

January 28, 2010

## **UNITED STATES HOLOCAUST MEMORIAL MUSEUM**

### **STANDARDS OF ETHICAL CONDUCT**

#### **Introduction**

This directive sets out standards of ethical conduct applicable to all Museum employees as a condition of their employment by the Museum. Its purpose is to ensure that Museum employees carry out their work in accordance with appropriate ethical norms and all applicable laws, regulations, and professional ethical standards.

This directive supersedes the Code of Ethics issued on March 5, 1997. These Standards of Ethical Conduct are based on Federal laws and regulations and standards of ethical practice applicable to nonprofit organizations.

“Employee” as used in these Standards refers to all full-time, part-time and temporary Federal and donated employees, including paid interns and volunteers.

#### **Responsibilities**

The Human Resources Division is responsible for ensuring that every employee receives a copy of these Standards of Ethical Conduct during his or her in-processing interview. All supervisors are responsible for ensuring that their staff members are aware of these Standards of Ethical Conduct. New Office Heads and Division Directors are required to contact the Ethics Officer within 30 days of assuming their position, to schedule an appointment to be briefed on their responsibilities under these Standards.

Primary responsibility rests with each individual employee to be familiar with these Standards of Ethical Conduct, to act in accordance with the general principles upon which the Standards are based, and to seek guidance before engaging in any activity that might not be consistent with the principles or requirements set forth in these Standards. If any doubt exists as to whether an activity or planned activity violates these Standards, an employee is obligated to seek advice immediately.

The Museum’s General Counsel is the Museum’s Ethics Officer. The Associate Legal Counsel is the Alternate Ethics Officer.

#### **Required Clearance and Approval**

Certain activities identified in these Standards require preapproval by the appropriate supervisory personnel or the Ethics Officer. Employees are responsible for providing full disclosure of the relevant facts when seeking preapproval to conduct such activities. Once approved to conduct an activity, an employee has a continuing duty to apprise the Ethics Officer or other appropriate supervisory personnel of any changes in the facts and circumstances of the activity that has been

approved. An employee may continue to rely on the approval only if he or she has made full disclosure of all the relevant facts and circumstances.

### **Principles of Ethical Conduct**

These Standards of Ethical Conduct are based upon fourteen general Ethical Principles, which can be found in [Appendix 1](#). Where a situation is not covered by a specific standard, an employee shall apply these principles in determining whether their conduct is proper. Employees shall further endeavor to avoid any actions creating the appearance that they are violating these Standards.

### **Federal Laws Relating to Employees' Conduct**

Apart from disciplinary or remedial action by the Museum resulting 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 donated fund employees. Because an employee is considered to be on notice of the requirements of any applicable statute, all employees should be aware of these statutes and seek advice from the Ethics Officer about how their conduct or planned activities might violate Federal statutes.

References to the Federal laws relating to employees' conduct can be found in [Appendix 2](#).

### **Remedial Action and Discipline**

An employee's failure to comply with these Standards of Ethical Conduct may be 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, or
- appropriate discipline, up to and including removal.

### **Reporting Responsibility**

Individual employees may submit information to the Ethics Officer concerning any activity within the Museum that they reasonably believe constitutes a violation of these Standards. No adverse action shall be taken against an employee for disclosing such information, unless the information was disclosed with the knowledge that it was false or with a willful disregard for its truth or falsity.

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## **Standards of Ethical Conduct**

### **§ 1 Gifts, Entertainment, and Favors from Outside Sources**

#### General Policy

1.1 An employee shall not, directly or indirectly, solicit or accept a gift that is or appears to be offered because of the employee's Museum position or his or her influence within the Museum.

1.2 An employee shall 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 Museum, 2) does business or seeks to do business with the Museum, or 3) has interests that may be substantially affected by performance or nonperformance of the employee's official duties.

1.3 Gifts from prohibited sources to or for the benefit of members of an employee's family, to any other person because of the recipient's relationship to the employee, or to any other person or organization on the basis of the employee's request or recommendation are also prohibited.

