

ABSTRACT

“If I am Not for Myself, Who is for Me?”

An Examination of Legal and Ethical Considerations Concerning LGBTQ+ Populations
and Collections in Museums

Victoria Anne Royal, M.A.

Mentor: Julie Holcomb, Ph.D.

The shift in institutional purpose from recreation to education in the 20th century forced museums to reconcile their collections and interpretations with modern, diverse audiences. Now in the 21st century, museums are beginning to reconcile with a new audience: sexual and gender minorities. Following the landmark U.S. Supreme Court case *Obergefell v. Hodges* in 2015, museums nationwide began acquiring LGBTQ+ collections. With this new surge of collecting, this paper seeks to examine and analyze the ethical and legal protections being afforded to collections related to sexual and gender minorities within private, general, and federal institutions in order to gain a better understanding of the treatment of these collections in the museum field.

“If I am Not for Myself, Who is for Me?”: An Examination of Legal and Ethical Considerations Concerning LGBTQ+ Populations and Collections in Museums

by

Victoria Anne Royal, B.A.

A Thesis

Approved by the Department of Museum Studies

Kenneth Hafertepe, Ph.D., Chairperson

Submitted to the Graduate Faculty of
Baylor University in Partial Fulfillment of the
Requirements for the Degree
of

Master of Arts

Approved by the Thesis Committee

Julie L. Holcomb, Ph.D., Chairperson

Kenneth Hafertepe, Ph.D.

Sha Towers, M.L.I.S., M.M

Accepted by the Graduate School
May 2020

J. Larry Lyon, Ph.D., Dean

Page bearing signatures is kept on file in the Graduate School.

Copyright © 2020 by Victoria Anne Royal

All rights reserved

TABLE OF CONTENTS

ACKNOWLEDGMENTS	vi
DEDICATION	vii
ABBREVIATIONS	viii
CHAPTER ONE	1
Introduction.....	1
<i>Case Study Selection</i>	2
CHAPTER TWO	6
Contextual History and Literature Review	6
<i>Introduction</i>	6
<i>Contextual History of the LGBTQ+ Liberation Movement</i>	7
<i>Landmark Legal Cases for LGBTQ+ Liberation</i>	10
<i>Literature Review</i>	13
<i>Best Practices</i>	17
CHAPTER THREE	21
Case Study:	
William Way LGBT Community Center and John J. Wilcox, Jr. Archives.....	21
<i>Institutional Background</i>	21
<i>Legal Considerations and Protections: Best Practices</i>	25
<i>Policy Specifics</i>	27
<i>Ethical Considerations</i>	29
CHAPTER Four.....	31
Case Study:	
Smithsonian Institution National Museum of American History	32
<i>Institutional Background</i>	32
<i>Policy Specifics</i>	35
CHAPTER FIVE	40
Case Study:	
National Park Service, Stonewall National Monument	40
<i>Institutional Background</i>	40
<i>Policy Specifics</i>	43
CHAPTER SIX.....	49
Conclusion	49

<i>Recommendations</i>	49
APPENDIX A	54
WWCC and JJWJA Collections Management Policy	54
APPENDIX B	74
WWCC and JJWJA Collections Development Policy	74
APPENDIX C	80
NMAH Collections Management Policy	80
BIBLIOGRAPHY	106

ACKNOWLEDGMENTS

First and foremost, I can say with absolute confidence that this thesis would not have been possible without my advisor, Dr. Julie Holcomb. Her patience, wisdom, and grace helped me through both academically and personally difficult times in this past year, and for that I will be forever grateful to her. Thank you for everything.

To my parents, family, and friends that stuck with me while I went a little insane over the past year, thank you always accepting me as I am. Thank you for being there when I needed a soundboard, a shoulder to cry on, or someone with which I could celebrate. This past year has been one of the most difficult, but I can already tell that the rewards were well worth the journey. Thank you all of you for your personal love and support.

Last but certainly not least, I owe everything I am and everything I am able to accomplish to my grandparents. They have always supported my aspirations, even when they seemed wildly out of reach, like moving across the country for a graduate program or choosing to study ancient Egypt the summer before kindergarten “just in case it came up in class.” From my first book to my first finished thesis, I owe everything to their constant love and support. I honestly do not know where I would be today without them. Thank you for always being there for me, and for always having a song for that!

DEDICATION

To the members of Gamma Alpha Upsilon, whether official or spiritual:
You are seen, you are heard, and you are loved.

ABBREVIATIONS

LGBTQ+	Lesbian, Gay, Bisexual, Transgender, Queer, and more Identities
WWCC	William Way LGBT Community Center
JJWJA	John J. Wilcox, Jr. Archives
NMAH	National Museum of American History
SNM	Stonewall National Monument
DOI	Department of the Interior
NPS	National Park Service
AAM	American Alliance of Museums
DEAI	Diversity, Equity, Accessibility, and Inclusion

CHAPTER ONE

Introduction

Diversity and inclusion are two words that have influenced the way that museums interact with modern audiences. The museums of centuries past were created by and for the societal elite, whether defined by wealth, education, or race. When museums were forced to reconcile their intended purpose from recreation to education in order to comply with the changes to American tax laws in 1969, they began to be seen as public forums rather than ivory towers.¹ As the ivory towers of the museums of the elite began to fall by the wayside, the public forums ushered in new audiences. These new audiences brought with them rich and diverse cultural identities and experiences that demanded to be recognized by these newly socially integrated spaces. With institutions like the National Museum of African American History and Culture and the National Museum of the American Indian, more spaces are being specifically created for diverse audiences. In 2014, the National Museum of American History acquired its first-ever LGBTQ+ specific collection.² For the first time, LGBTQ+ Americans were being recognized by a national museum, influencing other museums to regard sexual and gender minorities as an audience and collection subject for museums.

¹ “Summary of H.R. 13270, the Tax Reform Act of 1969 (as Passed by the House of Representatives).”

² National Museum of American History, “National Museum of American History Collects History Related to Lesbian, Gay, Bisexual and Transgender History,” September 26, 2014. <https://americanhistory.si.edu/press/releases/museum-collects-lesbian-gay-bisexual-transgender-history>.

The purpose of this paper is to examine the way in which institutions are applying ethical and legal standards to protect the collections and individuals in those collections that are related to sexual and gender minorities. LGBTQ+ specific, general, and federal institutions employ varying levels of protections based on their proximal relationship to LGBTQ+ populations and the minimum legal requirements and considerations for collections relating to sexual and gender minorities. Merriam-Webster defines ethics as “a set of moral principles.”³ Ethics in museums are understood to be a guiding set of moral principles that seek to bring about the highest possible good. The American Alliance of Museums affirms those principles by stating in their Code of Ethics that “loyalty to the mission of the museum and to the public it serves is the essence of museum work, whether volunteer or paid.”⁴ Museums therefore have a responsibility to serve their LGBTQ+ audiences by integrating ethical protections in their institutional policies.

Case Study Selection

There is no such thing as a singular LGBTQ+ community within the United States. Just like racial and religious minorities, sexual and gender minorities are one part of the American population. Unlike other minorities, there are no nationally recognized museums that specifically collect and exhibit LGBTQ+ history. In order to examine relevant collections policies, the author had to utilize other considerations to gather

³ Merriam-Webster, “Definition of ETHICS.” <https://www.merriam-webster.com/dictionary/ethics>.

⁴ American Alliance of Museums, “AAM Code of Ethics for Museums,” December 12, 2017. <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/code-of-ethics-for-museums/>.

appropriate case studies for analysis. Case studies were selected based on their identified affiliations within the confines of the following categories: LGBTQ+ specific private institutions, general institutions, and federal sites such as National Parks and Monuments. For the general institutions and federal sites, the candidates were filtered based on whether they included LGBTQ+ collections or were in some way related to LGBTQ+ history. Before the 50th anniversary of the events at the Stonewall Inn, this list would have been incredibly short. This anniversary brought LGBTQ+ history and collections to a plethora of general and federal institutions. Three institutions were identified as best suited for the intended analysis: the William Way LGBT Community Center and John J. Wilcox, Jr. Archives in Philadelphia, PA, the National Museum of American History in Washington, D.C., and the Stonewall National Monument, in New York City, NY. The William Way LGBT Community Center and John J. Wilcox, Jr. Archives serve the lesbian, gay, bisexual, and transgender community in Philadelphia and houses archival materials relevant to the community in the area. The National Museum of American History is a general institution that has recently begun intentionally collecting LGBTQ+ artifacts and archives. The Stonewall National Monument is one of the only sites in the federal system that is directly related to LGBTQ+ history and culture. Each of these institutions serves a unique audience and purpose but are united by their relevance to LGBTQ+ collections and their responsibility to ethically and legally preserve and protect those collections as public stewards.

Source Consultation and Paper Content

This paper is entirely based on the published collections management policies for each institution and their respective code of ethics. These policies will be evaluated based on their compliance with legal standards and their considerations for the highest level of ethical protections. Other documents that have been consulted are the American Alliance of Museum's Code of Ethics and the LGBTQ Alliance's Welcoming Guidelines for Museums published by AAM. Institutional historical context is provided by newspaper and journal articles, legal cases, and American federal laws.

This paper is primarily organized by separating the case studies into individual chapters. In order to provide a comprehensive an examination of the case studies, historical context needs to be established. Chapter Two will contextualize institutional history as well as major milestone historical events for LGBTQ+ civil rights in the United States and the landmark legal cases that punctuate that history. Chapters Three, Four, and Five will examine the policies and documents from the William Way LGBT Community Center and John J. Wilcox, Jr. Archives, the National Museum of American History, and Stonewall National Monument respectively. Chapter Six will be an analysis of the findings from the case studies and a reflection on the future of LGBTQ+ protections in museums and will conclude the paper.

Defining Terminology

Throughout this paper, terminology will be used that may not be immediately recognizable to an audience from outside the LGBTQ+ and museum communities. In this

paper, “LGBTQ+”⁵ is used to denote individuals or collections that identify with or are related to the lesbian, gay, bisexual, transgender, queer, and additional orientations community. The author also uses the term “queer” to describe this community using an umbrella term that typically applies to the academic theory and methodology related to sexual and gender minorities. This term, historically used as a hateful slur against members of the community, has been reclaimed and used as an umbrella term as necessary.⁶ The terms “ethics” and “ethical” are used to refer to the moral principles and standards use by institutions that are set to bring about the highest possible good. The term “protections” is used in this paper to describe the way in which institutions are ensuring the physical, emotional, and social safety of LGBTQ+ collections and individuals included within those collections. The term “considerations” is used in this paper to describe the ways in which institutions go beyond the legal minimum to ensure the physical, emotional, and social safety of LGBTQ+ collections and individuals included within those collections.

⁵ There are many combinations of this acronym that are used by members of the community. For the sake of clarity, the author will only use “LGBTQ+” to denote this community unless a different acronym is used in the official name of an institution or documented policy.

⁶ The author recognizes that not everyone that identifies within the LGBTQ+ community is comfortable using this word as an identity or umbrella term given its historical context. However, queer theory and methodology is the widely accepted terminology within academia to reference the study of sexual and gender minorities.

CHAPTER TWO

Contextual History and Literature Review

Introduction

Queer history and methodology present many challenges that are unique to the field due to the inherent fluidity and often intangible nature of the content. When examining other civil rights movements from the same time period, these liberation movements can be associated with designated, identifiable minority groups. Identifiers such as race and gender represent tangible, quantifiable characteristics that are able to be observed by outsiders. Since sexual orientation and gender identity are not inherently obvious identifiable characteristics, it is much harder to examine the history and biography of this minority group.

Like most minority groups, the progressive liberation of sexual and gender minorities can be traced through a series of milestone historical events that are punctuated by landmark legal cases. These events and legal cases often have far-reaching and long-lasting implications that continue to affect modern society. Whereas most minority groups have centuries of identifiable history, the history of sexual and gender minorities is generally speculative until the events of the 20th century began to unfold and the LGBTQ+ community began to openly take an active role in society.

The modern history of the progressive LGBTQ+ liberation into the 21st century directly correlates to the diversity and inclusion initiatives that have begun to take place in a majority of museums nationwide. These initiatives are the modern consequences of

the various civil rights movements that initially began in the 1960's and continued to gain traction through the end of the 20th century. These events and their consequences directly affect the modern museum field and have prompted professionals to assume a far more active role in pursuing the ethical treatment of sexual and gender minorities in their institutions and collections.

Contextual History of the LGBTQ+ Liberation Movement

While the liberation struggles of women and African Americans in the United States can be traced well into the early 19th century, the LGBTQ+ liberation movement was forced into what Walter Frank describes as a period of “isolation and oppression” well into the mid 20th century.¹ During this time, the United States federal government was actively attempting to purge homosexuals from government employment, citing the danger that “one homosexual...could pollute a government office.”² Frank asserts that over 800 government officials were fired or resigned within a two year span under the newly elected Eisenhower administration and its subsequent McCarthyistic practices.³ In fact it is estimated that more federal employees lost their positions due to accusations of homosexuality than communism during this time period.⁴ These terroristic tactics forced

¹ Walter Frank, *Law and the Gay Rights Story: The Long Search for Equal Justice in a Divided Democracy*, (New Brunswick, New Jersey: Rutgers University Press, 2014), 7.

² Joyce Murdoch and Deb Price, *Courting Justice: Gay Men and Lesbians v. the Supreme Court*, (New York: Basic Books, 2001), 17.

³ Frank, *Law and the Gay Rights Story*, 14.

⁴ “McCarthyism” describes a period of American History following World War II, during which time Senator Joseph McCarthy (R-WI) encouraged the creation of the House Committee on Un-American Activities. This committee held several trials intent on exposing the employees with communist ties in the American government. This period also led to the “Lavender Scare,” during which time LGBTQ employees were identified and removed from government employment.

sexual and gender minorities to hide their identity out of fear of social and legal consequences.

Many of the fear tactics engaged by government and law enforcement agencies against sexual and gender minorities were utilized on a smaller scale than the national communistic purges. These tactics most often manifested as raids on establishments that were suspected of harboring spaces that promoted the gathering of homosexuals. These raids were especially prominent in large, coastal cities with concentrated populations of sexual and gender minorities like New York City and San Francisco.

Many historians and sexual and gender minorities credit the beginning of the LGBTQ+ liberation movement to a raid on one such establishment: the Stonewall Inn. In June of 1969, New York City Mayor John Lindsay took up his predecessor's raid tactics in hopes of bolstering his incumbent mayoral campaign.⁵ Four raids had already taken place in the month of June, with the Stonewall Inn as the target of the fifth. Many police raids on homosexual bars and other establishments were justified using other reasons for authorization such as selling the raid as attempting to curb the activities of organized crime. Many homosexual bars were run by the various mafias within New York City, since the mafia tended to keep the police force at bay and sexual and gender minorities were not actively barred from the establishments. This target of organized crime was also the justification used for the raid on the Stonewall Inn on the night of June 28th, 1969. While most victims of raids would "never fight back...They accepted quietly and

⁵ Frank, *Law and the Gay Rights Story*, 32.

willingly,” this submissive reaction to legal oppression would cease to be the normative response following the raid on the Stonewall.⁶

As the police began to usher out the patrons of the Stonewall, many of them that were released without arrest did not disperse from the scene as was the typical reaction. Instead, the patrons began to ask why they had to endure these raids when they were seeking basic human connection like their fellow heterosexual citizens. The patrons at Stonewall decided that night that this tyrannical treatment from police had to come to an end. Refusing to allow their friends and community be targeted once again, their discontent with the oppressive raid tactics began to manifest beyond passive observation as patrons started to throw rocks and bottles at the raiding police force, pushing the law enforcement officers to retreat back into the raided establishment. Amazingly, there were no casualties the night of the Stonewall riot. There was no legal consequence the next night as the patrons returned to the Stonewall, prepared to once again take an active role against their systematic oppression. This sense of agency continued to permeate populations of sexual and gender minorities even outside of the large, coastal cities as the night of the Stonewall riot was commemorated the following year with celebratory marches across the country.⁷ The events at the Stonewall Inn encouraged sexual and gender minorities to actively rise up against the fear tactics of the government and law enforcement agencies that sought to keep them in their practice of isolation. The LGBTQ+ community was born out of the civil rights movements of the 1960’s and the agency that was seized by the patrons at the Stonewall Inn on June 28, 1969.

⁶ Frank, *Law and the Gay Rights Story*, 39.

⁷ *Ibid.*, 35.

Landmark Legal Cases for LGBTQ+ Liberation

While the Stonewall riots were the impetus behind the growing LGBTQ+ liberation movement, sexual and gender minorities still had many legal hurdles to overcome before they could safely and securely live openly with their identities. At the time of the events at Stonewall, almost every state in America had some type of anti-sodomy law in place. At that point there had been no far-reaching federal policies other than the Eisenhower administration purges. This changed in 1986 with the Supreme Court decision upholding the constitutionality of state anti-sodomy laws in the case of *Bowers v. Hardwick*.⁸ This ruling presented the first major legal setback for LGBTQ+ liberation in the United States.

The *Bowers v. Hardwick* ruling came right at the height of the HIV/AIDS crisis in the United States, encouraging further discrimination against sexual and gender minorities.⁹ Many in the LGBTQ+ community assumed that events would turn in favor of the community with the election of democrat Bill Clinton to presidential office in 1992. Unfortunately, that hope was short lived. The year President Clinton took office, he authorized the implementation of the discriminatory policy directive for the United States military that would become commonly referenced as “Don’t Ask, Don’t Tell.” This directive prohibited military members from directly discriminating against or harassing homosexual members, so long as those members did not “demonstrate a propensity or

⁸ Legal Information Institute, “*Bowers v. Hardwick*,” <https://www.law.cornell.edu/supremecourt/text/478/186>.

⁹ The first cases of HIV/AIDS in the United States began in the late 1970’s. The disease affected gay men disproportionately in its initial stages, causing it to become known as the “gay disease.” The executive administrations during that time refused to allow federal funding for research and treatment of the disease until it began to affect heterosexual citizens. It is estimated that well over half a million Americans have died of HIV/AIDS since the beginning of the epidemic.

intent to engage in homosexual acts” while an active member of the military in any branch.¹⁰ Military members that actively identified within the LGBTQ+ community and exhibited the previously referenced tendencies were barred from service or risked immediate dishonorable discharge. This policy remained in full effect for the better part of two decades until facing repeal from the Obama administration in 2010.¹¹

Sexual and gender minorities faced further oppression under the Clinton administration when the Defense of Marriage Act was signed into law in 1996. This act asserted the definition of legally recognized marriage in the United States as being “between one man and one woman as husband and wife.”¹² The Defense of Marriage Act crushed the previous hopes that Bill Clinton would further the LGBTQ+ liberation movement as President of the United States. The Defense of Marriage Act remained in full legal effect until being repealed by the Obama administration 2013.

After the major setbacks of the end of the 20th century, four landmark legal events ushered in a new era of LGBTQ+ liberation in the first two decades of the 21st century. The first major landmark event was the Supreme Court case of *Lawrence v. Texas* in 2003 that essentially overturned the decision upholding state sodomy laws in *Bowers v. Hardwick*. Frank asserts that even though the Bowers decision had no effect on the rate of sodomy “crimes,” it had in fact “had given these statutes constitutional sanction... in effect permitting the state to criminalize normal gay sexual activity.”¹³ The decision of

¹⁰ David F. Burrelli, “Don’t ask, don’t tell:” The law and military policy on same-sex behavior, *Congressional Research Service*, 2009, http://digitalcommons.ilr.cornell.edu/key_workplace/653.

¹¹ Elisabeth Bumiller, “Obama Ends ‘Don’t Ask, Don’t Tell’ Policy,” *The New York Times*, July 22, 2011, <https://www.nytimes.com/2011/07/23/us/23military.html>.

¹² *Cong. Rec.*, 114th Cong., 2nd sess., 1996, H.R.3396-1.

¹³ Frank, *Law and the Gay Rights Story*, 95.

