



## SMITHSONIAN INSTITUTION STANDARDS OF CONDUCT

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## **Introduction**

### **(a) Purpose**

This directive provides standards of conduct applicable to all Smithsonian trust and federal employees, and serves as guidance and requirements to ensure that Smithsonian employees conduct their activities in accordance with accepted principles of ethics and in the best interests of the Smithsonian Institution. These standards of conduct govern the acts of individual employees. Other Smithsonian policies establish principles of institutional ethics.

### **(b) Background**

This directive supersedes the version of SD 103, Standards of Conduct, issued on March 3, 1993. It incorporates the basic principles and guidelines of the 1993 standards of conduct, clarifies some of the procedures to be followed in implementing these principles, and provides further guidance in areas that raise substantial ethical concerns.

The Smithsonian standards of conduct are based on federal laws and regulations, principles applicable to public trusts and nonprofit organizations, and accepted professional codes of ethics. They incorporate and expand upon the *Fourteen Principles of Ethical Conduct for Smithsonian Employees*, which are found in Appendix 1.

In addition to the ethics guidance provided in this directive, Smithsonian employees can access the Office of General Counsel (OGC)/Ethics webpage in PRISM for general ethics information and to find links to Smithsonian ethics forms.

### **(c) Responsibility and Authority**

Unit heads are responsible for ensuring that their staff members are aware of the standards of conduct. The Office of Human Resources (OHR) is responsible for ensuring that each employee receives a copy of these standards during orientation.

**Introduction**  
(continued)

As always, however, the primary responsibility rests with each individual employee to be familiar with these standards, to act in accordance with them, and to seek guidance before engaging in any activity that might not be consistent with the principles or specific provisions set forth in these standards. Such guidance may be provided by unit heads and other supervisors, as well as the Ethics Officer, to ensure that the standards will be effective in protecting the individual employee and the Smithsonian.

The General Counsel is the Smithsonian Ethics Officer on standards of conduct and conflict-of-interest matters. The General Counsel may designate other Smithsonian employees as ethics counselors, who are available to consult with employees in advance regarding the propriety of activities covered by these standards. Ethics counselors are responsible for the interpretation of these standards, and for advising supervisors and employees regarding the application of the standards on a case-by-case basis.

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**§ 1 Loyalty and  
Conflicts of Interest**

Smithsonian employees must ensure that their conduct does not compromise the integrity of, or public confidence in, the Smithsonian Institution. Consequently, employees must maintain high standards of honesty, integrity, and loyalty to the Smithsonian. Employees must not engage in private or personal activities that might conflict, or appear to conflict, with Smithsonian interests, such as:

- using Smithsonian employment for private gain;
- giving preferential treatment to any person or company; and
- losing the independence to make impartial decisions on the Smithsonian's behalf

Employees must also be aware of and guided by the generally accepted professional standards and codes of ethics applicable in their respective professional fields, except to the extent that such standards may conflict with Smithsonian policies.

**§ 2 Compliance,  
Clearance,  
Interpretation, and  
Advice**

Employees must ensure that their conduct complies with the general principles and specific provisions of these standards. If any doubt exists as to whether an activity or planned activity violates these standards, employees are obligated to seek advice immediately from a Smithsonian ethics counselor. Ethics counselors are available to provide interpretation and advice for supervisors and employees.

Certain activities identified in these standards require prior clearance and/or approval by the appropriate supervisory officials and from a Smithsonian ethics counselor. (See Section 7, Outside Activities, and Section 11, Reimbursement.) Under these standards, employees are responsible for providing full disclosure of the relevant facts when seeking clearance or approval to conduct such activities.

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**§ 3 Remedial Action  
and Discipline**

An employee's failure to comply with these standards is cause for remedial or disciplinary action. Such action may include but is not limited to:

- change in assigned duties;
  - divestment of any conflicting interest;
  - disqualification for a particular assignment; and
  - appropriate discipline, up to and including dismissal
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**§ 4 Federal Laws  
Relating to Employee  
Conduct**

Apart from disciplinary or remedial action by the Institution arising from violation of these standards, civil and criminal penalties may be imposed for violation of federal statutes, to the extent that such statutes are applicable to federal or trust fund employees.

