

Teaching Case Study

Controversial “Conversations”

*Analyzing a Museum Director’s Strategic Alternatives
When a Famous Donor Becomes Tainted*

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Abstract

This teaching case places students in the role of Dr. Johnnetta Cole, director of the Smithsonian’s National Museum of African Art, as she determines how to respond to a situation in which Bill Cosby—well-known entertainer, spouse of a museum advisory board member, donor, and lender of a significant number of important pieces of art on display at the Museum—has been charged with sexual misconduct. Representing the Museum, the director must weigh the cost of appearing to support her friends the Cosbys against the value of displaying one of the world’s largest private collections of African American art. This case extends stakeholder theory by utilizing Dunn’s (2010) three-factor model for applying stakeholder theory to a tainted donor situation.

Keywords: arts administration; philanthropy; stakeholder theory; crisis communication; nonprofit leadership; tainted donor; ethical decision making

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This teaching case offers an opportunity for students and practitioners to apply an important theoretical model for decision making to a real-life situation involving a tainted donor. Dunn's (2010) adapted model of legitimacy, power, and urgency applying stakeholder theory to a tainted donor situation provides a framework to help students understand the range of options available to the museum director in this situation. The case challenges students to identify conflicting stakeholder interests in a controversial situation and to weigh different courses of action to determine the most appropriate response.

Developed from publicly available information, this classroom-tested case is appropriate for nonprofit management, public relations, arts administration, organizational behavior, and leadership classes. Relevant pedagogical materials and suggested complementary reading are included, along with specific discussion questions and ideas for additional classroom activities. In addition to theoretical implications, the case illustrates for practitioners the importance of effective policies and standards, risk management practices, effective communication, and transparency.

The learning outcomes for the case include the following:

1. Identify conflicting interests of definitive stakeholders in controversial situations.
2. Analyze ethical, legal, and/or professional standards in the context of a challenging set of circumstances.
3. Apply Dunn's (2010) adapted model of stakeholder theory to a tainted donor situation.
4. Evaluate potential solutions and propose appropriate actions.

The Case

What happens when a prominent donor becomes tainted? This question is at the heart of this case involving the Smithsonian's National Museum of African Art. A special exhibition on display as part of the Museum's 50th anniversary celebration had suddenly become controversial. Camille and Bill Cosby, long-time friends of Museum director Johnnetta Cole, had loaned their personal collection of artwork and made a large donation for the special exhibition. Soon after the exhibit opened, Bill Cosby was accused of multiple counts of sexual misconduct. The escalating scandal and criminal charges against Bill Cosby created a difficult situation for Cole as she weighed the cost of appearing to support her friends against the value of displaying one of the world's largest private collections of African American art.

The Smithsonian Institution

Founded by Congress in 1846 with funds from the estate of British scientist James Smithson, the Smithsonian Institution is the world's largest museum and research complex (Smithsonian Institution, 2016a). The Smithsonian consists of 19 museums and galleries, the National Zoological Park, and nine research facilities dedicated to the increase and diffusion of knowledge.

Along with praise for its eclectic holdings and thought-provoking displays, the Smithsonian has received criticism for curatorial decisions and censorship of exhibits. For example, in 1995 a controversy over the exhibit at the National Air and Space Museum associated with display of the Enola Gay, the Boeing B29 Superfortress bomb-

er used by the U.S. during World War II, resulted in the Museum's decision to display the aircraft and technical data only, without discussion of the aircraft's historic role in the war (Gallagher, 2015). Then in 2003, a National Museum of Natural History exhibit, "Seasons of Life and Land," featuring Subhankar Banerjee's photographs of the Arctic National Wildlife Refuge, was censored and moved to the basement by Smithsonian officials because they feared that its subject matter was too politically controversial (Bailey, 2003). Following criticism over the editing of this exhibit, which added "scientific uncertainty" regarding the nature and effect of global warming on the Arctic, the Smithsonian became a participant in the U.S. Global Change Research Program. More recently, a 2011 exhibition of gay and lesbian portraiture at the National Portrait Gallery was censored, leading to fierce criticism of the Smithsonian for its capitulation to groups expressing disapproval of the content (Blair, 2010).

The National Museum of African Art

The National Museum of African Art (NMAfA) was founded in 1964 by Warren M. Robbins, a former U.S. Foreign Service officer who had a mission to promote cross-cultural understanding. Initially a private educational institution, it was located in a townhouse that had been the home of Frederick Douglass. The Museum became part of the Smithsonian Institution in 1979 and opened to the public in a new facility on the National Mall in 1987 (Smithsonian NMAfA, 2015).

The Museum has distinguished itself as the first museum in the United States to include a sustained focus on modern and contemporary African art in its mission "to inspire conversations about the beauty, power, and diversity of African arts and cultures worldwide" (Smithsonian NMAfA, 2015). Its collections and programs target diverse audiences and share views of Africa's artistic traditions by incorporating contemporary performances and programs such as artist talks, films, and lectures.

The "Conversations: African and African American Artworks in Dialogue" Exhibit

The "Conversations: African and African American Artworks in Dialogue" exhibit opened at the NMAfA on November 9, 2014, and presented African and African American artworks together to encourage visual and intellectual dialogue about the exhibit's specific themes, "Spiritualities," "A Human Presence," "Power and Politics," "Memory, Family, and the Domestic Sphere," "Nature as Metaphor," and "Music and Urban Culture" (Smithsonian NMAfA, 2015).