Lawrence v. Texas effectively protected gay sexual activity under the “liberty interest of the Fourteenth Amendment’s Due Process Clause.”¹⁴ This protected sexual and gender minorities by protecting their right to privacy under the Fourteenth Amendment of the United States Constitution. This protection granted by the decision of *Lawrence v. Texas* held that “homosexuals were entitled to respect for their private choices,” paving the way for the advancement of gay rights by removing the barrier of their very identity no longer being viewed as criminal in the eyes of the law.¹⁵

Not long after the landmark case of *Lawrence v. Texas* in 2003, the Obama administration pushed to repeal the Clinton administration’s policies of “Don’t Ask, Don’t Tell” and the Defense of Marriage Act in 2010 and 2013, respectively. Even though Barack Obama did not initially support same sex marriage as part of his 2008 presidential campaign, his election in 2008 proved to be the administration that sexual and gender minorities had been waiting for to continue their fight for equal civil rights. These legal landmarks were made possible by the growing social acceptance of homosexuality in American society, influenced by several events throughout the 1990’s and early 2000’s that broke the national news cycle.¹⁶

Not long after the historic repeals of “Don’t Ask, Don’t Tell” and the Defense of Marriage Act, the Supreme Court ushered in a landmark case that signified a new era of LGBTQ+ rights in the United States. A crucial ruling in the case of *Obergefell v. Hodges* in 2015 decided that same-sex marriage would be considered a legal union by the United

¹⁴ Ibid.

¹⁵ Ibid., 96.

¹⁶ *Obergefell v. Hodges*, 14 US 556 (2015), 2.

States federal government, overturning several states' laws that maintained its illegitimacy in the eyes of their laws. Writing for the majority, Justice Ruth Bader Ginsburg asserted that same-sex marriage did not go against the inherent value of the sanctity of marriage, because "far from seeking to devalue marriage, the petitioners seek it for themselves because of their respect—and need—for its privileges and responsibilities. And their immutable nature dictates that same-sex marriage is their only real path to this profound commitment."¹⁷ *Obergefell v. Hodges* remains one of the most significant events in modern LGBTQ+ history due to its legal and social impact. This ruling set the legal minimum for sexual and gender minorities to be granted the same rights as heterosexual American citizens.

Literature Review

While there is a rising amount of literature in the museum field regarding LGBTQ+ exhibits and interpretation, there are precious few resources examining the actual treatment and policy protections of those collections in institutions. As the museum world came to grapple with its new standard of diversity and inclusion, most of the attention in that vein was being given to making museums a welcoming space for audiences of sexual and gender minorities and debating if and how museums should interpret LGBTQ+ objects and stories.

The first barrier that had to be removed for sexual and gender minorities in museums was the acknowledgement that the world of museums was changing alongside the world around them. As society in general became more aware of diversity and began

¹⁷ *Obergefell v. Hodges*, 14 US 556 (2015), 4.

to work toward inclusivity, museums too found themselves working through these issues within their institutions. As discussed by David Fleming in his chapter, “Positioning the Museum for Social Inclusion,”¹⁸ in *Museums, Society, and Inequality*, museums had to evaluate their changing purpose and audiences. It was not the case that America all of a sudden had an influx of LGBTQ+, African American, and Native citizens. But the latter half of the 20th century saw many strides toward greater protections for these minority groups. The diversity of the country did not change, the visibility of that diversity changed. The same was true for museums and their audiences.

With the changing climate of the museum world, institutions had to re-evaluate what they had, who they were for, and where they were going.¹⁹ Many of the early publications of this time, such as Darryl McIntyre’s “What to Collect? Museums and Lesbian, Gay, Bisexual, and Transgender Collecting,”²⁰ examined what about an object connected it to sexual and gender minorities. What makes an object queer? This base level of interpreting “what they had” constituted the extent of the field’s literature concerning LGBTQ+ people and collections until the legal barriers began to fall and queer topics became more common in public discourse.

It wasn’t until well after *Lawrence v. Texas* in 2003 that museums really started shifting toward a more diverse and inclusive representation in their exhibits. Amy K. Levin’s *Gender, Sexuality, and Museums* boasts being one of the first (and only)

¹⁸ Richard Sandell, *Museums, Society, Inequality*, Museum Meanings, (London ; Routledge), 2002.

¹⁹ Sandell, *Museums, Society, Inequality*, 2.

²⁰ Darryl McIntyre, “What to Collect? Museums and Lesbian, Gay, Bisexual and Transgender Collecting,” *International Journal of Art & Design Education* 26, no. 1 (2007): 51, <https://doi.org/10.1111/j.1476-8070.2007.00509.x>.

“comprehensive” museum resource concerning gender and sexuality.²¹ This resource was compiled just one year before the repeal of “Don’t Ask, Don’t Tell” and just two years before the repeal of the Defense of Marriage Act. This was a critical time when sexual and gender minorities were gaining visibility in our society and gaining traction as a societal norm. The same shifting perspectives that lead to those historic repeals also influenced the museum world, and that is evident in Levin’s compilation of *Gender, Sexuality, and Museums*.

The museum field saw an even greater push toward inclusion after the repeals of “Don’t Ask, Don’t Tell” and the Defense of Marriage Act in 2011 and 2013, respectively. While the country worked toward the next legal hurdle to be crossed, the museum world began to examine not only the role of gender and sexuality in museums, but how many institutions were interpreting the history of gender and sexual minorities. Rowman and Littlefield began releasing a series entitled *Interpreting History*, of which Susan Ferentinos’ *Interpreting LGBT History at Museums and Historic Sites* was a major publication.²² This was one of the first works in the museum field that examined not just what or for whom museums were exhibiting, but how they were exhibiting. Ferentinos’ work was also the first major publication in the museum field to solely focus on LGBTQ+ issues and interpretation. This milestone showed the growing inclusion of sexual and gender minorities in the museum field.

²¹ Amy K. Levin, *Gender, Sexuality, and Museums*, (New York: Routledge, 2010), 1.

²² Susan Ferentinos, *Interpreting LGBT History at Museums and Historic Sites*, (London: Rowman and Littlefield, 2015).

Organizational Publications

Since these major publications, most resources concerning LGBTQ+ issues in the museum field have been released by working groups within larger organizations. These publications by working groups reflect the current initiatives and trends in the museum field because they are updated and replaced far more frequently than formal publications. The two major organizational publications from recent years are “Facing Change: Insights from the American Alliance of Museums’ Diversity, Equity, Accessibility, and Inclusion Working Group” in 2018 and Welcoming Guidelines for Museums” from the LGBTQ Alliance of AAM in 2016. These publications have fundamentally influenced the museum field and the way that museums evaluate and enact initiatives concerning diversity and inclusion, specifically considering sexual and gender minorities.

The 2016 report from the LGBTQ Alliance of AAM sought to call attention to the basic policy protections that museums should ensure to become more welcoming to LGBTQ audiences, employees, and others that interact with the museum. The guidelines identified welcoming initiatives within the set categories in AAM’s Standards of Excellence, which outline best practices for museums. Each welcoming initiative is equated with a pre-existing standard recommendation for best practice within the following categories: public trust and accountability, mission and planning, leadership and org structure, collections stewardship, education and interpretation, and financial stability.²³ These welcoming guidelines are to be examined in more depth in the following discussion on best practices for collections concerning sexual and gender minorities.

²³ LGBTQ Alliance, “Welcoming Guidelines”, American Alliance of Museums, 2016, 7.

The 2018 report from the DEAI working group sought to examine the most important issues, called insights, within the field in its current state. The five insights identified by the DEAI working group are as follows:

1. Every museum professional must do personal work to face their unconscious bias
2. Debate on definitions must not hinder progress
3. Inclusion is central to the effectiveness and sustainability of museums
4. Systemic change is vital to long-term, genuine progress
5. Empowered, inclusive leadership is essential at all levels of an organization²⁴

The working group identified these insights as the fundamental necessities to encourage further work in museums related to diversity, equity, accessibility, and inclusion. The working group specifically references the “Welcoming Guidelines for Museums” by the LGBTQ Alliance in insight 4, concerning systemic change. The LGBTQ Alliance’s report represents a first step in influencing systemic change in our museums and institutions.²⁵ These guidelines are meant to equate policy protections for sexual and gender minorities to the general standards of excellence outlined by AAM for best practices in museums.

Best Practices

Best practices in museum collections refers to the standards set by AAM and by the museum community at large for the management and care of museum collections, often referred to as collections stewardship. AAM outlines the best practices of the field in their guide *National Standards and Best Practices for U.S. Museums*. In this guide, the Standards of Excellence previously discussed are examined and detailed in full. Best

²⁴ Diversity, Equity, Accessibility, and Inclusion Working Group, “Facing Change,” American Alliance of Museums, 2018, 4.

²⁵ Ibid., 10.

practices essentially ensure that each museum knows what it has, where it is, who owns it, and that it is being taken care of.²⁶

The Standards of Excellence also highlight the ethical and legal requirements for ensuring good collections stewardship. In fact, the second point of the Characteristics of Excellence Related to Collections Stewardship states “the museum legally, ethically, and effectively manages, documents, cares for and uses the collections.”²⁷ The resource continues to examine the standards and best practices of collections management and stewardship in a discussion on how to assess these standards within a museum. One of the assessment criteria states that “ethical considerations of collections stewardship are incorporated into the appropriate museum policies and procedures.”²⁸ This formed the basis of this research, by examining collections management policies and assessing their legal and ethical considerations for collections related to sexual and gender minorities.

In their 2016 report, “Welcoming Guidelines for Museums,” the LGBTQ Alliance of AAM examined the Standards of Excellence and identified related measures that should be taken into account specifically for LGBTQ+ audiences, employees, and collections. In their recommendations for LGBTQ+ considerations in museum collections, the report identifies a number of issues that should be examined when working with collections of this nature, most notably the acknowledgement and acceptance of collections or objects from extra-legal heirs in the acquiring process, respecting the private and personal nature of the subject by allowing donors or subjects to

²⁶ The American Alliance of Museums, *National Standards and Best Practices for U.S. Museums*, (Washington, D.C.: AAM Press, 2008), 47.

²⁷ *Ibid.*, 46.

²⁸ *Ibid.*, 48.

remain anonymous, and the acknowledgement that these collections often require a different level of care and research given their relationship to a historically marginalized population.²⁹ In addition to these ethical considerations, I would also include the examination and adjustment of access to the collections based on the issue of personal privacy. These recommended standards form the basis of assessing and examining the policies and documents from the selected case studies concerning the issue of collections related to sexual and gender minorities.

These Standards of Excellence and best practices are guidelines that all AAM member institutions are expected to acknowledge and uphold. Perfection within museum policies is an idealized hope, but it is one that museums can continue to strive for within their own power. If museums are willing to accept these collections that contain potentially sensitive subject matter and are connected to historically marginalized populations, then these institutions must also accept the ethical and legal responsibilities that accompany these collections. The Standards of Excellence identified by AAM and the respective recommendations outlined by the LGBTQ Alliance provide an excellent resource for museums to utilize as they re-examine their policies in order to better serve these minority populations and their collections.

Conclusion

These publications were all conceived to fill a perceived gap in the literature of the museum field at a given time. This literature has discussed the many facets of sexual and gender minorities in the museum, including examining what the museum collects, who they interpret and exhibit LGBTQ+ objects and stories, and how we can make our

²⁹ LGBTQ Alliance, *Welcoming Guidelines*, 15.

institutions more welcoming to those that identify within the LGBTQ+ community. This research aims to cover what the author perceives as another gap in the literature of the museum field: what basic protections are museums ensuring for collections concerning sexual and gender minorities? This seemingly basic question is anything but, considering that the collections management policy influences every other operation of the institution: interpretation, exhibits, education, and more. The field has been concerned with what we are collecting and how we've been interpreting it, but there has been a lack of concern over what we are doing to protect it and the people within it. Now that sexual and gender minorities have achieved the same basic human rights as other American citizens, it is well past time that sexual and gender minorities receive that same treatment in museum collections.

CHAPTER THREE

Case Study:

William Way LGBT Community Center and John J. Wilcox, Jr. Archives

Institutional Background

The William Way LGBT Community Center and John J. Wilcox, Jr. Archives is one of the oldest LGBT community centers in the nation, having been founded in 1974 just four years after the credited first community center in Albany, N.Y. The WWCC and JJWJA have gone through several location changes throughout their history, finally settling into their own building in 1997. In the early years of the community center, founder William “Bill” Way would often hold board meetings in his own living room. This grassroots organization has continuously served the Philadelphia LGBTQ+ community for over 40 years.

William Way was a city planner for the city of Philadelphia and early LGBTQ+ activist. The WWCC was one of the first centers in the United States where sexual and gender minorities could go to receive counseling and support services without fear of judgment or retribution. True to this nature, the WWCC was an early player in the fight for transgender rights, offering transgender-specific services to the community since the early 1990’s. Since its founding in 1974, the WWCC has aimed to provide comprehensive services for the community including a library, counseling, support services, and classes.

These services were enhanced in 1997 when the John J. Wilcox, Jr. Archives became an important component at the WWCC. The JJWJA collects archival material

concerning the LGBTQ+ community and its history in the greater Philadelphia area. These archives were recently utilized for one of the first LGBT history exhibits ever to display in a national museum: “Speaking OUT for Equality: The Constitution, Gay Rights, and the Supreme Court.” The exhibit was displayed at the National Constitution Center from June of 2015 through January of 2016.¹ In the same year, the WWCC and JJWJA received a grant to work with the Department of Interior to develop LGBT walking tours for use at Independence Hall National Historic Park.² The WWCC continues to develop its outreach programs and services to serve the LGBT community of Philadelphia.

Mission and Purpose

The mission and purpose of the institution greatly influences the legal and ethical considerations included in the collections management policy. The mission of a museum is “one of its foundational statements. It reflects the purpose for which the museum was established, articulating how the museum is to fulfill that purpose- what it does, whom it serves, and what impact it strives to have.”³ The museum’s mission dictates and guides every policy and procedure. If the institution does not cite respect for diversity and inclusion or an emphasis on equal treatment in their mission or purpose, there is no reason to expect the institution to uphold and include those values in their institutional

¹ “Speaking Out for Equality: The Constitution, Gay Rights, and the Supreme Court,” National Constitution Center, <https://constitutioncenter.org/calendar/speaking-out-for-equality-the-constitution-gay-rights-and-the-supreme-court>.

² William Way Community Center, “History,” <https://www.waygay.org/history>.

³ Sally Yerkovitch, *A Practical Guide to Museums Ethics*, (London: Rowman and Littlefield, 2016), 9.

policies. “Loyalty to the mission of the museum and to the public it serves is the essence of museum work.”⁴ Museums and institutions must prioritize the mission of the museum when considering specific policies and procedures.

The mission of the John J. Wilcox, Jr. Archives at the William Way LGBT Community Center is stated as follows in the “Institutional Mission Statement”:

“The mission of the Archives is to collect, describe, interpret, and provide access to publications, personal papers, organizational and business records, audiovisual materials, and ephemera created by, dealing with, or of special interest to gay, lesbian, bisexual, and transgender individuals. Our collections include materials from around the world, but preference is given to items that document the lives of sexual minorities in Delaware, New Jersey, and Eastern Pennsylvania.”⁵

This mission only includes the mission for the JJWJA and not the mission associated with the WWCC itself. The mission of the archive identifies sexual minorities of its local area as its target subject. It identifies the materials and objects that are within the scope of the collection. The statement also identifies preservation and access as the reasoning that drives the mission.

The mission of the WWCC in general varies from that of the JJWJA and reads as follows:

“The William Way LGBT Community Center’s mission is to encourage, support, and advocate for the well-being of sexual and gender minorities in the Greater Philadelphia region through service, recreational, educational, and cultural programming.”⁶

⁴ American Alliance of Museums, “AAM Code of Ethics for Museums,” December 12, 2017. <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/code-of-ethics-for-museums/>.

⁵ William Way LGBT Community Center, “WWCC Collection Development Policy,” section II., subsection A., 2018.

⁶ Archives Advisory Committee, “Collections Management Policy,” 2016, 3.

Both missions identify sexual and gender minorities, also referenced as those identifying as gay, lesbian, bisexual, or transgender, as the intended target audience for the missions. The mission of the WWCC also recognizes and identifies the mission of the JJWJA within its mission statement. The JJWJA fits into the service, educational, and cultural programming activities of the WWCC as identified in the mission statement. The mission of the WWCC clearly states that their institutional purpose is to “encourage, support, and advocate for the well-being of sexual and gender minorities.”⁷ Since there is no specification, it can be deduced that the “well-being” can and does include the physical, emotional, and social well-being of sexual and gender minorities.

There are many considerations that must be explored when dealing with collections concerning sexual and gender minorities. Since sexual and gender orientation is largely intangible and impossible to discern by an outside observer, there is a difference in how institutions can and should protect intangible as opposed to tangible minorities. One common way in which institutions can protect and support both intangible and tangible minorities is through the use of appropriate language. This includes what should be the standard practice of avoiding hate speech and slurs but should also include language that is contemporary with the language utilized and deemed appropriate by the minority community.⁸ This is a consideration that is often considered a minimum standard of respect when dealing with minority collections and individuals

⁷ Archives Advisory Committee, “Collections Management Policy,” 2016, 3.

⁸ An example of this would be the contemporary shift from referring to individuals that identify as a different gender than that with which they were born “transgender” rather than a “transvestite.” The latter is now widely considered to be a hateful slur by sexual and gender minorities, even though it was historically used as an identity by those within the LGBT community.

within those collections. The JJWJA mission and collections management policy use language that is consistent with contemporary use within the LGBTQ+ community.

Legal Considerations and Protections: Best Practices

In addition to the landmark legal cases that punctuate LGBTQ+ history, there are many historic legal issues that are involved when dealing with collections concerning sexual and gender minorities. These issues must be taken into account when crafting policies that govern collections with sensitive minority populations. Including considerations for these issues are addressed in the LGBTQ Alliance’s Welcoming Guidelines for Museums. One such consideration is the issue of donations made by heirs of an estate and whether the museum or institution has considered the issue extra-legal heirs within their donation acceptance policies. Unfortunately, many sexual and gender minorities can face disinheritance when revealing their identity or orientation to family.⁹ Alternately, same-sex couples were not protected by law until the legalization of same-sex marriage decided in 2016 by the Supreme Court in *Obergefell v. Hodges*. As a consequence, many long-term partners in same-sex relationships were not able to receive the financial and physical assets that they rightfully and ethically deserved if their partner died intestate. One such case is *Vasquez v. Hawthorne*. Frank Vasquez had lived with his partner, Robert Schwerzler, for 28 years when his partner suddenly died in 2001.¹⁰

⁹ This process is also commonly referred to as “coming out.” This term is a play on the social custom of young ladies in English high society “coming out” to society when they became of age and would present themselves to the Queen or King of England. The LGBTQ+ community adopted this phrase to mean coming out to the queer community and has since adopted a meaning of “coming out of the closet.”

¹⁰ LGBT Movement Advancement Project, “LGBT Older Adults and Estate Tax and Inheritance,” <https://www.lgbtmap.org/file/lgbt-older-adults-and-estate-tax-and-inheritance.pdf>.

Leaving no will, Vasquez was sued by the legal heirs of Schwerzler for what they considered their inheritance: the home that he and Vasquez shared along with the financial assets of their shared business. Ultimately, the Washington State Court decided that because same-sex partners were not protected by state inheritance statutes, Vasquez could remain in their shared home but was forced to relinquish the financial assets to Schwerzler's legal heirs.¹¹ In order to set a standard of welcoming and protective policies, museums must take the first step in working with LGBTQ collections by allowing donations from extra-legal heirs. While this may be already in practice, all practices must be reflected in the policy in order to have official standing within the museum.

Legal inheritance and extra-legal heirs are not the only complications surrounding the legal difficulties of collections concerning sexual and gender minorities. Privacy and access protections for the institution, collection, and individuals represented as subject matter within the collection must be considered in order to meet the best practice for ethical standards. Most states have adopted some sort of legal statute that protects individual, non-public privacy rights in the United States. These protections are identified under a variety of categories, including invasion of privacy as defined as “unreasonable publicity given to one’s private life.”¹² These statutes state that non-public persons are protected from and have the legal right to sue for the unpermitted disclosure of potentially embarrassing private information. It could be argued, legally and ethically, that this protection extends to the unpermitted disclosure of one’s sexual or gender orientation. For much of contemporary history, sexual and gender minorities have faced

¹¹ *Vasquez v. Hawthorne*, 33 P.3d 735, (SC Wash. 2001).