It is the responsibility of Smithsonian employees to be aware of applicable statutes and to ensure that their conduct does not violate federal laws. References to the federal laws that employees should be aware of can be found in Appendix 2. Also, ethics counselors are available to advise employees about how their conduct, or planned activities, might violate federal statutes.

**§ 5 Gifts,  
Entertainment, and  
Favors from Outside  
Sources**

**(a) General Institution Policy**

Employees shall not solicit or accept any gift that is or appears to be offered because the employee holds a Smithsonian position or may have influence within the Smithsonian.

In addition, an employee may not solicit or accept a gift from a “prohibited source.” A “prohibited source” is any organization that or person who: (1) is seeking official action by the Smithsonian; (2) does business or seeks to do business with the Smithsonian; or (3) has interests that may be substantially affected by performance or nonperformance of the employee’s official duties.

Gifts include objects, financial interests, money, entertainment, favors, discounts, travel, lodging, meals, or other arrangements that benefit the employee. Gifts to a member of the employee’s family, to any other person because of the recipient’s relationship to the employee, or to any person or organization at the request or recommendation of the employee are subject to the same restrictions.

This prohibition does not apply to gifts accepted by or on behalf of the Smithsonian, such as reimbursement of an employee’s official travel expenses, or other in-kind gifts for official Smithsonian use. (For rules on reimbursements for travel on Smithsonian business, see Section 11.)

**(b) Exceptions**

The prohibitions on accepting gifts set forth in paragraph (a) of this section generally do not apply under the circumstances described below. Even though acceptance of a gift may be permitted by one of the following exceptions, there may be additional considerations, such as special policies or rules on gifts, which apply to employees of particular Institution units or departments, and which require an employee to decline a gift offered by a prohibited source, or offered because of the employee’s official position.

**§ 5 Gifts,  
Entertainment, and  
Favors from Outside  
Sources** (continued)

Employees should consult a Smithsonian ethics counselor for guidance when gifts are offered to them under circumstances that appear to require particular advice. In addition, the following rules apply:

- An employee may accept a gift when the circumstances make it clear that the gift is motivated by a family relationship or personal friendship rather than by the position of the employee.
- Food and refreshments of modest value may be accepted by an employee on infrequent occasions in the ordinary course of business, such as a luncheon or dinner meeting.
- Loans from banks or other financial institutions on terms generally available to the public are not considered gifts and may be accepted by employees.
- An employee may accept unsolicited gifts having an aggregate market value of \$50 or less per occasion, provided that the aggregate market value of individual gifts received from any one person or organization under the authority of this exception does not exceed \$100 in a calendar year. This exception does not apply to gifts of cash or of financial interests such as stocks, bonds, or certificates of deposit.

**(c) Limitations of Exceptions**

Notwithstanding any exceptions to the general prohibition on accepting gifts provided in paragraph (b) of this section, an employee shall not: (1) accept a gift in return for being influenced in the performance of an official act; (2) solicit or coerce the offering of a gift; or (3) accept a gift in violation of any statute. Employees should be particularly aware of the statutes described in Appendix 2, which may prohibit them from accepting a gift.

**§ 5 Gifts,  
Entertainment, and  
Favors from Outside  
Sources** (continued)

**(d) Gifts and Decorations from Foreign  
Governments**

An employee is prohibited from accepting a gift or decoration from a foreign government except as provided in this subsection under the following conditions:

- **Gifts** — An employee may accept and retain a gift from a foreign government, or an entity that is owned or controlled by a foreign government, provided that the gift is tendered and received as a souvenir or mark of courtesy and does not exceed \$100 in value. An employee may accept a gift from a foreign government that exceeds \$100 in value when refusal of the gift would likely cause offense or embarrassment to the donor or would otherwise adversely affect the interests of the Smithsonian.

Gifts accepted under these circumstances are deemed to have been accepted on behalf of the Smithsonian, and upon acceptance shall become the property of the Smithsonian. Within 30 days of acceptance of such gifts or the employee's return to a regular duty station, the employee must report the gift to the unit head and the General Counsel, and must deposit the gift with the unit head. If the unit head determines that the gift cannot be used for official purposes, it shall be disposed of in accordance with Smithsonian property management regulations.