According to the Museum's website, the exhibit offered the first public viewing of one of the world's preeminent private collections of African American art belonging to Camille and Bill Cosby, paired with African artworks from the National Museum of African Art's world-class collection. About one third of the exhibit came from Cosby's collection, and the rest of the pieces were drawn from the Museum's collection. The Cosby collection included paintings by one-time slaves, pieces commissioned for the Cosbys, a large painting by their daughter, and several quilts, including one made in tribute to their slain son, Ennis. The exhibit also included portraits of the Cosbys and multiple quotations from the couple regarding their art preferences, philosophy of collecting, and views on what is aesthetically important.

The "Conversations" exhibit was a major part of the Museum's 50th anniversary celebration. Although the exhibit was funded almost entirely with a \$716,000 gift from

Bill and Camille Cosby, Museum officials did not disclose this donation in press materials to publicize the exhibit, nor was the gift mentioned on the Museum's website.

The Players

Johnnetta Betsch Cole. Johnnetta Betsch Cole was appointed director of the Smithsonian NMAfA in March 2009. Before assuming directorship of the Museum, Cole had a distinguished career as an educator, author, and humanitarian. She earned a master's degree and a PhD in anthropology with a focus on African Studies from Northwestern University and held teaching positions at several schools including Washington State University, the University of Massachusetts at Amherst, Hunter College, and Emory University. In 1987, Cole became the first African American woman to serve as president of Spelman College; that same year, Camille and Bill Cosby announced their gift of \$20 million to Spelman College, which was at that time the largest single gift ever made to a historically Black college or university. Cole later served as president of Bennett College for Women and accepted \$800,000 in gifts from the Cosbys in support of the college.

Cole has chaired the boards of the Association of Art Museum Directors and United Way of America and served as a fellow of the American Anthropological Association and the American Academy of Arts and Sciences. She also has served on the corporate boards of Home Depot, Merck, and Nation's Bank South and was the first woman to serve on the board of Coca-Cola Enterprises. Cole has received 68 honorary degrees and numerous national leadership and human rights awards.

Camille Cosby. Camille Cosby is an American television producer, philanthropist, and author. She and Bill Cosby have been married since 1964 and had five children. Camille Cosby was the inspiration for the character Clair Huxtable from *The Cosby Show*. She was her husband's business manager and has been called a shrewd businesswoman.

In 1990, Cosby earned a master's degree from the University of Massachusetts. Two years later, she earned an EdD from the same institution.

Camille Cosby has served on the advisory board for the Smithsonian National Museum of African Art since 2010.

William Henry "Bill" Cosby Jr. Bill Cosby is an American comedian, actor, and producer who had an immensely successful television career and helped create positive portrayals of African Americans on television. He also has been accused of serial rape.

Cosby created, produced, and hosted the animated comedy television series *Fat Albert and the Cosby Kids* (1972–1985). He went on to produce and star in the TV sitcom *The Cosby Show* (1984–1992), which focused on an affluent African American family and was rated as the number one show in America for 5 years. Cosby produced *The Cosby Show* spin-off sitcom, *A Different World* (1987–1993), starred in the sitcom *Cosby* (1996–2000), and hosted *Kids Say the Darndest Things* (1998–2000).

Cosby received a bachelor's degree from Temple University and a master's degree and doctorate in education from the University of Massachusetts.

Cosby has been the subject of more than 50 publicized sexual assault allegations since 2000. Cosby maintained that each of these encounters was consensual. The statute of limitations has run out for most of these allegations.

The artists. The works of numerous artists, both living and deceased, were displayed as part of the "Conversations" exhibit. The exhibit celebrated the artists as key

cultural players and pioneers, breaking new ground and pushing the boundaries of the artistic and social worlds (Smithsonian NMAfA, n.d.). “Conversations” presented selected pieces from the Cosby collection, including works by Romare Bearden, Elizabeth Catlett, Beauford Delaney, Lois Mailou Jones, Jacob Lawrence, Keith Morrison, Faith Ringgold, Augusta Savage, Henry Ossawa Tanner, and Alma Thomas. With the exception of one work of art, the Cosby collection has never been loaned or seen publicly and only rarely and selectively published.

The NMAfA National Advisory Board. Advisory councils or boards are groups of individuals who typically are asked by organizations to provide a variety of services to help fulfill their missions. The *Regents’ Guidelines for Smithsonian Advisory Boards*, established in 1995 by the Smithsonian Board of Regents, assigns specific roles to the advisory boards, including advocacy with public and private constituencies; advice on strategic and financial planning, budget, and other administrative functions; fundraising; and participation in the selection and evaluation of unit directors. The NMAfA’s advisory board comprises individuals with a variety of expertise, including executives, academics, consultants, doctors, university presidents, and a former ambassador.

Other Smithsonian institutions. Under the Smithsonian umbrella, there are 19 museums, 21 libraries, the National Zoo, and numerous education and research centers. According to the Smithsonian’s website, the secretary of the Smithsonian, who oversees operations, is responsible for an annual budget of \$1.3 billion, 6,500 employees, and nearly 15,000 volunteers. These institutions share leadership and a common Smithsonian brand. Visitors, members, donors, and volunteers—these are priority groups that the museum depends on for sustenance and vitality. Museums may attract single-time visitors, but they want to convert them to members and ultimately to donors (Kotler, Kotler, & Kotler, 2008). These groups are stakeholders with whom the Smithsonian wants to create mutually beneficial relationships.

