

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Museums and Cultural Affairs

AGENDA DATE: March 4, 2008

CONTACT PERSON/PHONE: Michael A. Tomor, Ph.D. 532-1707

DISTRICT(S) AFFECTED: All

SUBJECT:

Approve a Resolution adopting the El Paso Museum of Art Code of Ethics.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Part of the Museum's 5-year Strategic Plan. Adoption of the Ethics Code for the Museum is part of the requirements for obtaining accreditation with the American Associate of Museums, City Council approval is required by the Association.

PRIOR COUNCIL ACTION

Has the Council previously considered this item or a closely related one?

None.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

Approved by the El Paso Museum of Art Advisory Board and Foundation Board on August 2, 2007.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: 2-25-08

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the El Paso Museum of Art is in the process of applying for accreditation by the American Association of Museums; and

WHEREAS, the American Association of Museums Accreditation Commission requires that the Museum adopt a code of ethics for the El Paso Museum of Art as part of the requirements to achieve accreditation; and

WHEREAS, the American Association of Museums requires that the governing body of the El Paso Museum approve such Code of Ethics.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

The attached El Paso Museum of Art Code of Ethics is hereby approved by the City Council of the City of El Paso.

ADOPTED this _____ day of March 2008.

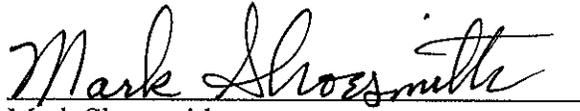
THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:



Mark Shoosmith
Assistant City Attorney

APPROVED AS TO CONTENT:



Yolanda Alameda, Director
Museums & Cultural Affairs

El Paso Museum of Art Code of Ethics

I. Preamble

In accordance with the American Association of Museums (AAM) Accreditation Commission's "Expectations Regarding an Institutional Code of Ethics" is meant to assist those who support the El Paso Museum of Art in a professional and volunteer capacity through service and donations, whether paid or uniquely altruistic.

The El Paso Museum of Art relies upon the professionalism and support of many members of our community. City Council appointed Museum Advisory Board members (Advisory Board), El Paso Museum of Art Foundation Board members (Foundation Board), volunteers and artists who reside across a vast region of Southwest Texas, Southern New Mexico, and Eastern Chihuahua, Mexico and are steeped in a variety of professional, cultural and social traditions, each with its own moral rules or codes of ethics. By definition, those who fall within these categories of people mentioned in the code include El Paso Museum of Art professionals, City of El Paso staff, Members of the El Paso Museum of Art Advisory and Foundation boards, affiliated professionals, teachers/mentors, researchers, Museum personnel, interested parties and affiliated parties.

In addition to these people, Museum donors and administrators, City of El Paso staff, both professional and in a volunteer capacity, have moral obligations as members of other groups, and are affiliated with immediate and extended families, religious organizations, community governments, and professional affiliates. Each may also have obligations to scholarly disciplines, to the wider society and culture, and to artists, artwork, and the environment that fosters commitment to the arts. Furthermore, Museum Advisory Board and Foundation Board members and donors as well as City of El Paso staff, professionals and volunteers may develop close relationships with other persons with whom they work and socialize, generating an additional level of ethical considerations.

In a field of such complex involvements and obligations, which often relies upon professional direction and advice and having this participation made by those who financially and voluntarily give of time and services, it is inevitable that misunderstandings, conflicts, and the need to make choices among apparently incompatible values will arise. Museum professionals and volunteers are responsible for grappling with such difficulties and struggling to resolve them in ways compatible with the principles stated here.

The purpose of this Code of Ethics is to foster discussion and education, and to have principles and guidelines in order to provide the Museum professional and volunteer with tools to maintain an ethical framework for all Museum work. Among the City of El Paso's numerous policies, the institution manages practices in

accordance with the Museum profession and the American Association of Museums. The Code of Ethics is to be used to guard against untruthful, deceitful, and dishonest behavior in carrying out the institution's mission.