- **Decorations** — Decorations awarded by a foreign government to an employee in recognition of outstanding or unusually meritorious performance may be accepted, retained, and worn by the employee, subject to the approval of the Secretary of the Smithsonian. Upon receipt or tender of the decoration, the employee must contact the Office of General Counsel to commence the approval process.



**§ 5 Gifts, Entertainment, and Favors from Outside Sources** (continued)

In the event that the Secretary does not approve the retention of the decoration by the employee, the decoration is deemed to have been accepted on behalf of the Smithsonian and must be deposited with the Office of the Secretary.

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**§ 6 Unauthorized Solicitations and Gifts by Employees**

**(a) Individual Solicitations and Sales by Employees**

Except in connection with official Smithsonian activities, employees shall not solicit or promote the sale of any goods or services on Smithsonian premises or using Smithsonian resources or facilities, including email. Placing advertisements or notices on bulletin boards or in publications explicitly provided for these purposes by the Smithsonian is permitted.

**(b) Gifts to Supervisors**

Employees shall not solicit contributions from other employees for a gift to an official supervisor, make a donation as a gift to a supervisor, or accept a gift from an employee receiving less pay. See *5 United States Code* (U.S.C.) § 7351. Voluntary gifts of nominal value, which are made on a special occasion such as marriage, illness, or retirement, are permitted.

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**§ 7 Outside Activities**

Employees are entitled to independence in their personal or outside activities, subject to their duty of loyalty to the Smithsonian. For purposes of these standards, an “outside activity” is any activity an employee engages in, whether for compensation or on a volunteer basis, which is not an official duty or assignment of the employee’s Smithsonian position.

An “unrelated outside activity” is an outside activity that is not similar or related to an employee’s Smithsonian responsibilities or area of expertise. An “outside professional activity” is an outside activity that is similar or related to the employee’s Smithsonian responsibilities or area of expertise. Work performed by employees for another Smithsonian unit, apart from

**§ 7 Outside Activities**  
(continued)

their regular duties, is considered an outside activity for the purposes of these standards.

In conducting an outside activity, employees must ensure that the activity:

- is compatible with the full and proper discharge of their Smithsonian employment;
- cannot reasonably be construed by the public as an official action of the Smithsonian;
- will not impair the employee's mental or physical capacity to perform assigned Smithsonian duties in an acceptable manner; and
- will not create a conflict of interest or the appearance of a conflict of interest for the employee

The following specific rules and policies are not comprehensive. Employees must consult with and, when required, seek clearance from a Smithsonian ethics counselor for all outside activities which are or may be similar or related to their Smithsonian employment.

**(a) Unrelated Outside Activities**

Smithsonian employees may participate during off-duty hours in the affairs of charitable, educational, religious, public service, and other voluntary organizations, or engage in unrelated outside activities for pay.

Employees may not engage in such activities, solicit for, or promote such organizations during Smithsonian duty hours, or attempt to use in any way the name, reputation, property, or facilities of the Smithsonian Institution for the benefit of such activities or organizations.

This prohibition includes the use of the employee's official title or Smithsonian affiliation in connection with unrelated outside activities. Prior clearance of unrelated outside activities, whether voluntary or compensated, is not required.

**§ 7 Outside Activities (continued)**      **(b) Political Activities**

Employees may participate, as private citizens, in the activities of political groups. However, participation by any Smithsonian employee in partisan political campaigns is restricted by Smithsonian policy. See Smithsonian Announcement of April 1, 2000 (at <http://prism.si.edu/ogc/Ethics/ann00-003.htm>), and Chapter 733 of SD 212, *Federal Personnel Handbook* (also available on PRISM).

**(c) Outside Professional Activities**

**(1) Voluntary Outside Professional Activities**

Smithsonian employees are encouraged to participate on a voluntary or uncompensated basis in the activities of organizations that are related to or support the employee's Smithsonian position or area of expertise. Participation in such outside professional activities may be permitted on official time with supervisory approval if such activities relate to an employee's Smithsonian duties and are determined to be in the interests of the Smithsonian.

Smithsonian employees may not serve in an official Smithsonian capacity on a governing board of an outside organization unless appointed by the Secretary of the Smithsonian, or designee, pursuant to: (1) a federal statute mandating official representation on the board by the Smithsonian Institution; or (2) a determination by the General Counsel that, based on the official duties of the employee, there is no likelihood of a conflict of interest or impairment of the duty of loyalty to the Smithsonian Institution.