The Situation

Cole, director of the Smithsonian NMAfA, faced some difficult decisions. Her long-time friends Camille and Bill Cosby had loaned their personal collection of African American artwork and made a large donation for a special exhibition as part of the Museum’s 50th anniversary celebration. Camille Cosby also served on the Museum’s advisory board. Soon after the exhibit opened, allegations of sexual misconduct involving Bill Cosby surfaced in which multiple women accused Cosby of drugging and sexually assaulting them; he vehemently denied or refused to respond to these accusations. A number of institutions began to distance themselves from Bill Cosby, revoking honorary degrees and titles, canceling his television shows, and removing his name and likeness from their premises. Then court documents were unsealed in which Bill Cosby admitted under oath that he had obtained drugs to give to women with whom he wanted to have sex. Meanwhile, the exhibit on display at the Museum contained images of the Cosby couple and quotes from Bill Cosby around themes such as family and domesticity. As the public conversation surrounding Cosby changed dramatically, art reporters for major newspapers and art magazines wrote about the controversy and called for Museum officials to release a statement rather than ignore the situation.

As Cole reflected on her personal and professional relationships with the Cosby family and the mounting public controversy, she found herself in a difficult place (see Table 1). In her role as director of the Museum, she had to weigh the cost of appearing

to support Bill Cosby against the value of displaying one of the world's largest private collections of African American art. The "Conversations" exhibition was well underway and was an integral part of the Museum's 50th anniversary celebration. Some of the works were on public display for the first time, giving the featured artists national exposure.

Table 1

Sequence of Events

Date	Relevant events
November 2012	Planning began for the exhibition of the private art collection of Bill and Camille Cosby, according to a spokesperson for the Smithsonian (Ng, 2014). Museums typically plan exhibitions several months or even years in advance.
November 9, 2014	"Conversations: African and African American Artworks in Dialogue" exhibit opened. The exhibit included 62 paintings, sculptures, mixed media, and textile works from the Cosby's private collection (Ng, 2014).
Late November 2014	Rape allegations against Bill Cosby continued to emerge, having first surfaced more than a decade ago. By late November 2014, 20 women had come forward and publicly accused the comedian of sexual assault (Ioannou, Mathis-Lilley, & Hannon, 2014). In response, NBC canceled a TV comedy Bill Cosby had been developing, Netflix canceled a comedy special slated to premiere the week of Thanksgiving, and TV Land announced that it would no longer air reruns of <i>The Cosby Show</i> (Chappell, 2014). Colleges and universities began removing their affiliations with Cosby.
December 2014	Amidst the controversy surrounding Cosby, The United States Navy revoked his honorary title of chief petty officer, Cosby was pressured to resign from the board of trustees at Temple University, and Spelman College suspended the Cosby professorship (CBS News, 2015).
July 6, 2015	Court documents from a 2005 civil lawsuit were unsealed in which Bill Cosby admitted under oath that he had obtained Quaaludes to give to women with whom he wanted to have sex (Yan, McLaughlin, & Ford, 2015).

Based on pressure from various stakeholders, there were three strategic responses from which Cole could choose, none of which appeared to be easy. First, the Museum could close the exhibition and return the Cosby gift. However, the Smithsonian Institution had been fiercely criticized for censoring other exhibits. A second option could be a compromise of sorts. For example, the Museum may modify the exhibit or

move up the closing date. A third option could be defiance; Cole may choose to keep the exhibit open and continue to recognize the Cosbys’ contributions to it. Should the growing controversy be ignored, should a greater distance be created from the Cosby family, or should Cole shut down this controversial art exhibit?

Theoretical Framework

A previously honored benefactor who has become socially unacceptable because of a scandal is a “tainted” donor (Dunn, 2010). When a donor becomes tainted, the organization must consider ways to sort through the donor’s disgrace and the potential forces that influence strategic decisions (Dunn, 2010). The organization’s strategy is affected by varying levels of pressure; if pressure is weak, an organization is more likely to practice defiance by keeping a donor’s gift and recognition, whereas under strong pressure, the organization is more likely to acquiesce by returning the donation and removing the recognition (Oliver, 1991). A compromise position may be adopted under moderate pressure. The conditions influencing an organization to adopt one strategy over another may be further explained by stakeholder theory.

Stakeholder Theory

Stakeholders are commonly defined as “any group or individual who can affect or is affected by achievement of the organization’s objectives” (Freeman, 1984, p. 25). Scholars in the nonprofit and public sectors have urged consideration of a broader definition of stakeholders that includes the interests of the nominally powerless (Bryson, 2004a). For example, Bryson (2004b) defined stakeholders as “any person, group, or organization that can place a claim on the organization’s (or other entity’s) attention, resources, or output or that is affected by that output” (p. 35). Eden and Ackermann (1998) defined stakeholders as “people or small groups with the power to respond, negotiate with, and change the strategic future of the organization” (p. 117). Organizations must consider stakeholders’ needs because these needs hold implications for system well-being and thus for the well-being of every member of the system (Mish & Scammon, 2010). For the public or nonprofit organization, success and survival of the organization “depends on satisfying key stakeholders according to their definition of what is valuable” (Bryson, 2004, p. 25). Therefore, nonprofit organizations, such as the Smithsonian, must consider stakeholders’ interests when strategically managing a crisis or potential crisis.

To gain a better understanding of stakeholder groups, an organization may engage in stakeholder analysis or mapping. During this process, the organization asks important questions such as Who are our current and potential stakeholders? What are their interests and/or rights? How does each stakeholder affect us? How do we affect each stakeholder? Additionally, an organization may consider its assumptions about current stakeholders and how those influence its own strategy.

