staff or programs presented by staff while carrying out their job responsibilities as employees of the Division. Authorship will be recognized by the Division and credited as appropriate.

Current and former employees who created written, graphic, artistic, or constructed items with no exclusivity agreements, have the right to use the information for personal reasons, but the Division retains ownership. Permission for use for publication or educational purposes must be granted by the Division with proper credit given.

Staff is encouraged to teach, lecture, write, perform, and publish for the Division and on their own. Staff should not accept any fees, royalties, honoraria, or other payments for any materials, items, or programs that they developed, wrote, designed, drew, painted, constructed, or installed, either alone or with other staff, while carrying out their job responsibilities with the Division of Historical and Cultural Affairs.

Receipt of honoraria for work done during non-work hours, and unrelated to their work with the Division, may be retained by the employee. Ownership and copyright for works produced on an employee's personal time, and unrelated to his/her normal duties, remains his/her possession.

Ownership and copyright rests with the Division on all materials prepared as part of the employee's normal duties. The Division's ownership of such intellectual property, created while an individual was an employee of the Division, continues after the individual leaves the Division for any reason, including retirement.

Access to collections shall be provided in a nondiscriminatory and fair manner in light of the range of requests received and balanced in light of resources, conservation needs, cultural sensitivity and security concerns. The Division is obligated to protect privileged information including security information.

8. PERSONAL COLLECTING

A. Overview

Personal collecting is defined as the private acquisition by Division staff, paid or unpaid, and Division board and advisory members or governing authority member(s), of any object/artifact within the Division's **Scope of Collections** (SOC).

The Division recognizes that personal collecting can enhance professional knowledge and provide personal enjoyment. Division employees associated with the Division's collections' responsibilities and functions must ensure that a conflict of interest does not arise between themselves and the Division related to the Division's Scope of Collections. The Division's **collections personnel** are to refrain from any collecting activities in competition with the State of Delaware, Division of Historical and Cultural Affairs. Division collection personnel or members of their immediate family (see glossary) may not acquire any object/artifact from the State of Delaware collection, even if they have been formally deaccessioned.

Personal collecting by **non-collections personnel** should be done with discretion to ensure that no real or perceived conflict of interest arises. Personal collecting is the occasional purchase or exchange for a personal or private collection. It is imperative that the Division staff is unequivocally loyal to the mission of the Division and the public. This loyalty supersedes self-interest. Only through public auction, and with disclosure, may non-collections personnel acquire object(s) deaccessioned from the State of Delaware's collections.

To avoid conflict of interest or even the appearance of conflict of interest, Division personnel may not be involved in dealing in items similar or related to items collected by the Division. Dealing is the buying and selling for personal profit. Permission for employees to deal in items other than those collected by the Division will be granted only after full disclosure and approval by the Director and the Delaware Public Integrity Commission.



Scope of Collections (from HCA Collections Management Policy, 2014): The Division of Historical and Cultural Affairs collects, preserves and exhibits the material culture of the people of Delaware. This includes any object, artifact or group of objects, and their supporting documentation (hereafter referred to as collections) that were made or used by people, and/or document an important event or period in the history or lifeway significant to the heritage of the people of Delaware. These collections are an invaluable resource for future study and education, and they create a tangible link between our audiences and the history of the state and people of Delaware.

Collections Personnel: Personal collecting by C.A.R.E. Team staff, Collections staff, paid and unpaid, Collections Committee members, purchasing agents, Division Director, and Deputy Director, hereafter 'collections personnel,' within the Division's Scope of Collections is not permitted.

Non-collections Personnel: Division employees, paid or unpaid, or a member of any Division board or advisory agency, who do not work closely with the collections.



B. Disclosure

In accordance with professional practices and ethical standards, Division employees, paid or unpaid, or governing authority members will use a "Disclosure of Personal Collections" form to inform the Division Director of any existing personal collections that fall within the Division's Scope of Collections (SOC). Disclosure is not a concession of conflict on the part of the employee or a right to seizure on the part of the Division. It is a matter of personal transparency consistent with ethical professional conduct throughout collecting organizations in service of the public trust.

Through disclosure, personal collecting is allowed and encouraged when objects/artifacts are acquired by bequest or gift from family, even if these items are within the Division's SOC. In addition, the Division is not interested in objects/artifacts that were collected prior to the staff member's employment with the Division. The occasional purchase of items for a personal collection is allowed by the non-collections personnel. If personal collecting activities are more than minimal, it should be discussed with the Director.