Only employees designated as an official representative of the Smithsonian to an outside governing board, pursuant to an appointment by the Secretary, will be eligible for indemnification pursuant to the Board of Regents' indemnification resolution and guidelines.

**§ 7 Outside Activities**  
(continued)

**(2) Paid Outside Professional Activities**

Employees must obtain written approval from their supervisor and the unit head, and clearance from an ethics counselor, before engaging in outside activities for pay (including, but not limited to, consulting, teaching, lecturing, or writing) that are similar or related to their Smithsonian responsibilities or areas of expertise.

An optional form available from the Office of General Counsel and posted on the OGC home page on PRISM may be used for outside activity clearance requests.

**(d) Use of Smithsonian Name or Official Title in Connection with Outside Professional Activities**

**(1) Unpaid nonprofit activities.** Employees may use, or permit the use of, their official Smithsonian title or allow reference to their association with the Smithsonian for the limited purpose of professional identification in connection with their unpaid outside professional activities on behalf of or in association with a nonprofit entity.

However, any such use of an employee's official title or association with the Smithsonian beyond mere professional identification or biographical data requires advance clearance by the employee's supervisor, unit head, and an ethics counselor.

**(2) Paid and for-profit activities.** Any use of an employee's official title or association with the Smithsonian in connection with either outside professional activities on behalf of or in association with a nonprofit organization for which the employee will receive compensation for the activity, or any outside professional activities on behalf of or in association with a commercial entity, whether or not the employee

**§ 7 Outside Activities**  
(continued)

will receive compensation for the activity, requires advance clearance by the employee's supervisor, unit head, and an ethics counselor.

In addition, no such uses will be cleared if they may give the appearance that an employee's outside activities are endorsed by the Smithsonian or conducted under the auspices of the Smithsonian, or that the employee's Smithsonian position is being used for private gain.

- (3) Author credits.** Clearance is not required for standard author credits in connection with articles to be published in scholarly journals for which the employee will not receive compensation. Other uses of an employee's official title in scholarly, educational or professional publications require advance clearance by the employee's supervisor, unit head, and an ethics counselor.

**(e) Writing or Speaking about the Smithsonian**

Employees shall not receive compensation or anything of monetary value for any outside consultation, lecture, discussion, writing, or appearance that concerns the Smithsonian itself, or its collections, programs, or operations, unless the activity is approved by the employee's unit head, Under Secretary, and the Deputy Secretary and Chief Operating Officer, and cleared by an ethics counselor.

**(f) Outside Activities and Dual Compensation**

Except as specifically provided in these standards, all outside activities must be carried out on an employee's personal time (including annual or unpaid leave), apart from his or her Smithsonian duty hours. Receiving additional compensation from any outside source for work carried out during time for which the employee already is being paid by the Smithsonian is prohibited and may subject the employee to fines and imprisonment. See 18 U.S.C. § 209.

**§ 7 Outside Activities**  
(continued)

**(g) Smithsonian Contracts with Employees and Relatives of Employees**

To ensure compliance with applicable laws and regulations, and to avoid a conflict of interest or the appearance of a conflict of interest or of favoritism, a proposed contract with a Smithsonian employee, a relative of a Smithsonian employee, an employee of a federal agency, and/or a member of any Smithsonian Institution board, must be referred by the Office of Contracting to a Smithsonian ethics counselor for review and clearance.

**(h) Employment or Positions with Foreign Governments**

Smithsonian employees may not become employees of or accept positions with any foreign government. See U.S. Constitution, Article I, section 9, clause 8. Employees must consult with an ethics counselor prior to making any commitment to perform services for a foreign government or any of its instrumentalities.

**(i) Personal Acquisition of Museum Objects**

Employees may not acquire important museum objects in direct competition with the collecting activities of any of the museums or collecting units of the Smithsonian Institution. Direct competition with the Smithsonian may occur if an employee purchases an object that the employee knows, or would have reason to believe, that a Smithsonian collecting unit would be interested in acquiring if it were aware of the opportunity.