Not all stakeholders carry equal weight or influence with an organization. That said, not all possible stakeholders can or should be satisfied, involved, or considered during stakeholder analysis. Bryson (2004) suggested that only key stakeholders must be satisfied and that determining which stakeholders are key “is inherently political, has ethical consequences, and involves judgment” (p. 26). Stakeholder analysis should,

therefore, help managers of nonprofit and public organizations determine who the stakeholders are and what would satisfy them.

Lewis (2007) categorized potential stakeholders based on power, legitimacy, and 3) urgency. Stakeholders vary in each category. Power refers to the ability of the stakeholder to influence others with or without resistance. Legitimacy refers to the recognition that some group has a stake in the decision because of socially constructed norms, values, beliefs, and definitions. Urgency refers to the stakeholder's claim on the organization and is partially based on "time sensitivity," that is, "the degree to which . . . delay in attending to the" issue might be "unacceptable to the stakeholder" (Mitchel, Wood, & Agle, 1997, p. 867). Stakeholders who possess all three qualities are considered definitive stakeholders (Lewis, 2007) and are likely to have the most influence in affecting the strategy or decision making of an organization.

Dunn (2010) adapted the model of legitimacy, power, and urgency to apply stakeholder theory to the tainted donor situation, stating that an organization's strategy is a function of three factors: (1) the perceived degree of incongruence between the goals and nature of the organization and the actions of the benefactor that led to the scandal (legitimacy), (2) the extent of coalescence on demands of multiple stakeholder groups (power), and (3) the perceived visibility and timeliness of the scandal (urgency).

Value incongruence may be characterized as an organizational legitimacy problem when a donor's values and norms are inconsistent with an organization's mission and activities, or referred to as a stakeholder legitimacy problem when the benefactor's activities are not suited to the goals and values of the organization (Dunn, 2010; Tschirhart, 1996). The greater the gap between the two, the more likely it is that an organization will return the donation and remove public honor associated with the gift.

Traditionally, stakeholder mapping has assumed the organization as the center of activity, creating a hub-and-spoke model (Freeman, 1984). However, in some cases stakeholders may have relationships to one another and to other entities (Rowley, 1997). Therefore, organizations may find it useful to see themselves at the center of an interdependent web of stakeholders and consider how the various views and opinions of their stakeholders may lead them to influence one another. Stakeholder power accrues when the interests of multiple constituents coalesce (Dunn, 2010). Thus, while it may be easy to ignore the demands of conflicting stakeholder groups, nonprofit managers must heed the demands of those who hold a collective view. Dunn (2010) proposed that a large, medium, or small degree of coalescence correlates with an acquiescence, compromise, or defiance strategy, respectively (Table 2).

Table 2

Factors Affecting Organizational Strategy

Pressure	Visibility	Coalescence	Value incongruence	Organizational strategy
One attribute	Small degree	Small degree	Small degree	Defiance
Two attributes	Medium degree	Medium degree	Medium degree	Compromise
Three attributes	Large degree	Large degree	Large degree	Acquiescence

Note. Adapted from "Strategic Responses by a Nonprofit When a Donor Becomes Tainted," by P. Dunn, 2010, *Nonprofit and Voluntary Sector Quarterly*, 39(1), 102–123.

Social or economic scandals often become front-page news, and nonprofit organizations are expected to operate with transparency and accountability; as such, the strategic decisions a nonprofit makes may not be kept secret, nor can organizations ignore scandals involving their constituents (Nutt, 2002). When a nonprofit learns of a previously honored donor’s involvement in a scandal, the degree of visibility affects the organization’s strategy; according to Dunn (2010), the greater the visibility, the more likely the organization will acquiesce.

According to stakeholder theory, the stakeholder who has the greatest legitimacy, power, and urgency will be organization’s priority. Likewise, when value incongruence, coalescence, and visibility are all present, the pressure for an organization to return a donation and remove the honor bestowed on a benefactor is highest. A compromise strategy can be adopted more easily if fewer pressures are feasible (Dunn, 2010).

Ethical Practice

The Smithsonian Institution and each of its museums and galleries adhere to its Statement of Values and Code of Ethics (2016b; see Appendix), which contains guiding principles that apply directly to this case. The introduction to the statement discusses the responsibility of those working on behalf of the Smithsonian to maintain “the highest standards of honesty, integrity, professionalism, and loyalty to the Institution” and to “take care to avoid conduct that would compromise the integrity or public confidence in the Smithsonian” (Smithsonian Institution, n.d., Introduction section, para. 2) Guiding principles relevant to the case include a commitment to conduct business within an ethos of transparency, “operating in a culture marked by openness, accessibility, and robust communication,” and providing all stakeholders “access to appropriate and accurate information regarding the finances, operations, and activities of the Smithsonian Institution” (Smithsonian Institution, n.d., Applicability and Guiding Principles section, para. 2). The statement also addresses conflicts of interest, outside financial support, and transparency and disclosure.

