

COOPER HEWITT, SMITHSONIAN DESIGN MUSEUM

SHARED STEWARDSHIP AND ETHICAL RETURNS POLICY

STATEMENT OF PURPOSE

Cooper Hewitt, Smithsonian Design Museum acknowledges the enduring harm of past collecting practices and the urgent need to prioritize and implement new ethical standards for existing and future collections. While an object may have been legally acquired, continued control by the museum may not be ethical or reflective of the guiding values and principles adopted by our institution. CHSDM is dedicated to fostering a respectful partnership and dialogue with individuals, communities, as well as national and international governments through consultation and thoughtful engagement.

The museum adheres to the Smithsonian's [*Shared Stewardship and Ethical Returns Policy*](#) (adopted April 29, 2022) and recognizes its role as a collaborative custodian in helping to interpret and care for objects that represent a diversity of peoples, cultures, and communities. Therefore, the Shared Stewardship and Ethical Returns policy will be incorporated into future Strategic Plans undertaken by the museum and included in the Collections Stewardship Policy.

APPLICABILITY

CHSDM's policy on shared stewardship and ethical returns will apply to collections across all five curatorial departments (Textiles; Product Design and Decorative Arts; Wallcoverings; Digital; Drawings, Prints, and Graphic Design), as well as collections information, files, digital assets, images, scans, replicas, and other material associated with objects subject to a shared stewardship arrangement or ethical return.

AUTHORITY AND RESPONSIBILITIES

In order to advance and promote Smithsonian's commitment to shared stewardship and ethical returns, an Ethical Returns-Shared Stewardship (ERSS) Committee will be formed; members will include the Curatorial Director, Head of Registrar, Curatorial Department Heads, and a representative from Conservation. The Committee will meet quarterly to review new requests and ongoing research.

A. Addressing an Inquiry or Request

CHSDM will take a proactive and transparent approach to ethical returns and shared stewardship by publishing the procedure for making inquiries and requests on the museum's public website including a statement on the collections landing page that links to a clear and simple form guiding visitors through the process of submitting a request for review (see draft, Appendix A) and a FAQ section (see draft, Appendix B). The submitted forms will be sent to the Director's

office, which will issue a standard reply within ten business days acknowledging receipt of the request.

Upon receipt of a request, the Director's office will notify the ERSS Committee and the request will be submitted to the [Smithsonian Shared Stewardship and Ethical Returns Tracking System](#). Requests will be reviewed at quarterly meetings, and a task force will be formed at the next quarterly meeting consisting of a curator from the department to which the object belongs, a medium-appropriate conservator, and a collections Registrar. The task force will assign a spokesperson responsible for all interim communication with the requestor.

Upon the formation of the task force, the group ordinarily will have sixty days to conduct preliminary research on the request and respond to the requestor. If the request is found to be without merit or if the requestor is not authorized to make the request, then a final communication denying the request will be sent to the requestor by the Director's office after consultation with the Under Secretary for Museums and Culture. If the request is found to have merit, research will continue in consultation with the Office of General Counsel (OGC), National Collections Program (NCP), Office of International Relations (if the requestor is an international party), the Under Secretary for Museums and Culture, and other SI units as needed. The task force will also determine if additional financial resources are necessary to consult with external experts. The task force's research findings and updates will be communicated to the ERSS Committee during quarterly meetings. While the task force will be responsible for documenting communication with the requestor and researching a request, the Registrar department is responsible for ensuring all documentation is properly saved and filed.

B. Decision Making

After consulting with the appropriate Smithsonian offices and units as well as external experts, should the ERSS Committee recommend the return or shared stewardship of an object for ethical reasons, the curator of the collection object concerned will prepare a worksheet with a written justification for the decision. The curator will present their proposal at the quarterly CHSDM Collections Committee meetings for its recommendation. After that, the proposal will also be shared, as a courtesy, with CHSDM's Board of Trustees.

The Director shall have final authority on any ethical return or shared stewardship request decisions and is responsible for communicating the decision to the Under Secretary for Museums and Culture before a final decision is shared with the requestor.

Shared stewardship arrangements must be documented in a written agreement approved by the Under Secretary for Museums and Culture in consultation with OGC and NCP. Before deaccessioning collections for ethical return, CHSDM must consult with the Under Secretary for Museums and Culture, OGC, and NCP, and must obtain all approvals for deaccessioning and returns required by SD 600. Before denying a request for return of a collection for ethical reasons, CHSDM must consult with the Under Secretary for Museums and Culture.

C. Implementation

A final decision will generally be made within one year of the initial request, understanding that it may take significantly longer to gather appropriate documentation in some cases. The assigned spokesperson will be responsible for providing periodic updates to the requestor during the review process. If the request results in a return or shared stewardship agreement, the task force will continue to work together to implement the final decision. If the request is denied, CHSDM will communicate the decision to the requestor with an explanation of the research findings and justification for the decision. All final decisions will be communicated in writing to the requestor and sent by the Director's office.

EVALUATION CRITERIA

The following evaluation criteria will be used by the ERSS Committee to review all requests.

1. Evaluating whether the requestor is the appropriate party:

- What is the nature of the requestor's relationship to the collection object(s)?
- Does the requestor have authority to act on behalf of the party seeking shared stewardship or return (e.g., the family, community, cultural group, tribe, or government)?
- Are there competing inquiries or requests or other parties with potential interests in the collection object(s)?

2. Evaluating whether the request presents an appropriate case for shared stewardship or return based on ethical considerations:

- How was the object originally acquired?
- How was the object acquired by the Smithsonian (if not the original acquirer) or by other parties in the chain of ownership?
- Is there any evidence that the collection object was acquired forcibly, under duress, through coercion, without consent, or involuntarily?
- Would retaining the item perpetuate harm or be inconsistent with CHSDM and Smithsonian's core values?
- Would returning the item to the requestor redress the harm or unethical circumstances of acquisition?

CHSDM will not consider the requestor's ability to meet Smithsonian standards of care, artistic, historical, cultural, or monetary value when evaluating requests for return.