The El Paso Museum of Art is also a department of a municipality, and is not a private foundation or a non-profit 501 (c)(3) charitable organization. It receives a substantial part of its income directly from the City of El Paso, and indirectly, as gifts from the general public, and through the El Paso Museum of Art Foundation, competitive grantsmanship of private foundations and from the federal government. As a municipality that solicits contributions and memberships from the public, it must make its information available to the public by factually disclosing information and filing documents with the City of El Paso that prove us to be operating for charitable purposes.

For all of these reasons stated, it is critical to maintain the public trust by being principled and honorable in the way in which we operate our Museum and share with the public significant information about the institution.

II. Introduction

The mission of the El Paso Museum of Art, a department of the City of El Paso, is to collect, interpret, preserve, and exhibit works of art that maintain and support the strengths of the Museum's collections of American art, European art, and Mexican art. The Museum recognizes the region's diverse cultures through exhibitions, acquisitions, educational programs, and City of El Paso staff and board representation. The Museum is an educational institution dedicated to scholarship and training while providing a stimulating aesthetic environment and resource for all audiences.

As one of the principal organizations representing the breadth and depth of American, European, and Mexican Art in Southwest Texas, Southern New Mexico and Eastern Chihuahua, Mexico, the El Paso Museum of Art starts from the position that generating and appropriately utilizing knowledge (i.e., publishing, teaching, developing programs, and informing policy) of the peoples of American, Europe, and Mexico, past and present, is a worthy goal; that the generation and programming of this knowledge through tangible objects of art is a dynamic process using many different and ever-evolving approaches; and that for moral and practical reasons, the generation and utilization of knowledge of art objects should be achieved in a principled and honorable manner.

Advisory Board and Foundation Board members and City of El Paso staff oversee policy with the City of El Paso Museum of Art staff and supervise and manage works of art on loan and a permanent collection of two and three dimensional visual art and, catalogues, registers and inventories these collections. City of El Paso Museum staff and volunteers conduct primary and secondary scholarship on the art

and its artist, donor, provenance, and iconography, including the study of all aspects of its content, creation and medium. The Museum staff supervises and presents programs in its facility, and sustains, maintains, and secures its physical plant, office equipment, and furnishings. It coordinates groups of volunteers who assist in education and development, those that sit in an advisory capacity for the City Council, and those that sit in the capacity of governing and managing funds. The Advisory Board and Foundation Board members advise on policy and together with the City of El Paso Museum staff are involved in the development of strategic planning, financial planning, oversight and fundraising.

The El Paso Museum of Art and museums in general have their roots in nineteenth century natural and social sciences and in the humanities, ranging in approach from basic to applied research and to scholarly interpretation, to methods and interpretation of exhibiting and collecting. The primary function of a museum and that of the El Paso Museum of Art is to act as a public trust of scholarship and repository of artwork, to manage the collection and its programs for and with the assistance of the public, and to maintain and sustain a standard of doing so that is in keeping with the guiding principles and values that lead to the highest standards of integrity.

The purpose of this Code is to inform members of the El Paso Museum of Art, the City of El Paso, the El Paso Museum of Art Foundation and other interested persons in the professional, administrative, and governing activities of the institution of guidelines for making ethical choices. The guidelines shall be followed and are to encompass the conduct of their participation in the Museum, whether it is in research or application of knowledge, generation of programming, and the collection and use of the art form as examples of our culture and as a vehicle for disseminating information. Because Museum professionals, supporters and volunteers can find themselves in complex situations that are subject to more than one code of ethics, the El Paso Museum of Art Code of Ethics provides a framework, not an ironclad formula, for making decisions.