1.4 Gifts include objects, financial interests, money, entertainment, favors, discounts, vendor promotional training, transportation, travel, lodging, meal, or other service or benefit having monetary value, whether paid in kind, in advance, by reimbursement, or by purchase of a ticket.

1.5 These prohibitions do not apply to gifts that are accepted by or on behalf of the Museum under specific statutory authority, including the reimbursement of an employee's official travel or training expenses, services or goods provided under a Museum contract, or other in-kind or monetary gifts for official Museum use that are accepted in accordance with applicable Museum policies or procedures.

#### Exceptions

The prohibitions on accepting gifts set forth in 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 applicable to employees of particular Museum offices or divisions that require an employee to decline a gift offered by a prohibited source, or offered because of the employee's official position. It is never inappropriate and frequently prudent to decline a gift offered by a prohibited source or offered because of the employee's official position, regardless of the fact that it may qualify for one of these exceptions. Employees should consult the Ethics Officer when gifts have been offered to them under circumstances that appear to require particular advice.

1.6 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 the position of the employee.

1.7 An employee may accept loans from banks or other financial institutions on terms generally available to the public.

1.8 An employee may accept unsolicited in-kind gifts having an aggregate market value of \$20 or less per occasion, provided the aggregate market value of individual gifts received from any one person or organization under the authority of this exception does not exceed \$50 in a calendar year. Where the aggregate market value of gifts offered on a single occasion exceeds \$20, the employee may not pay the excess value over \$20 in order to accept that portion of the gift or gifts worth \$20. Where the aggregate value of tangible items offered on a single occasion exceeds \$20, the employee may decline any distinct and separate item in order to accept those items aggregating \$20 or less. This exception does not apply to gifts of cash or investment interests, such as stock, bonds, or certificates of deposit.

1.9 An employee may accept food and refreshments of modest value, e.g. snacks, if offered other than as part of a meal.

1.10 An employee may accept opportunities and benefits, including favorable rates and commercial discounts, available to the public or to all Federal employees, including those that are offered by professional organizations if the only restrictions on membership in the organization relate to professional qualifications.

1.11 An employee on official foreign travel may accept food, refreshments, and entertainment from nongovernmental persons in foreign areas in the course of a breakfast, luncheon, dinner, or other meeting or event, provided the market value in the foreign area of the food, refreshments, and entertainment, as converted to U.S. dollars, does not exceed the maximum per diem rate for the foreign area established by the State Department. Before departing on official foreign travel, the employee shall consult the Museum's Finance Office regarding the applicable foreign per diem rates.

1.12 An employee may accept food, refreshments, and entertainment, not including travel or lodging, at a social event attended by several persons, provided that the invitation is from a person who is not a prohibited source and no fee is charged to any person in attendance.

1.13 An employee whose official duties include donor stewardship and fundraising may accept food and refreshments of reasonable value as part of a breakfast, luncheon, or dinner meeting with Museum donors and/or prospective donors. If the employee is on travel orders and charges the meals on an Entertainment Card, the employee should take direction from the Finance Office regarding a corresponding reduction of their per diem.

#### Limitations on Use of Exceptions

Notwithstanding any exceptions to the general prohibition on accepting gifts, the following conduct is prohibited under any circumstances:

1.14 An employee shall not accept a gift in return for being influenced in the performance of an official act.

1.15 An employee shall not solicit or coerce the offering of a gift.

1.16 An employee shall not accept a gift in violation of any statute. Employees should be particularly aware of the statutes identified in [Appendix 2](#), which may prohibit them from accepting a gift.

## **§ 2 Gifts and Decorations from Foreign Governments**

2.1 An employee is prohibited from accepting intangible or tangible gifts or decorations from a foreign government, or an entity that is owned or controlled by a foreign government, except as provided in this section.

2.2 An employee may accept a gift from a foreign government or an entity that is owned and controlled by a foreign government, provided the gift is tendered and received as a souvenir or mark of courtesy and does not exceed \$335 in value. An employee may accept a gift from a foreign government that exceeds \$335 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 Museum.