¹² Privacy Act of 1974, 5 U.S.C. 552a (1974).

dire consequences for disclosing one's orientation privately and/or publicly.

Disinheritance, social rejection, and extreme violence are only a few of the consequences of disclosing one's orientation, even with contemporary protections for sexual and gender minorities. Collections management policies must utilize these legal standards as a minimum guidance for their policies in order to protect the historically marginalized populations represented in their collections.

Policy Specifics

The JJWJA strives to serve LGBTQ+ individuals within the Philadelphia community by providing historical resources that can be researched and utilized to connect to the past. The archives reflect the growth and change of the community and its collection throughout time. While the JJWJA collections management policy addresses the legal issues of heirs and donations to the archives and includes many considerations for sexual and gender minorities, it does not have any specifications in place for extra-legal heirs. In the criteria for donation to the archives denoted in the subsection "Title," the JJWJA collections management policy identifies the following specification concerning legal ownership:

The current owner of the object may be asked to declare in writing through a Deed of Gift that the owner has clear title to the object. At its discretion, the Archives may request documentation of an object's provenance. A sale or donation to the institution will be a legal transfer from the seller or donor to WWCC. If the seller or donor owns copyright, this is customarily transferred to WWCC as well.¹³

¹³ Archives Advisory Committee, "Collections Management Policy," Section III. Acquisitions/Accessions, subsection 3. Title, 2016, 5.

Considering that the mission of the WWCC and the Archive is to “encourage, support, and advocate for the well-being of sexual and gender minorities,” it is disloyal to the mission to disregard the historic legal difficulties of same-sex partners and inheritance law.¹⁴ The law is a minimum standard set by the state or federal government. As previously stated, museums and institutions must exceed this legal minimum in order to achieve the most possible good that define ethical standards. It may be that the JJWJA accepts these donations in practice, but in order to be effective, that practice must be reflected in the policy. To meet the ethical standards that would most benefit the intended audience and subject of the Archive, the JJWJA collections management policy must address the legal complication of extra-legal heirs and inheritance.

The JJWJA strives to support the well-being of sexual and gender minorities, and this purpose is reflected in its mission statement. To fulfill that purpose, privacy and access restriction considerations must be included within their collections management policy. Currently, the only privacy protection identified in the collections management policy is found under Section X. Access and Use, subsection B. Terms and Conditions and reads as follows:

To protect the privacy of donors and the security of the collection, access to certain information in the object files may be restricted. Donor’s contact and other personal information will not be provided without their permission. Insurance and appraised values of collections will be kept confidential. The WWCC reserves the right to deny access to other types of information contained in its collection records.¹⁵

The collections management policy does not specify the categories of personal information that may be protected by this clause, nor does the policy specifically identify

¹⁴ Archives Advisory Committee, “Collections Management Policy,” 2016, 3.

¹⁵ Ibid., 18.

orientation as private information. Not only should this clause include the permission of disclosure of orientation within archival materials for personal protection, but for the protection of the institution against potential civil suits. The unpermitted disclosure of the orientation of an individual within the collection could potentially be considered an invasion of privacy by a court of law by constituting as the disclosure of potentially embarrassing private information. The JJWJA should identify the release of the institution from legal action for the disclosure of orientation within archival materials in subsection B. Terms and Conditions as a criteria for donation to the archive for legal protection and seek the permission to disclose orientation within archival materials for the ethical protection of sexual and gender minorities within the policy. Even if the JJWJA has internal documents for dealing with potentially sensitive material, the policy must reflect the implementation of this process for the future protection of the collection.

Ethical Considerations

Codes of Ethics

In the Afterword of the Code of Ethics, the American Alliance of Museums states that:

Each nonprofit museum member of the American Association of Museums should subscribe to the AAM Code of Ethics for Museums. Subsequently, **these museums should set about framing their own institutional codes of ethics**, which should be in conformance with the AAM code and should expand on it through the elaboration of specific practices. This recommendation is made to these member institutions in the belief that engaging the governing authority, staff and volunteers in applying the AAM code to institutional settings will stimulate the development and maintenance of sound policies and procedures necessary to understanding and ensuring ethical behavior by institutions and by all who work for them or on their behalf.¹⁶

¹⁶ American Alliance of Museums, "AAM Code of Ethics for Museums," December 12, 2017.

The JJWJA does not identify an institutional code of ethics drafted with the individual needs of the WWCC in mind. The ethical standards as identified by the collections management policy in the subsection “Code of Ethics” read as follows:

WWCC recognizes that the Society of American Archivists (SAA), the American Library Association (ALA), and the American Association [Alliance] of Museums (AAM) have the effort to bring an awareness of ethical standards to archives, library and museum professionals through the current guidelines set forth in their various codes of ethics: SAA’s *Code of Ethics for Archivists*, ALA’s *Code of Ethics*, and AAM’s *Code of Ethics for Museums*. In general principle the Archives affirms and supports the contents of these codes.¹⁷

As previously stated, JJWJA does not identify an individual code of ethics within its collection management policy. The policy of the JJWJA should reflect the mission of the WWCC. Sexual and gender minorities have, historically, had to fight long and hard to achieve basic rights in the United States. As an institution that “encourages, supports, and advocates for the well-being of sexual and gender minorities,” the WWCC and JJWJA **must** uphold its mission by including an institution-specific code of ethics within its collections management policy. Doing so will demonstrate the actions taken by the WWCC to actively uphold its mission and institutional purpose.

Conclusion

While the mission and purpose of a museum or institution greatly influences its policies and procedures, there are certain legal and ethical protections and considerations that must be regarded in order to uphold said mission, especially when the collection concerns historically disadvantaged populations such as sexual and gender minorities. As Hillel the Elder famously said, “If I am not for myself, who is for me? But if I am for my

¹⁷ Archives Advisory Committee, “Collections Management Policy,” section I. Introduction, subsection E. Code of Ethics, 2016, 3.

own self only, what am I? And if not now, when?”¹⁸ If an institution that identifies as an advocate for sexual and gender minorities does not specifically and actively seek to protect those within the LGBTQ+ community, how can it ever expect others to do the same?

¹⁸ “Pirkei Avot 1:14,” Sefaria, www.sefaria.org/Pirkei_Avot.1.14.

CHAPTER FOUR

Case Study: Smithsonian Institution National Museum of American History

Institutional Background

The Smithsonian Institute was created in 1846, more than 17 years after John Smithson willed his estate to the United States in order for them to create “at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge.”¹ This large estate bequeathed to the United States allowed the government to found a public institution of learning that receives federal funding but is not subject to the authority of the federal government. The Smithsonian Institute has one of the largest collections in the world, and their system of twenty separate museums have become a true foundation of American culture.

The National Museum of American History was signed into existence by President Eisenhower in 1955 as the Museum of History and Technology. The museum operated under this title until 1980 when the Smithsonian Institution changed the name better reflect the mission of the museum, and the National Museum of American History became a national staple of American culture. The museum prides itself on housing over 1.8 million objects and over three shelf-miles of archives that aim to “explore the infinite richness and complexity of American history.”² The National Museum of American

¹ National Museum of American History, “Mission & History,” March 1, 2012, <https://americanhistory.si.edu/museum/mission-history>.

² Ibid.

History received over 2.8 million visits in 2019, and is continuously working to expand outreach and interactive experiences for its audiences.³

Mission and Purpose

General museums that hold LGBTQ+ collections must identify itself within its policies as an institution that protects the trust of the public through its collections stewardship. The mission of the National Museum for American History varies depending on the time frame of the document. A museum's mission statement is meant to change over time along with the role of the museum. The NMAH has identified their mission as stated in the collections management policy from December 19, 2012 states:

The National Museum of American History, Behring Center (NMAH) dedicates its collections and scholarship to inspiring a broader understanding of our nation and its many peoples. We create learning opportunities, stimulate imaginations, and present challenging ideas about our country's past.⁴

According to AAM standards, this mission statement was lacking the identification of an audience within the mission statement. A mission statement must always include an audience for whom the museum strives to serve, a reason of purpose, and an identification of education within the mission of the museum. It could be argued that "dedicates its collections and scholarship to inspiring a broader understanding of our nation and its many peoples" encompasses the purpose of the institution, while "We create learning opportunities" identifies education as a part of the mission.⁵ This mission statement varies greatly from the current mission statement identified on the NMAH

³ Smithsonian Institution, "Visitor Stats," <https://www.si.edu/newsdesk/about/stats>.

⁴ "Collections Management Policy," National Museum of American History, 2012, 1.

⁵ Ibid.

website and resources. A short mission tagline is identified on the NMAH home page, and it reads as follows:

We help people understand the past in order to make sense of the present and shape a more humane future.⁶

The NMAH provides another mission statement that utilizes the above statement, which can be found on the “Mission and History” section of the website:

Through incomparable collections, rigorous research, and dynamic public outreach, we explore the infinite richness and complexity of American history. We help people understand the past in order to make sense of the present and shape a more humane future.⁷

Not only is this a more comprehensive mission statement according to AAM standards, but this mission statement better articulates the role of the NMAH.

Since the NMAH is a general museum, they are not explicitly associated with or responsible to the LGBTQ+ community. But by accepting their first LGBTQ+ collection in 2014⁸ and by stating that they seek to “shape a more humane future,” the NMAH has accepted responsibility to these collections and the minority populations they represent. This responsibility is also explicitly identified in the subsection “Collections and the Museum Mission” within the collections management policy. This statement reads:

In acquiring and preserving collections the Museum acknowledges its responsibility to the American Public, for whom the legacy of material culture is

⁶ “National Museum of American History.” <https://americanhistory.si.edu/>.

⁷ National Museum of American History. “Mission & History,” March 1, 2012. <https://americanhistory.si.edu/museum/mission-history>.

⁸ National Museum of American History, “National Museum of American History Collects History Related to Lesbian, Gay, Bisexual and Transgender History,” September 26, 2014, <https://americanhistory.si.edu/press/releases/museum-collects-lesbian-gay-bisexual-transgender-history>.

held in trust...Strict accountability in all aspects of collections management is essential to the Museum's trust responsibility.⁹

While the above statement does not explicitly identify sexual and gender minorities as an audience or collection, this acknowledgement of responsibility does identify the American Public, of whom the LGBTQ+ community is a part. Through this acknowledgement of responsibility, the NMAH openly accepts not only the responsibility of general public stewardship of collections, but to the populations which those collections represent. Therefore, it is incumbent upon the museum to explicitly identify ethical and legal protections for sexual and gender minorities within their collections management policy utilizing the same best practices as were identified in Chapter Three.

Policy Specifics

In accordance with the best practices outlined in Chapter Three, there are a few pressing legal topics associated with sexual and gender minorities in museum collections, including: extra-legal heirs, privacy, and access. The NMAH collections management policy contains statements on each of these issues, although none specifically addressed as statements including sexual and gender minorities.

On the issue of legal title and donations by extra-legal heirs, the NMAH's collections management policy addresses legal ownership under the subsection "Documenting Legal Transfer of Title." The statement reads as follows:

1. To effect full, legal transfer of title, appropriate contracts, deeds, invoices, and other appropriate forms and documents are executed for each acquisition transaction. The type of transaction—gift, bequest, purchase, transfer from other SI units, or transfer from U.S. Government agencies, determines the appropriate document(s).

⁹ "Collections Management Policy," National Museum of American History, section I. Mission, subsection B. Collections and the Museum Mission, 2012, 1.

2. All gifts and bequests are acknowledged in writing to the donor or estate.¹⁰

While this statement asserts that the museum requires the transfer of ownership during the acquisition process, it does not address the issue of accepting acquisitions from extra-legal heirs. Further, these legal documents are not protected by confidentiality and are treated as public records. This can be found in section IX. Collections Information, which is defined in the policy as a file that “documents the intellectual significance, physical characteristics, and legal status of collections items, as well as the collections management processes and transactions they undergo.”¹¹ A subsequent statement on the importance of legal documents and their status as public records can be found in the same section under subsection B. Content Requirements and reads as follows:

2.e. Legal status and sufficient provenance data to establish legal status. The provenance of acquired collection items is a matter of public record.¹²

This statement does not address the issue of requested anonymous donations or donations by extra-legal heirs. There are no protections or considerations within these statements for collections of sexual or gender minorities. Given the historic disenfranchisement of this population, the policy could be considered far more welcoming to sexual and gender minorities if considerations were to be given to the issue of extra-legal heirs and the confidentiality of donor records.

The issue of privacy and access to collections is addressed in the NMAH collections management policy under section XII. Access. The policy defines access as

¹⁰ “Collections Management Policy,” National Museum of American History, section V. Acquisitions, subsection D. Documenting Legal Transfer of Title, 2012, 7.

¹¹ *Ibid.*, 16.

¹² *Ibid.*

“the opportunity for the general public, scholars, and Smithsonian staff to use the diverse collection resources of the Smithsonian Institution.”¹³ Within this section there are several specifications about access to individual parts of collections and the accessibility allowances for these parts. Within this section, subsection B. Access to Collections further defines these allowances for the physical collections, stating that “1. NMAH provides reasonable access to its collections consistent with its stewardship responsibilities.”¹⁴ The policy does not further define the meaning of “reasonable,” nor does it elaborate on the specific stewardship responsibilities of the NMAH. The only specification concerning legality and public trust is found in the subsection “Collections Program Mission.” This statement reads as follows:

Balanced collections management serves to enhance public access to and use of the collections through scholarly research, exhibitions, and public educational programs, while ensuring that sufficient safeguards are in place for proper preservation of the collections.

This Collections Management Policy and related Institutional policies and procedures guide the Museum’s Collection Program. The program includes planning, acquiring, researching, and providing for the preservation, proper use, control, and documentation of the objects held in the public trust. **It ensures that appropriate museum practices and legal requirements are observed.**¹⁵ (emphasis mine)

There are no further specifications dictating the protection of privacy for personal information within collections, and personal privacy is not listed as a reason for restriction under subsection B. Access to Collections. The protection of personal privacy and restricted access to personal information is an important consideration for sexual and gender minorities.

¹³ “Collections Management Policy,” National Museum of American History, 2012, 23.

¹⁴ Ibid.

¹⁵ Ibid., section 1. Mission, subsection C. Collections Program Mission, 1.

Code of Ethics

Although the Smithsonian Institution has an overarching code of ethics for its units, each unit also provides a more individualized ethical code within the unit's collections management policy. The Smithsonian Institution's Statement of Values and Code of Ethics defines guiding principles for the Institution as a governing body and for all Smithsonian employees. While it is certainly applicable to the NMAH, these policies do not specifically outline standards of ethics for collections and collections management.

The individual code of ethics for the NMAH can be found under section 1. Mission, subsection III. Ethics. The primary statement on ethics from the NMAH reads as follows:

The National Museum of American History, Behring Center (NMAH), recognizes and accepts its fiduciary responsibility to provide proper management, preservation, and use of the collections and associated information it holds for the benefit of the public.

NMAH staff have legal, ethical, and professional obligations to maintain high levels of honesty, integrity, and loyalty to the Institution.¹⁶

Much like the Smithsonian Institution's Statement of Values and Code of Ethics, the NMAH ethical statement concerns only guiding principles for employees of the institution and not ethical standards for the management of the collection itself.

While each unit of the Smithsonian Institution sets individually specific ethical standards, there is a precedent for asserting ethical guidelines for the collections themselves within individual units of the Smithsonian Institution. In the Collections Management Policy for the National Museum of Natural Science, the institution includes an entire set of standards for ethical considerations for their specific collections in section

¹⁶ "Collections Management Policy," National Museum of American History, 2012, 2.

III. Specific Legal and Ethical Issues. Both policies for the NMAH and the National Museum of Natural Science were written in the same year, with the National Museum of Natural Science policy approved in April and the NMAH policy approved in December of 2012.¹⁷ If one unit of the Smithsonian Institution was able to include specific considerations for the collection, then a unit approving their policy eight months later should have included those considerations as well. The NMAH had no apparent reasoning for not including any sort of specific legal and ethical considerations for their collection, especially given the precedent set by the National Museum of Natural History approved earlier in the same year.

Conclusion

As a general institution, the NMAH is not specifically associated with or responsible to sexual and gender minorities. However, by actively acquiring collections associated with these minority populations and by asserting that the museum seeks to “shape a more humane future,” the NMAH should include legal and ethical considerations within its collections management policy that support these actions. By not including considerations for any ethical issues within the museum’s collections, the NMAH is not upholding its stewardship responsibilities as an institution of national public trust.

¹⁷ “Collections Management Policy,” National Museum of Natural History, 2012, 2.

CHAPTER FIVE

Case Study: National Park Service, Stonewall National Monument

Institutional Background

Even though the oldest national park in the United States, Yellowstone National Park, was established in 1876, the federal bureau that became known as the National Parks Service was not established until being designated by President Woodrow Wilson in 1916.¹ The national parks that pre-date the NPS were divided under the control of the Department of Interior, Forest Service, and War Department. The natural areas and historic sites that make up America's national parks were designed to be protected by the federal government so that Americans could appreciate them in perpetuity. In addition to dispatching the Civilian Conservation Corps to these natural areas during the Great Depression, President Franklin D. Roosevelt signed the Executive Order in 1933 that consolidated these protected areas under the National Parks Service.²

National monuments are designated through a different method than national parks and other sites. Where national parks have to be approved by both chambers of congress, national monuments can be designated through Executive Order by the power given to the president by the Antiquities Act of 1906. This is how Stonewall National Monument was designated by President Obama on June 24, 2016. The monument's

¹ "Quick History of the National Park Service," U.S. National Park Service, <https://www.nps.gov/articles/quick-nps-history.htm>.

² Ibid.

protected area includes the Stonewall Inn, the site of the 1969 riots, and the surrounding historic LGBTQ+ neighborhood called Christopher Street.³ This is the first and only NPS unit that is dedicated to telling the story of LGBTQ+ Americans.

Mission and Purpose

The NPS and SNM function under a different authority than most museums and sites in the United States. Since they are operated by a federal agency, their primary authority is the United States government, particularly the Director of the NPS and the Secretary of the Department of the Interior. Because of this unique structure, these museums and sites are not subject to the authority of the AAM. Even though they are not bound to the standards held by AAM, the NPS still carries its own mission statement and purpose. The mission statement for the NPS is as follows:

The National Park Service preserves unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.⁴

Not only is this the mission of the NPS as a federal agency, but this mission applies to all units of the NPS. Each unit of the NPS is unique, but they are all bonded under a common authority and purpose. Stonewall National Monument is the first and only unit of the NPS dedicated specifically to telling the story of LGBTQ+ Americans. As a recent addition to the NPS, the SNM is not yet fully operating as an independent unit. Because major cities like New York City and Washington, D.C. are densely populated by national

³ “Stonewall National Monument,” U.S. National Park Service, <https://www.nps.gov/ston/index.htm>.

⁴ “What We Do,” U.S. National Park Service, <https://www.nps.gov/aboutus/index.htm>.

monuments, historic sites, and other units, many of these individual unit are grouped by geographical boundaries and remain under the direct authority of the major site or monument in the area. In the case of SNM, this individual unit (site) is under the authority and operation of Federal Hall National Memorial. FHNM does not have an individual unit mission statement, and therefore falls under the mission of the NPS in general. As of its designation in 2016, the SNM had no NPS personnel, visitor center, or ranger station to support its operation as a National Monument. While the National Park Foundation intended to start a Friends Group to help the monument raise funds for these operations, the monument still lacks any of those features today.⁵

While the NPS does not specifically identify sexual and gender minorities as an audience to serve, the addition of the SNM and surrounding Christopher Street area places the responsibility of LGBTQ+ history with the NPS. Under the NPS, the Office of Relevancy, Diversity, and Inclusion works to “champion for an organizational culture that is increasingly inclusive and participatory, which values the diverse ideas, experience and background of every individual, and empowers an innovative, flexible and resilient NPS to engage the opportunities and challenges of the future.”⁶ This Office works within the NPS to make it a more equitable work place for employees and to help the NPS identify more sites like SNM to bring wider representation to the NPS. The Office defines relevancy as follows:

⁵ “President Obama Designates Stonewall National Monument,” White House, June 24, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/06/24/president-obama-designates-stonewall-national-monument>.

⁶ “Office of Relevancy, Diversity and Inclusion,” U.S. National Park Service, <https://www.nps.gov/orgs/1244/index.htm>.

