

**COLLECTION MANAGEMENT  
POLICY**

**FOR**

**THE MEMORIAL ART GALLERY  
OF THE UNIVERSITY OF  
ROCHESTER**

**Purpose of this policy:** To establish rules, guidelines and procedures for the acquisition, loan, care, preservation, public access, and deaccessioning of items in the collections of the Memorial Art Gallery of the University of Rochester, hereinafter referred to in this document as “MAG”. For further information about the relationship of the MAG collection to the University of Rochester, see the document By-laws of the Memorial Art Gallery of the University of Rochester, as amended June 25, 1997.

**I. Statement of Purpose**

**Mission Statement:**

Through art, MAG connects people, inspires fun, and ignites discovery.

**Vision Statement:**

As the center of the conversation on creativity, MAG builds community and enriches the way we see ourselves and the world around us.

**II. Art Committee**

**A. Members and Term of Office**

The Board of Managers of MAG shall establish a collections committee. Pursuant to MAG’s bylaws, the Art Committee shall be appointed by the President of the Board subsequent to the annual meeting of the Board and shall serve for a term of one year. The President shall appoint one of the members of the Art Committee who is a member of the board to serve as its Chair. The Art Committee shall consist of no fewer than five members, at least a majority of whom shall be members of the Board. In addition, the Director of MAG and the Chair of the Department of Art and Art History of the University shall each, by virtue of such office, be an *ex officio* member of the Art Committee. Permanent collection curators and the Director of the Academic Programs Department are non-voting members of the committee.

**B. Meeting Times and Policies**

The Art Committee shall meet on such days, at such times and places, and upon such notice as it may determine. At each meeting of the Art Committee, a majority of the members of the committee must be present to constitute a quorum for the conduct of business. The vote of a majority of the Committee members, once such a quorum has been established, shall decide any question put before the Committee. Any action required or permitted to be taken by the Art Committee at a meeting may be taken without a meeting if a quorum of the Committee consents to the adoption of a resolution authorizing the action, either in writing, by telephone, in person, or by electronic mail.

### **C. Powers of the Art Committee**

The Art Committee shall have the jurisdiction over all acquisitions to and deaccessions from the permanent collections of MAG, either by purchase, bequest, transfer, abandonment, exchange, gift or sale, and shall have authority to accept or reject any gift, provided that such action of the Art Committee may be referred for review to the Board or the Executive Committee. In determining questions with regard to acquisitions and deaccessions, the Art Committee shall in all instances consult with the Director of MAG, and in no case shall any work of art be accepted, acquired or sold without the Director's approval. The Art Committee shall perform such other duties relating to the art collection of MAG as the President or Board may determine, including the authorization of loans of works of art to other institutions.

### **D. Powers of the Chair**

The Chair, with the Director, will establish the dates of the meeting for the year; convene, lead, and adjourn the meeting; and function as a liaison with the Executive Committee and the Board of Managers. In addition, the Chair has the authority to act for the committee in circumstances where time constraints leave no other option.

## **III. Curatorial Department**

The Curatorial Department, a division of MAG comprised of art museum professionals, a) develops, cares for and presents the permanent collection; b) researches, documents and provides information about and access to the collection and other works of art; c) organizes and presents temporary exhibitions, and d) in accordance with current museum standards and ethics for the museum, its constituents, the general public, and the scholarly community, fosters an understanding and lifelong appreciation of art and its ability to enrich human life.

## **IV. Acquisition Policy and Procedures**

### **A. Scope of collections**

MAG's permanent collection is encyclopedic, with works of art from many cultures and ranging from the classical world to contemporary times. It is a valued teaching collection for area educational

institutions, and is used by all levels of educators in many subject areas. Fine arts (painting and sculpture) as well as decorative arts (textiles, furniture, and ceramics, among others) are represented in the collection. The strengths of the collection are: 19th and first half of 20th century American painting, particularly Ashcan School and American landscape; medieval European painting and sculpture; 17th century Dutch and Flemish painting; British portraiture; and 19th century French painting. Other highlights include a substantial collection of works on paper, including prints, Asian scrolls, Indian miniatures, and drawings and paintings. In addition to the robust representation of world art, MAG endeavors to maintain a collection of works of art that reflect the history and the high quality of the regional art community. Recent efforts to strengthen the modern and contemporary collections have directed acquisition priorities.

### **B. General Principles**

1. MAG is noted for the breadth, balance and overall high quality of its collections. It is believed that MAG can best serve Rochester communities and meaningfully distinguish itself from other upstate art museums by continuing to pursue the full spectrum of art history, rather than committing its limited funds to a single area of specialization.
2. Objects should not be accepted or otherwise acquired for the collections unless the following conditions are met:
  - a. The objects are relevant to and consistent with the purposes and activities of MAG and are of the highest quality obtainable.
  - b. The works complement the existing collections either by filling identifiable gaps or by adding significant dimension to areas already represented.
  - c. MAG can provide for the storage, protection and preservation of the objects under conditions that ensure their availability for museum purposes and are in keeping with professionally accepted standards.
  - d. The utility of the works for exhibition, instruction, research and publication has been considered.
  - e. The availability of sufficient expertise on the MAG staff, the Rochester region or national and international consultants to insure intelligent evaluation and future utilization of major acquisitions has been considered.
3. Title to all objects acquired for the collections should be obtained free and clear, without restriction as to use or further disposition. If, on rare occasions,

objects are accepted with restrictions or limitations, however, the conditions should be stated clearly in an instrument of conveyance, should be made part of the accession records for the objects, and should be strictly observed by MAG.