In case of uncertainty regarding the Smithsonian's interest in the object, the employee must consult with the appropriate curator or collecting unit director. In cases of conflict, or the appearance thereof, clearance must be obtained from an ethics counselor. In cases where the conflict cannot be resolved in other ways, clearance may require providing the Smithsonian with the opportunity to purchase or otherwise acquire the object, or, if already acquired by the employee, a reasonable time for the Smithsonian to decide whether

**§ 7 Outside Activities**  
(continued)

to obtain the object from the employee upon payment of the employee's costs of acquisition.

Smithsonian employees who are responsible for acquiring objects for Smithsonian collections must obtain prior clearance from the employee's unit head and from an ethics counselor to personally acquire any object, material, or specimen that may be within the scope of those collections. Employees of Smithsonian collecting units must comply with specific policies on personal collecting that may be established in unit collections management policies.

Clearance is not required for objects received by employees as bequests, or for gifts which can be accepted pursuant to Section 5(b) of these standards.

**(j) Dealing in Museum Objects, Materials, or Specimens**

Smithsonian employees directly responsible for acquiring objects for Smithsonian collections shall not deal (i.e., buy and sell for profit on a regular basis or maintain an interest in any dealership) in objects, materials, or specimens similar to those collected by the unit in which they are employed. Any other dealing by Smithsonian employees in objects of the type collected by the Smithsonian requires prior clearance by the employee's unit head and an ethics counselor.

**(k) Appraisals of Museum Objects**

Employees may not make estimates of monetary value (i.e., "appraisals") of objects, materials, or specimens of the types collected by Smithsonian museums. Appraisals may be made solely for internal Smithsonian use, such as insurance valuations for loans.

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**§ 8 Restrictions on Activities after Leaving Smithsonian Employment**

Smithsonian employees should be aware that conflicts of interest and the appearance of such conflicts may arise if they are involved with matters as employees which may benefit them financially after their

**§ 8 Restrictions  
on Activities after  
Leaving Smithsonian  
Employment**  
(continued)

Smithsonian service has ended. Such questions should be discussed with the employee's unit head and an ethics counselor. Senior employees, in particular, should consult with an ethics counselor when leaving Smithsonian employment.

**(a) Lifetime Restriction on Certain Activities**

A person shall not, at any time after ending employment at the Smithsonian, represent anyone other than the Smithsonian Institution or the United States in connection with a matter in which the Smithsonian is a party or has a direct interest and in which the person participated personally and substantially while employed by the Smithsonian. See 18 U.S.C. § 207.

**(b) One-Year Restriction on Certain Activities by Senior-Level Employees**

A senior-level employee shall not, for one year after his or her Smithsonian employment has ended, knowingly make any communication to or appear before a Smithsonian employee on behalf of anyone other than the United States in connection with any matter in which he or she seeks official action by that Smithsonian employee. See 18 U.S.C. § 207(c).

A senior-level employee shall not, for one year after his or her Smithsonian employment has ended, represent, aid, or advise a foreign entity with the intent to influence any U.S. Government official or employee. Certain exemptions may apply. See 18 U.S.C. § 207(f).

**(c) Two-Year Restriction on Other Activities**

A person shall not, for two years after his or her Smithsonian employment has ended, represent or aid, counsel, or assist in representing anyone other than the Smithsonian or the United States in connection with a matter in which the Smithsonian Institution or the United States is a party or has a direct and substantial interest and which was under the person's official



**§ 8 Restrictions  
on Activities after  
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(continued)

responsibilities (but in which that person did not participate personally and substantially) during the last year of his or her Smithsonian employment. See 18 U.S.C. § 207.

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**§ 9 Prohibition  
on Official Actions  
that Could Affect  
an Employee's  
Financial Interests**

An employee shall not participate in an official capacity in any matter in which, to the employee's knowledge, the employee or the employee's spouse, minor child, business partner, or a person or organization with which the employee is connected has a financial interest. See 18 U.S.C. § 208.

For the purpose of this policy, an employee is considered to have a connection to a person or organization with whom the employee is negotiating or has any arrangement concerning prospective employment, or with an organization (for profit or nonprofit) in which the employee is serving as officer, director, trustee, general partner, or employee.

Ownership of shares of a widely diversified mutual fund, or an insignificant number of shares in a corporation, are exempt as being too remote or inconsequential to affect the integrity of an employee's services.

