

**ASIAN ART MUSEUM –
CHONG MOON-LEE CENTER FOR ASIAN ART AND CULTURE**

CODE OF ETHICS

**Approved by the Asian Art Commission and Asian Art Foundation on
September 16, 2008**

Asian Art Museum – Chong Moon-Lee Center for Asian Art and Culture

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CODE OF ETHICS FOR THE ASIAN ART MUSEUM OF SAN FRANCISCO

PREAMBLE

As custodians and exhibitors of some of man's noblest and most inspired creations, museums play a unique role in our society. In recent years, this role has been widely recognized by a public increasingly intent on enriching its life with the intellectual and emotional resources offered by museums. Contacts between museums and the public have multiplied and become so diversified that today's museums are very much in the public eye.

Under Section 5.101 of the San Francisco Charter, the Asian Art Museum ("Museum") is a Charitable Trust Department of the City and County of San Francisco. Under Section 5.104 of the San Francisco Charter, the Asian Art Commission shall (i) develop and administer the museum, (ii) control and manage the City and County's Asian art with the Avery Brundage Collection as its nucleus, consistent with the conditions applicable to the Brundage Collection and other gifts, (iii) maintain a charitable foundation or other legal entity for the purpose of developing the Asian Art Museum, (iv) promote, establish and develop an acquisition fund for Asian art objects; and (v) collaborate with other groups and institutions to extend and deepen the activities necessary to establish the Asian Art Museum as the outstanding center of Asian art and culture in the western world.

The Asian Art Foundation, in turn, is a private nonprofit 501(c)(3) charitable organization that exists to support the development and operations of the Asian Art Museum.

The Asian Art Commissioners and the Trustees of the Asian Art Foundation, with the support and active assistance of the professional staff, have determined that it is in the best interest of the Asian Art Museum to endorse and subscribe fully to the American Association of Museums Code of Ethics for Museums (2000) as well as A Code of Ethics for Art Museum Directors as Adopted by the Association of Art Museum Directors (2001); and any other such codes or guidelines published by the American Association of Museums or Association of Art Museum Directors, as they may be amended from time to time.

Everyone connected with the Asian Art Museum, whether they are an Asian Art Commissioner ("Commissioner"), Asian Art Foundation Trustee ("Trustee"), staff member ("employee") or volunteer, is expected to be a person of integrity and high moral principles. Such person must avoid any action that might damage or endanger the name or reputation of the Museum. The Museum's Code of Ethics will serve to guide all persons involved in the activities of the Museum in fulfilling these expectations.

Section A. PURPOSE AND COVERAGE

The purpose of the Code of Ethics is to establish and clarify standards of conduct applicable to the governing authorities of the Museum, including Commissioners and Trustees, as well as its employees and volunteers and to identify certain statutory, Charter and other

provisions relating to standards of conduct, conflicts of interest and other ethical concerns. The standards set forth herein apply to all such individuals ("Covered Persons") unless the specific provision identifies another group for coverage purposes.

Nothing in this Code shall be construed to be in conflict with any applicable state or local law or regulation, including the Asian Art Museum's Statement of Incompatible Activities, as they may be amended from time to time. Should a conflict occur, the applicable law or regulation shall supersede this Code.

The Asian Art Commission and Asian Art Foundation, after careful study, consultation, and discussion, have adopted this amended Code of Ethics as of September 16, 2008 (amending the prior Code of Ethics, dated September 23, 1993).

Section B. **DEFINITIONS**

Unless otherwise noted, for purposes of this Code:

- (1) "Commissioner" means a member of the Asian Art Commission and it also includes an individual who serves as a member of a Commission committee who is not otherwise a Commissioner.
- (2) "Covered Persons" include Commissioners, Trustees, employees, and volunteers, as defined herein.
- (3) "Employee" means any paid individual on staff at the Museum, whether full or part-time whose salary is paid by the City and County of San Francisco or the Asian Art Museum Foundation. Unless otherwise specified, it also includes the Director of the Asian Art Museum.
- (4) "Ethics Code Violation" includes a violation of this code or other action taken by a Covered Person adverse to the best interests of the Museum..
- (5) "Ethics Committee" means the Ethics Committee of the Asian Art Commission.
- (6) "Gifts" include entertainment, favors, discounts, dispensations or other arrangements economically advantageous to a Covered Person.
- (7) "Trustee" means a member of the Asian Art Foundation Board of Trustees.
- (8) "Volunteer" means a person who donates time or services to the Asian Art Museum, whether full-time or part time, and who is not paid by the City or Foundation for any of his or her time or services at the Museum and is not considered a Commissioner or employee for the purposes of this Code.