Relevancy is achieved when all Americans are able to establish a personal connection to the National Park Service parks and programs and find meaning and value in the mission of the National Park Service.⁷

Although this is not explicitly part of the NPS mission statement, by releasing a statement and definitions through the Office of Relevancy, Diversity, and Inclusion, the NPS is identifying “all Americans” as an audience to serve, which includes Americans that identify as sexual and gender minorities.

Policy Specifics

The NPS does not have a unit-specific collections management policy for every unit in the agency. Rather, the NPS has one *Museum Handbook* that applies to every unit associated with the agency. As a single agency, all collections within the individual units of the NPS are considered as a whole. This concept is defined in Part I. Museum Collections, section H. Introduction to NPS Museum Collections Management, subsection 3. What are the levels of responsibility for NPS collections management? The statement reads as follows:

Every park with a museum collection is part of the larger NPS museum system. Although responsibility for managing these collections is shared among the Washington Office, the regional offices, parks, centers, and park partners, the superintendent is the accountable official for the park’s museum collections regardless of the location of the collection. All individuals with responsibility for museum collections must follow the Code of Ethics.⁸

This statement establishes the individual units’ collections as part of the overall NPS collections, and therefore subject to the general agency policies of the NPS. The

⁷ “Office of Relevancy, Diversity and Inclusion,” U.S. National Park Service, <https://www.nps.gov/orgs/1244/index.htm>.

⁸ Museum Management Program, *Museum Handbook*, National Park Service, 2006, 27.

Washington office for the NPS is responsible for all policies and procedures regarding NPS collections management.

While the majority of policies fall under the responsibility of the Washington Office of the NPS, there are some responsibilities that fall under the authority of individual NPS units. According to subsection 6, What are the museum management responsibilities of the parks and centers, of the aforementioned part and section, each individual NPS unit is under responsibility to do the following:

Accept only unconditional gifts and bequests and obtain applicable copyrights and releases with acquisitions.

Add collections made through systematic research to the museum collection. As appropriate, lend these collections for exhibit, research, conservation, and other approved uses.

Ensure that access and use are consistent with all laws and NPS policies.

Consult with affiliated groups in managing collections, including Native American groups when managing collections subject to the Native American Graves Protection and Repatriation Act.⁹

While these are only a few of the responsibilities listed for individual units concerning collections, these are the responsibilities relevant to this research. These responsibilities make no mention of donor privacy, or privacy in terms of access to collections.

The last responsibility listed here is particularly important because it identifies working with groups affiliated with collections as a responsibility of the individual units of the NPS. While SNM may not have their own collections management policy, this general NPS policy is authorizing the individual site to give considerations to certain minority populations with whom the unit may be affiliated. In the case of SNM, this group is sexual and gender minorities. This responsibility listed within the NPS *Museum*

⁹ Ibid., 30.

Handbook authorizes the sites to establish further protections and considerations for minority groups, and this responsibility is one that SNM should not take lightly when considering their future collection.

In the aforementioned responsibilities of the individual NPS units, one listed responsibility is that to “ensure that access and use are consistent with all laws and NPS policies.”¹⁰ These policies are identified throughout the *Handbook*, but policies specifically regarding access are found in the subsection “What data do I need to restrict?” This subsection identifies “information protected by privacy and publicity law such as images or words of living private individuals” as data that should be restricted under accessibility considerations and privacy laws.¹¹ Personal privacy is defined as follows by the NPS *Museum Handbook*:

Federal and state privacy laws protect living private individuals by giving them a legal right to be left alone without intrusion into their personal affairs. There are four components of privacy protection:

- Protection from public intrusion on a private living individual's personal or private life
- Protection from public disclosure of private, potentially embarrassing information, such as medical, legal, or counseling information
- Protection from the circulation of misleading information about a private living individual or the placing of true information about the private living individual in a misleading light that implies something that is not true about the individual
- Protection from the use or appropriation of a private living individual's name or likeness by another, particularly for gain

Privacy protections are not absolute and without limits. To be judged illegal, a usage must be distasteful, embarrassing, or objectionable to a person of normal sensibilities.¹²

¹⁰ Museum Management Program, *Museum Handbook*, National Park Service, Part III. Museum Collections Use, Chapter 1. Evaluating and Documenting Museum Collections Use, section C. Management Issues, subsection 4. What data do I need to restrict, 2006, 30.

¹¹ *Ibid.*, 1965.

¹² *Ibid.*, 2049.

These laws would protect living sexual and gender minorities from potentially harmful situations regarding the disclosure of their sexual orientation because that information could be considered embarrassing or objectionable. According to a further definition of these protections, museums and units must obtain authorization in order to divulge private information in any form.¹³ While this information is held by a federal agency, museum collections are **not** subject to the Freedom of Information Act (FOIA) that applies to government records.¹⁴ These collections are also not subject to fair use, which applies only to copyright and “**not** to publicity and privacy claims.”¹⁵

Code of Ethics

Although the NPS is not subject to the authority of AAM, its policies still respect those standards set for museums by the organization and denotes that respect within the *Museum Handbook*.¹⁶ There is both a section for ethical issues within the *Museum Handbook* as well as a separate Code of Ethics for the NPS. Within the *Museum Handbook*, the NPS identifies the following classification as a group to whom the NPS is responsible: “Those peoples and groups whose collections NPS holds, or who appear as subject matter of NPS collections: Affected groups, ethnic groups, Native Americans, Native Hawaiians.”¹⁷ The *Handbook* identifies the following responsibilities that museum staff must uphold in regard to that classification:

¹³ Museum Management Program, *Museum Handbook*, National Park Service, 2006, 1978.

¹⁴Ibid., 2044.

¹⁵ Ibid., 2051.

¹⁶ Ibid., 1970.

¹⁷ Ibid., 1981.

- Follow legal and policy guidelines on access and use.
- Ensure collections are treated with respect and empathy for associated groups.
- Investigate and document potential collection sensitivity issues when collections are acquired and before providing access.
- Be aware of laws that affect access to these materials. See MH-III, Chapter 2, Legal Issues.
- Consult with the associated groups before making decisions that may affect the group, such as acquisition of or access to sacred or otherwise sensitive materials.
- Provide access to federal records as required by NPS policy and state and federal laws.¹⁸

These ethical responsibilities protect sexual and gender minorities at NPS units. This policy was approved in 1998, five years before *Lawrence v. Texas* would legalize homosexual sexual acts. This policy shows that NPS has many policies in place to protect the physical, emotional, and social safety of sexual and gender minorities at federal sites.

The official Code of Ethics for Museums for the NPS contains the aforementioned information as well as ethical standards for employees. One distinct difference is that the Code of Ethics for Museum explicitly identifies sexuality and gender as factors to consider when utilizing museum collections for interpretation or educational programming. This is incredibly important, because this document, having been approved in 2006, would be one of the first federal documents to recognize sexual and gender minorities within their ethical policies.¹⁹ This shows that the NPS was far ahead of the legal federal timeline for LGBTQ+ rights and protections.

¹⁸ Museum Management Program, *Museum Handbook*, National Park Service, 2006, 1981.

¹⁹ Museum Management Program, *Museum Handbook: Appendix D: Code of Ethics for Museums*, National Park Service, 2006, 13.

Conclusion

The overall purpose of the NPS is to protect and preserve America's natural and cultural history. In 2016, SNM became the first federal site specifically dedicated to the story of LGBTQ+ Americans. Given the federal government's history with legal issues concerning sexual and gender minorities, there was some initial concern about the treatment of LGBTQ+ people and their narratives at the monument. While SNM and the FHNM may not have their own individual collections management policies, the NPS provides a fully comprehensive guide to best ethical and legal practices in their *Museum Handbook*. This *Handbook* clearly identifies several legal and ethical protections for the treatment of collections associated with and containing individuals that identify as sexual and gender minorities.

CHAPTER SIX

Conclusion

Museums have historically had a complicated relationship with minority populations and their collections. Until the changes in the field in the 1960-70s, museums often reflected their donors and audiences which were mainly comprised of upper-class, white citizens. As their audiences have changed, museums have closely examined their collections and exhibits to ensure that these reflected their audience. This process has been continuously ongoing for decades, and will not likely cease in the near future. Museums recognize that in order to serve their community, they have to reflect their community. Recognizing and drafting policy to protect sexual and gender minorities is a portion of that process that has only just begun, and institutions will continue to adopt and adapt these best practices in accordance with changing culture. One thing is certain, and that is that museums have a responsibility to this historically marginalized population to do everything within their power to respectfully collect and manage their objects and artifacts.

Recommendations

This charge must be led by LGBTQ+ specific institutions in order to set an example for their peers. While the WWCC and JJWJA may have these standards in place in practice, their policy should reflect those standards in order to protect the collection and affected subjects through the unknowable future of the archive. If these practices are not made official through policy, how can it ever be expected that they continue in

practice once the current staff are no longer there to enact it? By officially adopting these standards in their policy as best practice, the WWCC and JJWJA are simultaneously protecting future generations of the archive and setting an example of best practice to their institutional peers in general museums. In this respect, the JJWJA has a duty not just to their collection and its subjects, but to the field at large. Sexual and gender minorities must lead the charge in the field if significant, systemic change is to be enacted.

NMAH should have considered these best practices when accepting their first major LGBTQ+ collection in 2014. Although it is not an LGBTQ+ specific institution, the Smithsonian Institution is a leading figure in the museum world, often setting standards of best practice that are emulated by their peers. With their level of influence, the NMAH should have taken that opportunity to set a new standard in the field: not just to accept LGBTQ+ collections, but to adopt the best practices necessary to properly and ethically manage those collections. As a general institution, it was not expected of them to adopt those standards at that time. While it is unfortunate that there is often a double standard when it comes to adopting best practices with minority populations, for example that an LGBTQ+ specific institution should be expected to have those practices in place whereas it is often not required for general institutions, the NMAH should have exceeded those expectations by adopting these best practices alongside the acquisition of their first major LGBTQ+ collection in 2014. Thankfully, there is not a time limit on when those best practices can be adopted. As it continues to acquire LGBTQ+ collections, the NMAH has a responsibility as a leading figure of the museum field to set an example for other general institutions to adopt best practices related to the legal and ethical considerations for sexual and gender minorities.

As an agency of the federal government, the NPS has enacted best practices through their thoroughness of legal protection. The example they have set through this thoroughness includes not only legal but also ethical considerations. The NPS has had policy in place to protect minority groups that was years ahead of the law in the United States. This is an excellent example of the difference between ethical and legal standards. The law is the minimum set by authority, and the NPS has gone above and beyond to ensure ethical protections for the highest possible good of their collections. As a unit of the NPS, SNM is still in development. Only just being designated in 2016, it will take some time for this new unit to receive the staff and facilities that will make it an excellent representation of LGBTQ+ American history in the federal parks system. The NPS has secured the protection of SNM's future collection in its *Museum Handbook* while the physical unit is still in development.

Conclusion

To date, it has been almost 51 years since the riots outside the Stonewall Inn that catapulted LGBTQ+ civil rights into the public eye. It took nearly 46 years of that time to secure some basic civil rights for sexual and minority populations in the United States.¹

¹ "Some" here meaning a few rights out of what might be considered a necessity for an American citizen. Same-sex marriage is legal, but those couples can still be fired from their jobs in a majority of the states in the country due to the lack of protections for sexual and gender minorities within anti-discrimination laws.

While homosexual activity is no longer illegal and same-sex marriage is legally recognized by the federal government, there is still a long road ahead. The same is true for this journey in museums. Sexual and gender minorities have only recently been recognized as an audience and subject within institutions, especially with the recent 50th Anniversary of the events at Stonewall. Many general institutions developed exhibits and celebratory events for this occasion, and this anniversary brought the issue of the ethical treatment of LGBTQ+ collections to the forefront of the museum field for the summer of 2019. That discussion will continue to spread throughout the field, as professionals realize that these protections cannot be enacted simply on a celebratory basis, but rather as official institutional policy that will continue to encourage sexual and gender minorities to contribute to the field at large by designating a space for them in our museums. As sexual and gender minorities continue to fight for civil rights in the United States, LGBTQ+ museum professionals will continue to fight for the protection of their communities' collections in institutions across the country.

APPENDICES

APPENDIX A

WWCC and JJWJA Collections Management Policy

WILLIAM WAY LGBT COMMUNITY CENTER JOHN J. WILCOX, JR. ARCHIVES COLLECTIONS MANAGEMENT POLICY

Adopted by the Archives Advisory Committee: 2/29/2016

William Way LGBT Community Center John J. Wilcox, Jr. Archives Collections Management Policy Updated October 2018

I. INTRODUCTION

This Collection Management Policy governs all aspects related to the development, management, preservation, and use of the John J. Wilcox, Jr. Archives (hereafter referred to as “the Archives”) held by the William Way LGBT Community Center (hereafter referred to as “WWCC”). The policy provides a framework of professional standards to establish guidelines for managing the collections.

The Collection Management Policy is a comprehensive written statement that:

- Sets forth the mission of the Archives,
- Explains how this mission is pursued through collection activity,
- Articulates the Archives’ professional standards regarding objects in its care,
- Serves as a guide to staff in carrying out their collection related responsibilities, and
- Provides the public with information about what objects and information the Archives collects

and preserves and how the Archives performs these functions.

B. Process of Establishing Policy

This policy was researched and drafted by William Way LGBT Community Center staff with the assistance of the Conservation Center for Art and Historic Artifacts (CCAHA) as part of an initiative funded by the William Penn Foundation.

The Archives Advisory Committee actively reviewed and commented on the policy. The final draft was submitted to the WWCC’s Board of Directors for comment and acceptance.

This collection management policy is to be considered a working document. Any errors, omissions, or other necessary changes will be identified and updated by WWCC staff in a timely manner.

C. Statement of Authority

The William Way LGBT Community Center is overseen by a Board of Directors. The day-to-day management of the WWCC is delegated to the Executive Director, who bears the ultimate responsibility for implementation of this collections management policy, and entrusts the Chief Operations Officer, the Director of the Archives/Archivist, and the Curator with the authority to implement the policy.

D. Archives Advisory Committee Charge

This Committee, including WWCC staff members, Board members, and unaffiliated experts, responsible for the Archives collection, will be available to provide advice to the Board on the oversight of the collection and all matters pertaining to collection care and management including acquisitions, de-accessions, loans, collection maintenance and conservation, insurance, and description. Moreover, this Committee has the mandate to be conversant with current legal, ethical and professional standards regarding collection management. The Committee will meet periodically, and will formulate and recommend to the Board policies, policy revisions, and actions necessary for the care and management of the collection.

E. Code of Ethics

WWCC recognizes that the Society of American Archivists (SAA), the American Library Association (ALA), and the American Association of Museums (AAM) have made the effort to bring an awareness of ethical standards to archives, library and museum professionals through the current guidelines set forth in their various codes of ethics: SAA's Code of Ethics for Archivists, ALA's Code of Ethics, and AAM's Code of Ethics for Museums. In general principle the Archives affirms and supports the contents of these codes.

F. Review and Revision

This policy shall be reviewed by Archives staff on an annual basis and updated as needed. Any major changes regarding the collections and/or their management may necessitate more frequent revisions. The Archives reserves the right to change the policies without notification to donors, their heirs, or assigns.

G. Public Disclosure

Once approved by the Archives Advisory Committee, copies of this Collection Management Policy will be provided to all members of the Board of Directors and

appropriate staff of the WWCC. Copies of the Policies will be provided to present and future donors upon request.

II. MISSION AND COLLECTIONS OF THE JOHN J. WILCOX, JR. ARCHIVES

A. Institutional Mission Statement

The William Way LGBT Community Center's mission is to encourage, support, and advocate for the well-being and acceptance of sexual and gender minorities in the Greater Philadelphia region through service, recreational, educational, and cultural programming.

The mission of the Archives is to collect, describe, interpret, and provide access to publications, personal papers, organizations and business records, audiovisual materials, and ephemera created by, dealing with, or of special interest to gay, lesbian, bisexual, and transgender individuals.

B. Purpose, Scope, and Use of the Collection

The purpose of the Archives is to identify, acquire, preserve, and make accessible archival and reference documents and artifacts relating to:

- LGBT History, generally
- LGBT History in the City of Philadelphia and the Delaware Valley
- History and operations of the WWCC and its predecessors

These records are made available to the LGBT community of Philadelphia and the Delaware Valley, scholars and researchers, students, teachers, local history researchers, journalists, WWCC staff, and the broader public through appointments to work with the materials, exhibits, programs, and research conducted by the Archives staff.

C. Description of the Collections

The John J. Wilcox, Jr. LGBT Archives of the William Way LGBT Community Center documents LGBT history, generally, and the LGBT history of Philadelphia and the Delaware Valley, specifically. Additionally, the collections illuminate the area's homophile and early LGBT rights movements. The Archives contains named collections donated by local individuals and organizations; periodicals (magazines, journals, newspapers and newsletters) from the 1950s to the present; ephemera and newspaper clippings; textiles and artifacts (from political buttons and matchbooks to t-shirts and leather chaps); rare books and pulp fiction novels; posters, calendars, art works, and travel guides; and audio-visual material, comprised of a wide variety of media types.

III. ACQUISITIONS/ACCESSIONS

A. Authority

The Archives is empowered by the Board of Directors to acquire by gift, bequest, exchange, transfer, or

purchase objects, books, periodicals, and archival materials for the collection.

“Acquisition” is the addition to the collections by any means in which an object is in the Archives’ custody. “Accessioning” is the process in which the title to an object passes to the Archives, establishing legal custody and ownership and providing information on how the Archives acquired the item.

B. Methods of Acquisition

The Executive Director, Director of the Archives/Archivist, and/or the Curator are responsible for initiating the acquisition process.

All purchased additions to the Archives of the value of \$500.00 or more must be approved by the Archives Advisory Committee. The Archives staff should prepare a brief statement in advance of any such deliberation by the Committee showing how the object in question meets the criteria defined in this Collections Management Policy.

C. Criteria for Collection Acquisition

The Archives only accessions an object for the collection with the intention of retaining it for the long term. No artifacts or documents shall be accepted into the Archives with the sole purpose of being deaccessioned and sold to fund-raise.

Before any object is acquired by any means the following criteria must be met:

1. Collecting Scope

The Archives will only accept acquisitions that fall into its various collecting scopes, as described previously in this policy, and as outlined in more depth in the Collection Development Policy. Objects must, in general, have historical significance and relevance as related to these collecting areas.

2. Format

- The primary formats collected include printed texts, manuscripts, graphics, artifacts and

objects, textiles, audiovisual materials, and born digital materials.

- If records in an unusable format (e.g. electronic or audiovisual materials for which the Archives does not have the proper playback equipment) are acquired, provision for their transfer onto other data sources should be made at the time of their acquisition.

3. Title

The current owner of the object may be asked to declare in writing through a Deed of Gift that the owner has clear title to the object. At its discretion, the Archives may request documentation of an object's provenance. A sale or donation to the institution will be a legal transfer from the seller or donor to WWCC. If the seller or donor owns copyright, this is customarily transferred to WWCC as well.

4. Condition

- The object is in exhibitable condition or, if for study, sufficiently stable to permit that activity.
- The object is not hazardous (i.e. toxic, radioactive, or explosive) to people or property.
- Exceptionally large or damaged objects, or any object that cannot immediately be made available for research due to its size, poor state of preservation, physical instability, risk to staff or other objects, etc., will be evaluated on a case-by-case basis, and provisions for the care and conservation of the object will be taken into account before accepting the object(s).

5. WWCC's Resources

- WWCC can afford to transport, catalog, and conserve the object. If an object is not offered as a gift, bequest, or loan, WWCC must foremost be able to afford to purchase the object based on an annual budget, to be approved by the Board of Directors.
- The object can be secured, stored, and exhibited safely.

6. Duplicates

In general, the Archives will not acquire exact duplicates of objects or archival material. Exceptions to this may be considered on a case-by-case basis under the following circumstances:

- An object is rare or represents a significant WWCC connection.
- Items that are duplicates of objects already in the collection may be accepted if they are in better condition, have a particular historical significance or association, or may be used for loans.

- Duplicate items may also be accepted into the Archives' Reference Collection.