Whenever an employee holds a potentially conflicting interest or a question might be raised concerning the influence of financial interests on the integrity of an employee's official services, the employee must consult with an ethics counselor to determine whether the employee should recuse him- or herself from participating in an action or request a waiver to participate in the action.

Waivers under this section require the approval of the employee's supervisor, unit head, Under Secretary, the ethics counselor, and the Deputy Secretary and Chief Operating Officer.

**§ 10 Confidential Statement of Employment and Financial Interests, and Conflict-of-Interest Declaration**

**(a) Confidential Statement of Employment and Financial Interests**

A “Confidential Statement of Employment and Financial Interests” (Form SI-1085) (hereafter termed the “Statement”) requires employees to provide information that may reveal a potential conflict of interest, and thus assists employees in avoiding actual conflicts of interests. The criteria for determining who must file the Statement are based on an employee’s position with the Institution or on the employee’s authority to act on behalf of the Institution.

The Statement must be completed each year by persons who have the authority to approve or review significant commitments of Smithsonian resources which may benefit individuals, businesses, or other organizations outside the Institution. An employee with the authority to approve contracts or purchases for more than \$100,000 of Smithsonian resources in a single transaction is required to file the Statement. The term “authority to approve” includes making determinations that are generally accepted by supervisors or others who review such determinations.

In addition, the term includes individuals who are authorized to commit Smithsonian resources to a project (e.g., approve a requisition committing funds to a project) as well as those with signature authority to obligate the funds. Resources may consist of funds, collections, or other Smithsonian assets.

**(1) Criteria for Filing the Confidential Statement of Employment and Financial Interests**

The following individuals are required to file the Statement:

- (a) The Secretary, Deputy Secretary and Chief Operating Officer, Under Secretaries, the Chief Executive Officer for Smithsonian Business Ventures (SBV), and all unit directors. (The term “unit” refers to

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Smithsonian museums, offices, research centers, and institutes, as shown in the official organizational chart of the Institution.)

- (b) Principal investigators, co-principal investigators, and other individuals who are responsible for the design, conduct, or reporting of research or educational activities that are funded or proposed for funding in excess of \$10,000, when filing is required by the National Science Foundation, the Public Health Service, or other granting organizations.
- (c) All principal procurement officers and alternate procurement officers with delegated contract signature authority from the Contracting Officer, the Director of the Smithsonian Astrophysical Observatory (SAO), or the Director of the Smithsonian Tropical Research Institute (STRI).
- (d) All other employees with the authority to:
  - approve single purchases of more than \$100,000 of supplies, equipment, or services (such as for travel, transportation, exhibitions, special events, printing, construction, and repairs);
  - approve the purchase of objects at a cost in excess of \$100,000 for resale;
  - approve the purchase of objects for the collections in excess of \$100,000;
  - approve lending or disposal of collection items valued at more than \$100,000;
  - review or approve a contractor's performance where the contract is valued at more than \$100,000; or

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(continued)

- take action on behalf of the Institution as part of their official duties, which may result in obligating the Institution in excess of \$100,000 per transaction

**(2) Filing within 30 Days of Occupying a New Position**

New Smithsonian employees in positions requiring reporting, and existing Smithsonian employees who transfer to another Smithsonian position that requires reporting under this section, must file the Statement within 30 days of assuming their positions, providing information for the prior 12-month period.

**(3) Process and Schedule for Completing the Annual Statements**

The Office of General Counsel will distribute instructions annually to unit heads about their responsibilities in connection with this section as required under these standards.

**(4) Sanctions**

Employees may be subject to disciplinary action for failure to file a Statement on time. Sanctions may range from a formal letter of reprimand placed in the employee's file to a two-week suspension. Failure to file the Statement at all may result in a disciplinary action, up to and including dismissal.

**(5) Protests with Respect to Filing Confidential Statements**

Any person who believes that a position has been improperly included as one requiring the filing of a Statement is encouraged to discuss the matter with the ethics counselor, and, if not satisfied, shall be given the opportunity for review of the complaint. The final determination to require an employee to file a Statement will be made by the Deputy Secretary and Chief Operating Officer or designee.