Section C. **GENERAL PRINCIPLES AND GUIDELINES**

General Ethical Principles:

- (1) This Code of Ethics sets forth both general and specific substantive standards for ethical behavior in several sensitive areas of conduct in which questions of propriety most commonly arise. It is not possible and perhaps not even desirable to enumerate every detailed circumstance that might prove detrimental to the public perception of, and ultimately therefore to the effectiveness and credibility of, the Asian Art Museum of San Francisco. It is for that reason that ethical principles are being set forth.
- (2) This Code of Ethics relies on two fundamental principles that form the basis for the standards of behavior set out in this policy.
 - (a) the principle that fair, honest, and ethical conduct and conduct consistent with the best interests of the Asian Art Museum shall prevail at all times in internal and external interactions; and
 - (b) the principle that conduct that gives the appearance of ethical impropriety should be avoided.
- (3) To facilitate compliance with the above principles, the Asian Art Commission has established an Ethics Committee to make determinations regarding questions of ethical propriety.

General Ethical Guidelines:

- (1) **Ownership of the Collection:** The collection of the Asian Art Museum is the property of the City and County of San Francisco and shall be held and administered solely for the public benefit.
- (2) **Conflicts of Interest:** The maintenance of high standards of honesty, integrity and impartiality by all Covered Persons of the Museum is essential to assure proper conduct of its business and of public confidence in the institution. Covered Persons must refrain from any private business or personal or professional activity which would be inconsistent, incompatible, in conflict, or appear to conflict with, the interests of the Asian Art Museum or would otherwise appear likely to affect adversely the confidence of the public in the Museum's integrity.
- (3) **General Guidelines for Conduct in the Performance of Duties:** Covered persons have a clear fiduciary obligation to make decisions that benefit the Asian Art Museum and to act without regard to their personal interests. Covered persons should not use their position, title, affiliation, employment or access to information about the Museum to further their own financial interests or to derive personal advantage or benefit. Transactions in which a Covered Person may have a conflict of interest shall be carefully scrutinized.

Covered persons shall avoid any action, whether or not specifically prohibited by this Code, which might result in or create the appearance of affecting adversely the confidence of the public in the integrity of the Museum.

(4) **Confidential Information:** Unless specifically authorized to do so, and to the extent permitted by law, Covered Persons may not disclose any official information of the Museums which is confidential or which represents a matter of trust, or any other information of such character that its disclosure might be contrary to the best interests of the Museum; e.g., private, personal or business-related information furnished to the Museum in confidence.

Covered Persons shall not directly or indirectly make use of or permit others to make use of, for the purpose of furthering a private interest, information obtained through their association with the Museums which information is not available to scholars or the general public.

(5) **Compliance with Applicable Laws.** All Covered Persons should be aware of the laws and rules applicable to their actions. Pertinent laws applicable to City officers and employees include, but are not limited to, the following laws and rules, as may be amended from time to time:

(a) California Government Code Sections 1090 et seq. (incorporated into local law by San Francisco Campaign and Governmental Conduct Code Section 3.206) (restricting officers and employees from participating in the making of contracts in which they have an interest);

(b) California Political Reform Act, California Government Code § 87100 et seq. (incorporated into local law by San Francisco Campaign and Governmental Conduct Code Section 3.206) (restricting officers and employees from making, participating in or seeking to influence decisions in which they have a financial interest);

(c) 2 California Code of Regulations Section 18730(b)(Section 8.1) (this Fair Political Practices Commission Regulations incorporated into local law by San Francisco Campaign and Government Conduct Code Section 3.1-101) (monetary limits on value of gifts certain officers and employees may accept in a calendar year); San Francisco Campaign and Government Conduct Code Section 3.216 (setting forth other restrictions on gifts to officers and employees);

(d) San Francisco Administrative Code Sections 2A.155.4 through 2A.155.11 relating to sale, exchange and transfer of works of art; and