2.3 Tangible gifts in excess of \$335 in value are deemed to have been accepted on behalf of the Museum and, upon acceptance, shall become the property of the Museum. Within thirty days of acceptance of such tangible gifts, or upon the employee's return to his or her regular duty station, the employee who has accepted the tangible gift must report it to his or her Office Head and the Ethics Officer and must deposit the gift with the Director of Collections. If the Collections Director determines that the gift is not suitable for the Museum's collections, it shall be retained or disposed of as determined by the Property Management Officer in accordance with the Museum's regular procedures for the disposal of excess property.

2.4 An employee on official foreign travel may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than \$335 in value if such acceptance is appropriate and consistent with the interests of the Museum. Employees shall consult the Ethics Officer before accepting any such gift in circumstances where there may be a question about the appropriateness of the travel or expenses for travel. Employees on travel orders who accept such gifts shall take direction from the Finance Office regarding a corresponding reduction of their per diem and other travel or expenses for travel authorized by the Museum.

2.5 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 Museum Director and the Ethics Officer. Upon receipt or tender of the decoration, the employee must contact the Ethics Officer to commence the approval process.

2.6 In the event that the Director and Ethics Officer do not approve the retention of the decoration by the employee, the decoration is deemed to have been accepted on behalf of the Museum and must be deposited with the Director of Collections who shall determine whether it can be used for official Museum purposes.

### **§ 3 Gifts between Employees**

#### General Policy

3.1 An employee may not give a gift to or make a donation toward a gift for an official superior or solicit a contribution from another employee for a gift to either his official superior or the other employee's official superior. This prohibition includes gifts that are given or received with the employee's knowledge and acquiescence by his or her parent, sibling, spouse, child, or dependent relative, or when given by a person other than the employee under circumstances where the employee has promised or agreed to reimburse or give something of value to another person in exchange for giving the gift.

3.2 An employee may not accept a gift from another employee receiving less pay than him or herself, unless the two employees are not in a subordinate-official superior relationship and there is a personal relationship between the employees that would justify the gift. This prohibition includes gifts accepted by an employee's family member or an individual or entity chosen by the employee.

#### Exceptions

On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:

3.3 Items other than cash may be given and received occasionally if they have an aggregate market value of \$10.00 or less per occasion.

3.4 Food and refreshments may be occasionally shared in the office among several employees.

3.5 Personal hospitality may be provided at an employee's residence if it is of the type and value customarily provided by the employee to personal friends. Items may be given in connection with the hospitality if they are of the type and value customarily given on such occasions.

3.6 A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or employee receiving less pay in recognition of infrequently occurring occasions of personal significance, such as marriage, illness, or the birth or adoption of a child, or upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer.

3.7 An employee may solicit or make a voluntary contribution of a nominal amount for an appropriate gift to an official superior on the special occasions previously described, and on an occasional basis for food and refreshments to be shared in the office among several employees.

#### Limitation on Use of Exceptions

3.8 Notwithstanding any exception provided in this subsection, no employee may coerce the offering or receipt of a gift by another employee.

### **§ 4 Individual Solicitations and Sales by Employees**

4.1 An employee shall not solicit funds or promote the sale of goods or services on Museum premises or using Museum resources or facilities, including e-mail, except in connection with official Museum activities. Placing advertisements or notices on bulletin boards, including electronic bulletin boards, expressly provided for this purpose is permitted.

4.2 An employee may not engage in fundraising activities using or allowing the use of his or her Museum title, position, or any authority associated with his or her Museum position to further the fundraising effort, except as may be required by his or her Museum employment or permitted by specific statutory authority.

### **§ 5 Outside Activities**

Employees are entitled to independence in their personal or outside activities, subject to their duty of loyalty to the Museum. 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 Museum position.

5.1 Museum employees should endeavor to ensure that any outside activity:

- will not be construed by the public as the official action of the Museum,
- will not create an appearance of violating any of the standards set forth in these Standards of Ethical Conduct,
- will not result in the use of the employee’s official position for his or her private gain, or the private gain of any person or entity with whom the employee is affiliated in a non-governmental capacity, and
- does not create a conflict of interest or the appearance of a conflict of interest for the employee.

The following specific rules are not intended to cover all instances to which these principles may apply and does not relieve employees of their obligation to consult and obtain clearance from the Ethics Officer if any doubt exists as to whether an outside activity violates these standards.