7. Reference Collection

The Archives may also accept donations of non-collection reference materials, equipment, supplies and items given to support and further its educational objectives. Duplicate historical objects that do not meet the above criteria may be incorporated into the Reference collection. When new objects or material are designated as part of the Reference collection at the time of acquisition, the donor will be made aware of this decision.

8. Legal and Ethical Considerations

The object has not been illegally imported into the United States or illegally collected within the

United States.

9. Conditional Acquisitions

Gifts, bequests, and loans should only be accepted if they conform to the stated policies of the Archives. Objects that are subject to the imposition of special and restricting conditions may not be accepted if the conditions are contrary to the short-term and long-term interests of the Archives.

- All gifts should be unrestricted, with no commitment made to the donor to retain them in perpetuity or to exhibit them unless mutually agreed upon by WWCC and the donor. Conditions regarding exhibiting objects should be avoided except under the most unusual circumstances. If such conditions are accepted, these conditions should apply only to a limited, specified period of time.
- The Archives will not accept collections donated with the condition that the entire collection be accessioned. The Archives has the right to choose, within a proposed donation, which items they wish to keep.
- The Archives will not accept materials that are restricted from public access in perpetuity. Some collections or portions of collections may be designated restricted for a reasonable and finite period of time with the advanced agreement between the Archives and the donor.

D. Acquisition Terms and Restrictions

The Archives will not pay for an appraisal of the proposed gift for a donor, nor will a Board member, an Archives Advisory Committee member, or any employee, consultant, or volunteer employed by or associated with the Archives appraise a potential gift for a donor.

No person who is involved in the management of WWCC, or who is a member of the staff, Board, or Archives Advisory Committee, may compete with the Archives for objects or may take advantage of privileged information which has been received. Should a conflict of interest develop between the needs of the individual and the Archives, the needs of the Archives will prevail.

Items will not be accepted and formally accessioned that will directly be deaccessioned and sold.

Materials that do not fall within the scope of the Archives collecting areas or that duplicate existing holdings may be deaccessioned in accordance with the Archives' policy on deaccessions, subject to the terms of acquisition, WWCC regulations, and state and federal laws. Duplicate gifts are often made available to similar collecting institutions.

Unless specified otherwise, donors may be publicly acknowledged for their gifts, for instance, in exhibition labels, publications, finding aids, etc.

E. Documentation of Acquisitions and Accession

The complete procedure of acquiring and accessioning any object should be recorded. An acquisitions record should be created in an archival management system. All documents relating to the object, including the signed Deed of Gift, will be deposited in the relevant collections files.

To achieve complete accountability for objects in the Archives' custody, the Archives will register all objects temporarily left in its care for any purpose including identification, photography, study, or as a potential donation or bequest. Potential donors may leave objects at the Archives for a period not to exceed thirty days with a Temporary Custody form; within thirty days, either the accession process will be initiated and the donor will receive a Deed of Gift, or the object will be returned to the donor.

IV. DEACCESSIONS AND DISPOSAL

Deaccessioning is an important collections management tool that is employed by collecting institutions around the world for a variety of reasons. Because deaccessioning can adversely affect an institution's collection, reputation, and even ability to fundraise in a lasting way, all objects proposed for deaccessioning from the Archives must be subjected to a thorough review. Those of significant intellectual, monetary or associative value must be approved by the Board of Directors. Procedures for the deaccession or disposal of materials will be at least as rigorous as those for accessioning and should be governed by the same basic principles. The decision to dispose of materials must be made only after full and scrupulous consideration of the public interest and the needs of researchers; the process of deaccession will be carried out in as open and public a manner as possible.

Because of the primacy of preserving archival materials in their original format and, concomitant with that, the role of archives as repositories for cultural history, the Archives will carefully assess all materials before accepting them to lessen the likelihood of deaccession. This said, there are valid reasons why materials in archives may be deaccessioned.

Acknowledging these points, The Rare Book and Manuscripts Section of the Association of College and Research Libraries included a lengthy set of guidelines for deaccession of materials in Standards for Ethical Conduct for Rare Book, Manuscript, and Special Collections Librarians, with Guidelines for Institutional Practice in Support of the Standards, 2d edition, 1992. The following policy for deaccession of materials from the Archives incorporates and upholds the standards established by RBMS for the ethical deaccessioning of materials from special collections.

A. Authority

When an object is considered for deaccessioning, the staff of WWCC should prepare a brief statement showing why the object in question is appropriate for deaccessioning. If any uncertainty exists or if any object in question is of considerable value, the recommendation may be presented to the Archives Advisory Committee for discussion prior to a presentation to the Board of Directors. The Board of Directors may deliberate the wisdom of any proposed deaccession, and introduce a motion to that end at any regular meeting. However, said motion shall not be voted upon until the next regular meeting of the Board of Directors.

Items from the Reference collection need not be subject to as strict a system of approval as those from other archival collections. The Director of the Archives/Archivist shall have the authority to deaccession materials that form part of the Reference collection at WWCC. The Director of the Archives/Archivist shall report to the Board of Directors at least annually on such activities.

B. Criteria for Deaccession

Deaccessioning is the process of permanently removing accessioned archival collection objects and materials from WWCC's ownership. The sole purpose of deaccessioning any object or archival material within the Archives is to refine and strengthen the overall collection. This should be achieved either by acquiring objects of better quality and significance with designated deaccession proceeds, or by deaccessioning an object of no value in order to make it possible to give appropriate space and conservation care to the remaining objects. Because the Archives is aware of its role as a steward of the collection for the benefit of the public, it only acquires objects that it intends to retain in perpetuity and not with the intention of disposing of them.

To be considered for deaccessioning, an object must:

1. be free from donor mandated restrictions;

2. be fully and legally owned by WWCC;

3. meet at least one of the following criteria:

- The object does not meet the criteria defined previously for purpose and scope, and hence does not bolster the mission of the Archives.
- The object or material is redundant or is a duplicate, has no value as part of a series, and as such does not enhance teaching, research or study.
- The object or material is unduly difficult or impossible to care for or store properly.
- The object is in a format that the Archives cannot support, and has been (or cannot be reasonably) converted to another format.
- The object has been extensively damaged, or presents a risk to other materials in the collections, or to the staff and researchers working therein, and cannot be restored without compromising its integrity.
- The object or material was acquired illegally or unethically, is requested for repatriation by aboriginal groups or foreign governments, or another person or entity is shown to be the rightful owner.
- The Archives has not been able to obtain satisfactory title to the object.
- The object has not retained its identity or authenticity. Such objects should be clearly and permanently marked and should not be disposed by means of sale.
- The Archives is unable to preserve or manage the object or material properly.
- The object or material was lost or stolen and has been missing for more than three years.
- The object or material was given by a donor with the express understanding that it may be sold or given away.

Archival processing includes weeding and disposal of material on a regular basis. Material discarded as a part of this normal process is not subject to the same rigor of deaccession procedures that accessioned collections objects and materials are.

C. Restrictions and Conditions of Deaccession

- In the deaccession of material, the Archives will weigh carefully the interests of the public for which it holds the collections in trust, the interests of the scholarly and cultural communities, and the Archives' own mission.
- The Archives will consider any legal restrictions, the necessity for possession of valid title, and the donor's intent in the broadest sense. If an object has been received as a gift or bequest with conditions imposed, the restrictions should be honored and reasonable efforts will be made to notify the donor, or members of the donor's family, if necessary. Mandatory restrictions on disposition which accompanied a donation will be observed unless it can be shown clearly by appropriate legal procedures that adherence to them is

impossible or substantially detrimental to the Archives. When statements of donor's preferences accompany an acquisition, any departure from them will be carefully considered and negotiated with the donor or the donor's heirs or settled by appropriate legal procedures.

- Any donor or any person who contributed funds to the purchase of the object which is being considered for deaccessioning must be consulted whenever possible.
- If an object was received by the Archives as a gift in which no tax deduction was taken, the object may be offered back to the original donor. If the donor did take a tax deduction for the gift, the object will not be returned.
- Under no circumstances may a deaccessioned object be given to or otherwise placed in the possession of a WWCC staff member, officer, or volunteer; a member of the Archives Advisory Committee; a member of the Board of Directors; or any representative or immediate family member of the aforementioned. They are, however, eligible to purchase deaccessioned objects that are offered at public sales.

D. Methods of Deaccession and Disposal

The Archives may dispose of a deaccessioned object by donation to or exchange with a non-profit institution, by public sale, or by destruction when it is warranted. The Archives will ensure that the method of deaccession will result in furthering the agreed purpose of the deaccession, whether this be monetary gain or more appropriate placement of scholarly resources.

Proceeds from public sale will be placed in a restricted account to be used to acquire and to care for collection objects. Income from the sale of deaccessioned objects will not be used to defray ongoing operating expenses but to enhance the collections.

When recommending deaccessioning, all acceptable professional means of disposal must be considered. Deaccessioned objects are usually disposed of through the following means, as directed by the Board of Directors. The method will be determined on a case-by-case basis for each deaccessioned object.

1. Transfer. Objects or archival material may be transferred to WWCC's Reference collection.
2. Gift. Due consideration should be given to the archival community in general when disposing of items. Objects should first be offered to a non-profit institution with a mission similar to that of the Archives, and then to other non-profit institutions. The object's provenance will clearly be indicated. In any instance where title is transferred to another entity, the Archives will disclose to the potential new owner or intermediary agent any action, such as the retention of a photocopy of the material, which may affect the monetary or scholarly value of the material.

3. Exchanged. When objects are exchanged, they should be exchanged with the purpose of obtaining better examples of the same kind of work.

4. Sold. Objects will be offered through a public sale for purchase. Deaccessioned objects that may have significant monetary value, which are to be sold, should be sold only after the objects have been appraised by an appraiser who has no personal desire to obtain the objects and who is able to give unbiased and uncompromised appraisals. Deaccessioned objects are not to be sold to a single dealer or to a private collector unless such individuals have submitted the highest bid as part of a public auction or sealed-bid invitation to a large group.

In no case shall a private sale, or a gift or transfer, to an individual or a for-profit institution, be acceptable.

5. Destroyed. This option should be considered only after all other means of deaccessioning have been exhausted, and only after it has been determined that no entity will buy the object or accept it as a donation. Deaccessioned objects may also be destroyed if they have deteriorated so severely that they are no longer useful, and/or if they pose a hazard to staff, public, and/or other items in the collection. If condition of the object is a criterion for deaccessioning, the Archives may wish to obtain the recommendation of a conservator in the relevant medium before making the final decision.

E. Deaccessioning Undocumented Objects

If an object is undocumented, the Archives must make a serious, diligent, and documented effort to learn more about it before considering it for deaccession. This process may include:

1. Consulting institutional records such as accession records, old inventories, board minutes, old gift and loan agreements, correspondence, newsletters, etc. in an attempt to reconcile the object with some documentation.
2. Determining the object's status as much as possible – any record whatsoever of its documented history, even if incomplete.
3. Recording all additional information that is known about an object.

If an undocumented object is deaccessioned and sold or donated, the Archives can use a quitclaim deed that transfers claim and rights to the object to the new owner, with no guarantee of title transfer. Any risk of holding the undocumented object is therefore transferred to the new owner.

If an undocumented object is found to have or can be reasonably assumed to have very little monetary value, the Archives may choose to donate the object to a nonprofit organization. The lack of title transfer will be transparently stated.

If undocumented objects are deemed to have deteriorated beyond repair, if disposal is required to protect the objects themselves or other objects in the Archives, and/or if they have become a hazard to health and safety, immediate action may be taken. The Archives may wish to obtain the recommendation of a conservator in this event.

F. Ethical Considerations

The Archives realizes that it has a public responsibility and accountability for its decision to deaccession an object, and for the method by which deaccessioning is implemented. The procedure will be documented and there should be no effort to conceal the transaction.

The proceeds of all sales should go into a conservation/acquisition fund, and efforts should be made either to replace an object with that of approximately commensurate value, or to put the funds toward the conservation care of other objects in the collection.

G. Documentation of Deaccession and Disposal

Responsibility to the needs and reputation of the Archives requires that, in preparing for and accomplishing any deaccession, the Archives will take care to define and publicly state the purpose of the deaccession and the intended use of monetary or other proceeds of the deaccession, to avoid any procedure which may detract from the Archives' reputation for honesty and responsible conduct, and to carry out the entire process in a way which will not detract from public perception of its responsible stewardship.

The complete procedure of deaccessioning any object should be recorded, including the following information:

- date of deaccession
- method of deaccession
- object number (if applicable)
- detailed physical object description, including measurements, materials, and condition at the time of deaccession
- object's monetary value – as appraised or estimated
- photograph of object

Once an object has been approved for deaccessioning, the WWCC staff will prepare a brief statement to the Archives Advisory Committee showing why the object in question has been or will be deaccessioned and what will be done with the proceeds (where applicable). The Committee will make the decision as to whether a public statement explaining the deaccession is necessary, and release such statements accordingly.

All documents related to the deaccessioning process should be deposited in the relevant collections files and retained there permanently. Deaccessioning purpose and date should also be recorded on any object records, physical or electronic.

V. INCOMING LOANS

A. Types of Incoming Loans

WWCC may borrow items on loan for the purpose of temporary exhibitions for up to one year, long-term exhibitions for up to ten years, or for research being undertaken by members of the WWCC staff.

B. Terms and Conditions of Incoming Loans

Incoming loans will be accepted from individuals or institutions for exhibition or current research. Because of the liability and expense, WWCC cannot store and maintain items belonging to others that are not required for exhibition or ongoing research.

The following criteria will be met before requesting or approving an incoming loan:

1. WWCC has determined that it can afford the estimated cost of exhibition, storage, security, transportation, collection maintenance, and all risk, wall-to-wall fine arts insurance on the items at the value established by the lender unless the lender waives insurance requirements in writing. The amount payable by such insurance is the sole recovery available to the lender in the event of loss or damage.
2. If the lender prefers to provide insurance for the object, the lender shall have WWCC listed as additional insured on the policy or will obtain for WWCC a waiver of subrogation.
3. WWCC can provide the care and protection that meet or exceed standards required by the lender. Loaned objects will be kept in a building under 24-hour physical or electronic security and protected from unusual temperatures, humidity, and excessive light, and from insects, vermin, dirt, and other environmental hazards. Borrowed objects will only be handled by experienced personnel.
4. Only objects that can withstand the normal rigors of packing, transport, handling, and display will be accepted as loans at WWCC. WWCC staff will conduct a basic condition report upon receipt of a loaned object and prior to the object's return to the lender.
5. WWCC can and is willing to meet any restrictions the lender has placed on the object.
6. The lender will declare in writing that the lender owns the object. WWCC will not borrow from a third party.
7. In its treatment of the borrowed objects, WWCC will abide by the same conditions it places on objects it lends.

8. If objects loaned to WWCC become damaged or lost, the lender will be notified immediately, followed by a full written and photographic report. If damage occurred in transit, WWCC will also notify the carrier and save all packing materials for inspection.

9. WWCC will not perform any type of conservation, cleaning, reframing, repair, or other action that alters the physical condition of a borrowed object without written approval from the lender.

10. Unless permission is refused in writing, WWCC may photograph incoming loaned objects for purposes of record keeping, education, and publicity, and reproduction in publications relating to the exhibition in print and digital format. WWCC will not create reproductions of objects for commercial purposes without written approval from the lender.

11. If there is a change in ownership of an object loaned to WWCC, including a change in the lender's name or address or the dissolution of a lending institution, the lender must notify WWCC promptly in writing. If the legal ownership changes during the loan term, the new owner shall, prior to the object's return, be required to provide documentation of his/her legal right to receive the object.

C. Long-Term Loans

WWCC does not normally accept objects on permanent or indefinite term loan. A clear loan term with definite beginning and ending dates must be stated on all loan agreements. The maximum term for any incoming loan is one year. All loan agreements must be re-evaluated with the possibility for renewal after one year. A longer-term loan agreement may be possible with approval of the Archives Advisory Committee.

If objects are found in the collection that were previously deposited at WWCC as permanent or indefinite loans, staff will make all possible efforts to contact the lender or immediate heirs of the lender in order to:

- Convert the loan into a gift, if the object is consistent with WWCC's mission and collecting criteria.
- Negotiate a new long-term loan agreement with the lender.
- Return the object to the lender or the lender's heirs.

If staff are unable to locate and contact an object's original lender, they must document all efforts and keep all documentation in the object's file.

If a donor or his heir claims ownership of a found-in item and wishes for the item to be returned, the burden of proof is on the claimant. The claimant will need to produce an original loan certificate in order to reclaim the object, and produce proof that he is the legal heir of the original donor.

VI. OUTGOING LOANS

A. Approval Process for Outgoing Loans

Outgoing loans will be considered on a case-by-case basis, and must be approved by the Executive Director.

B. Criteria for Outgoing Loans

The Archives will evaluate requests to lend materials and reproductions for exhibition at other institutions when the policies and facilities of those institutions meet accepted national exhibition loan standards of security, climate control, and insurance coverage, and when proper credit is given to William Way LGBT Community Center and the John J. Wilcox, Jr. Archives. Institutions wishing to borrow materials should begin the process early (often a year or more in advance) and must submit proper documentation before an agreement will be signed.

When assured that proper care and protection will be provided, WWCC may lend objects to promote public education through study and exhibition.

1. No loans will be made to private individuals.
2. At all times the preservation of collections objects will take priority.
3. Requests for loans should be received at least six months in advance of expected delivery date.
4. Before materials will be lent the following criteria must be met:
 - There are no restrictions on the requested object that preclude making the loan;
 - The item is in good condition and can withstand the stresses of travel, handling, study, and/or exhibition;
 - The loan will not jeopardize WWCC's own program;
 - The item is owned by WWCC and not on loan to it;
 - All items involved in the loan are accessioned and, preferably, photographed;
 - The borrower agrees to all conditions established by WWCC.

C. Duration

Loans from the Archives will, in general, not exceed duration of one year. If the borrower wishes to keep an object longer than two years, the loan agreement will be re-evaluated annually with the possibility for renewal, on an item-by-item basis.

D. Requirements and Obligations for Borrowers

1. General Facility Report

In order for WWCC to expedite a loan request, it is required that the borrowing institution complete a General Facility Report which indicates the conditions under which the object will be displayed.

2. Object Condition

The borrowing institution must complete a written condition report upon receipt of any loaned object, with an additional condition report completed prior to return of the object to the Archives.

The borrowing institution must not perform any conservation, cleaning, fumigation, treatment, reframing, marking, or any other action that alters an object in any way without the written approval of WWCC. In the event that an object might become damaged while in transit or at another institution, the borrower must report any damages to WWCC immediately. The borrowing institution is required to pay all conservation costs performed by a conservator who has been approved by WWCC.

3. Costs

It is understood that the borrowing institution is required and agrees to pay all costs of any special conservation work on requested objects. Furthermore, the borrowing institution is required to assume the responsibility for all shipping costs, including any special packing that might be required; insurance costs in transit and on location; and all courier fees. WWCC must approve all arrangements, and a cost estimate for all charges will be forwarded to the institution requesting the loan.

The borrowing institution must provide a certificate of insurance for any and all risk, a wall-to-wall fine arts policy covering the items at the value established by WWCC for the duration of the loan, including transit to and from the borrowing institution and while on the institution's premises, unless the item is of minimal monetary value and WWCC has waived insurance.

4. Reproduction

The borrower may photograph an object for record-keeping, educational, or publicity purposes. Any reproduction for sale may only occur with the written approval of WWCC. Framed items may not be removed from their frames for photography.

VII. DOCUMENTATION

A. Collection Object Records

WWCC will initiate and maintain up-to-date records of all objects entering the Archives, including gifts, purchases, loans, or any other type of acquisition, even temporary. Records are managed in an archival management system.

B. Backup System for Records

WWCC records will be safeguarded from loss, destruction, and degradation. The institutional server, including all database records, is backed up at least once a month.

C. Inventory

To properly maintain, manage, and secure its holdings, the Archives will perform inventory spot-checks in collections storage on a regular basis.