(e) San Francisco Campaign and Governmental Conduct Code Sections 3.1-100 – 3.109 and 3.1-135 (Conflict of Interest Code: Financial Disclosure (Asian Art Museum) (requiring disclosure of financial interests by persons in certain designated positions at the Asian Art Museum);

- (f) San Francisco Campaign and Governmental Conduct Code Sections 3.200 through 3.244 (conflict of interest laws that apply to local officers and employees);
- (g) San Francisco Civil Service Rule 118 (Conflict of Interest) relating to outside employment;
- (h) The Asian Art Museum's Statement of Incompatible Activities (for City officers and employees), as adopted by the Asian Art Commission and finally approved by the San Francisco Ethics Commission as of November 5, 2007.

Section D. ETHICS ADVICE AND REVIEW

The Asian Art Museum recognizes that doubts will sometimes arise for Covered Persons concerning the propriety of their present or planned activities. When that occurs, such persons should consult a designated ethics advisor for advice.

(1) The persons designated as advisors for this purpose:

- (a) For Commissioners and the Director, the ethics advisor shall be the Chair of the Ethics Committee. In addition, Asian Art Commissioners and City employees at the Asian Art Museum may also contact the Ethics Division of the City Attorney's Office.
- (b) For employees and volunteers, the ethics advisor is the Chair of the Ethics Committee or a person who is appointed by and serves at the pleasure of the Commission, hereafter referred to as the staff ethics advisor. With the approval of the Director, the Chair of the Ethics Committee may from time to time invite the staff ethics advisor to attend or participate in meetings of the Ethics Committee.

(2) The procedures for obtaining written rulings on ethics questions are as follows:

- (a) When requested by a Covered Person, an ethics advisor may issue a written ruling on an ethics question. The request for a written ruling must be made in writing by the person affected. The Chair of the Ethics Committee and the Director shall be furnished with a copy of all ethics rulings.
- (b) Rulings prepared by a staff ethics advisor are subject to the review and approval of the Chair of the Ethics Committee and the rulings prepared by the Chair of the Ethics Committee are subject to the review and approval of the Ethics Committee. Either the Director or the person who requested a ruling may appeal the ruling to the Ethics Committee and then to the Commission.

(c) For the purposes of administering this Code, and to the extent permitted by law, the decision of the Asian Art Commission is final on whether a violation of the provisions of this Code or other conflict of interest exists.

(d) Pursuant to the Conflict of Interest Code of the Asian Art Commission (Appendix A), all Commissioners and the Director are required to submit a statement of financial interest annually in April to the Secretary of the Asian Art Commission.

Section E. **VIOLATIONS OF THE ETHICS CODE**

(1) The following procedures are established to enable persons who perceive violations of this Code to bring the conduct in question to the attention of the Museum administration so that the conduct can be evaluated and any action that may be appropriate can be taken. The procedures set forth in this Section should not be invoked unless there is a considered and sincere belief that the conduct in question constitutes an Ethics Code violation as that term is defined in this Code; and the procedures are not to be utilized for grievances that are outside the scope of this Code.

(2) When an Ethics violation involving a Commissioner or the Director or a volunteer is perceived, the matter may be reported through the confidential "Voicemail Box" and related reporting procedures established for that purpose under the Asian Art Commission and Asian Art Museum Foundation's Policy for Handling Complaints adopted as of December 15, 2004.

(3) When an Ethics Code violation involving an employee is perceived, the matter may be taken up with the employee's supervisor who shall bring the indicated violation to the attention of the person involved, discuss it with him or her, and attempt to resolve it. If the indicated violation cannot be resolved at this level, the matter shall be referred to the Director of Human Resources, then to the Director and then to the Chair of the Ethics Committee, and then to the Asian Art Commission, if necessary, for a final decision. The referral to the Ethics Committee must be in writing. For matters within the scope of Civil Service Rules, the procedures set forth in the Civil Service Rules control in the event those procedures are inconsistent with the foregoing.