## Voluntary Outside Activities

5.2 Museum employees may participate during off-duty hours in the affairs of charitable, educational, religious, public service, professional and other voluntary organizations, except as follows.

- Employees may not promote or engage in fundraising for these organizations during Museum duty hours or in their official capacity.
- Employees may not use the name, reputation, property or facilities of the Museum for the benefit of such organizations.

5.3 Museum employees may hold office in professional organizations, as long as such office does not create any real or apparent conflict of interest with their Museum duties.

5.4 An employee shall obtain written clearance from the Ethics Officer and permission from his or her supervisor before engaging in any voluntary outside activity that is or may be similar or related to his or her Museum employment.

## Paid Outside Activities

5.5 An employee shall obtain written clearance from the Ethics Officer and permission from his or her supervisor before engaging in any outside employment, which is similar or related to his or her Museum responsibilities or area of expertise.

5.6 An employee shall obtain the permission of his or her division director before engaging in outside employment that is not similar or related to his or her Museum responsibilities.

5.7 An employee shall not receive payment or anything of monetary value from any outside source for work within the scope of the employee's Museum duties or responsibilities.

5.8 Museum employees involved in procurement activities should be aware that they may be subject to additional requirements and restrictions with respect to outside employment, under the Procurement Integrity Requirements set forth in [Appendix 3](#).

## Political Activities

5.9 Employees may participate, as private citizens, in nonpartisan political activities and groups, subject to applicable restrictions on voluntary and compensated outside activities set forth in these Standards.

5.10 Employees may not participate in any political activity while on official Museum duty, while in any Museum room or building, or while wearing any identification or uniform that associates them with the Museum.

5.11 Participation by Museum employees, as private citizens, in partisan political activities is further restricted by Federal law and Museum policy, set forth in [Appendix 4](#).

## Teaching, Speaking, or Writing

5.12 Employees shall not receive payment or anything of monetary value, either directly or indirectly, for teaching, speaking, or writing on a subject that relates to their Museum employment, except as authorized in writing by their supervisor and the Ethics Officer. Such approval will be made on a case-by-case basis considering the specific facts of each request. Teaching, speaking, and writing engagements relate to Museum employment

- when they are undertaken as part of the employee's official duties,
- when the circumstances indicate that the invitation to engage in the activity was extended primarily because of the employee's position rather than his or her expertise on a particular subject,
- when the invitation was extended to the employee, directly or indirectly, by a person who has interests that may be substantially affected by performance or nonperformance of the employee's official duties,
- when the information conveyed through the activity draws substantially on ideas or data that are Museum nonpublic information, or
- when the subject matter of the engagement deals in significant part with an ongoing program, activity, or operation of the Museum or a Museum matter that was assigned to the employee during the previous one-year period.

## Use of Museum Name or Official Title

5.13 An employee may not use or permit the use of his or her official Museum title, the name "United States Holocaust Memorial Museum," or other designation of the Museum or any office, division, or department thereof, in connection with outside activities, except for certain purposes of professional identification.

5.14 An employee's official title may appear on the title page of a non-Museum scholarly, educational, or professional publication written by the employee, provided that the title is accompanied by a reasonably prominent disclaimer acceptable to the Museum stating that the views expressed in the article do not necessarily represent the views of the Museum.

5.15 An employee's title may also appear as one of several biographical details when such information is given to identify him or her in connection with teaching, speaking or writing, provided the title is given no more prominence than other significant biographical details.

5.16 An employee may sign a letter of recommendation using his or her Museum title and Museum letterhead only in response to a request for an employment recommendation or character reference based on the employee's personal knowledge of the ability or character of an individual with whom the employee has dealt in the course of Museum employment or whom he is recommending for Federal employment. Such letters shall describe the duration and nature of the employee's work relationship with the individual and specifically describe the employee's abilities and characteristics in reference to the prospective employment.

5.17 Any use of an employee's official title or association with the Museum other than the uses specified above requires advance permission of the employee's supervisor, division director, and the Ethics Officer. No uses will be permitted if they give the appearance that an employee's outside activities are endorsed by the Museum or conducted under the auspices of Museum, or that the employee's Museum position is being used for private gain.