VIII. COLLECTIONS CARE

WWCC is responsible for the care and preservation of all objects under its jurisdiction, including the permanent collection as well as loans. In addition to performing the types of care and management described in other sections of the policy, the Archives will:

- Provide intellectual access to all collections by appropriate cataloging, description, or digitization;
- Maintain collections in secure and environmentally appropriate conditions within the constraints of budget and space allocation within WWCC;
- Maintain a comprehensive collection preservation program;
- Perform in-house assessments of collections on a regular basis: as collections are accessioned, in response to problems that are revealed during patron use, through condition surveys of specific collections, and when items are chosen for exhibition;
- Take measures to prevent the theft, vandalism and destruction, or damage by pests or by fire, water, or other elements;
- Ensure that objects are handled appropriately and receive adequate collection maintenance and professional conservation care;
- Maintain a budget line item for collections care and conservation; and
- Carry out all legal, ethical, and professional responsibilities required to provide the necessary care for all objects acquired, borrowed, or placed in WWCC.

IX. INSURANCE AND RISK MANAGEMENT

A. Insurance Policy

Though insurance is not a substitute for safety, security, or professional collections care, it does provide compensation in the event of unforeseen loss or damage. WWCC will provide fine arts insurance coverage for its collections.

B. General Risk Management

The Archives maintains a comprehensive security plan, which governs all areas of collection security from physical space control to patron and staff use regulations, and works closely with the WWCC's building maintenance staff to keep the plan in operation.

WWCC staff must conduct periodic reviews of potential risks to the collection including natural disasters, vandalism, theft, human error, mechanical or operational system failure, and deterioration. Staff should maintain regular contact with local fire and police departments. Personnel from these agencies should be aware of the historical value and significance of the Archives. Copies of the building's floor plans should be held at the local fire department.

WWCC must ensure that an Emergency Preparedness and Response plan is in place in order to mitigate potential damage in the event of disasters and emergencies. The contents of the plan, particularly procedures, contact lists, and collections priorities for salvage and/or conservation, must be reviewed and updated annually, and more frequently if necessary.

Staff will be trained in health emergencies, the proper use of fire extinguishers, fire drills, evacuation procedures for members of the public and staff, evacuation procedures for collections, and disaster response and recovery for collections.

X. ACCESS AND USE

A. Collections Access

All members of the public may request to examine or study collections items in the Archives during normal business hours, provided they contact Archives staff in advance and schedule an appointment. Collections are accessible contingent upon staff availability and consistent with accepted security and preservation practices. All collections are non-circulating and all materials must be used on site. Procedures for the use of the collection will be established by the Director of the Archives/Archivist and the Curator.

B. Terms and Conditions

The Archives reserves the right to refuse access to certain objects in the collection if they are unprocessed, or deemed too fragile or unstable for use. Staff may also limit the amount of researchers using particular collections at one time. Users may be liable for any damage caused to collections.

Areas where researchers are using collections will be monitored by a member of the staff at all times, and staff will instruct researchers in proper handling methods for collections. Users must comply with the Archives' conditions regarding examination, handling, photography, and the use or dissemination of collection information.

To protect the privacy of donors and the security of the collection, access to certain information in the object files may be restricted. Donor's contact and other personal information will not be provided without their permission. Insurance and appraised values of collections will be kept confidential. The WWCC reserves the right to deny access to other types of information contained in its collection records.

XI. INTELLECTUAL PROPERTY

A. Publishing

In providing permission to publish material obtained from the Archives, the WWCC does not assume any responsibility for infringement of copyright or of publication rights in the material which may be held by others, and the publisher assumes all responsibility for any claims under the Copyright Law of the United States or the laws of libel which may be made as a result of the publication.

The publisher agrees to indicate the credit, "John J. Wilcox, Jr. Archives, William Way LGBT Community Center." as the source of the archival material in all published works. A dissertation or thesis is considered to be a published work.

It is the researcher's responsibility to determine whether materials in the collections are in the public domain or protected by copyright. A statement of permission must be obtained from the holder of the rights, and proper credits used, for all documents being reproduced that are not the intellectual property of the Archives. The responsibility for obtaining any additional permission required for the publication of collection materials remains with the publisher of the material.

Permission granted is for one time publication use. In granting permission to publish, the WWCC does not surrender its own right after that to publish any of the materials for its collection or grant permission to others to publish them. In return for permission to publish, a final copy of the publication should be provided to the Archives.

B. Reproductions

The copyright law of the United States (Title 17, USC) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of the specific conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. Copies are permitted for personal and research use only, and Archives staff reserve the right to refuse permission.

The use of personal digital cameras in the Archives is encouraged in lieu of placing photocopy requests. Self-service photocopying is permitted with staff approval. Many materials are physically sensitive and cannot be photocopied; restrictions will be determined at the discretion of Archives staff.

Requests for photocopies or scanned images of materials may be made to the Archives by e-mail. Conditions of the individual documents and the size of the job will determine whether a request can be accepted. Payment is due in advance of reproduction.

Users must agree to the following conditions:

1. User agrees to hold the WWCC, its agents, and employees harmless from any and all claims or liability of any kind arising out of or related to use of the protected material.
2. Any use of such material will be accompanied by a copyright notice, attribution to the named collection, acknowledgment of the photographer if applicable, and the credit line "John J. Wilcox, Jr. Archives, William Way LGBT Community Center."
3. With respect to materials in which copyright is held by an entity other than WWCC and the copyright holder is known, user will obtain permission from the owner of the copyright to use the material and will comply with all requirements of the owner regarding notice.

William Way LGBT Community Center John J. Wilcox, Jr. Archives Collections
Management Policy Updated October 2018

APPENDIX B

WWCC and JJWJA Collections Development Policy

COLLECTION DEVELOPMENT POLICY

JOHN J. WILCOX, JR. ARCHIVES WILLIAM WAY LGBT COMMUNITY CENTER

This Collection Development Policy provides guidelines for building the collections of the John J. Wilcox, Jr. Archives at the William Way LGBT Community Center.

Mission of the Archives

The John J. Wilcox, Jr. Archives is a program of the William Way LGBT Community Center and is located within the Center at 1315 Spruce Street, Philadelphia, PA. Our mission states:

The mission of the Archives is to collect, describe, interpret, and provide access to publications, personal papers, organizational and business records, audiovisual materials, and ephemera created by, dealing with, or of special interest to gay, lesbian, bisexual, and transgender individuals. Our collections include materials from around the world, but preference is given to items that document the lives of sexual minorities in Delaware, New Jersey, and Eastern Pennsylvania.

Clientele Served by the Archives

The Archives serves a broad range of users, including the LGBT community of Philadelphia and the Delaware Valley, scholars/researchers from around the world, activists and artists, students from area K-12 schools, undergraduate and graduate students, teachers at area schools, local history researchers, journalists, writers, and documentarians, and WWCC staff.

Scope and Priorities of the Archives

Areas of collecting emphasis are defined by the Archive's mission, historic and existing strengths of the collections, trends in the study of LGBT history, and the current and changing needs of the Center's clientele.

Topics

LGBT history and culture, generally

We collect on the topic of LGBT history broadly and not comprehensively. We do not make a priority of collecting material specific to localities beyond Philadelphia and the Delaware Valley, except to provide context by including representative samples from this category, or when materials are otherwise strongly related to other collecting priorities, such as personal and family collections, organizational collections, and so on.

The homophile and early LGBT rights movements

This includes the pre-Stonewall movement for equality and the early years of gay liberation through the 1970s, both in and out of the Philadelphia region.

LGBT history in the City of Philadelphia and the Delaware Valley

This is our key and strongest collecting area. We strive to collect in this area comprehensively.

History and operations of the WWCC and its predecessors

The Archives is the official repository of the business records of the William Way LGBT Community Center and its predecessors, the Gay Community Center of Philadelphia, the Gay and Lesbian Community Center of Philadelphia, and Penguin Place. This includes records of enduring historical value which document the history and operations of the Center and contain evidence of its organization, function, decisions, procedures, and activities.

Feminism and feminist organizations

Early in the history of the Center the Archives made a point to collect material related to feminism and local feminist organizations. This is no longer a collecting priority. We do still collect material related to lesbian feminism.

HIV/AIDS

Original and unique materials which document the HIV/AIDS epidemic in the Philadelphia area, with emphasis on its impact on the LGBT community through the 1980s and early 1990s.

Formats

The primary formats collected include manuscripts, printed texts, graphics, artifacts and objects, textiles, audio-visual materials, and born-digital materials.

Personal and family papers

Personal and family papers of individuals or families who are or once were members of the Philadelphia and Delaware Valley LGBT communities, especially those whose work or lives have been devoted to LGBT issues and concerns. We usually do not collect personal or family papers of those from outside the geographic region.

Organizational and business records

Records of area organizations dedicated to LGBT issues, including activism, education, health, and culture.

Periodical publications

Includes newspapers, magazines, journals, and newsletters. Emphasis is on local publications and organizations, those of the homophile and early LGBT rights movements, and representative samples beyond these specific focuses.

Ephemera

Includes paper-based material, both published and unpublished, which serves an immediate informational need and is not necessarily intended by its creators to be maintained past its intended use. Examples include newsletters, catalogs, pamphlets, mailings, programs, invitations, brochures, postcards, calendars, posters, handbills, broadsides, greeting cards, tickets, graphics, etc.

Newspaper clippings

Clippings from local and national publications on LGBT issues, especially articles from the mainstream press which would otherwise not be included within the periodical collection.

Audiovisual materials

Focus is on original content on the subjects of the homophile and early LGBT rights movements, and LGBT history in Philadelphia and the Delaware Valley. Examples include interviews and oral histories, local radio programs, and musical performances that relate strongly to local figures or organizations. Materials beyond this scope which support collections of local figures or organizations may also be included. We do not typically collect home recordings of TV shows or commercial materials such as movies and documentaries, unless they have a local connection and are not readily available elsewhere.

Artwork

The permanent art collection is managed by the WWCC Art Committee. Additionally, the Archives accepts LGBT-related artwork as part of larger archival collections such as personal or organizational records.

Artifacts and objects

These include buttons, matchbooks, membership cards, signs, etc., to the extent that we have the resources to care for these materials.

Textiles

Includes t-shirts, hats, bags, banners, uniforms, costumes, etc., to the extent that we have the resources to care for these materials.

Rare books

Includes rare books and autographed first editions. Not currently collecting in this area unless the material relates directly to another collecting priority such as LGBT material from the Philadelphia area.

Pulp fiction

Inexpensive and popular mostly LGBT paperback fiction books typically printed on woodpulp paper. Often contained lurid or exploitative stories and used sensational cover art. From the 1930s to the 1980s.

Reference collection

Comprised of secondary literature meant to assist staff and researchers in using original sources from the Archives. Topics in the reference collection may include seminal works in LGBT history, studies of local LGBT history, including published research conducted in the Archives, histories of the local geographic area, histories or bibliographies of allied fields (such as HIV/AIDS or women's studies), and resources used in the cataloging, description and management of archival collections. Additions to and deaccessions from the reference collection will be made periodically to keep it current.

Travel guides and business directories

These include the popular Spartacus Gay Guides, Damron Address Books, and Gayellow Pages.

Born-digital material

We currently collect only a small amount of born-digital material. Material types may include e-mail, text files, born digital images, born digital audio and video files, blogs, and websites. See the Digital Preservation Policy for more information on how this material is accessioned, described, preserved and accessed.

Other parameters of the collection

Strengths of the Collection

Included are materials from the local area, early periodicals from the 1960s and 1970s, travel guides, and the ephemera collection.

Retrospective collecting

Areas of the collection we are particularly eager to enhance include materials pertaining to transgender people, women, and people of color. We also aim to fill in gaps in our periodicals collection as donations or purchases allow.

Primary and secondary literature

Except for the reference collection, most of the materials collected in the Archives are considered to be primary sources. Offers of secondary literature (for instance books on the topic of same sex marriage or LGBT history) will be referred to the WWCC Library.

Language

We collect materials predominantly in the English language. Materials in other languages which support local LGBT communities as well as representative samples of materials in other languages may be collected as well.

Geographic aspects

Our strongest and most important collecting parameter is the location referred to as Philadelphia Metropolitan area, also sometimes referred to as the Delaware Valley or the Tri-State area.

Budget Allocation and Funding

Historically, there has been no dedicated budget for the purchase of collections. Small purchases may be worked into exhibit expenses when appropriate and a small amount is now budgeted for the purpose of filling gaps related to under-represented communities. A full-time Director and Archivist and a part-time Curator are presently supported general operating funds and ongoing fund-raising.

Acquisition Methods

Currently, the Archives acquires materials almost exclusively through donation. As gifts of materials and funds are essential to maintaining and developing the collections, the Archives seeks the support of donors. In rare instances the Archives has accepted materials on long-term or indefinite loan. Materials documenting the history and operations of the Center are acquired through transfer to the Archives. Occasionally, materials from the Center's Library are transferred to the archives. Generally, the Archives prefers not to accept materials that are not intended to become the property of the William Way LGBT Community Center.

Collecting Policies and Procedures

The Archives does not accept materials without legal transfer of title, deed of gift or deposit, or other official acknowledgment. The Archives does not accept materials that are restricted from public access in perpetuity. Some collections or portions of collections may be designated restricted for a reasonable and finite period of time with the advanced agreement between the Archives and the donor. Materials that do not fall within the scope of the Archives collecting areas or that duplicate existing holdings may be deaccessioned in accordance with the Archives policy on deaccessions, subject to the terms of acquisition, William Way LGBT Community

Center regulations, and state and federal laws. Duplicate gifts are often made available to similar collecting institutions.

Ongoing Review of Collection Development Policy

This collecting policy is designed to meet the goals of the William Way LGBT Community Center and the John J. Wilcox, Jr. Archives. This policy will be periodically reviewed, evaluated, and changed as necessary to meet these goals. The Archives reserves the right to change the preceding policies without notification to donors, their heirs or assigns.

APPENDIX C

NMAH Collections Management Policy

National Museum of American History, Behring Center

Collections Management Policy

Updated December 19, 2012

I. Mission

A. Museum Mission Statement

The National Museum of American History, Behring Center (NMAH) dedicates its collections and scholarship to inspiring a broader understanding of our nation and its many peoples. We create learning opportunities, stimulate imaginations, and present challenging ideas about our country's past.

B. Collections and the Museum Mission

Collections are fundamental to the mission of NMAH. Collections are the building blocks of research, exhibitions, publications, educational programs, and loans. They are shared with audiences within the Museum, nationally, and worldwide.

The Museum actively adds to its collections and thereby enhances its capabilities for research and interpretation. In acquiring and preserving collections the Museum acknowledges its responsibility to the American Public, for whom the legacy of material culture is held in trust.

Sound scholarship and careful documentation of collections assures that the investment in their acquisition and preservation will receive maximum return in the future, as items are studied and displayed.

Strict accountability in all aspects of collections management is essential to the Museum's trust responsibility.

C. Collections Program Mission

Balanced collections management serves to enhance public access to and use of the collections through scholarly research, exhibitions, and public educational programs, while ensuring that sufficient safeguards are in place for proper preservation of the collections.

This Collections Management Policy and related Institutional policies and procedures guide the Museum's Collection Program. The program includes planning, acquiring, researching, and providing for the preservation, proper use, control, and documentation of the objects held in the public trust. It ensures that appropriate museum practices and legal requirements are observed.

II. Delegation

The Director of the National Museum of American History, Behring Center (NMAH), is responsible to the Smithsonian Institution (SI) Under Secretary for History, Art, and Culture; Secretary; and Board of Regents for the prudent management of the National Collections. The Director exercises this responsibility through the Associate Director for Curatorial Affairs, who delegates specific aspects of the responsibility to Office of Curatorial Affairs staff. The Associate Director for Curatorial Affairs enforces the elements of the CMP.

All delegations are in writing, either as part of position descriptions, performance plans, or memoranda.

III. Ethics

The National Museum of American History, Behring Center (NMAH), recognizes and accepts its fiduciary responsibility to provide proper management, preservation, and use of the collections and associated information it holds for the benefit of the public.

NMAH staff have legal, ethical, and professional obligations to maintain high levels of honesty, integrity, and loyalty to the Institution. These standards of conduct are set forth in SD 103, *Standards of Conduct*. SD 103 establishes Smithsonian policy regarding ethical standards to which all Smithsonian employees are required to adhere.

Under no circumstances does NMAH staff provide an appraisal of objects to donors or potential donors.

Museum staff are discouraged from bringing personally owned objects of the type collected by NMAH into the Museum except for purposes of study, exhibition, or office decoration. All objects brought into the Museum as office decoration are clearly marked or otherwise identified as such. Unless present in the Museum for exhibition or study purposes, NMAH does not insure objects personally owned by staff.

IV. Scope of Collections and Collection Development A. Scope of Collections

NMAH, one of the most comprehensive collections in the world, holds the national collection for the social, cultural, economic, scientific, and technological history of the peoples of the United States. The Museum's artifacts, including its extensive archival holdings, represent the origins and development of the United States. Changing historical

perspectives and understandings guide new acquisition efforts and are reflected in their results.

The Museum collects artifacts associated with the people who lived and traveled within the current geographic boundaries of the United States from the 17th through the 21st centuries. Artifacts from earlier time periods through the 21st century, which were made and used in other parts of the world, are collected when they show the origins of, or provide developmental context for, the holdings of the Museum.

The National Numismatic Collection seeks to present history through money and medals. Therefore its collection is worldwide in scope and extends from traditional, non-coin media to paper money, credit cards, and other contemporary monetary forms.

B. Collections Plan

1. Authority to Collect

Delegated authority to collect is documented through Office of Curatorial Affairs staff position descriptions and performance plans. Decisions regarding all potential acquisitions and disposals support the Museum's approved Collections Plan. Acquisition of collections is at the discretion of those with delegated authority to collect, except as noted in section V.B.2.

2. Collections Plan

The Associate Director for Curatorial Affairs manages the development, implementation, and monitoring of the Museum's Collections Plan, which defines the goals for and assessments of the Museum's collection. The Plan supports the mission, goals, and objectives of the Museum and the thematic needs of its research, exhibition, and public programs.

C. Collections Committee

The Collections Committee acts as an advisory body to the Associate Director for Curatorial Affairs on collection development. The Committee reviews activities under its jurisdiction, recommending specific decisions and actions to the Associate Director for Curatorial Affairs. Activities under the jurisdiction of the Collections Committee are identified in the following sections of this Policy: Acquisitions, Outgoing Loans, Deaccessions, and Disposals.

V. Acquisitions A. Definitions

Acquisition is the act of gaining legal title to a collection item or group of items. NMAH holds registered and unregistered acquisitions.

1. **Registered Collections:** Objects collected and held for an indefinite period of time, important to the Museum's collecting, research, and educational functions. Two categories have been defined:

1. **Accessioned Collections:** Objects collected with the intent of long-term preservation.
2. **Non-accessioned acquisition:** Objects collected for near-term use and media containing information relating to specific objects or subject areas. Three categories have been defined:
 - **Speculative Collections:** Objects being considered for addition to the accessioned collections but for which a final determination cannot be made for one or more of the following reasons:
 - The condition is such that a better or more complete example is preferable.
 - The significance of the object is still uncertain.
 - **Hands-on Collections:** Objects designated for use in educational activities, which are handled under the control or supervision of Museum staff and volunteers. It is understood that such objects suffer wear and damage over time.
 - **Reference Materials:** Written, printed, electronic, or other media containing recorded information relating to specific objects or subject areas collected for long-term preservation.

2. **Unregistered Collections:** Objects kept for limited time periods or for use as spare parts for other objects. Three categories have been defined:

1. **Spare parts:** Objects not in immediate or regular use but held in reserve for eventual use, such as spare parts for operating machinery.
2. **Props:** Objects acquired for a specific use for a limited time period to enhance a particular Museum activity, such as an exhibition or public program.
3. **Reference Material:** Written, printed, electronic, or other media containing recorded information relating to specific objects or subject areas, which usually duplicate material found in other repositories.