(4) A perceived Ethics Code violation involving an employee may be reported in writing directly to the Chair of the Ethics Committee. The Chair shall discuss the report with the Director. If the Director or the Chair believes that the report merits further investigation or action, the Chair shall discuss it with the employee involved. If the Director and the Chair of the Ethics Committee cannot resolve the matter with the employee, he or she shall report the matter to the employee's supervisor and the normal steps for review set forth in followed paragraph (3) shall be followed.

(5) Unless legally compelled to do otherwise, when requested by the person reporting a perceived Ethics Code violation, the Director and the Chair of the Ethics Committee shall keep the identity of that person confidential.

Section F. REMEDIAL AND DISCIPLINARY ACTION

(1) A failure by a Commissioner, employee or volunteer to meet the standards set forth herein may be cause for appropriate remedial or disciplinary action, in addition to any applicable penalty prescribed by law. Where appropriate such action may include, but is not limited to: changes in assigned duties; a requirement that the individual divest himself or herself of a conflicting interest; disqualification for a particular assignment; and appropriate disciplinary action, including termination.

Section G. GIFTS, FAVORS, ENTERTAINMENT, DISCOUNTS AND DISPENSATIONS

(1) Except as provided below or as otherwise required by applicable federal, state and local laws, Covered Persons may not accept gifts, favors, entertainment, discounts and dispensations from individuals, businesses and organizations with whom they have dealings in their capacity as Covered Persons as defined in this Code. This includes investments and any relationship of personal financial benefit with any art gallery or business entity, which manufactures or sells art supplies, books, machinery or equipment, or which provides services to the Museums. Gifts from such sources to the relatives of a Covered Person also are prohibited, unless the donor has a relationship with the relative independent of the Covered Person's relationship with the donor.

(2) In addition, Covered Persons may be subject to criminal penalties if they solicit, accept, or agree to accept anything of value in return for influence in performing or in refraining from performing an official act. (See California Penal Code Sections 67 through 77 prohibiting the acceptance of bribes.)

(3) The following are exceptions to paragraph (1) of this section:

(a) It is permissible to accept meals within a reasonable value and entertainment of a few hours duration; lodging provided in an individual's home; and unsolicited advertising or promotional material such as souvenirs, books, pens, pencils, note pads, calendars, and other items of modest intrinsic value.

(b) Within 30 days after receipt, more substantial gifts must either be returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes.

(c) It is permissible to accept gifts from a spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin or the spouse of any such person, unless the donor is acting as an agent or intermediary for another party.

(d) When the circumstances make it clear that a gift is given on the basis of a personal relationship, rather than the business of the persons concerned, it is

permissible to accept a gift, favor, entertainment, discount, dispensation or other thing, if the following criteria are met:

- (i) The gift has a fair market value of \$100 or less.
- (ii) The total fair market value of such gift exceeds \$100, up to and including \$350, with the prior approval of the Chair of the Ethics Committee.
- (iii) The total fair market value of such gift exceeds \$350, with the prior approval of the full Ethics Committee.
- (iv) The total fair market value of such gift is approximately equal in value to a gift given in an exchange of gifts, with someone other than a lobbyist, on a holiday, birthday or similar occasion.
- (v) With respect to payments by third party sources other than the Museum or the City for travel, Covered Persons shall comply with state and local laws applicable to such travel payments, including any applicable provisions of the Political Reform Act (Cal. Gov't Code §§89501 – 89506; 2 California Code of Regulations Sections 18950.1 and 18950.3). Under the Political Reform Act, a payment, advance, or reimbursement for transportation and related lodging that qualifies as a gift will be subject to a \$390 gift limit (such amount as may be amended from time to time), unless a statutory exception applies. Certain types of travel are not subject to the Political Reform Act gift limit but must be reported on an individual's Statement of Economic Interests. City officers and employees are strongly encouraged to consult in advance with the City Attorney's Office regarding travel payment restrictions and reporting requirements.

Section H. **OUTSIDE ACTIVITIES**

(1) **Outside Employment, Positions and Services.**

(a) Subject to the limitations prescribed in Rule 118 of the Civil Service Commission of the City and County of San Francisco, and any other applicable restrictions in the Asian Art Commission's Statement of Incompatible Activities or other applicable laws or Museum policies, outside employment, positions and services for compensation may be appropriate when they would not adversely affect the performance of an employee's official duties, exploit the name and reputation of the Museum or reflect discredit on Asian Art Museum. Such activities must be accomplished on employee's personal time apart from Museum duty hours, and may be prohibited if they would be in conflict with the best interests of the Asian Art Museum or the City or if they are related or similar to

the activities or duties the employee performs for the Museum and might appear to others to conflict with the best interests of the Asian Art Museum or the City.