Conflict of interest policy. Independent Sector (2017) strongly recommends that nonprofit organizations and foundations develop a statement of values and code of ethics that guide policies, decision making, and operations. An essential element of this document is a conflict of interest statement. The Smithsonian Statement of Values and Code of Ethics includes this conflict of interest statement:

All members of the Smithsonian community have a duty to act in the best interest of the Smithsonian rather than in furtherance of their personal interest or for private gain. We must avoid apparent or actual conflicts of interest and ensure that potential conflicts of interest are disclosed and managed in accordance with applicable guidelines, directives, and standards of conduct. (Conflicts of Interest section, para. 1)

In addition, the *Smithsonian Institution Standards of Conduct*, a directive applicable to all Smithsonian Institution trust and federal employees, includes a statement on loyalty and conflicts of interest:

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

- using Smithsonian employment for private gain;
- giving preferential treatment to any person or company for any reason; or
- failing to make impartial decisions on the Smithsonian's behalf. (Loyalty and Conflicts of Interest section, p. 4)

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

Guidelines and standards regarding exhibiting borrowed objects. The standards of the American Alliance of Museums (2010) address ethical standards, accountability, transparency, integrity, and control. This document indicates that a museum's policy on borrowed objects should contain the following provisions relevant to this case: (1) requiring the museum to examine the lender's relationship to the institution to determine potential conflicts of interest, or an appearance of a conflict; (2) including procedures to address such conflicts or the appearance of conflict or influence; and (3) assure intellectual integrity and institutional control by making public the source of funding where the lender is also a funder of the exhibition. American Alliance of Museums' member institutions such as the NMAFA are expected to uphold these guidelines and standards for best practice.

Suggestions for Classroom and Consultant Use

This case provides opportunities for students and practitioners to apply theory and professional standards to weigh different courses of action and determine the most appropriate response in a controversial situation. Prior to introducing the case, instructors may wish to introduce the concepts of stakeholder theory and stakeholder analysis through lecture and discussion. Bryson's (2004) "What To Do When Stakeholders Matter" provides an overview of stakeholder identification and analysis techniques, specifically tailored to the nonprofit and public sectors. Instructors may wish to assign students to read the article before reading the case so that students have a baseline understanding of stakeholders, their importance to nonprofit and public organizations, and the basic stakeholder analysis technique.

Dunn's (2010) "Strategic Responses by a Nonprofit When a Donor Becomes Tainted" provides a clear, relevant framework for strategic decisions and has been referenced in detail within the Theoretical Framework section; either this summary section or Dunn's article in its entirety could be assigned as prerequisite or concurrent reading for the case. Additionally, Tschirhart's (1996) *Artful Leadership*, a primer on managing stakeholder problems in nonprofit arts organizations, may be appropriate supplemental reading for some classes.

Following the introduction to stakeholder theory, students should read the background information about the institution, exhibit, players, and the situation. Sharing

specific standards and guidelines for museum policy will also provide context and help students apply ethical codes and best practices to the circumstances of this case. For example, the standards of the American Alliance of Museums (2010) address ethical standards, accountability, conflicts of interest, transparency, integrity, and control. This document states that a museum’s policy on borrowed objects should contain several provisions relevant to this case. Although excerpts from the document are included in the case, instructors may ask students to review these guidelines in their entirety and discuss the implications of the Cosbys’ loan of artwork, their financial support of the exhibition, their long-time friendship with Johnnetta Cole, and Camille Cosby’s position on the Museum’s board.

The Smithsonian Institution Statement of Values and Code of Ethics (Smithsonian Institution, n.d.; Appendix) also contains principles that apply directly to this case and may guide classroom discussion. The introduction to the statement discusses the responsibility of those working on behalf of the Smithsonian to maintain integrity. Guiding principles relevant to the case include a commitment to conduct business within an ethos of transparency and open communication. The statement also addresses conflicts of interest, outside financial support, and transparency and disclosure.

Discussion questions may be provided to students for individual responses, small group discussions, or larger class or client discussions. The following questions may be helpful to various classes as well as to consultants in their work with organizational clients or in workshop settings:

- According to the Lewis (2007) framework, describe the respective interests and rights of the definitive stakeholders for the tainted donor decision facing Johnnetta Cole at the Smithsonian National Museum of African Art. How might these interests conflict?
- How could Johnnetta Cole apply internal and external standards for museum policy to the circumstances in this case?
- According to the Dunn (2010) framework, what criteria should Johnnetta Cole use to make her decision regarding the “Conversations” exhibit issue, and what is the best strategic decision?

As a follow-up to class reflection and discussion, instructors may ask students to develop a communication plan and write the internal and/or external communication Cole should release after her decision. A review of strategies suggested by the National Coalition Against Censorship’s (2017) *Museum Best Practices for Managing Controversy* will inform students’ work on these communication plans and pieces.

The case also lends itself to discussion outside the parameters of the primary timeline and key learning goals. Some students or practitioners may consider whether the collector’s actions compromise the integrity of art; examining the degree of incongruence between Cosby’s values and actions and the core values, beliefs, and activities of the Museum and the compatibility or incompatibility of these values could be a valuable exercise. In addition, some museum experts discourage the practice of showing art from a sole, living collector, because it can enhance the value of the collection; therefore, some groups may consider implications of the Museum’s decision to display the Cosbys’ private collection, particularly in light of Camille Cosby’s role on the advisory board. Other classes or groups may reflect on the due diligence expected of

prospect researchers and other professionals entrusted to steward philanthropic gifts in service of a public mission and discern to what extent an organization should vet potential sponsors or partners.

Students likely will be interested in learning about Cole's decision and follow-up actions. Instructors may distribute the following epilogue and ask students to analyze Cole's decision and response, or to reflect on how their own responses to the discussion questions aligned or did not align with the ending of the case.