B. Reviewing Proposed Acquisitions

1. General Criteria: All objects intended for the Museum's collection are reviewed prior to acquisition, with the following considerations in mind:
 1. Consistency with the goals of the Smithsonian Institution and the Museum's Collections Plan.
 2. Provenance, legal title, intellectual property rights. NMAH observes the highest legal and ethical standards in the acquisition of collections. Reasonable inquiries into the provenance of collection items under

consideration for acquisition are made to determine that the Museum can acquire a valid title to the collection item, including determining:

- that objects were not stolen or wrongfully converted and are not illegally present in the United States.
 - that objects were not unethically acquired from sources, unscientifically excavated, nor illegally removed from countries of origin after May 9, 1973.
 - that objects were not unlawfully appropriated during the Nazi era without subsequent restitution.
3. Physical condition, preservation requirements, and storage needs, including problems presented by inherent hazards to staff or surroundings caused by material composition (such as radioactive, toxic, or explosive materials).
 4. Research and documentation requirements in relationship to current staff expertise.
 5. Direct acquisition costs: transportation, purchase, conservation, storage, cataloging. If a purchase, whether the particular or a similar object(s) may be obtained by gift, bequest, or loan, and whether the price is fair and reasonable.
 6. Potential for the appearance of giving the Smithsonian Institution's commercial, political, or intellectual endorsement.
2. Collections Committee Review: It is required that the Collections Committee review and make a recommendation of approval to the Associate Director for Curatorial Affairs, and that the Associate Director for Curatorial Affairs approve the following proposed acquisitions
 1. Objects, singly or grouped, with an estimated value of \$5,000 or more. An independent appraisal is required for objects that are offered for sale at a price in excess of \$25,000.
 2. Objects, singly or grouped, that exceed 10 cubic feet and archival material exceeding 5 linear feet.
 3. Transactions containing more than 50 objects, except for archival materials.
 4. Objects, singly or grouped, for which packing, transportation, storage, or conservation costs exceed \$500.
 5. Objects offered by NMAH staff, or relatives of staff, for which the value, as estimated by the donor, exceeds \$100. If the cumulative value of gifts from one staff member, or a relative of a staff member, exceeds \$500 within one calendar year, the Committee must review all of the gifts from that donor given in that calendar year.
 6. Purchases from present and former staff and their relatives.
 7. Objects offered with restrictions (see section V.C.3).
 8. Purchases from a single source with a total cost exceeding \$500.
 9. Objects which require substantial resources beyond NMAH's allocated budget, or substantial resources of other Smithsonian units, for the management or preservation of the collection. In such cases, NMAH also consults with the Under Secretary for History, Art, and Culture; Secretary.

3. Parallel Collecting and Conflicts:

1. Among the various Smithsonian collecting units, some overlap in collecting is inevitable; however, competition for a particular acquisition is inappropriate. When acquisition conflicts arise between NMAH and another SI museum or office, the Director of NMAH and the Director of the other SI unit must agree on which unit will acquire the collection item. The acquisition proposal is referred to the Under Secretary for History, Art, and Culture; Secretary and the appropriate Under Secretaries for a decision in those rare cases when the directors cannot resolve the placement of a collection item.
2. NMAH avoids competitive bidding with federal organizations for collection items of common interest and seeks mutually acceptable agreements whenever the potential for competitive bidding with such organizations becomes apparent.
3. **Among museums nation-wide, overlap in collecting is inevitable. However, competition for a particular acquisition, when known, is neither to the benefit of the museums involved nor the publics they serve. When acquisition conflicts arise between NMAH and another museum, the Director of NMAH will contact the Director(s) of the other museum(s) in an effort to reach agreement on how to resolve the competition.**

C. Terms of Acquisition

1. All applicable federal, state, local, international and tribal laws, treaties, regulations, and conventions are observed and compliance documented.
2. As a general rule, collection items are acquired with the intention of long-term preservation. However, no guarantee is made that any acquisition will be retained in perpetuity.
3. As a general rule, NMAH only acquires unrestricted collections. Exceptions must be reviewed and a recommendation for approval made to the Associate Director for Curatorial Affairs by the Collections Committee--and approved by the Associate Director for Curatorial Affairs.
4. No commitment is made regarding exhibition, interpretation, or placement of objects.
5. All acquisitions are subject to NMAH policies regarding acknowledgement in exhibits.
6. All acquisitions are subject to SI and NMAH policies on the use of the Institution's name and the Museum's name in publicity.

D. Documenting Legal Transfer of Title

1. To effect full, legal transfer of title, appropriate contracts, deeds, invoices, and other appropriate forms and documents are executed for each acquisition transaction. The type of transaction—gift, bequest, purchase, transfer from other SI units, or transfer from U.S. Government agencies, determines the appropriate document(s).
2. All gifts and bequests are acknowledged in writing to the donor or estate.

3. The NMAH Registrar signs IRS form 8283 for Noncash Charitable Donations on behalf of the Museum.
4. For Bargain Sales, NMAH acknowledges, to the vendor, receipt of outside appraisals or other legitimate evidence of fair market value. NMAH forwards, to the vendor, a letter of acknowledgement written according to SI Office of General Counsel guidance.

E. Accountability (see Section VI)

1. An object is officially registered when both a registration number is assigned and legal title is obtained.
 - a. The intended use or purpose of an object is identified at the time of acquisition.
 - b. Any future change to the use or purpose is explained and justified in writing.
 - c. Actual use by the Museum does not compromise the intended use or purpose of the acquisition.
2. A catalog number is applied to registered objects within 20 working days of physical receipt. An identification number is applied to unregistered collections within 20 working days of physical receipt.
3. Registration files are completed within 90 working days following transfer of legal title of registered collections. All original documentation relating to registered collections is submitted to Collections Management Services as part of the Museum's official file.
4. A CIS object record that meets the Museum's minimum inventory standards is completed for all new acquisitions within one year of receipt of an object, unless other deadlines for completing the work have been made.
5. Original documentation for unregistered collections is maintained in the unit of the Office of Curatorial Affairs or the Office of Public Programs that holds the collection, and is maintained as proof of transfer of legal title to the Museum.
6. If at the time of initial acquisition a collector believes that the above timeframes cannot be met, then an extension is requested for the specific item(s) in question. The request includes the projected date by which the work will be completed. The appropriate unit head in and Associate Director for the Office of Curatorial Affairs approve requests for extensions related to the registered and unregistered collections held by that Office. The appropriate unit head in and Associate Director for the Office of Public Programs approve requests for extensions related to the unregistered collections held by that Office. The NMAH Registrar monitors the timely completion of the work.

VI. Deaccessioning A. Definitions

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

B. Reviewing Proposed Deaccessions

1. General Criteria for Deaccessioning: Objects are registered as “Accessioned Collections” according to the Museum’s Collections Plan, with the intent of long-term preservation. Periodic review of accessioned collections may result in the removal of certain objects from this curatorial category and their placement in other registered or nonregistered curatorial categories. NMAH reviews proposed deaccessions using the following criteria:
 1. The object is outside the scope of the Museum’s Collections Plan.
 2. A better example of the object type has been accessioned.
 3. The object has deteriorated or is damaged beyond repair.
 4. The object contains hazardous elements and disposal is necessary.
 5. Repatriation.
2. NMAH Review: Collections Committee review and unanimous approval, and the approval of the Associate Director for Curatorial Affairs, is required for all proposed deaccessions. The following is provided:
 1. Collections Management Services provides written confirmation that no restrictions exist in the registration file that affect the deaccessioning of the object.
 2. All NMAH curators and chairs are given the opportunity to review and provide written comments for deaccession proposals.
 3. Written opinions from at least 2 disinterested experts are obtained for proposed deaccessions valued at over \$50,000. These opinions address the objects relevance to the Museum’s Collections Plan.
3. SI Review: If the estimated value of a single collection item or a group of collection items considered for deaccession is:
 1. More than \$100,000, two written, independent appraisals or informed estimates of fair market value and approval of the deaccession from the Office of the General Counsel; the Under Secretary for History, Art, and Culture; and the Secretary is obtained.
 2. More than \$500,000, two written, independent appraisals or informed estimates of fair market value and approval of the disposal from the Office of the General Counsel; the Under Secretary for History, Art, and Culture; the Secretary; and the Board of Regents is obtained.

C. Deaccession Dispositions

The following are approved dispositions for deaccessioned objects and are in order of preference:

1. Use by NMAH for educational programming in tours, outreach, or demonstrations.
2. Use by NMAH as replacement part(s) for accessioned objects.
3. Use by NMAH in conservation treatment mock-ups.
4. Disposal.

D. Accountability

1. All original documentation relating to deaccession actions is submitted to Collections Management Services for addition to the official registration file.
2. Collections Management Services monitors the disposition of deaccessions. The request must be resubmitted to the Collections Committee if no action takes place within 2 years.

VII. Disposal A. Definitions

Disposal is the act of physically removing a collection item or group of items from the Museum's collections. Disposal may include transfer of legal title to another party.

B. Reviewing Proposed Disposals

1. General Criteria for Disposals: The Museum is aware of its role as trustee of the collections for the benefit of the American public. Objects are acquired with the intent of long-term retention and not with the intent of quick disposal. However, when it is deemed prudent to do so, disposal of objects is considered. NMAH reviews proposed disposals using the following criteria:
 1. The object is no longer relevant to the purposes and activities of the Museum.
 2. The object is endangered by the Museum's inability to properly preserve it.
 3. The object has deteriorated beyond usefulness or contains elements which present a hazard to staff and the public.
 4. Disposal provides the means for improving or strengthening the collections or otherwise furthering the goals of the Museum.
 5. Repatriation.
2. NMAH Review:
 - a. Disposal of accessioned collections is considered only if the collections are approved for deaccessioning.
 - b. The approval of the Associate Director for Curatorial Affairs is required for all disposals.
 - c. Collections Committee review and unanimous approval is required for the disposal of all registered and unregistered collections with a value of \$10,000 or more. A written, independent appraisal or informed estimate of fair market value is obtained for single collection items or a group of collection items with an estimated value of more than \$10,000.
 - d. Collections Committee review and unanimous approval is required for disposals that are the result of repatriation requests.
3. SI Review: If the estimated value of a single collection item or a group of collection items considered for disposal is
 1. More than \$100,000, two written, independent appraisals or informed estimates of fair market value and approval of the disposal from the Office

- of the General Counsel; the Under Secretary for History, Art, and Culture; and the Secretary is obtained.
2. More than \$500,000, two written, independent appraisals or informed estimates of fair market value and approval of the disposal from the Office of the General Counsel; the Under Secretary for History, Art, and Culture; the Secretary; and the Board of Regents is obtained.
6. Repatriation of Native American and Native Hawaiian objects:
 1. Repatriation is governed by the requirements set forth in the *National Museum of the American Indian Act, 20 U.S.C. § 80q (1989), as amended*.
 2. The Secretary or his designee makes final repatriation decisions.
 3. All repatriation decisions are subject to the general policies of the Board of Regents.
 4. The NMAH Registrar is responsible for maintaining an inventory of Native American and Native Hawaiian objects in the NMAH collections and for documenting and processing repatriation requests.
 7. NMAH adheres to the *Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era*, issued by the American Alliance of Museums. Prudent and necessary steps are taken to resolve the legal status of objects acquired in good faith and later determined to have been unlawfully appropriated during the Nazi era without restitution.
 8. Emergency disposals recommended by Office of Curatorial Affairs units and the Office of Environmental Monitoring and Safety proceed without further review. The NMAH staff involved documents such disposals.

C. Disposal Actions

1. All applicable federal, state, local, international, and tribal laws, treaties, and regulations and any other applicable restrictions are observed and documented.
2. The following are approved dispositions for disposals and are in order of preference:
 1. Repatriation when required.
 2. Transfer to another SI museum or office for legitimate educational use. Smithsonian collecting units have a right of first refusal for collection items approved for disposal, except as otherwise stipulated by authorizing legislation or other restrictions. Such transfers are without financial compensation, except when NMAH disposes of a collection item acquired through purchase.
 3. Exchange with another museum or educational institution for an object to be accessioned into NMAH collection.

4. Donation to another museum or educational institution which intends to make it generally accessible to the public. NMAH retains the right of first refusal if and when the recipient institution disposes of the object(s).
5. Sale, preferably at public auction. Proceeds realized from the disposal of collection items must be designated for additional collection acquisitions.
6. Witnessed destruction. Destruction of registered and unregistered collections held by the Office of Curatorial Affairs is certified by the responsible curator and a representative of Collections Management Services. Destruction of unregistered collections held by the Office of Public Programs is certified by the staff involved and a representative of Collections Management Services.
7. A written justification, with an explanation of the reasons for not using one of the preceding methods, is required if another method of disposal is proposed. Any other method of disposal for collections requires the approval of the Associate Director for Curatorial Affairs, with recommendation from the involved Office of Curatorial Affairs (for registered and unregistered collections held by that Office) or Office of Public Programs staff (for unregistered collections held by that Office) and the Assistant Director for Collections Management Services.

D. Accountability

3. All original documentation relating to disposal actions is submitted to Collections Management Services for addition to the Museum's official file.
4. As required by law, the NMAH Registrar informs the IRS and the donor, using IRS form 8282, when disposal occurs within 2 years of a donation reported to the IRS, using IRS form 8283.
5. Collections Management Services monitors the disposition of disposals. The request must be resubmitted to the Collections Committee if no action takes place within 2 years.
6. The SI Office of the General Counsel reviews the use of the names of the Smithsonian Institution and its units by receiving organizations or in public auction.
7. Under no circumstances shall ownership of NMAH collections be transferred to any SI employee, volunteer, intern, fellow, visiting professional, or their relatives.

VIII. Preservation A. Definitions

Preservation is the protection and stabilization of collections, as well as their associated information, through a coordinated set of activities aimed at minimizing chemical, physical, and biological deterioration and damage and preventing loss of intellectual, aesthetic, and monetary value. Preservation encompasses environmental control, conservation treatment, and collection maintenance. Preservation is an ongoing process with the goal of making collections available for current and future use.

B. Standards

NMAH provides the necessary preservation, protection, and security for all collections acquired, borrowed, and in the custody of the Institution, including their associated information.

1. NMAH supports and promotes the goals for collection preservation as stated in the professional codes of ethics for museums, curators, registrars, and conservators.
2. NMAH balances current research and educational use with the preservation requirements of collection items to ensure that collections are maintained for future generations and rightfully serve their intended purpose.

C. Environmental Controls

Environmental controls are applied for objects in storage, on exhibition, within public program areas, in transit, and in collection processing areas.

1. Space and resources needed to provide the proper environment for an object are identified and committed at the time of acquisition.
2. Environmental conditions appropriate to the preservation of the object are identified, monitored, and maintained at all times within the limits of available facilities.
3. Preventive and protective measures are taken and proper materials used to minimize the damaging effects of the environment.

D. Conservation Treatment

1. Any conservation intervention, restoration, destructive sampling, or consumptive use of collection items is authorized, documented, and justified—in writing—for the purpose of preservation or professional scholarship. The purpose, anticipated benefits, and potential risks of any proposed treatment are identified, justified, and recorded to ensure the integrity and preservation of the object.

2. Written permission is obtained from the responsible Museum unit or current legal owner prior to any object treatment.
3. Only those with appropriate levels of skills and supervision treat collections.
4. Priorities for treatment are established and reviewed based upon established guidelines, Museum program priorities, and periodic review of collections.

E. Collection Maintenance

1. Only designated, authorized NMAH staff handle objects without supervision.

2. Collections are properly supported and housed in storage, on exhibit, within public program areas, in transit, and in collection processing areas using the best techniques and materials available.
3. All suspected hazardous materials are labeled.

F. Authority and Responsibility

1. The Assistant Director for Collections Management Services is responsible for developing, implementing, and monitoring a coordinated Collection Preservation Program for NMAH, within the constraints of available facilities and resources. Priorities within the Collection Preservation Program come from Museum programmatic priorities.
2. Department of History staff, in consultation with Collections Management Services staff, has responsibility for the care and maintenance of objects in storage and on exhibit in the American History building.
3. Collections Management Services staff, in consultation with Department of History staff, has responsibility for the care and maintenance of objects stored at off-site facilities, objects being packed and shipped, and objects undergoing conservation treatment.

G. Accountability

1. All original documentation relating to the preservation of collections is submitted to Collections Management Services for addition to the Museum's official file.
2. Conservation records meet at least the minimum standards published by the American Institute for Conservation.

IX. Collections Information A. Definitions

Collections information documents the intellectual significance, physical characteristics, and legal status of collection items, as well as the collections management processes and transactions they undergo. Maintaining collections information is part of an ongoing process with documentation residing in a combination of paper records, the NMAH Collections Information System (CIS) and media formats. The NMAH CIS is the museum's central data repository for recording, managing, and maintaining information about the collections as part of responsible stewardship, and through which collections information is made accessible to the public via digital media and networks.

B. Content Requirements

1. All original documents establishing right and/or title to objects are forwarded to Collections Management Services for the official registration file.
2. The Museum's official registration file minimally contains the following acquisition or loan information, as applicable for each object:
 1. Registration transaction number.
 2. Object number.

3. Object name, title/proper name, and classification.
4. Number of disjoint parts.
5. Legal status and sufficient provenance data to establish legal status. The provenance of acquired collection items is a matter of public record.
6. If owned by the Museum, whether title is acquired by gift, bequest, purchase, transfer, or exchange.
7. From whom the object is acquired or borrowed.
8. Credit line.
9. Responsible NMAH curatorial unit.
10. Physical description.
11. Reason for acquisition or loan.
12. Damage, loss, and conservation documentation.

3. All management processes and public program activities is submitted to Collections Management Services for addition to the Museum's official registration file original documentation relating to an object's involvement in Museum collections

4. The Museum's CIS is the system of record for collections information. Basic accountability information contained in the official registration file also is contained in an object's CIS record, or the record references the information in the Museum's official registration file.
5. Department of History staff are responsible for ensuring that objects assigned to their units bear catalog numbers and have entries in the CIS.

C. Information Preservation

NMAH recognizes the importance and interdependent nature of objects and related documentation. One cannot be provided without the other. An object without documentation has little scholarly value and records without objects serve no museum purpose. Therefore, the records and other documentary materials, which support the collections, are considered equally important and require the same degree of care and consideration.

1. All media containing collections information is maintained for long-term use and is preserved according to current archival and information technology policy and standards.
2. All documentation is organized and maintained for easy access and preservation of information.

D. Authority and Responsibility

1. The Associate Director for Curatorial Affairs ensures museum adherence to all elements of the Collections Documentation Program.

2. The Assistant Director for Collections Management Services is responsible for developing, implementing, and monitoring a coordinated Collections Documentation Program for NMAH, within the constraints of available resources. Priorities within the Collections Information Management Program come from Museum programmatic priorities.
3. The Assistant Director for Collections Management Services is responsible for developing, implementing, and monitoring a coordinated Collections Documentation Program for NMAH, within the constraints of available resources. Priorities within the Collections Information Management Program come from Museum programmatic priorities.
4. Collections Management Services administers and safeguards the official registration records of the Museum.
5. Collections Management Services administers and safeguards the content of the Museum's CIS.
6. Department of History units administer and safeguard research and interpretive records documenting assigned objects.

E. Accountability

1. All documentation associated with the collections, or created by their use and activity, is kept current and complete.

X. Inventory A. Definitions

Inventory is a record of a collection that identifies the objects and their current physical location; and the process of physically locating and identifying all or a selection of items for which the museum is responsible.

Cyclical Inventory is a planned inventory of collection items, conducted according to a predetermined schedule. Cyclical inventories may include a complete inventory or a specific percentage or sampling of the entire collection inventory as predetermined using statistically sound inventory methods.

National Treasures are a set of extremely valuable objects in the NMAH collections that are irreplaceable material representations of American history and culture. Collecting, preserving, interpreting, exhibiting, and sharing information about these objects is fundamental to fulfilling the museum's mission. National Treasures require a higher level of control and must be inventoried annually.

To be classified as National Treasures, objects must have national historical significance. They should represent people, ideas, events, experiences, and values that define the American Experience, and must meet two or more of the following criteria, based on curatorial assessment. The artifact must:

1. Be related to a highly important historical figure.
2. Be related to a highly significant historical event.

3. Represent or demonstrate a highly significant scientific, technological, cultural, military, political, or commercial innovation or achievement.
4. Represent or demonstrate highly significant artistic value or design achievement that also has major historical significance.
5. Be unique, extremely rare, or of high material value, and also have major historical significance.

B. Inventory Maintenance

The Museum's inventory of its collection is maintained through routine additions to and updating of the CIS.

1. For objects located within NMAH facilities, the Museum's CIS is the system of record for maintaining object information and object locations to the room or exhibit, and may be used for recording more specific locations.
2. For objects located at non-NMAH facilities, the Museum's CIS is the system of record for maintaining object information, including locations to the facility. The facility manager and/or borrower is responsible for maintaining more specific locations.
3. Object relocations are recorded in the CIS at the time an object is moved.