Persons using the Code as a guideline for making ethical choices are encouraged to seek out, from the Museum administration or comparable institutions, illustrative examples and appropriate case studies to enrich their knowledge base. However, no code or set of guidelines can anticipate unique circumstances or direct actions in specific situations. The individual must be willing to make carefully considered ethical choices and be prepared to make clear the assumptions, facts and issues on which those choices are based. These guidelines therefore address general contexts, priorities and relationships which should be considered in ethical decision making in Museum work.

III. Collecting Art

In both proposing and carrying out the collecting of art for the Museum's permanent collection, Museum Advisory Board and Foundation Board members, City of El Paso staff, and all interested parties must be open about the purpose(s) of collecting, potential impacts, and source(s) of support of this acquisition with funders, colleagues, persons providing information, and with relevant parties affected by the collecting. All Advisory Board and Foundation Board members and City of El Paso staff must expect to utilize the results of their proposal or action of collecting in an appropriate fashion and disseminate the results through appropriate and timely activities. Full disclosure of these expectations is ethical, regardless of the source of funding (public or private) or purpose (collection building, collection enhancement, or collecting for educational activities).

Museum Advisory Board and Foundation Board members, City of El Paso staff, and all parties interested in collecting for the Museum should be alerted to the danger of compromising principles as a condition to collect, yet also be alert to proper demands of good citizenship, function of the Museum as a community repository, or the role of the Museum in community relations. Active contribution and leadership in seeking to shape public or private sector actions and policies may be as ethically justifiable as no action, detachment, or assistance, depending on circumstances. Similar principles should hold for Museum professionals employed or otherwise affiliated with non-collecting institutions, public institutions, or private enterprises.

A. Responsibility to collected objects and the people with whom the City of El Paso Museum staff and affiliated professionals' work and whose lives they impact.

1. El Paso Museum of Art professionals and all affiliated parties have primary ethical obligations to the art and materials they collect and to the people who donate money for art, and the people with whom they work. These obligations can supersede the goal of seeking new knowledge or artwork, and can lead to decisions not to undertake or to discontinue a project when the primary obligation conflicts with other responsibilities, such as those owed to sponsors or donors of funds and artwork. These ethical obligations include:

To avoid harm or wrong, understanding that receipt of funds and objects for collecting art can lead to change which may be positive or negative for the institution, all involved or interested people, or the artwork itself (some forms of art are toxic and can be degenerative to other works of art; collection storage limitations may lead to over crowding and the jeopardizing of other stored objects; some donors of funds expect personal and professional services in return for charitable contributions, etc.).

To respect the notion of short term and long term impact of aesthetics as well as the well-being of all works of art, whether the work is judged or not judged as aesthetically pleasing or significant or insignificant according to others' standards of aesthetics.

To work for the long-term conservation and care of the art and historical records
To consult actively with all individuals or group(s) affected by collecting, with the goal of establishing a working relationship that can be beneficial to all parties involved in the collection process.

To disclose all potential conflicts of interest affected by the collecting, whether the work is ideally suited to enhance existing collections or help to reshape the collection's focus.

To make known to all individuals who are responsible to enforce governing policy the way in which collecting has and will impact the institution's Mission and Collection Care and Management policies.

To make known to all potential donors the Collection Care and Management policies of the institution and be forthcoming of all pertinent information regarding the institution's obligation to its Mission and to the community for which it collects.

To present all pertinent and factual information on past, current, and future collecting to all of those involved and to know that the discovery of undisclosed pertinent information in order to avoid harm or wrong to donors, Advisory Board and Foundation Board members, or involved City of El Paso staff must be presented with the utmost care in order to avoid future harm or wrong to the institution.

2. Museum professionals and interested parties must do everything in their power to ensure that their collecting practices and practices of soliciting and receiving donations do not harm the safety, dignity, or privacy of the people with whom they work, conduct research, or perform other professional activities. Careful and respectful disclosure of information must be of the utmost concern as to not compromise personal, professional or financial information of donors and their family or provenance of the artwork.