Epilogue

On July 7, 2015, the Museum released the following statement:

The National Museum of African Art is aware of the recent revelations about Bill Cosby's behavior. The Museum in no way condones this behavior. Our current "Conversations" exhibition, which includes works of African art from our permanent collection and African American art from the collection of Camille and Bill Cosby, is fundamentally about the artworks and the artists who created them, not the owners of the collections. The artworks from the Cosbys' collection are being seen by the public for the first time. The exhibition brings the public's attention to African American artists whose works have long been omitted from the study and appreciation of American art.

A flurry of activity related to the case followed, as shown in Table 3.

Table 3

Events Following Museum Statement

Date	Relevant events
July 13, 2015	The Associated Press (2015) uncovered that the "Conversations" exhibition was funded with a \$716,000 gift from Bill and Camille Cosby. Museum officials failed to disclose this donation in press materials to publicize the exhibit or mention it on the Museum's website. In early August, Johnnetta Cole said, "In retrospect, we clearly could have and should have made that information more explicit at the outset" (Cole, 2015).
July 14, 2015	The Museum posted a sign outside the "Conversations" exhibit entrance telling visitors the exhibit is "fundamentally about the artworks and the artists who created them, not Mr. Cosby."
July 18, 2015	The <i>New York Times</i> reported that Bill Cosby, in a 2005 sworn deposition, said he used drugs and persuaded women to have sex with him based on his fame and connections. He acknowledged that he paid money to keep the affairs secret (Bowley & Ember, 2015).

Table 3 (cont.)

Date	Relevant events
July 25, 2015	The <i>Atlanta Journal-Constitution</i> reported that the Cosby professorship at Spelman College was terminated and the gift was returned to the Clara Elizabeth Jackson Carter Foundation established by Camille Cosby (Hart, 2015).
July 27, 2015	<i>New York Magazine's</i> cover story featured stories and images of 35 women who alleged they had been sexually assaulted by Bill Cosby. Most of the women said their assaults occurred after they were drugged without their awareness or consent (Malone, 2015).

On August 5, 2015, the online magazine *The Root* published an article written by Johnnetta Cole titled "Why I Kept Open an Exhibit Featuring Art Owned by Bill Cosby." In the article, Cole (2015) said that while she was "devastated by the allegations and revelations surrounding Bill Cosby," the exhibition was not about the life and career of Bill Cosby, but rather was about the "interplay of artistic creativity in remarkable works of African and African-American art and what visitors can learn from the stories this art tells." Cole also said she was unaware of the allegations when she began planning the show. "When we accepted the gift and loan, I was unaware of the allegations about Bill Cosby," she said. "Had I known, I would not have moved forward with this particular exhibition."

Conclusion

Every leader faces ethical challenges and dilemmas, and there are no easy answers in effective nonprofit leadership. This tainted donor decision case was developed to highlight the importance of creating an ethical culture within organizations and to provide frameworks for strategic decision making and risk management in controversial situations. As the role model for influencing behavior within an organization, the nonprofit CEO must ensure that constituents are in tune with the organization's values, including a commitment to ethical behavior. By committing to open communication and transparency even during difficult times, leaders foster trust among stakeholders; through these courageous conversations, leaders carry their organizations through controversy and ensure that organizational mission, vision, and values drive their work for the greater good.

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Appendix

Smithsonian Institution Statement of Values and Code of Ethics

INTRODUCTION

The Smithsonian Institution is a public trust whose mission is the increase and diffusion of knowledge. The Smithsonian was established by the United States Congress to carry out the fiduciary responsibility assumed by the United States in accepting the bequest of James Smithson to create the Smithsonian Institution. We are accountable to the general public as well as to the Smithsonian’s multiple stakeholders in carrying out this responsibility. We recognize that the public interest is paramount.

Serving the Smithsonian is a privilege and those who work on its behalf have a responsibility to maintain the highest standards of honesty, integrity, professionalism, and loyalty to the Institution. We must ensure that our activities support the Smithsonian mission and take care to avoid conduct that would compromise the integrity of or public confidence in the Smithsonian. We acknowledge that in order to merit and preserve the public trust we must maintain a shared commitment to core values and an expectation of ethical and professional conduct in all of our activities. This Statement of Values and Code of Ethics articulates our core values and ethical standards to provide guidance for the application of these principles in pursuit of the Smithsonian’s mission.

APPLICABILITY AND GUIDING PRINCIPLES

This Statement of Values and Code of Ethics establishes the standards and principles for ethical conduct that apply to the Institution collectively and to all members of the Smithsonian community, which includes Regents, staff, volunteers, advisory board members, fellows, interns, research associates, affiliated individuals, and others who have been entrusted to act on behalf of or in the name of the Smithsonian. All members of the Smithsonian community are guided by these standards and principles and are expected to use their best efforts to adhere to them in conducting activities on behalf of the Smithsonian.

In June 2007 the Board of Regents, in order to reinforce the Institution’s foundation of integrity and responsibility, articulated guiding principles that have informed the creation of and are carried out through this Statement of Values and Code of Ethics. These guiding principles are as follows:

Our Operations and Activities Will Reflect Our Status as a Public Trust Administered on Behalf of the American People: The Board of Regents was established by Congress to carry out the responsibilities of the United States as trustee of the Smithson trust. Given this unique and special status, the Smithsonian must be mindful that it is a public trust operating on behalf of the American public and the United States government to carry out its mission to increase and diffuse knowledge. As such, the Smithsonian will be guided by the principles of the federal sector in the conduct of its activities whenever appropriate and consistent with its mission and trust responsibilities. In all other

cases, the Institution will follow the principles and best practices for fiduciary stewardship in the nonprofit sector.