For further clarification on when an official title or the name of the Museum may be used, consult the [Use of Museum Name Policy](#) in the Museum's Policies and Procedures manual posted on the staff intranet.

#### Museum Contracts with Employees and Relatives of Employees

5.18 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 procurement or consulting contract between the Museum and a Museum employee, a relative of a Museum employee, an employee of a Federal agency, and/or any member of the Museum's Council, must be referred by the requesting office or the Procurement Division to the Ethics Officer for review and clearance.

#### Employment or Positions with Foreign Governments

5.19 Museum employees may not become employees of or accept positions with any foreign government. Employees must consult with the Ethics Officer before making any commitment to perform services for a foreign government or any of its instrumentalities.

#### Personal Acquisition of Museum Objects

5.20 Employees should avoid acquiring original material that might be in direct competition with the collecting activities of the Museum. Direct competition would exist when an employee knows or has reason to believe that the Museum might seek to acquire the object(s) for the Museum's collections if it was aware of the opportunity. In such cases, the employee shall discuss the matter with the Director of Collections. If the conflict or appearance thereof, is substantial, clearance should be obtained from the Ethics Officer. In cases where the conflict cannot be resolved in other ways, it may be necessary to provide the Museum the opportunity to purchase or otherwise acquire the object or, if already acquired by the employee, a reasonable time for the Museum to decide whether to obtain the object from the employee upon payment of the employee's costs of acquisition.

5.21 Museum personnel who are directly responsible for acquiring objects for the Museum's collections shall obtain written clearance from the Director of Collections and the Ethics Officer before acquiring personally any object(s) or material that is within the scope of the collections for which they are responsible.

5.22 Clearance is not required for objects received by employees as bequests, or for gifts that are otherwise permissible in accordance with §1 of these Standards.

### Dealing in Museum Objects or Materials

5.23 Museum employees shall not deal (buy and sell for profit on a regular basis or maintain an interest in any dealership) in objects, materials, or documents similar to those collected by the Museum.

### Appraisals of Museum Objects

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

## **§ 6 Restrictions on Activities after Leaving Museum Employment**

Museum employees should be aware that certain Federal statutes and conflicts of interest might affect their choice of employment and related activities after they leave Museum employment. In particular, all employees should be mindful of the following two restrictions.

### Lifetime Restriction on Certain Activities

6.1 A former Museum employee shall not, at any time after leaving Museum employment, knowingly make, with the intent to influence, an appearance for or communication on behalf of any other person to an entity or agency of the United States, including the Museum, in connection with a particular matter involving specific parties in which the employee was personally and substantially involved for the Museum.

### Two-Year Restriction on Other Activities

6.2 A former Museum employee shall not, for a period of two years after leaving Museum employment, knowingly make, with the intent to influence, an appearance for or communication on behalf of any other person to an entity or agency of the United States, including the Museum, in connection with a particular matter involving specific parties that was pending under the employee's official responsibility during the last year of the employee's Museum employment.

6.3 Additional restrictions may apply to Office Heads, other management level staff, and Museum employees who are involved in the selection and administration of Museum contracts. These employees should consult the Ethics Officer before leaving Museum employment to avoid a violation of applicable post-employment restrictions.

## **§ 7 Prohibition on Official Actions Affecting an Employee's Financial Interest**

7.1 An employee shall not participate in an official capacity in any particular matter in which, to the employee's knowledge, the employee or the employee's spouse, minor child, business partner, or person or organization (profit or nonprofit) with which they are connected has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

For the purpose of these Standards, 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 an officer, director, trustee, general partner, or employee.

Shares held in a widely diversified mutual or similar 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.

7.2 An employee shall consult the Ethics Officer to determine an appropriate course of actions whenever a question might be raised concerning the influence of financial interests on the integrity of the employee's official services. In certain cases, disqualification from the official action will be necessary.

7.3 All employees should be mindful of the Museum's obligation under the American Association of Museums' Code of Ethics to ensure that its collections and programs and all related activities serve and promote the public good rather than individual financial gain.