(b) Approval of outside employment may be given subject to appropriate conditions. These conditions may include, but are not limited to requiring the employee to take affirmative steps to avoid using the Museum's name unnecessarily in connection with outside activities or misleading the public regarding the Museum's endorsement of the activity. In the case of a publication in which the author is identified as an employee of the Asian Art Museum, approval may be conditioned on the author incorporating language disclaiming that the views expressed are those of the Museum.

(c) In addition to the requirements of the Civil Service rules noted in paragraph (l)(a) above, an employee must notify his or her supervisor in writing and request clearance prior to engaging in any outside employment, position or service for compensation (including teaching, lecturing or writing) which is similar to or related to the employee's Museum responsibilities or activities.

(i) The written request shall describe the contemplated outside employment or activity, the approximate payment or honoraria expected, and the anticipated extent or duration of the outside activity. An employee must also notify his or her supervisor in writing of, and request clearance for, any substantial changes in the scope or nature of an outside employment already cleared by his or her supervisor.

(ii) If there is no conflict of interest or questionable circumstance, the supervisor should initial and date the memorandum and return it to the employee, retaining a copy in the employee's personnel file.

(iii) To avoid any inference that outside work is sponsored or supported by the Asian Art Museum, supervisors should not indicate that the outside activity is "approved," but only that there is "no objection" to the outside employment.

(d) Nothing in this section is intended to preclude an employee from lecturing about the Museum or Asian art on behalf of the Museum even where such presentation is paid for by another museum or nonprofit agency and approved by the Museum Director. City officers and employees are strongly encouraged to consult in advance with the City Attorney's Office regarding honoraria payment restrictions and reporting requirements. Foundation officers and employees must comply with any applicable laws and Foundation policies governing the receipt of honoraria payments and should consult with the Director of Human Resources prior to accepting such honoraria.

(2) Community and Professional Activities.

(a) Employees of the Asian Art Museum are encouraged to participate in the affairs of charitable, religious, public service, professional and civic organizations, and may accept awards from such organizations for meritorious public contributions or achievements.

(b) Employees may not work, solicit or proselytize for such organizations during their Museum duty hours, or attempt to use in any way the name, reputation, property, or facilities of the Museum for the benefit of such organizations.

(c) The prohibitions of subparagraph (b), above, do not apply to professional organizations, such as the American Association of Museums and other recognized academic or scientific associations; to institutions with which the Museum has established a supporting or cooperative relationship; or to union activities authorized by law or provided for in an applicable memorandum of understanding with the City.

(3) Teaching, Lecturing and Writing.

(a) Employees are encouraged to engage in teaching, lecturing and writing which advances their research and increases and diffuses knowledge, so long as the activity is carried out in a manner consistent with Asian Art Museum policies, including those pertaining to outside activities and employment.

(b) An employee may not, either with or without compensation, engage in teaching, lecturing or writing which depends upon information obtained as a result of his or her Museum employment, except when that information has been made available to the general public or will be made available upon request, or when the Director gives written authority for the use of non-public information on the basis that the use is the public interest. Such authority may be conditioned upon appropriate bases, including a requirement that any compensation received from outside sources be remitted to the Museum.

(c) Manuscripts, lecture notes and all other materials prepared during Museum duty hours are the property of the Museum and employees may not receive outside compensation for them. Employees are encouraged to seek the advice of the Director before agreeing to author as a private individual any publication that draws upon or relates to materials prepared in the course of carrying out Museum responsibilities.

(4) Support of Collecting Activities.

Employees are encouraged to share their knowledge of Asian art and advice regarding collecting Asian Art with Commissioners, Trustees and other supporters of the Museum in order to help support collecting activities for the Museum's benefit but may not be paid by those individuals for such activities.

Section I. **APPRAISAL, AUTHENTICATION AND IDENTIFICATION ACTIVITIES**

(1) Appraisal, authentication and statements as to monetary value of objects may be prepared by employees only for internal use by the Museum, such as for insurance valuations of objects temporarily in the custody of the Museum or on loan to other institutions. Such appraisal information may not be disseminated to sources outside the Museum by Commissioners, employees, or volunteers without the approval of the Director.