We Remain Committed to Following The Highest Standards of Ethical Conduct: The Smithsonian Institution remains committed to following the highest standards of ethical conduct in pursuit of its mission to increase and diffuse knowledge. All individuals who have been entrusted to act on behalf of the Smithsonian — Regents, staff, researchers, fellows, interns, and volunteers — are expected to conduct their activities according to the highest professional standards, with honesty and accountability, and in the best interest of the Smithsonian. They must take care that their actions will not adversely impact the integrity of, or the public's confidence in, the Institution, its work, or its mission.

We Will Conduct Our Business Within an Ethos of Transparency: The Smithsonian Institution is committed to operating in a culture marked by openness, accessibility, and robust communication. All Smithsonian stakeholders should have access to appropriate and accurate information regarding the finances, operations, and activities of the Smithsonian Institution. Effective transparency also requires open and reliable communication between the Board, management, and other stakeholders to support informed decision-making. The Smithsonian is dedicated to using every reasonable method to foster the effective transparency that will support its mission to increase and diffuse knowledge.

PERSONAL AND PROFESSIONAL INTEGRITY

Each member of the Smithsonian community is expected to act in accordance with professional standards, as well as with honesty, integrity, openness, accountability, and a commitment to excellence. Each individual is expected to conduct Smithsonian activities in accordance with this Statement of Values and Code of Ethics, exercising sound judgment to support the Smithsonian's mission and serving the best interests of the Smithsonian and the public.

The Smithsonian promotes a working environment that values respect, fairness, and integrity. We act in accordance with these values by treating our colleagues, the public, and others with whom we interact with dignity, civility, and respect. Members of the Smithsonian community exercise responsibility appropriate to their position and delegated authorities. We strive for excellence in all of our activities and acknowledge that we are responsible to each other, to the Smithsonian, and to the Smithsonian's stakeholders for our actions. We are each responsible for being aware of and complying with applicable professional standards that govern our conduct, including those that relate to our particular discipline.

COMPLIANCE WITH APPLICABLE LAWS

All Smithsonian activities will be conducted in compliance with applicable laws, regulations, and international conventions. Members of the Smithsonian community are expected to become familiar with and comply with the laws and regulations that apply to their areas of responsibility.

COMPLIANCE WITH SMITHSONIAN POLICIES, DIRECTIVES, AND PROCEDURES

All Smithsonian activities will be conducted in accordance with established policies, directives, and procedures, which are designed to set standards for acceptable practices and activities. Members of the Smithsonian community are expected to conduct their activities in conformance with applicable policies, directives, and procedures and accordingly have an obligation to become familiar with those that apply to their areas of responsibility.

CONFLICTS OF INTEREST

All members of the Smithsonian community have a duty to act in the best interest of the Smithsonian rather than in furtherance of their personal interest or for private gain. We must avoid apparent or actual conflicts of interest and ensure that potential conflicts of interest are disclosed and managed in accordance with applicable guidelines, directives, and standards of conduct.

GOVERNANCE

The Board of Regents is the governing authority for the Smithsonian and has the ultimate authority and responsibility for ensuring that Smithsonian resources, programs, and activities support the Smithsonian mission. The Board of Regents is responsible for establishing the strategic direction of the Institution, providing guidance on and oversight of Smithsonian policies and operations, ensuring that Smithsonian resources are responsibly and prudently managed in compliance with legal and ethical requirements, and regularly assessing the effectiveness of Smithsonian programs.

Regents are expected to understand their governance responsibilities and to devote the time and attention necessary to fulfill them. The Board of Regents takes action as a body through the collective judgment of its members. Individual Regents do not represent the Board, except as may be authorized by the Board.

Regents respect and maintain the confidentiality of non-public information provided to them in connection with their service as Regents. This principle does not preclude disclosure of information that is properly in the public domain, or information that should be released in fulfilling the Institution's accountability to the public.

The Board of Regents is responsible for the appointment and retention of the Smithsonian Secretary, who is the chief executive officer of the Institution. The Board of Regents provides leadership and direction to the Secretary, regularly assesses his or her performance, and ensures that the Secretary's compensation is fair and reasonable. The Board and the Secretary will maintain open communication and engage in a constructive partnership to achieve the Smithsonian's mission, each understanding and respecting the respective role of the other in the governance and management of the Smithsonian. The Secretary and appropriate staff ensure that the Board of Regents is provided with timely, accurate, and complete information to enable the Regents to fulfill their responsibilities.

The management and staff of the Smithsonian (other than the Office of Inspector General and Office of the Board of Regents) serve under the direction and control of the Secretary in accordance with specific authorities delegated by the Secretary or specified in the Bylaws of the Board of Regents. Managers and supervisors are expected to lead by example, establishing and following a high standard of ethics and accountability to be adhered to at all levels of their organizations.

Smithsonian advisory boards are established by the Board of Regents or by statute to provide advice and assistance to the Board and the Secretary. Advisory boards exercise the duties and responsibilities delegated to them in applicable laws or bylaws approved by the Board of Regents.

RESPONSIBLE STEWARDSHIP

The Smithsonian ensures that its resources, including financial assets, collections, facilities and other physical property, intellectual property, and human resources, are protected, maintained, developed, and managed prudently and responsibly in support of the Smithsonian mission and the public trust. Policies and practices to ensure compliance with these principles, as well as consistency with professional standards and best practices for responsible stewardship and internal control, are established, disseminated, kept current, and consistently applied at all levels of the organization. Accurate and complete records are maintained to support reliable financial reporting and to ensure accountability and positive control of the Smithsonian's physical and financial assets.