## **§ 8 Confidential Financial Disclosure Report**

8.1 A Confidential Financial Disclosure Report is required from certain Museum employees in order to assist the employees and the Museum in avoiding conflicts between official duties and private financial interests or affiliations. The Report requires disclosure of financial information about the employee and his or her spouse and dependent children solely for the purpose of identifying existing or potential conflicts of interest.

### Persons Who Must File a Report

8.2 The Report must be completed and filed each year by Museum employees who are required to participate personally and substantially through decision or the exercise of significant judgment and without substantial supervision and review in making decisions or taking actions in Museum transactions and activities in which the final decision will have a direct and substantial economic effect on individuals, businesses, or other organizations outside the Museum.

Persons who must file an annual Confidential Financial Disclosure Report include persons in the positions listed below.

- Museum Director and Chief of Staff
- Office Heads and Acting Office Heads
- Internal Auditor
- Deputy Chief Development Officer for the Annual Fund and Endowment
- Development Systems Director
- Planned Giving Director
- Membership Director
- Regional Office Directors

- Deputy Chief Financial Officer
- Chief Investment Officer or equivalent
- Business Management Director
- Director of Accounting Operations
- Contracting Officers
- Collections Services Director
- Protection Services Director
- Outreach Technology Director
- Attorneys in the Office of General Counsel

In addition to the above, Office Heads will annually recommend to the Ethics Officer other employees whose duties and responsibilities may require the employee to file a Report in order avoid a real or apparent conflict of interest.

#### Filing by New and Transferring Employees

8.3 New Museum employees in positions requiring a Report and existing Museum employees who transfer to another Museum position that requires a Report, must file within 30 days of assuming their positions, providing information for the prior 12-month period.

#### Filing by Employees Leaving the Museum

8.4 Individuals terminating their employment with the Museum who are required to file the Report must have completed and filed the Report for the last reporting period prior to their departure and for the current reporting period up to the date of their departure. For example, an employee who is terminating employment on March 2, 2010 must complete and file Reports for the 2009 reporting period and for the 2010 reporting period through March 2, 2010. Reports must be filed a week before the last day of Museum employment.

#### Process and Schedule for Completing Reports

8.5 The Ethics Officer will distribute instructions annually to Office Heads about their responsibilities for compiling a list of persons in their respective offices who are required to file a Report and for administering the filing process.

#### Appeal of Report Filer Status

8.6 An employee who believes that his or her position has been improperly included as one requiring the filing of a Report may request a review of his or her status by the Ethics Officer. The Ethics Officer's decision regarding the employee's obligation to file a Report will be final.

#### Effect of Filing a Report

8.7 An employee who completes and files a Report is not, in any way, thereby exempt from full compliance with these Standards or from any disciplinary action as a result of noncompliance. For example, the listing of any outside employment in the Report does not

relieve the employee of his or her obligation to obtain prior consultation, or clearance if necessary, to ensure that the employment does not involve a conflict of interest or the appearance of a conflict of interest.

### Report Review Process

8.8 The Ethics Officer will review the Reports solely for the purpose of identifying potential conflicts. Statements will not be audited and all disclosures will be taken at face value, unless there is an obvious omission or ambiguity, or independent evidence suggesting otherwise. Further information will be requested from the employee when the Report is not complete or when a complete Report contains information indicating a conflict of interest that requires further investigation. When the review indicates a conflict between the interests of an employee and his or her responsibilities to the Museum, the Ethics Officer will bring the conflict to the attention of the employee and attempt to resolve the situation. Possible resolutions include the employee's voluntary withdrawal or divestment from the outside conflicting interest, or the employee's disqualification or recusal from the Museum activity that is compromised by the conflict. If the conflict cannot be resolved after discussion, the Ethics Officer shall forward to the Chief of Staff a written report on the conflict. The Chief of Staff shall make a final determination on what, if any, remedial or disciplinary action is required to end the conflict or the appearance of conflict.

### **§ 9 Reimbursements of Travel Expenses by Outside Organizations**

9.1 Where an activity is carried out or work is performed in connection with outside organizations as a part of an employee's official duties, the Museum may accept payment of travel expenses, including the cost of meals and accommodations, from the outside organization. Payment by the organization may be made directly to the Museum or to the employee in kind. The employee may not accept a cash payment directly from the organization.