3. Research must determine in advance whether the providers of funds or information wish to remain anonymous or receive recognition, and Museum professionals, Advisory Board and Foundation Board members, and volunteers must make every effort to comply with those wishes. Researchers of this information must present to all participants the possible impacts of the choices, and make clear that despite their best efforts, anonymity may be compromised or recognition may fail to materialize.

4. Researchers should obtain in advance the informed consent of persons involved in the collecting or donating process, providing information, owning or controlling access to material being studied, or otherwise identified as having interests which might be impacted by the disclosure of such research. It is understood that the degree and breadth of informed consent required will depend on the nature of the project and may be affected by requirements of other codes, laws, and ethics of the

persons or their state, country or community. Further, it is understood that the informed consent process is dynamic and continuous; the process should be initiated in the project design and continue through implementation by way of dialogue and negotiation with those involved. Those involved in presenting the information are responsible for identifying and complying with the various informed consent codes, laws and regulations affecting their projects. Informed consent, for the purposes of this Code, does not necessarily imply or require a particular written or signed form. It is the quality of the consent, not the format that is relevant.

5. Those involved in presenting information that have developed close and enduring relationships (i.e., covenantal relationships) with individual persons providing information must adhere to the obligations of openness and informed consent, while carefully and respectfully negotiating the limits of the relationship.

6. While Museum professionals, volunteers, and Advisory Board and Foundation Board members may gain personally from collection building or their work in general, they must not gain financially, or exploit individuals, groups, or art and artifacts for financial gain. Personal gain is defined as one of personal satisfaction without the exchange of money, services, or objects. "Prohibited financial gain" includes the receipt of artwork from an individual or entity doing business with or having an affiliation of any nature with the El Paso Museum of Art or received any gifts, real or personal property or services for less than fair market value from such individual or business. All Museum affiliates in the process of collecting should recognize the institution's debt to the persons and reciprocate in appropriate ways.

7. Museum professionals, volunteers and Advisory Board and Foundation Board members must avoid presenting information about value of art as a benchmark for public or institutional collecting. Value of artwork is to be determined by fair market value at a given time and place and only by a nationally certified public appraiser not employed by or directly affiliated with the collecting institution in order to avoid conflict of interest.

8. While the El Paso Museum of Art and Store will display and sell artwork from artists, dealers, and private collectors, all interested parties must avoid making selections of artwork to sell in the Store or exhibit in the Museum for the sole purpose of financial gain for the lender or the institution, or the institution's interest in donation or collection building in general.

B. City of El Paso Museum of Art staff and affiliated professionals' responsibility to scholarship.

1. Museum professionals, Advisory Board and Foundation Board members and volunteers must expect to encounter ethical dilemmas at every stage of their work, and must make good-faith efforts to identify potential ethical claims and conflicts in

advance when preparing proposals and as projects proceed. Raising and responding to potential ethical issues should be part of every proposal.

2. Museum professionals, Advisory Board and Foundation Board members and volunteers bear responsibility for the integrity and reputation of their discipline, of scholarship, of the arts and humanities and of the Museum. Thus, all interested parties are subject to the general moral rules of scholarly conduct: they should not deceive or knowingly misrepresent (i.e., fabricate evidence, falsify, and plagiarize), or attempt to prevent reporting of misconduct, or obstruct the information or research of others.

3. Museum professionals should do all they can to preserve opportunities for future professionals to follow them and for the field of study.

4. Museum professionals, Advisory Board and Foundation Board members, and volunteers should utilize the results of their work in an appropriate fashion, and whenever possible disseminate their findings in an appropriate way to the community.

5. Museum professionals, Advisory Board and Foundation Board members, and volunteers should seriously consider all reasonable requests for access to their data and other materials for purposes of research. They should also make every effort to insure preservation of their data for posterity of the field and the Museum. A request to inspect and/or copy records may be governed by state law. The custodian of the records should confer with the City Attorney's office to determine if the record is confidential and if it is not, the legal requirements for allowing inspection of such record.