(2) Qualified Museum employees designated by the Director may perform authentication and identification activities as a service to the public on a "Public Day" and as approved by the Director. No statement as to monetary value of any object shall be made in conjunction with authentication and identification activities conducted as a service to the public.

Section J. **CONDUCT IN THE PERFORMANCE OF DUTIES**

(1) High standards of conduct in the performance of their duties are required of Covered Persons of the Asian Art Museum. Those persons in contact with the public play a particularly significant role in determining the public's attitude toward the Museum. Objectivity, alertness, courtesy, consideration, and promptness in carrying out one's official duties are important aspects of conduct.

(2) In the performance of their duties, Covered Persons of the Asian Art Museum may not discriminate on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes.. Discrimination on the basis of refusals to render political service or to contribute money for political purposes is also prohibited.

(3) Covered Persons may not directly or indirectly use, or allow to be used, property of any kind belonging to the Museum or to the City of San Francisco for other than officially approved activities. Covered persons have an affirmative duty to protect and conserve Museum and City and County property, equipment and supplies that are in their custody and control.

(4) When Commissioners, employees or volunteers are asked to suggest sources for objects, materials or services such as conservation, appraisal or the transportation of art objects, several reputable suppliers or competent sources should be suggested, where possible, to avoid giving the appearance of an official endorsement by the Museum to any one source.

(5) City property other than works of art shall be disposed of through the City Purchaser except that the City Attorney should be consulted if there are any restrictions on disposal of the property or on the use of the proceeds from the sale of the property.

Section K. **ACQUISITION, DISPOSAL, AND LOAN OF OBJECTS**

(1) Covered Persons have an ethical duty to adhere to the Museum's collections management policies. Care of the Museum's collection and its accessibility should be in keeping with professionally accepted standards.

(2) All recommendations for acquisitions shall be given to the Director who shall transmit the recommendations along with the Director's comments to the Acquisitions Committee. All acquisitions shall be approved by the Acquisitions Committee and confirmed by the Asian Art Commission.

(3) Without regard to paragraph (2) above, when circumstances of a proposed gift require a decision before the Acquisitions Committee can be convened, the Director may accept a gift effective immediately if he deems it appropriate after consultation with the Chair of the Acquisitions Committee. The Director shall report the gift to the Acquisitions Committee and to the Asian Art Commission at the next meeting of each.

(4) The Museum may not loan works of art to private individuals.

(5) The Museum may not acquire a work of art if the acquisition of the work would violate the laws of the United States.

(6) The Museum may acquire works of art by purchase, exchange, gift or bequest. A work of art may be disposed of by sale or exchange if it has not been accessioned into the Museum's collection. See paragraph (7).

(7) In conformance with the principals of San Francisco Administrative Code 2A.155 (2A.155.4-2A.155.11), as may be amended from time to time, disposal of works of art by sale shall be by public auction except in those instances where the commission determines on the basis of written information supplied by the Director, which shall include a statement of the Director's opinion, that:

(a) it is advantageous to the Museum to dispose of them by some other method, and

(b) the amount yielded by that method would be no lower than the amount that would be realized through public auction.

(8) Pursuant to San Francisco Administrative Code Section 2A.155.11, as may be amended from time to time, proceeds from the sale of works of art donated to the Museum shall not be used for any purpose other than the acquisition of art.

(9) Covered Persons who have direct contact with the public concerning gifts or bequests of art object to the Museum shall communicate to potential donors the fact that the Museum's acceptance of a donated object is not necessarily an indication that the Museum will accession the object into its permanent collection. The Museum shall, if asked by the donor's representatives, disclose whether the object will be accessioned or will be disposed of.

(10) Once an object has been accessioned, it shall not be deaccessioned except through formal deaccession procedures in accordance with the Museum's collections management policy, subject to any applicable gift restrictions or applicable court order.