9.2 Advance approval of the travel and the reimbursement of expenses by a for-profit entity or foreign government must be obtained from the Ethics Officer.

9.3 Advance approval of the travel and the reimbursement of expenses by nonprofit organizations must be obtained from the employee's division director and the Museum's Director of Accounting Operations.

9.4 Payment or reimbursement of travel expenses will not be approved if it is determined that acceptance under the particular circumstances would give rise to a conflict of interest or the appearance of a conflict of interest, or would otherwise cause a reasonable person to question the integrity of the Museum and/or the specific program or function for which the travel is required.

9.5 Payment or reimbursement of travel expenses may not be accepted from any organization for the travel expenses of a spouse or other individual who is not a Museum employee and who does not participate substantially in an official Museum capacity in the activity that requires the travel.

9.6 An employee may not be reimbursed, or payments made on his or her behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

## **§ 10 Use of Museum Property and Funds**

10.1 Employees have a duty to protect and conserve Museum property and shall not use Museum property, or allow its use, for other than officially approved activities and purposes. Museum property consists of real and personal property and property interests and rights and intangible interests that are purchased with Museum funds. Items and services covered by this prohibition include supplies, computers, telecommunications equipment and services such as fax machines, telephones, Internet and long distance services, purchase cards, travel cards, entertainment cards, and related services, mail delivery services, and vehicles.

10.2 Employees should be aware of certain Federal statutes that may apply to the misuse of Museum property, which may found in [Appendix 2](#).

10.3 Personal uses of telephones and computers are allowed for employees' convenience in accordance with applicable Museum policy or regulations, provided the use is otherwise compliant with these Standards of Ethical Conduct and the [Museum Information Technology Acceptable Use Policy](#).

10.4 All work product, including manuscripts, lectures, photographs, software programs, Web site designs, and all other materials prepared by employees within the scope of their employment are the property of the Museum and are not the property of individual employees. Only the Museum has the right to license or assign Museum work product.

10.5 Employees should seek the advice of the Ethics Officer before agreeing to author, as a private individual, any publication that substantially draws upon materials prepared in the course of their Museum employment or materials owned by the Museum and not generally available to the public. Employees are not exempt from normal Museum procedures regarding third party permissions. See also Teaching, Speaking, or Writing in § 5 Outside Activities.

## **§ 11 Use of Museum Time and Information**

### Use of Official Time

11.1 Unless otherwise authorized, Museum employees shall use official time in an honest effort to perform the duties of their employment.

11.2 Employees shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of the subordinate's official duties or authorized in accordance with applicable law or Museum policy.



## Restrictions on Disclosure of Nonpublic Information

11.3 An employee shall not engage in a financial transaction using nonpublic Museum information, nor allow the improper use of nonpublic information to further his or her private interest or that of another, whether through advice, recommendation, or by knowing unauthorized disclosure. “Nonpublic information” is information that the employee gains by reason of Museum employment and that he or she knows or reasonably should know has not been made available to the general public. It includes personal, sensitive, and proprietary information provided to the Museum in confidence, information designated as sensitive, confidential, or privileged by the Museum or another Federal agency, and information otherwise protected from disclosure by law. It includes staff recommendations to Museum officials about future Museum actions and other information about internal Museum deliberations that has not been made public.

11.4 Certain nonpublic information may not be disclosed within the Museum except to other Museum employees who have a need to know the information in the performance of their Museum duties. Such information includes security information, information obtained in an authorized investigation, and personal and sensitive information about individuals, including individual Museum employees. Employees are expected to exercise discretion in all instances of receiving or transmitting nonpublic information in the performance of their Museum duties. If an employee has a question concerning what constitutes nonpublic information, he or she should consult the Ethics Officer.

11.5 Museum employees involved in procurement activities are subject to additional restrictions on the disclosure and receipt of certain procurement information, as set forth in [Appendix 3](#).