6. The Curatorial Department of the El Paso Museum of Art creates publications and didactic materials through primary and secondary research on subject, artist, style, and presentation of artwork for approximately sixteen exhibition programs and thirty education programs a year. Through an effort to aid further scholarship and reveal sources, the museum distributes these publications nationally to a professionals and Museum Members mailing list.

C. City of El Paso Museum of Art staff and affiliated professionals' responsibility to the public.

1. Museum professionals and Advisory Board and Foundation Board members should make the results of their work and policies appropriately available to sponsors, students, decision makers, and other non-Museum personnel. In doing so, they must be truthful; they are not only responsible for the factual content of their statements but also must consider carefully the social and political implications of the information they disseminate. They must do everything in their power to insure that such information is well understood, properly contextualized, and

responsibly utilized. They should make clear the empirical bases upon which their reports stand, be candid about their qualifications and philosophical or political biases, and recognize and make clear the limits of their expertise. At the same time, they must be alert to possible harm their information may cause people with whom they work.

2. Those museum personnel authorized [by the director or the museum administration, as applicable] to make public presentations concerning exhibits at the museum may, in addition to disseminating information, express their opinions, including advocacy positions concerning the art that is the subject of such presentation.

IV. Teaching

A. City of El Paso Museum of Art staff and affiliated professionals' responsibility to students and trainees and the public.

While adhering to ethical and legal codes governing relations between teachers/mentors and students/public at their educational institutions or as members of wider organizations, Museum and art teachers should be particularly sensitive to the ways such codes apply in their discipline (for example, teaching for the El Paso Museum of Art may involve close contact with students at the Museum as well as off-site at community organizations and public and private schools). Among the widely recognized precepts which museum and art teachers, like other teachers/mentors, should follow are:

1. Teachers/mentors should conduct their programs in ways that preclude discrimination on the basis of sex, marital status, "race," social class, political convictions, disability, religion, ethnic background, national origin, sexual orientation, age, or other criteria irrelevant to academic performance.

2. Teachers'/mentors' duties include continually striving to improve their teaching techniques; being available and responsive to student interests; counseling students realistically regarding career opportunities; conscientiously supervising, encouraging, and supporting students' studies; being fair, prompt, and reliable in communicating evaluations; assisting students in securing research support; and helping students when they seek professional placement.

3. Teachers/mentors should impress upon students the ethical challenges involved in every phase of Museum work or the art profession; encourage them to reflect upon this and other codes; encourage dialogue with colleagues on ethical issues; and discourage participation in ethically questionable projects; avoid personal judgment on ethical questions.

4. Teachers/mentors should publicly acknowledge student assistance in research and preparation of their work; give appropriate credit for co-authorship to students, City of El Paso staff, and volunteers; encourage publication of worthy student papers; and compensate financially or through appropriate recognition students justly for their participation in all professional activities.

5. Teachers/mentors should beware of the exploitation and serious conflicts of interest that may result if they engage in sexual relations with students. They must avoid sexual liaisons or even the appearance of sexual innuendo with students of any age for whose education and professional training they are in any way responsible.

6. It is not the intent of a Museum teacher or teacher of art to interfere with the individual creative process of the student or the delivery of instruction in the creative process. Rather, a Museum teacher or teacher of art should inform of the creative process and allow for individual response. Museum professionals and interested parties must do everything in their power to ensure that the role of a Museum is to respect and instruct and not manipulate the individual creative process.