COLLECTIONS

The Smithsonian develops, maintains, preserves, studies, exhibits, and interprets collections of art, artifacts, natural specimens, living animals and plants, images, archival and library materials, and audiovisual and digital media of unparalleled scope, depth, and quality. Stewardship of Smithsonian collections entails the highest public trust and carries with it the responsibility to provide prudent and responsible management, documentation, preservation, and use of the collections for the benefit of the public. The Smithsonian conducts these activities in accordance with professional standards and practices and ensures that legal requirements are observed and compliance is documented. Policies and practices to ensure compliance with these principles and consistency with professional standards and best practices for responsible collections stewardship are established, clearly articulated, disseminated, kept current, and consistently applied.

EXHIBITIONS, EDUCATION, AND PUBLIC PROGRAMS

To carry out its mission to increase and diffuse knowledge, the Smithsonian engages in and supports a vast array of exhibitions and educational and public programs in science, art, history, and culture. The Smithsonian conducts these activities in accordance with professional standards and practices and ensures that accuracy and intellectual integrity are the foundation for all exhibitions and educational and public programs produced in its name or under its auspices. The Smithsonian retains control over and responsibility for the contents of its exhibitions and educational and public programs. We acknowledge and address diverse values, opinions, traditions, and concerns and ensure that our activities are open and widely accessible. Policies and practices to ensure compliance with these principles and consistency with professional standards and best practices are established, clearly articulated, disseminated, kept current, and consistently applied.

RESEARCH

To carry out its mission to increase and diffuse knowledge the Smithsonian engages in and supports original research in science, art, history, and culture. The Smithsonian conducts these activities in accordance with professional standards and practices and

ensures that accuracy and intellectual integrity are the foundation for all research produced in its name or under its auspices. Accurate, valid, and reliable research data, records, and results are created, retained, and disseminated as appropriate. Individuals who participate in or collaborate on a research project or publication, as well as underlying sources and references, are appropriately acknowledged in accordance with professional practices. Publication of research results is subject to appropriate peer review. Policies and practices to ensure compliance with these principles and consistency with professional standards and best practices are established, clearly articulated, disseminated, kept current, and consistently applied.

OUTSIDE FINANCIAL SUPPORT

The Smithsonian seeks and relies on donations, grants, and contracts to provide vital support to successfully achieve its mission. Donations, grants, and contracts may be received from individuals, foundations, corporations, and grant-making organizations. The Smithsonian adheres to professional standards and best practices in seeking and accepting support from these sources to ensure that fund-raising activities support the Smithsonian mission and protect the Smithsonian’s reputation, integrity, and independence, while regarding donors and sponsors with the highest level of respect and establishing relationships characterized by forthrightness and honesty.

The Smithsonian provides truthful and relevant information in soliciting outside financial support. We respect the interests and privacy concerns of donors and sponsors, and maintain confidentiality as appropriate and legally permissible. We provide responsible stewardship and recognition of contributions and ensure that they are used in accordance with the agreed terms and conditions. Policies and practices to ensure compliance with these principles and consistency with professional standards and best practices are established, clearly articulated, disseminated, kept current, and consistently applied.

REVENUE-GENERATING ACTIVITIES

The Smithsonian engages in revenue-generating activities that create unrestricted financial resources to support its mission. To ensure that these activities support the Smithsonian mission and protect the Smithsonian’s reputation, integrity, and independence, the Smithsonian adheres to professional standards and best practices in conducting its revenue-generating activities. Smithsonian revenue-generating activities must be consistent with the Smithsonian mission, culture, governance, and status as a trust instrumentality of the United States and a tax-exempt organization. Policies and practices to ensure compliance with these principles and consistency with professional standards and best practices are established, clearly articulated, disseminated, kept current, and consistently applied.

TRANSPARENCY AND DISCLOSURE

The Smithsonian provides accurate and comprehensive information about its finances, operations, and activities to the public, Congress, and other stakeholders and responds in a timely manner to reasonable requests for information. We engage in open and reliable communication between and among the Board of Regents, management, and other stakeholders to support informed decision-making.

Smithsonian information will be disclosed in accordance with established policies and procedures. Members of the Smithsonian community who have access to

information that may be considered confidential, private, or proprietary are expected to be familiar with and to comply with applicable laws, policies, directives, and agreements pertaining to access, use, protection, and disclosure of such information.

INCLUSIVENESS AND DIVERSITY

The Smithsonian values and promotes inclusiveness and diversity in all of its activities, including employment practices, board and volunteer recruitment, and programs. The Smithsonian is enriched and its effectiveness enhanced when the Smithsonian community and the constituents we serve are composed of diverse individuals with varied backgrounds, experience, and points of view.

IMPLEMENTATION

While the Board of Regents retains the ultimate responsibility for requiring and overseeing compliance with this Statement of Values and Code of Ethics, each Regent, employee, volunteer, and other member of the Smithsonian community to whom it applies has a personal responsibility to comply with this Statement. The Secretary will ensure that the Statement is widely disseminated to Regents, staff, volunteers, advisory board members, and other members of the Smithsonian community, as well as to the public and interested stakeholders. The Secretary will ensure that appropriate policies and directives providing necessary guidance are in place and kept current. The Secretary, in consultation with the General Counsel, will establish an internal Ethics Advisory Board to provide advice to the Secretary and Board of Regents on compliance with this Statement of Values and Code of Ethics.