C. Cyclical Inventories

1. NMAH collection inventories are guided by a two-part, sequenced policy for gaining control and accountability over the collections:

1. Full inventory control is established over the collections through prioritized projects.
2. As inventory control is gained, it is verified on a rotational schedule through cyclical spot-checks that are conducted within a five year period, unless
 - i. another schedule has been set and is documented for the record.
 - ii. the objects are designated as "National Treasures".
 - (1) National Treasures are inventoried 100% on a yearly basis, with no exceptions.

2. NMAH policy requires that collections inventories being conducted

1. Use the museum's defined processes.
2. Use the NMAH CIS for documentation.
3. Adhere to NMAH inventory data standards for text and images.
4. Involve staff from the Department of History and Department of Collections Management Services.
 - i. Collections inventories may also include collections inventory contractors.

3. Collections inventory data standards and processes are described in the NMAH Collections Inventory Guidelines.
4. All loans to the Museum are inventoried fully at the time of loan renewal or loan termination.

D. Reconciliation

CIS records are reconciled with previously existing records when an object is first involved in any of the following:

1. Off-site relocations.
2. NMAH public programs.
3. NMAH exhibits.
4. Outgoing loans.

E. Authority and Responsibility

1. The Associate Director for Curatorial Affairs ensures museum adherence to all elements of the Cyclical Inventory Plan.
2. The Assistant Director for Collections Management Services is responsible for developing, implementing, and monitoring a coordinated Cyclical Inventory Plan for NMAH, within the constraints of available resources. Priorities within the Plan come from Museum programmatic priorities.
3. Department of History unit staff manage assigned AHB collection storage areas and record object movement into, within, and out of these storage areas using the CIS.
4. Collections Management Services manages the Museum's off-site storage facilities and records object movement into, within, and out of these off-site facilities using the CIS. It manages the Museum's shipping and packing facility and records object movement into and out of AHB.
5. Exhibit project staff manage exhibition staging areas and the installation and deinstallation of objects using the CIS. Project staff record object movement into, within, and out of exhibit staging areas and exhibit sections.

F. Accountability

1. The CIS is the repository for information related to collections inventory and reconciliation.
2. Collection Documentation Services, Collections Management Services staff are never assigned physical control over any NMAH object. Staff with delete privileges in the CIS do not have key and card reader access to the collections.

XI. Risk Management and Security

Risk management and insurance is coordinated at the Smithsonian by Risk Management in the Office of the Chief Financial Officer and governed by SD 108, *Insurance and Risk Management*. Security is coordinated at the Smithsonian by the Office of Protection Services.

A. Definitions

Risk management is the process of identification and evaluation of risk in order to prevent or minimize exposure to factors that may cause loss, damage, or deterioration of collections.

B. Insurance

1. NMAH collections are not insured while they are in the care and possession of Smithsonian units.
2. Collections on loan to NMAH are insured as stipulated by authorized loan agreements or negotiated contracts, unless the lender waives insurance coverage.
3. Objects left in the temporary custody of the Museum are not insured, unless their value exceeds \$1,000.
4. NMAH collections are insured while in transit and while on loan to non-Smithsonian borrowers.
 1. Waiver of insurance coverage is subject to review by the curator and approval of the Manager of the Outgoing Loan Office.
 2. Insurance cannot be waived for any object whose value is over \$5,000.

C. Damage and Loss

1. NMAH staff report damage and loss, as soon as it is discovered, to Collections Management Services, the appropriate Department of History unit, and the NMAH Security Office.
2. Collections Management Services reports damage or loss of collections to the Office of the Treasurer Risk Management Division.
3. NMAH staff who discover damage or loss to the collections prepare and submit written reports to Collections Management Services for the Museum's official registration file.
4. Proceeds from the settlement of an insurance claim are used for conservation and restoration of the damaged object(s). Proceeds received because of total loss of an object, or in excess of the cost of conservation of a damaged object, are designated for collections acquisition.

D. Security

1. All collections are secured in controlled areas appropriate to the nature of the collection, the facility, and the activity involved. Access and movement are monitored and recorded.

2. The CIS system and files are backed up to tape on a nightly basis and stored in an offsite location. Backup is handled by OCIO.
3. Collections are routinely monitored and examined for damage and loss.

E. Disaster Preparedness

The Museum maintains a disaster preparedness program that includes planning, response, and recovery from major disasters, as well as evaluation and assessment following an incident.

1. The Museum's Disaster Preparedness Plan is followed in all emergencies involving the safety of visitors, personnel, and collections.
2. All staff are aware of their responsibilities in the event of a disaster and are adequately trained to respond.
3. Priorities are established for evacuation and treatment of collections in the event of a disaster.
4. Personal safety takes place over the collections.

F. Authority and Responsibility

1. The Assistant Director for Collections Management Services is responsible for developing, implementing, and monitoring the Museum's Disaster Preparedness Program.
2. The Manager of the Outgoing Loan Office administers collections insurance and ensures that loan agreements effect coverage. The Registrar handles insurance claims, maintains related records, and provides appropriate reports to NMAH senior management.

G. Accountability

All documentation associated with collection insurance, damage and loss, security measures, and disaster recovery is submitted to Collections Management Services for the Museum's registration files. The documentation is forwarded either as hard copy reports or as notations in the appropriate CIS records.

XII. Access

A. Definitions

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

B. Access to Collections

1. NMAH provides reasonable access to its collections consistent with its stewardship responsibilities.
2. Physical and intellectual access to the collections is balanced against preservation and protection concerns.
3. In keeping with its stewardship responsibilities, NMAH controls, monitors, and documents all access to and use of collections.
4. Access to collections may be restricted due to resource limitations, security, object availability, intellectual property rights, applicable restrictions, and preservation constraints.

C. Access to Collections Information

1. The Smithsonian Institution is not subject to the Freedom of Information Act (FOIA), which governs access by the public to federal agency records. The Smithsonian follows the intent and spirit of the law as a matter of policy. All requests citing FOIA must be referred to the Office of General Counsel.
2. The Museum provides the widest dissemination of collection information consistent with the stewardship responsibilities for its collections, associated documentation, and intellectual property rights. Sensitive information involving privacy, collecting localities, intellectual property restrictions, security, and restricted use are not made publicly available. The following are not divulged except to those persons with a right to know:
 1. names of donors, lenders, and prior holders who expressly request anonymity.
 2. mailing addresses of all donors, lenders, and prior holders.
 3. location of objects not on public display.
 4. monetary value of objects.

D. Access to Collections Storage and Accession File Storage

1. SD 600 defines access as the opportunity for the general public, scholars, and Smithsonian staff to utilize the diverse collection resources of the Smithsonian Institution. Prudent collections management requires identification and elimination, or reduction of risks to the collections, while balancing staff and public interests. In keeping with its stewardship responsibilities, NMAH controls, monitors, and documents all access to and use of collections. The museum access policy for collections storage and the accession files manages risk, promotes efficient and sensible internal operations, and serves the public.
2. The policy on access to collections storage and accession file storage is detailed in a separate document (Access Policy: Collections Storage and Accession File Storage) as an addendum to the museum's Collections Management Policy.

E. Authority and Responsibility

1. Department of History staff is responsible for approving access to collections and, in consultation with Collections Management Services staff, to collections information.
2. The Public Affairs Office is informed of all requests for access to collections and collections information by the media.

XIII. Loans A. Definition

A *loan* is the temporary physical transfer of collection items for an agreed purpose and on the condition that the collection item is returned at a specified time. Loans do not involve a change in ownership.

B. General Criteria

1. All loans to or from NMAH adhere to applicable federal, state, local, and international laws, treaties, and regulations.
2. Incoming and outgoing loans, with the exception of outgoing loans to SI Affiliates, are for specific periods of time not to exceed three years, with the option to renew if appropriate.
3. Written loan agreements are executed between NMAH and its borrowers and lenders prior to shipment or receipt of the object(s).
 - a. Special loan terms are set for collections or objects of a special nature and/or high sensitivity.
4. Written conservation surveys, supported by photographic documentation as necessary, are made for all loans entering or leaving the Museum.
5. Insurance amounts for objects borrowed and lent are based upon fair market values.
6. The names of the Smithsonian Institution and NMAH cannot be used in connection with any loan without the written permission of NMAH.

C. Incoming

1. Objects are borrowed only for public exhibition, research, and other educational purposes.
2. The lender's written permission is required for any repairs, alterations, or conservation treatment of borrowed objects.

D. Outgoing

1. Collections are lent for public exhibition, research, and other educational purposes.
2. Collections are not lent for commercial purposes or gain, for private pecuniary gain, or to individuals for personal use.

3. NMAH objects are displayed in areas clearly separate from commercial or for-profit areas of activity.
4. The educational or scholarly purpose of loans to for-profit organizations, that charge admission, is documented by the borrower and is reviewed by NMAH to determine whether the request meets NMAH's educational and scholarly criteria.
5. Loans to high-ranking government officials follow the guidelines established in the SD 600 Implementation Manual.
6. Loans to organizations participating in the SI Affiliation Program are made for specific periods of time up to ten years, with option for renewal if appropriate.
7. Only objects that have been formally registered either as NMAH accessions or non-accessioned acquisitions are lent.
8. Objects are ranked for outgoing loans as follows:

Tier 1: non-accessioned objects, props, and reference materials

Tier 2: accessioned objects that are study or duplicates

Tier 3: accessioned objects that are unique, historically significant, fragile, or politically sensitive

Tier 4: national treasures or objects valued at over \$1 million

9. Property of others in NMAH's custody is lent only with the written permission of the owner.
10. Loans are made to borrowers with acceptable facilities and personnel with the skills and expertise necessary to handle the objects being lent.
11. Borrowers are required to pay actual expenses related to processing a loan request.
12. Outgoing loans are insured at the borrower's expense.

E. Indefinite or Permanent Loans and Deposits To/From NMAH

1. NMAH does not permit indefinite or permanent loans.
2. Legacy transactions (that is, pre-1974) recorded as deposits, indefinite loans, or permanent loans are reviewed to confirm or determine legal ownership. (Note that the practice of accepting deposits, indefinite loans, or permanent loans was discontinued from 1974 on.)
3. A good-faith effort is made to locate lenders/borrowers in order to resolve the status of these loans.
4. Once a lender/borrower is located, the objects involved either are returned to the legal owner or placed on a current loan agreement.
5. Guidance is sought from SI General Counsel as necessary.

F. Temporary Custody and Unsolicited Objects

Objects may be left in the temporary custody of NMAH – Temporary Custody Objects—for identification, examination, conservation, photography, or potential acquisition or incoming loan. Unsolicited objects also may be received by NMAH for these reasons.

1. Temporary Custody Objects are registered within five days of physical receipts.
2. Written Temporary Custody Receipts are executed between NMAH and the owner of Temporary Custody Objects for specific periods of time not to exceed 90 days.
3. Temporary Custody Objects are not insured, unless the owner requires insurance, and then objects are placed on an incoming loan agreement.
4. Unsolicited objects are registered either as temporary custody objects, incoming loans, or acquisitions within five days of physical receipt.
5. Unsolicited objects, sent anonymously, are assumed to be offers of donation and may be accessioned with clear documentation of the circumstances of receipt.
6. Unwanted, unsolicited objects are returned to the sender, transmitted to another SI museum, transmitted to another educational institution, or destroyed in the presences of witnesses.
7. Notice of the intended disposition is sent to the sender, when known, and the disposition is executed 90 days after the notice is sent.

G. Authority and Responsibility

1. The Registrar has delegated authority to sign all incoming loan agreements on behalf of NMAH.
2. The Manager of the NMAH Outgoing Loan Program has delegated authority to sign all outgoing loan agreements on behalf of NMAH.
3. The lending of Tier 4 objects requires that the Collections Committee review and make a recommendation of approval to the Associate Director for Curatorial Affairs and to the NMAH Director. Both the Associate Director for Curatorial Affairs and the NMAH Director must approve the loan, prior to any commitments being made to potential borrowers.
4. Collections Management Services manages resolution of pre-1974 indefinite or permanent loans and deposits.
5. The Objects Processing Facility records and acknowledges receipt of all unsolicited objects.

H. Accountability

1. The terms of all loan agreements are documented and monitored by Collections Management Services.
2. All original documentation relating to the lending, borrowing, and processing of temporary custody and unsolicited objects is maintained by Collections Management Services in the Museum's official loan or acquisition records.
3. Basic information for managing loans is recorded and maintained in the CIS.

XIV. Intellectual Property Rights

NMAH collections contain objects that are subject to intellectual property rights that are owned by the Smithsonian or others. NMAH also borrows objects subject to intellectual property rights that are owned by others.

A. Definition

Intellectual property rights are rights and protections based on federal or state statutes or common law such as patent, trademark, copyright, privacy, and publicity.

B. General Criteria

1. Collections are managed in a manner that avoids any infringement of intellectual property rights while promoting the widest possible dissemination of information about the collections.
2. The intellectual property rights of creators and intellectual property owners, including the Institution itself as rights holder, are protected.
3. Potential users are notified when it is believed that the right to reproduce an object is held by another person or organization, and that NMAH undertakes no responsibility for determining the nature of such right or for obtaining whatever permission may be necessary to reproduce the object.
4. NMAH relies on the doctrine of fair use in making reproductions of collections for standard museum purposes, such as archival, research, educational, exhibition, and other similar uses.
5. Written contracts are required for all licensed reproductions of objects.

C. Photographic Reproductions

1. Unrestricted photographs of collection objects may be made available, by sale, to the public.
2. A fee or royalty may be charged for granting permission to reproduce objects in any publication, including in electronic media.
3. All reproductions are fully credited.
4. Photographs are not provided, and permission to create such reproductions denied, if:
 1. The attribution of the object(s) is in question.
 2. The circumstances of the reproduction would demean, alter the appearance of, or otherwise misrepresent the object.
 3. The circumstances of the reproduction would discredit NMAH or the Smithsonian Institution.
5. The public may photograph objects on display with hand-held cameras and available light, except for objects on loan whose owners have expressly forbidden photography of their objects.
6. The public may photograph objects in storage, by special arrangement with NMAH staff who manage the involved storage area, with hand-held cameras and available light, except for objects on loan whose owners have expressly forbidden photography of their objects.

7. Photography, including motion-picture, or videotaping of objects on display, that may require special lighting, is permitted only:
 1. under arrangements made by the Public Affairs Office,
 2. with the consent of the responsible Office of Curatorial Affairs curatorial division, and
 3. in consultation with Preservation Services to determine that such lighting will not harm the objects.

D. Authority and Responsibility

1. Contracts for licensed reproductions of objects are negotiated through Smithsonian Business Ventures.
2. OCA staff is responsible for developing, implementing, and monitoring a program for the management of intellectual property rights associated with the Museum's collections and collections borrowed from others.

E. Accountability

1. All original documentation related to intellectual property rights is submitted to Collections Management Services for addition to the official registration file.

XV. Policy Review and Revision

The Office of Curatorial Affairs formally reviews the contents of this document every five years. Any staff member may suggest changes to this policy. Suggested changes are forwarded to the Assistant Director for Collections Management Services, who maintains a file of suggested changes for inclusion in the review process. Minor changes are effected with the approval of the Associate Director for Curatorial Affairs. Substantial revisions of the policy require approval as stipulated in SI SD-600.

Exceptions to this policy may be granted by the Director, with the recommendation of the Associate Director for Curatorial Affairs.

1. Exceptions are requested through the Assistant Director for Collections Management Services, who determines and documents the impact of the requested exception.
2. Approved exceptions are filed and maintained by Collections Management Services.
3. Collections Management Services monitors adherence to exceptions.
4. All exceptions are reviewed every five years, when the Collections Management Policy is reviewed, for current relevancy and need.

XVII. Monitoring Compliance

The Associate Director for Curatorial Affairs has the authority to ensure compliance with this policy.

Each year, the Assistant Director for Collections Management Services reports on the status of collections management to the Smithsonian National Collections Program.

BIBLIOGRAPHY

- American Alliance of Museums. "AAM Code of Ethics for Museums." December 12, 2017. <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/code-of-ethics-for-museums/>.
- American Alliance of Museums. *National Standards and Best Practices for U.S. Museums*. Washington, D.C.: AAM Press, 2008.
- Archives Advisory Committee. "Collections Management Policy." William Way LGBT Community Center, 2016.
- Bumiller, Elisabeth. "Obama Ends 'Don't Ask, Don't Tell' Policy." *The New York Times*. July 22, 2011. <https://www.nytimes.com/2011/07/23/us/23military.html>.
- Burrelli, David F. "'Don't Ask, Don't Tell': The Law and Military Policy on Same-Sex Behavior," n.d.
- "Collections Management Policy." National Museum of American History. 2012.
- Diversity, Equity, Accessibility, and Inclusion Working Group. "Facing Change." American Alliance of Museums. 2018.
- Ferentinos, Susan. *Interpreting LGBT History at Museums and Historic Sites*. London: Rowman and Littlefield, 2015.
- Frank, Walter. *Law and the Gay Rights Story: The Long Search for Equal Justice in a Divided Democracy*. New Brunswick, New Jersey: Rutgers University Press, 2014.
- Legal Information Institute. "Bowers v. Hardwick." <https://www.law.cornell.edu/supremecourt/text/478/186>.
- Levin, Amy K. *Gender, Sexuality, and Museums*. New York: Routledge, 2010.
- LGBTQ Alliance. "Welcoming Guidelines." American Alliance of Museums. 2016.
- McIntyre, Darryl. "What to Collect? Museums and Lesbian, Gay, Bisexual and Transgender Collecting." *International Journal of Art & Design Education* 26, no. 1 (2007): 48-53. <https://doi.org/10.1111/j.1476-8070.2007.00509.x>.

Murdoch, Joyce and Deb Price. *Courting Justice: Gay Men and Lesbians v. the Supreme Court*. New York: Basic Books, 2001.

Museum Management Program. *Museum Handbook*. National Park Service. 2006.

“National Museum of American History.” Smithsonian Institution.
<https://americanhistory.si.edu/>.

National Museum of American History. “Mission & History.” March 1, 2012.
<https://americanhistory.si.edu/museum/mission-history>.

National Museum of American History. “National Museum of American History Collects History Related to Lesbian, Gay, Bisexual and Transgender History,” September 26, 2014. <https://americanhistory.si.edu/press/releases/museum-collects-lesbian-gay-bisexual-transgender-history>.

National Parks Service. “Museum Handbook.”
[https://www.nps.gov/museum/publications/Museum Handbook with Quick Reference.pdf](https://www.nps.gov/museum/publications/Museum%20Handbook%20with%20Quick%20Reference.pdf).

“Office of Relevancy, Diversity and Inclusion (U.S. National Park Service).” National Park Service. <https://www.nps.gov/orgs/1244/index.htm>.

“Pirkei Avot 1:14.” Sefaria. www.sefaria.org/Pirkei_Avot.1.14.

“President Obama Designates Stonewall National Monument.” White House. June 24, 2016. <https://obamawhitehouse.archives.gov/the-press-office/2016/06/24/president-obama-designates-stonewall-national-monument>.

“Quick History of the National Park Service (U.S. National Park Service).” National Park Service. <https://www.nps.gov/articles/quick-nps-history.htm>.

Sandell, Richard. *Museums, Society, Inequality*, Museum Meanings. London: Routledge, 2002.

Smithsonian Institution. “Visitor Stats.” Accessed February 27, 2020.
<https://www.si.edu/newsdesk/about/stats>.

“Speaking Out for Equality: The Constitution, Gay Rights, and the Supreme Court.” National Constitution Center. <https://constitutioncenter.org/calendar/speaking-out-for-equality-the-constitution-gay-rights-and-the-supreme-court>

“Stonewall National Monument (U.S. National Park Service).” National Park Service.
<https://www.nps.gov/ston/index.htm>.

William Way Community Center. “History.” <https://www.waygay.org/history>.

William Way LGBT Community Center. “WWCC Collection Development Policy.” 2018.

“What We Do (U.S. National Park Service).” National Park Service.
<https://www.nps.gov/aboutus/index.htm>.

Yerkovitch, Sally. *A Practical Guide to Museums Ethics*. London: Rowman and Littlefield, 2016.