## **§ 12 Financial Responsibility**

### Meeting Just Financial Obligations

12.1 An employee shall pay debts in a proper and timely manner, especially those imposed by law, such as Federal, state, or local taxes. A debt means a financial obligation acknowledged by the employee or reduced to judgment by a court. If there is a dispute between an employee and an alleged creditor, the Museum will not determine the validity or amount of the disputed debt. Employees should bear in mind that the Museum has statutory obligations with regard to the attachment of employee wages or salary for enforcement and collection of consumer debts, child support and alimony obligations.

### Gambling

12.2 An employee shall not participate, while on Museum premises or while on duty for the Museum, in any unlawful gambling activity, including, but not limited to, the operation of a gambling device, conducting a lottery or pool, involvement in a game for money or property, or in selling or purchasing a numbers slip or ticket.

### Lending Money for Gain

12.3 An employee shall not, while on duty or on Museum premises, lend money to anyone under any arrangements for the purpose of monetary profit or other gain. This prohibition is not applicable to the operations of a recognized employee credit union or employee welfare plan.

### Borrowing Money

12.4 A supervisor may not borrow money from subordinates, nor shall he or she request or require any subordinate to co-sign or endorse a personal note.

12.5 Employees who are not in a supervisor–subordinate relationship shall not borrow money from one another except in nominal amounts for occasional emergencies, and shall repay the loan promptly. More than occasional occurrences should be reported by the aggrieved employee to his or her supervisor.

## **§ 13 Restriction on Employment and Supervision of Relatives**

13.1 An employee may not appoint, employ, promote, advance, or supervise in or to a Museum position any individual who is the employee’s relative. Nor may an employee advocate for the appointment, employment, promotion, or advancement of a relative in or to a Museum position. For the purposes of this restriction, a “relative” means an individual who is related to the employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, half brother, or half sister.

## **§ 14 Disclosure of Personal Relationships in the Workplace**

Close personal relationships in the workplace between supervisors and those they supervise increase the potential for apparent and actual conflicts of interest, perceptions of favoritism, and claims of sexual harassment.

14.1 An employee engaged in a romantic, intimate, or sexual relationship with another employee or person associated with the Museum whom he or she supervises (either directly or as a second or third level supervisor) must promptly disclose the relationship to his or her supervisor. The supervisor will determine what changes or actions may be necessary to resolve the apparent or actual conflict in the best interests of the Museum including, but not limited to, adjusting reporting or working relationships.

## **§ 15 Whistleblower Disclosures and Protections**

15.1 Employees may submit information to the Museum’s Internal Auditor concerning the existence or possible existence within the Museum of an activity constituting a violation of law, rules, or regulations, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to the public health and safety. The employee’s identity will not

be disclosed without the employee's consent, except as necessary to further the Internal Auditor's investigation of the reported activity.

15.2 Employees who have the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against an employee as a reprisal for making a complaint or disclosing information to the Museum's Internal Auditor, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

## **§ 16 Exceptions to the Standards and Reconsiderations and Appeals of Determinations**

### Exceptions

16.1 Employees may request the Ethics Officer make an exception to the application of these Standards of Ethical Conduct upon a demonstration that the application of the Standards in a particular instance would be contrary to the best interests of the Museum or cause undue hardship to an individual and would not violate any applicable law. A written request for an exception, with full disclosure of the relevant facts, shall be submitted to the Ethics Officer. The determination of the Ethics Officer on requests for exceptions shall be final.

### Reconsiderations

16.2 Employees may request the Ethics Officer to reconsider a determination made under these Standards upon the disclosure of relevant facts not previously disclosed and considered. A written request for reconsideration, with full disclosure of all relevant facts, shall be submitted to the Ethics Officer. The determination of the Ethics Officer on requests for reconsideration may be appealed to the Chief of Staff.

### Appeals

16.3 Employees may appeal to the Chief of Staff determinations made by the Ethics Officer under these Standards. A written appeal with full disclosure of the relevant facts shall be forwarded to the Chief of Staff through the Ethics Officer. To assist the Chief of Staff's consideration of appeals, the Chief of Staff may convene a committee to advise on the matter under consideration. The determination of the Chief of Staff on appeals shall be final.