4. A legal instrument of conveyance, setting forth an adequate description of the objects involved and the precise conditions of transfer should accompany all gifts and purchases and should be kept on file at MAG.

5. Records of accession should be made and retained for all objects acquired for the collections. These records should include: title, maker, dimensions, medium, technique, and source; copies of all written opinions of authenticity or attribution; copies of all documents of import and previous title, when available and pertinent; a written report on the object's condition when acquired; and a photographic record of the object.

### **C. Guidelines for Acquisition: Legal Issues**

1. No work of art shall be acquired by MAG unless the seller or donor of the work can demonstrate legal title to the work and/or the authority to transfer that title to MAG.

2. Works of art imported to the United States prior to their consideration for acquisition by MAG must be accompanied by proof of legal import, within the prevailing statutes of limitation. Works of art in foreign ownership must be cleared for legal import prior to final acceptance by the Art Committee.

3. No work of art whose acquisition would represent a clear violation of international treaty or basic principles of repose as established by AAM or AAMD guidelines shall be acquired by MAG.

4. Copyright to a work of art created after January 1, 1978, belongs to the author of that work and lasts for the author's life plus seventy years. The transfer of title of such a work does not constitute a transfer of the rights of copyright, unless those rights are conveyed specifically by the author of the work in a written agreement. All transfers and licenses of copyright provided to MAG by the author of such a work may be terminated by the author in accordance with conditions provided by federal law.

5. New York State law requires MAG to provide potential donors with a copy of this Collections Management Policy. A link to this document on MAG's website will be sent during discussions with donors, and the link will be included in the Gift Agreement document as well.

### **D. Guidelines for Acquisition: General Procedures and Policies**

1. The Director must submit for the Art Committee's approval recommendations for acquisition. No object should come before the Art Committee without a formal presentation by the Director or by a Curator to whom the Director has delegated that responsibility. While the final decision rests with the Art Committee, nothing shall be acquired without the Committee's knowledge of the Director's approval and, where relevant, the opinion of the Curator concerned. Whenever possible, this information should be provided to the committee in writing in advance of its meeting.

2. For all works proposed for purchase for the permanent collection, the Director or his/her designee shall provide the Art Committee with a verbal justification for the addition of work to the collection. For all works valued at \$50,000 or more, the Director or his/her designee shall also provide a written justification for the purchase.

3. For all works valued at \$50,000 or more, the Director or his/her designee shall provide a written statement of justification by a qualified staff member, a report of condition, a scholarly recommendation by an expert, and a list of recent comparable sale prices at the time the work is presented for purchase approval. The Art Committee may request a second qualified opinion.

4. Because of inherent conflict of interest, no gift or potential gift shall be appraised by a board member, staff member, or any other person closely associated with either (see U.S. Tax Reform Act of 1984 and Internal Revenue Service regulations relating to the act). The MAG will assist the donor in finding a certified appraiser.

5. The Art Committee is discouraged from accepting gifts of art for the collection where completion of the gift is contingent upon MAG's purchase of another offering from the dealer or seller.

6. MAG does not accept unsolicited gifts from artists of their own work.

7. Acquisitions by purchase shall not exceed the annual budget for such purchases unless additional proper financing has been arranged.

8. With regard to proposed gifts, the Director or Curator may take any one of the following actions:

a. Recommend that the work be acquired for the permanent collection;

b. Accept the work for eventual sale, without being accessioned into the permanent collection. The sale of these items may be used to support the care of the permanent collection;

c. Refuse the proposed work for the permanent collection and, with the donor's permission, offer it to another department or MAG entity for another use. [Examples include the Department of Academic Programs for teaching purposes, or the Gallery Council for the Arts & Treasures Sale (proceeds go to MAG operating).]

d. Refuse the proposed work and return it to the donor.

9. Upon receiving the recommendation of the Director or Curator, the Chair of the Art Committee shall ask for a motion for approval from the committee. If such a motion is made and seconded, discussion by the committee of the recommendation shall follow. At the conclusion of the discussion, a vote of the committee's members shall be taken. The recommendation shall be considered approved if a simple majority of the members present vote for approval.

10. The Director may, at his own discretion, and with the approval only of the Chair of the Art Committee, acquire by purchase any work or works of art which the Director would otherwise recommend for acquisition to the full committee. However, the Director may not expend more than a sum of \$50,000 in this discretionary fashion in any single fiscal year. Subsequent to such purchases, the Director shall make a report to the Art Committee identifying the purchased work, stating the conditions of purchase and the reasons for acquisition, and providing the results of standard preliminary research on the work.