Section L. **PERSONAL COLLECTING**

The Museum recognizes that personal collecting of art by Covered Persons advances professional knowledge and judgment. In addition, the Museum has limited funds for acquisitions and, therefore, it is the policy of the Museum to encourage Covered Persons to develop collections in the belief that this may benefit the Museum in the future. Because the acquisition, maintenance and management of a personal collection may create actual or apparent conflicts of interest, the following sections provide specific guidelines that govern personal collecting of art.

POLICY STATEMENT

PRIVATE COLLECTING OF WORKS OF ART OF THE TYPE COLLECTED BY THE MUSEUM, BY COMMISSIONERS, EMPLOYEES, AND VOLUNTEERS IS AN APPROPRIATE ACTIVITY, PROVIDED THAT SUCH ACTIVITY RESULTS IN NEITHER THE FACT NOR THE APPEARANCE OF A CONFLICT OF INTEREST WITH THE MUSEUM, AND ITS COLLECTING PROGRAMS.

(1) Covered Persons may not engage in the business of dealing in objects of a type collected by the Museum unless they refrain from participating in, and recuse themselves from, involvement in any Museum transaction involving the sale, acquisition, transfer, deaccessioning or other similar disposition of such objects. Occasional sales or other transactions to upgrade a personal collection are permissible if they are in compliance with other limitations contained in this Code, applicable laws or other policies adopted by the Commission regarding personal collecting. No member of the Acquisitions Committee may be a dealer in Asian art.

(2) No Commissioner, employee, or volunteer shall use his or her affiliation with the Museum to promote his or her personal collecting activities.

(3) No Commissioner, employee, or volunteer may participate in the Museum's decision to accept a donation of an object from that individual, to purchase an object from that individual, or to exhibit an object owned by or in which such person has a financial interest.

(4) No Covered Person, or those whose association with the Museum might give them advantage in acquiring an object, shall purchase any object from the Museum except at public auction.

(5) Covered Persons may not use information obtained through their affiliation with the Asian Art Museum, which information may not be available to scholars or the general public, to promote their personal collecting activities or the collecting activities of an associate, member of the employee's family, or household, or corporation, partnership or other business entity controlled, either directly or indirectly, by them.

(6) No Covered Person, or Covered Person's family member may knowingly compete, directly or indirectly, with the Museum for the purchase of works of art of interest to the Museum.

(7) No Covered Person, or Covered Person's family member, may directly or indirectly sell works of art to the Museum except at a price substantially below fair market value, as determined by an independent appraisal, and upon terms approved by the Acquisitions Committee.

(8) The provisions of this Code concerning personal collecting shall apply equally to the spouses, minor children, and any other household members of the Covered Persons. The provisions of this Code shall also apply to private foundations, corporations, partnerships or other business entity controlled, either directly or indirectly, by Covered Persons.

Section M. AVAILABILITY OF CONSERVATION SERVICES

(1) In the interest of conserving Asian art generally, the services of the Conservation Department shall be available to the public and to Covered Persons in individual instances where the Director determines that the provisions of such services will not interfere with Museum's activities and requirements. To support the continued availability of conservation services, the recipient of the services shall contribute to the Asian Art Museum Foundation an amount which is at least equal to the fair market value of the services plus an additional amount at least equal to 5% of the fair market value of the services but not less than \$100.

Section N. REPRODUCTIONS OF ART WORKS

(1) The Asian Art Commission and the Director shall use particular care in authorizing the production or sale of reproductions of objects in the collection of the Asian Art Museum in order to maintain a climate of artistic integrity.

(2) The fact that an object is a reproduction should be clearly indicated through the use of integral markings on the object, as well as signs, labels and advertising. Signatures, print edition numbers and primers 1 symbols should not appear in the reproduction if in the original they occur outside the borders of the image. Similarly,

signatures, edition numbers and/or foundry marks on sculpture should not appear on any reproduction.

(3) Reproductions of paintings and sculptures should only be offered in materials and sizes other than those used by the artist in the original work of art. It is recognized that reproductions of decorative arts serving functional purposes may pose special problems, but the fact that they are reproductions should be clearly indicated.

(4) The retail pricing of reproductions should be in accord with cost-effective and standard marketing practices.

(5) In advertising reproductions, language should not be used which would imply that there is any identity of quality between the copy and the original, or which would lead the potential buyer to believe that by purchasing any such reproduction, he or she is, in effect, acquiring an original work of art.

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