C. Non-Competition in Acquisitions

Division staff, paid or unpaid, or governing authority members will not compete with the Division in any personal collecting activity or use their Division affiliation to promote their personal collecting activities. If a staff member learns of the availability of an object/artifact within the Division's SOC, he/she is expected to place the interests of the Division ahead of his/her own in acquiring said material. Staff will notify the C.A.R.E Team Manager, providing the Division with the first opportunity to acquire said material; the C.A.R.E. Team Manager will notify the Division Director. If the Division employee has exhausted his/her means of notifying appropriate Division personnel and the circumstances surrounding the object/artifact's availability requires immediate action, the Division employee may acquire the material in question with the expectation that the Division has the opportunity to acquire the object/artifact within a reasonable time frame (ninety days) from the staff member at equal or lesser cost with full purchase documentation provided. The Division is not obligated to purchase the object/artifact in this or any other situation.

If a Division staff member, paid or unpaid, or governing authority member wishes to sell objects/artifacts from his/her personal collection that are within the Division's Scope of Collections, the staff member is expected to give the Division an opportunity for first review for purchase within a reasonable time (ninety days) at a price that the staff member believes to be a fair market value. The Division will take necessary steps to determine the fairness of the proposed price. The Division is under no obligation to purchase the object/artifact. The staff member may not sell the object/artifact to a third party (except at auction) at a price less than that declined by the Division.

No employee, paid or unpaid, or governing authority member may use his/her affiliation with the Division to promote his/her own, or any associate's, personal collecting activities. This includes buying or selling for profit in objects within the Division's Scope of Collections.

D. Conflict Resolution

Where doubt exists as to the potential for any conflict of interest, Division staff, paid or unpaid, or any Division board or advisory agency personnel should present full details in writing to the C.A.R.E. Team Manager or Division Director for a determination on whether a conflict of interest exists. If there is a difference of opinion that remains unresolved to the satisfaction of all involved parties, the advice and counsel of the Delaware Public Integrity Commission shall be sought.

9. DIVISION MANAGEMENT PRACTICES

A. Fiduciary and Legal Responsibility

To protect the financial support necessary to maintain the Division's mission and collections in public trust, the Division will act responsibly in making financial decisions. The Division, its staff, policies, and practices will comply with all relevant federal and state laws and all applicable international treaties. As an agency of the State of Delaware, the Division will ensure that its governance will promote the public good rather than individual financial gain.

B. Fundraising

The Division's ability to fulfill its mission and serve its public depends, in part, on the scale of resources available. Funding comes from the appropriation of funds from the following sources: 1) State of Delaware General Fund; 2) State of Delaware Appropriated Special Funds; 3) State of Delaware Non-Appropriated Special Funds; 4) State of Delaware Bond Funds; 5) Federal, State, and Private Grants; 6) Designated Special Funds and Trusts; and 7) Donations.

Donations to the Division will not be accepted or sought from any donor or sponsor where such donation would compromise the integrity or image of the Division.

Funding from foundations, public agencies, corporations, and individuals through development and fundraising activities enhances the Division's capacity to achieve its mission and serve its audiences more effectively.

As an agency of the State of Delaware, all development and fundraising activities will be in compliance with applicable state and federal laws and in accordance with established state policies and procedures. Such support must always advance the Division's stated mission and avoid real or perceived conflicts of interest. As a rule, restrictions or conditions of support are not accepted; however, if in a particular instance such conditions are accepted, they must be explicitly stated and agreed by all parties in writing at the time of the gift.

C. Personnel Practices

Division employees are subject to the State of Delaware Merit Rules and Division policies and procedures.

D. Diversity and Inclusion

The Division of Historical and Cultural Affairs supports all efforts for diversity initiatives of the Governor and the Delaware General Assembly. Executive Order 8 (Governor Markell; August 11, 2009) states the continued commitment to equal opportunity hiring standards and best practices for Delaware government. Within this order, the governor directs Departments and Agencies within the Executive Branch “to pursue diligently the recruitment and promotion of qualified applicants from diverse backgrounds and to be vigilant in complying with the laws prohibiting discrimination in employment.”

The Division also works with the State’s EEO and Diversity Group, whose mission “is to actively strive for a more diverse work environment, express sensitivity toward the needs of others, and increase cultural diversity among state employees as outlined in Executive Order 8.”

The Division holds the *State of Delaware Beliefs and Principals* at its core.

“The State of Delaware (The State) promotes an environment of mutual respect for all people so that everyone, both employees and citizens, has the ability to achieve his or her very best. This is predicated on the belief that each individual has value. The State celebrates and promotes the value of inclusiveness in an effort to build trust, harmony and understanding among all who are employed by or come in contact with the State and its programs.