**§ 10 Confidential Statement of Employment and Financial Interests, and Conflict-of-Interest Declaration**  
(continued)

**(6) Effect of Filing a Financial Statement**

The filing of a required Statement and the disclosure of certain financial or other interests do not in any way exempt the employee from full compliance with these standards, or from any disciplinary action as a result of noncompliance.

For example, the listing of an outside employment does not relieve the employee of the obligation to seek consultation, and clearance if necessary, to ensure that the employment does not involve a conflict of interest or the appearance of a conflict of interest.

**(7) Review of Financial Statements**

Ethics counselors shall review all Statements filed annually. When this review indicates a conflict between the employee's financial interests and the employee's responsibilities in performing services for the Institution, the ethics counselor will bring the conflict to the attention of the employee and attempt to resolve the situation.

It is the duty of the employee to cooperate with the ethics counselor and to provide such additional information that the ethics counselor deems necessary to resolve an issue that poses a potential conflict. If the conflict cannot be resolved after discussing it with the employee, the ethics counselor shall forward to the Deputy Secretary and Chief Operating Officer a written report on the conflict. The Deputy Secretary and Chief Operating Officer, or designee, shall decide what, if any, remedial or disciplinary action is required to end the conflict or appearance of conflict.

**(b) Conflict-of-Interest Declaration**

All employees of the Smithsonian are expected to have read these standards of conduct and to avoid conflicts of interests between their official Smithsonian duties and their personal financial interests.

**§ 10 Confidential Statement of Employment and Financial Interests, and Conflict-of-Interest Declaration**  
(continued)

All Smithsonian employees who have signature authority, or the authority to approve or review contracts for \$100,000 or less, will be required to sign a declaration (“Conflict-of-Interest Declaration” or the “Declaration”) that they have read the standards of conduct, have had the opportunity to discuss any potential conflicts of interests with an ethics counselor, and to the best of their personal knowledge have complied with their obligations under these standards of conduct.

**(1) Process and Schedule for Completing the Conflict-of-Interest Declaration**

The Office of General Counsel will distribute instructions annually to unit heads about their responsibilities in connection with this section as required under these standards.

**(2) Sanctions**

Employees who are required to file the Declaration may be subject to disciplinary action for failure to file a Declaration on time. Sanctions may range from a formal letter of reprimand placed in the employee’s file to a two-week suspension. Failure to file the Declaration at all may result in disciplinary action, up to and including dismissal.

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**§11 Reimbursements by Outside Organizations for Travel Expenses by Employees while on Smithsonian Business**

Smithsonian employees must obtain advance clearance from the Office of General Counsel for any official travel if any part of the travel costs is paid for or reimbursed by a for-profit entity or foreign government.

**(a) Procedures for Approval of Reimbursements and their Sources**

In seeking outside financial support for the Smithsonian Institution, Smithsonian employees shall obtain approval from an ethics counselor prior to accepting direct support from either a for-profit organization or a foreign government for travel, subsistence, or other

**§11 Reimbursements  
by Outside  
Organizations for  
Travel Expenses by  
Employees while on  
Smithsonian  
Business (continued)**

expenses incident to an official Smithsonian activity. Written approval of an ethics counselor must be obtained prior to completion of the travel authorization process, and should be requested at least two weeks in advance of travel.

**(b) Limitations on Reimbursements for Travel on  
Smithsonian Business**

Employees may not be reimbursed, or payments made on their behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

Payment or reimbursement may not be accepted for the travel and related expenses of a spouse or other individual who is not a Smithsonian employee and will not participate in an official capacity while traveling. However, such individuals may accept food and incidental benefits of nominal value. Approval from the appropriate Under Secretary must be obtained before accepting or agreeing to accept payment or reimbursement for travel expenses of a spouse or other individual who is not a Smithsonian employee but who will travel in an official Smithsonian capacity.

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**§ 12 Use of  
Smithsonian  
Property**

**(a) Prohibition on Private Uses**

Employees shall not directly or indirectly make use of or permit the use of Smithsonian property of any kind for other than officially approved activities. Smithsonian property includes all Smithsonian assets, tangible and intangible, such as funds, facilities, equipment, supplies, staff time and services, intellectual property rights, and information that is unavailable to the general public.