B. Application of Knowledge

1. The same ethical guidelines apply to any application of Museum work. That is, in both proposing and carrying out education and exhibition projects, Museum Advisory Board and Foundation Board members, City of El Paso staff, and volunteers must be open with sponsors, colleagues, and artists by providing all relevant information to all parties affected by the work about the purpose(s), potential impacts, and source(s) of support for the work. Museum professionals must intend and expect to utilize the results of their work appropriately (i.e., publication, teaching, program and policy development) within a reasonable time. In situations in which art knowledge is applied, Museum professionals bear the same responsibility as teachers to be open and candid about their skills and intentions, and monitor the effects of their work on all persons affected. Museum professionals and educators may be involved in many types of work, frequently affecting individuals and groups with diverse and sometimes conflicting interests. The individual must make carefully considered ethical choices and be prepared to make clear the assumptions, facts, and issues on which those choices are based.

2. In all dealings with employers, persons hired to pursue art research or apply art knowledge should be honest about their qualifications, capabilities, and aims. Prior to making any professional commitments, they must review the purposes of prospective employers and vendors, taking into consideration the employer's or vendor's past activities and future goals. In working with governmental agencies or private businesses, they should be especially careful not to promise or imply acceptance of conditions contrary to professional ethics or competing commitments.

3. Museum professionals should be alert to the danger of compromising ethics as a condition for engaging in research, in public programs, or practice. Whether the research, program or practice of disseminating knowledge takes place in the Museum or off-site in community organizations or public or private schools, they should also be alert to proper demands of hospitality, good citizenship and guest status.

V. Governance

The El Paso City Council is the governing body of the El Paso Museum of Art. This Code will be effective upon the date it is approved by the City Council. It will also be used to substantiate and sustain the proper disclosure of financial information, public and confidential communications made by the Advisory Board and Foundation Board members, and compliance with Museum policies, rules, and regulations that are followed by the Museum's principal executive officer, principal financial officers, and principal accounting officers and all members of the City of El Paso staff. All institutional policies at the El Paso Museum of Art, including By-Laws and Conflict of Interest statements, as well as documents outlining fiduciary and governing responsibilities and Collection Care and Management, are to prevent misunderstandings of process and involvement of the City of El Paso staff and Advisory Board and Foundation Board members in institutional management. The Code of Ethics is to be used to guide all interested and involved parties in implementing and enforcing these policies with integrity and honor as stewards of the communities' collection of art and institution of higher learning.

All members of the City of El Paso Museum of Art staff and Advisory Board members must follow the City of El Paso's Ethics Ordinance and each, along with the Foundation Board, must follow the Museum's Code of Ethics as it applies to the guidelines put forward for all "Museum professionals, City of El Paso staff and volunteers" which includes Advisory and Foundation Board members, noting no distinction between any of the above as they serve as professionals, must monitor the ethics of the Executive Director and fellow Board members, and are not monetarily compensated for their volunteerism as Advisory Board and Foundation Board members. However, the Advisory Board and Foundation Board members of the El Paso Museum of Art are considered an advisory authority that has unique responsibilities to the institution and the public in maintaining the highest ethical standards in order to effectively carry out their responsibilities.

A. Public Accountability

Maintain high standards of honest and ethical conduct in all dealings with current and past Museum full time City of El Paso staff and employees, supporters/donors, and vendors of the Museum and with other third parties, including the Museum's independent auditors.

Avoid any actual or apparent conflict of interest in the hiring of the Executive Director, in the support of elevating members of the board to positions of committee activity, and between personal and professional relationships as defined in the City of El Paso's Ethics Ordinance.

Report to the Advisory Board, Foundation Board or City of El Paso staff any conflict of interest that may arise and any material transaction or relationship that reasonably could be expected to give rise to a conflict.

Take reasonable measures to protect the confidentiality of information about the Museum, the public the Museum services, and its vendors, and prevent the casual disclosure of such information unless required by applicable law or regulation or legal or regulatory process. Ensure their practices do not harm the safety, dignity, or privacy of the people with whom they work or the institution in which they govern. Confidentiality is governed by state and city law and the City Attorney's office should be consulted before making a determination that a record is or is not confidential. Records include all formats of information including printed, film, audio and computer data. It is important to alert those subject to this code about meeting legal requirements on records inspection and confidentiality of records because the laws governing these subjects include criminal penalties.