In valuing people, there are diverse views; and through openness, awareness and sensitivity, we can begin to understand how our words and actions are perceived by others. Achieving excellence in human relations is simply a matter of respect for the individual, regardless of age, color, disability, ethnicity, gender, nationality, race, religion and sexual orientation.” [OMB/HRM Revised 08.2006] http://www.delawarepersonnel.com/policies/beliefs_princ.shtml

The Division has a responsibility to the public to design promotional materials, programs, and environments that welcome underrepresented populations. It is the responsibility of the Division to provide educational and developmental opportunities that will help Division personnel better serve diverse audiences.

10. PUBLIC ENGAGEMENT

A. Programs and Audiences

The Division of Historical and Cultural Affairs understands that community involvement is essential for the success of an organization. As Delaware grows, the Division must maximize opportunities to develop and maintain meaningful and lasting relationships with its audiences

through effective and deliberate partnerships and consultation regarding exhibitions, research, scholarship, publications, and educational activities.

The Division is committed to a creative environment that is grounded in scholarly research and best practices. With a passion for Delaware history, the Division is open to new approaches for public engagement and program development. The Division respects and welcomes debate and discourse on topics relevant to the Delaware's past, present, and future.

These programs further the Division's mission and represent the best history and cultural resources management practices ensuring that the programs are based on current scholarship. Programs will be designed to encourage broad participation, targeting underserved audiences.

B. Truth in Presentation

With its role as preserver of Delaware history, art, and culture, the Division's presentation of its materials must be developed with accuracy, honesty, and sensitivity. Employees, volunteers, and board members engaged in historical interpretation through exhibitions, lectures, educational programs, or publications are expected to adhere to the highest academic standards of scholarly integrity.

The Division will ensure that its exhibits and programs are accurate, based on the best knowledge and scholarship available at the time, and do not perpetuate myths and stereotypes but provide a meaningful view of the subject.

- Every member of the staff is obligated to be intellectually honest and objective in the presentation of HCA materials.
- Social, artistic, and historic topics should be approached objectively and without prejudice, but with tact and candor.
- The research and preparation for an exhibition will often lead the researcher to develop a point of view or interpretive sense of the material. He/she must clearly understand the point where sound professional judgment ends and personal bias begins; he/she should strive to ensure that the resultant presentation is the product of objective judgment.

11. IMPLEMENTATION AND ENFORCEMENT

The Division is committed to openness and transparency in the creation and implementation of its policies. Both the Division's Code of Ethics and Collections Management Policy are living documents, subject to ongoing change and revision. The current versions of both documents are available on the Division's website.

The Division Director will dedicate at least one staff meeting per year to discussion of these policies, and issues relating to these policies and their interpretation may be considered at any time. The "Conflict of Interest and Disclosure of Personal Collections" forms will be completed annually by Division board and advisory members, annually by merit employees as a component of annual performance reviews, and at time of hire for new employees. All other

employees, paid or unpaid, will complete this form as part of an annual assessment of job priorities and responsibilities.

Revisions and updates to the Code of Ethics may be made at any time, and following review and approval by the Division's governing authority, they will take effect and be posted on the Division's website.

If any individual feels that there is a significant difference between his/her ethical obligations to the Division and those specified by codes specific to his/her discipline, or not covered in this policy, he/she should bring the matter to the attention of his/her supervisor, or if necessary the Director. Since codes of ethics cannot address every potential situation, it is presumed that the more conservative or rigorous ethical practice should be observed.

Consequence of non-compliance will be in accordance with State Merit Rules and Delaware Code. Code of Ethics review will occur at orientation, annual performance review, and upon separation from Division service. Issues of non-compliance may also be reviewed with the Delaware Public Integrity Commission.

12. GLOSSARY

Acquisition: The administrative process of discovering, preliminarily evaluating, negotiating for, taking custody of, and documenting title to an object(s) or collection.

Code of ethics: Formal statement of the body of moral precepts or rules of conduct considered to be the standards for a profession.

Collections: Objects that are owned by the Division, that it has responsibility to house and care for, and that may be used as the Division sees fit, most often for exhibition, loan, or study.

Collections Personnel: C.A.R.E. Team staff, Collections staff, paid and unpaid, Collections Committee members, purchasing agents, Division Director, and Deputy Director.

Commercial Activity: Any profit-making activity aligned with the mission or interest of the museum or the Division but outside the Division's or museums' normal line of business.