Incidental and occasional personal use of Smithsonian computer and communications systems is permitted, provided that such use does not interfere with the conduct of Smithsonian business and is consistent with Smithsonian policies on the use of such systems. See SD 931, Use of Computers and Networks, which is available on PRISM, for more information on this policy.

**§ 12 Use of  
Smithsonian  
Property** (continued)

**(b) Ownership of Data and Materials Prepared by  
the Institution**

All work products, including manuscripts, lectures, photographs, and all other materials prepared by employees within the scope of their employment, are the property of the Smithsonian. See 17 U.S.C. §§ 101, 105, and 201. Employees should seek the advice of an ethics counselor before engaging in any outside activity, including agreeing to author as a private individual any publication, that substantially draws on materials prepared in the course of carrying out their Smithsonian responsibilities. See also Section 7(e), Writing or Speaking about the Smithsonian.

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**§ 13 Restrictions  
on Disclosure  
of Information**

Unless specifically authorized to do so, employees may not disclose any Smithsonian information which is of a confidential or privileged nature, or any other information of such character that its disclosure might be contrary to the best interests of the Smithsonian. Such information may include private, personal, or business-related information furnished to the Smithsonian in confidence. Security and investigative data for official use only shall not be divulged to unauthorized persons or agencies.

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**§ 14 Financial  
Responsibility**

An employee shall pay debts properly and timely, especially those imposed by law, such as federal, state, or local taxes. A debt means a just financial obligation acknowledged by the employee or reduced to judgment by a court. If there is a dispute between an employee and a creditor, the Smithsonian will not determine the validity or amount of the disputed debt.

All employees should be aware that the Smithsonian may be required by law under certain circumstances to attach employee wages or salary for enforcement and collection of consumer debts, child support, and alimony obligations. See SD 116, Claims Against Employee Wages, which is available on PRISM.



**§ 15 Gambling,  
Betting, Lotteries,  
and Lending Money**

**(a) Gambling, Betting, and Lotteries**

No employee shall participate, while on Smithsonian premises or while on duty for the Smithsonian, in any gambling activity, including, but not limited to, the operation of a gambling device, conducting or participating in a lottery or pool, involvement in a game for money or property, or in selling or purchasing a numbers slip or ticket.

**(b) Lending Money for Gain**

While on duty, or while on Smithsonian Institution premises, employees are forbidden to lend money to anyone under any arrangements for the purpose of monetary profit or other gain. This prohibition is not applicable to operations of a recognized employee credit union or employee welfare plan.

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**§ 16 Borrowing  
Money from  
Subordinates**

No supervisor may borrow money from subordinates, nor request or require any subordinate to co-sign or endorse a personal note.

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**§ 17 Appeals  
from Determination  
and Waivers  
of Provisions of  
these Standards**

**(a) Request for Waiver**

Employees may request that the ethics counselor waive application of these standards on the grounds that their enforcement would be contrary to the best interests of the Smithsonian or would cause undue hardship to an individual and would not violate applicable law. A request for a waiver, with a full description of the relevant facts, should be made to the ethics counselor.

**(b) Appeal of Denial of a Waiver**

An employee may appeal to the Deputy Secretary and Chief Operating Officer or designee a decision by the ethics counselor declining to waive these standards.

**§ 17 Appeals  
from Determination  
and Waivers  
of Provisions of  
these Standards**  
(continued)

**(c) Appeals from Ethics Counselor Rulings**

Employees may appeal to the Deputy Secretary and Chief Operating Officer or designee rulings made by the ethics counselor interpreting these standards of conduct.

**(d) Procedure for Appeals**

An appeal, with full disclosure of the relevant facts, should be forwarded to the Deputy Secretary and Chief Operating Officer through the Smithsonian ethics counselor. To assist the Deputy Secretary's consideration of appeals from ruling of the ethics counselor, the Deputy Secretary may designate an individual to act on the Deputy Secretary's behalf or convene a committee to advise on the matter under consideration.

The employee may appear before the committee or the Deputy Secretary's designee, or make a written submission to the committee, the designee, or the Deputy Secretary. The determination by the Deputy Secretary or designee shall be final.

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**CANCELLATION:**  
**INQUIRIES:**  
**RETENTION:**

SD 103, March 3, 1993  
Office of General Counsel  
Indefinite. Subject to review for currency 24 months from date of issue