B. Institutional Accountability

All records and reports derived from and for the Advisory Board and Foundation Board that are sensitive in nature and may compromise the integrity of others should the information be presented out of context are to be held in relative confidence among fellow Advisory Board and Foundation Board members and appropriate City of El Paso staff and public officials. They are to be discussed in a manner that fairly and accurately reflects the transactions or occurrences to which they relate.

All attempts should be made to assure that information fairly and accurately reflects in reasonable detail the Museum's assets, liabilities, revenues and expenses, City of El Paso staff, donors, and audiences, and does not contain any false or intentionally misleading information.

Avoid soliciting or lobbying fellow Board members, City of El Paso staff, volunteers or any interested parties in order to sway Board or institutional decisions in seeking to shape governance actions and policies. Both state law, Chapter 171 of the Local Government Code, and City Code, the City's Ethics Ordinance, apply to city volunteers, board members and elected officials.

Endeavor to assure full, fair, accurate, timely, and understandable disclosure in reports and documents that the Museum files with or submits to independent

accountants, the state and federal government as well as other agencies that have entrusted the Museum to act on their behalf as a public trust.

Comply and take reasonable action to cause others to understand and comply with applicable non-profit governmental laws, rules, and regulations.

Promptly report suspected violations of the Museum's Code of Ethics by any Board Member or the Executive Director to the appropriate Advisory Board and Foundation Board members or City of El Paso staff, which may be done anonymously. Not reporting unethical behavior may be considered unethical behavior.

Promptly report suspected violations of the Museum's Code of Ethics by any volunteer, City of El Paso staff, or member of the Museum to the Executive Director of the Museum. Not reporting unethical behavior may be considered unethical behavior.

VI. Epilogue

Museum and art education through exhibition, teaching, and application, like any human actions, pose choices for which the Museum professional, Advisory Board, Foundation Board, or volunteer individually and collectively bear ethical responsibility. Since these interested parties are members of a variety of groups and subject to a variety of ethical codes, choices must sometimes be made not only between the varied obligations presented in this Code but also between those of this code and those incurred in other statuses or roles. This statement does not dictate choice or propose sanctions. Rather, it is designed to promote discussion and provide general guidelines for ethically responsible decisions.

VII. Publication, Implementation, and Enforcement

The Preamble of the Code of Ethics of the El Paso Museum of Art will be available on the City of El Paso Museum of Art website and will inform the public of the 2007 update of the 1993 Code of Ethics. The new Code will be presented once a year at an annual City of El Paso staff meeting dedicated to reviews of the Collection Care and Management Policy as well as the Personnel Policy. The Code will be distributed to and reviewed by members of the Advisory Board and Foundation Board every two years, and new members of the boards and City of El Paso Museum staff will be presented with the Code upon their arrival. Breach of the Code by members of the Advisory Board and Foundation Board members, Museum administration, or volunteers will result in the development of an Ad Hoc committee of the Board, convened to foster discussion and education for those that violated the guidelines. However, the El Paso Museum of Art will not judge claims of ethical and unethical behavior, rather it will review the infraction with those that accuse

others of a violation and those who may or may not have violated the Code. Appropriate disciplinary action may follow.

The disciplinary action against a city employee is governed by City Charter and City Code. If any disciplinary action is taken against an employee, it will have to come within the procedures and for the reasons for discipline established by the Charter and Ordinance. If the action is against a board member, city board member removal is regulated by City ordinance. Disciplinary action may or may not include dismissal from the Boards, from the City of El Paso staff, or from a volunteer capacity.

VIII. Acknowledgments

The Museum gratefully acknowledges the use of some language from the code of ethics of the National Association of Archaeology. Appreciation is also given to the City of El Paso staff of the Museum, who thoughtfully reviewed and contributed to this Code of Ethics.