Conflict of interest: a conflict or the appearance of a conflict between the private interests and official responsibilities of a person in a position of trust. Persons in a position of trust include staff members, paid and unpaid, committee members, and governance members.

Deaccession: 1) an object or collection that has been removed permanently from the Division or museum collections; 2) formal removal of accessioned objects from the Division or museum collections. See also Disposition.

Disposition: The act of removing unaccessioned objects from the Division or museum collections. See also Deaccession.

Fair Use: the legal right of individuals to use copyrighted materials for certain purposes without infringing on the copyright protections associated with those items. [Section 107 U.S. Copyright Code.]

Governing Authority: The Delaware Secretary of State.

Immediate Family: the employee's spouse or domestic partner; parent, step-parent or child of the employee, spouse or domestic partner; employee's grandparent or grandchild; employee's sibling; spouse of employee's child; or any minor child for whom the employee has assumed and carried out parental responsibilities.

Inventory: The registration process of locating and listing periodically accessioned, loaned, and borrowed objects by location, resulting in locator files.

Loan agreement: A contract between a lender and a borrower of an object(s), specifying the object(s) and outlining the conditions of the loan and the respective responsibilities of each party.

Long-term loan: a loan of an object(s) to a museum or the Division for long-term use. For record-keeping purposes, long-term loans are often treated as a part of the receiving institution's collections.

Non-collections Personnel: Division employees, paid or unpaid, or a member of any Division board or advisory agency, who do not work closely with the collections.

Non-exclusive: Not restricted to the person, group, or area concerned; not exclusive.

Permanent loans: loan arrangement transferring possession of an object(s) to the museum with the understanding that the owner does not intend to return to claim the object(s). Permanent loans are often treated as part of the collections of the museum.

Personnel: Anyone working on behalf of the Division, paid or unpaid, including but not limited to full and part-time staff, volunteers, interns, Research Associates, Trustees, and consultants.

Procedure: a statement of how a governing principle will be implemented; rules and regulations applied to a framework; a definition of how a policy is to be carried out.

Plan, Collections: A curatorial inventory, analysis, and evaluation of each class of collection held by a museum or a state agency, utilized to direct acquisition and deaccession with specific goals and objectives in mind.

Policy: broad statement outlining the intent of the institution with respect to one or more of its objectivities, as adopted by the governing authority, director, board or advisory committee. Once a policy is adopted by the governing authority, director, board or advisory committee, a formal amendment procedure must be followed to change it. A governing principle; a framework for carrying out work; a definition of what is to be done.

Policy, Collections Management: An approved, written statement of practices that provides a guidance system to achieve organizational purposes, objectives, and responsibilities, adopted by a governing board or authority.

Possession: The detention and control, or the manual or ideal custody of anything that may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession, which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

Risk Management: Identification and elimination or reduction of risks to the collection. Prudent risk management requires thoughtful review of potential hazards including natural disasters, vandalism, theft, human error, mechanical or operational failure, and deterioration.

Scope of Collections: any object, artifact or group of objects, and its supporting documentation that were made or used by people, and/or document an important event or period in the history or lifeway significant to the heritage of the people of Delaware.

Sustainable Operations: Operation that meets the needs of the present without compromising the ability to meet future needs or the ability of future generations to meet their own needs.

Title: The coincidence of all the elements that constitute the fullest legal right to control and dispose of property.

Unaccessioned objects: Objects in the possession of the Division or museum that have not been formally added to the Division's or museum's collections but still require storage and care.

Unclaimed loan: An object that the Division or museum records show was placed on loan for a fixed or indefinite period, and which has not been retrieved by its owner in a timely fashion, including object(s) left at the Division's museum under informal custody arrangements for study or examination by Division staff.

Unclaimed property law: The law in each state generally reserved for the resolution of ownership of tangible and intangible assets. In states (as Delaware) without museum-specific legislation addressing undocumented objects, this law may or may not be helpful in reconciling ownership of undocumented museum objects. [Also referred to as abandoned property law.]

Undocumented object: Object in the Division's or museum's physical possession or control that is unsupported by any documentation and/or lacks sufficient evidence to prove Division or museum ownership, with no definitive records about origin or status. Such objects are differentiated from old loans, for which the Division or museum has a record that the object(s) was on loan.

Value (accession): the monetary amount assigned as the value of an object, assembly, or lot at the time of acquisition as determined by a professional appraisal, estimate, or prior recent sale of a comparable object.

Value (market): the dollar value at which an object would be sold assuming an informed, willing buyer and seller.

Volunteer: A person who does not receive compensation for services and expertise provided to the Division.



Historical and Cultural Affairs