11. The Art Committee will review annually its policies and procedures and change, modify or amend them as necessary.

### **E. Curatorial Responsibilities, Accessioning Procedures and Maintenance of Records for the Collection**

1. The Art Committee typically will meet at least four times per year. At the first meeting, the Committee will vote on the collection management policy. At the last meeting before the end of the calendar year, the Committee will vote to authorize the Director to accept end-of-year gifts from donors.

2. It is the responsibility of the Curatorial Department to keep the Art Committee records, including agendas and minutes. Preliminary agendas will be e-mailed to each member of the Art Committee at least one week before every meeting. Final agendas will be given to each member at the meeting. It is the obligation of the Director or Curator recommending the acquisition to use due

diligence in determining the legal status and authenticity of the works being presented to the Art Committee. A member of the Curatorial Department or designated substitute shall be present at every meeting for the purpose of taking the minutes.

Within two weeks of the meeting, the Curatorial Department will send minutes of the meeting to the Art Committee members, and the minutes will be subject to revision and approval by majority vote at the following meeting. Before the final meeting of the Board, the Curatorial Department will assist the Art Committee Chair in the preparation of a final committee report, to be submitted at that meeting.

3. MAG ownership of objects shall commence in the following way:

a. Gifts/bequests: MAG is considered to own the item when 1) the Art Committee has approved the acquisition; 2) the object is physically on the premises; 3) a gift agreement has been signed and returned.

b. Purchases: Ownership commences when MAG has rendered payment for the object, subject to any conditions of delivery.

c. Exchanges: Ownership commences when all objects involved have entered the respective institutions and have been accepted by them.

d. Abandonment and disposition of works found in the collection: Ownership commences in accordance with the legal statutes of the State of New York pertaining to abandonment. MAG will be guided by the advice and recommendations of the legal department of the University of Rochester in any abandonment proceedings.

4. Official acknowledgment will be made for gifts, typically with a letter of thanks from the Director to the donor. In the case of a gift by the Director, the donor will be thanked by a letter from the Chief Curator or the Chair of the Art Committee. Invoices and check requests will be maintained in the record for purchases. Gift agreements will be sent to the donor.

5. Acquisitions approved by the Art Committee for accessioning shall be promptly accessioned upon receipt and acceptance under a system in keeping with current museum standards as approved by the AAM.

6. Accession numbers will be assigned chronologically according to the date of accession by the Registrar and a digital collection catalogue file will be maintained to serve as an accession record. A paper file will be maintained as well for the foreseeable future.

7. The Registrar will supervise the maintenance of the collection files, including records of the object's location.

8. The artwork will be photographed according to the most current photography guidelines established by the curatorial department in keeping with museum standards.

9. Records will include all original appraisals, condition reports, movement and exhibition history, memoranda, correspondence, invoices, gift agreements, photographs, biographical information on the artist, and other documents vital to the object's research and provenance. The accession record will be considered the permanent record for the object.

10. Where possible, duplicate registration and accession records should be made and stored in separate facilities as a security precaution. The electronic records will be backed up regularly and stored off site, consistent with MAG's overall disaster recovery policy.

11. Whenever it is deemed appropriate, donors and prospective donors should be encouraged and invited to contribute funds for the care and conservation of their gifts of art. Willingness or unwillingness to provide such funds should not be a determining factor in the Art Committee's decision to accept or reject a gift for accessioning.

## V. LOANS

Borrowing and lending objects are inherent practices in a museum and require specific procedures to assure object management. Loans do not involve transfer of title but are the temporary reassignment of objects from MAG to another institution (outgoing loans) or from other institutions or individuals to MAG (incoming loans). All loans are for a defined period of time and for the stated purposes of exhibition, research, education or inspection.

**A. All loans must be based on requests for specific objects.**

**B. Types of loans:** There are two types of loans: (1) loans from the collection of MAG of the University of Rochester (outgoing), and (2) loans to MAG of the University of Rochester (incoming). Loans are made by authority of the Art Committee and effected through the Office of the Registrar. Outgoing loan requests are directed to the attention of the Director or the Curator. Incoming loans are

generated by the Curator with the approval of the Director. A written loan agreement must accompany every loan with specifications on rights and responsibilities of each party. The loan contract must stipulate the conditions of the loan to insure adequate storage, insurance, environmental protection, and safety precautions during transit, handling, and use. Loan contracts are kept on file in the Office of the Registrar. The Registrar establishes the procedures for packing and transportation of all loans.

### C. Outgoing Loans

Museum collections are maintained for the benefit of the public and objects are loaned to reach a wider audience and facilitate research. While on loan, objects must be afforded the same level of care and protection as provided by MAG. Because of these considerations, loans are made only to other similar institutions, non-profit agencies, and educational organizations, or to commercial galleries when a scholarly exhibition is planned.

**Objects that may be loaned:** An object(s) considered for loan must be the property of MAG or MAG must have written authority to lend on behalf of an owner. All objects considered for loan must have been acquired by legal and ethical means, and be in stable condition to withstand the rigors of being on loan. Loans may be restricted based on collection priority and condition.

**Information to be supplied at the time of loan request:** All outgoing loan requests must specify the effective dates of the loan, the venue(s), and the purpose of the loan/exhibition. Each venue must provide a facilities report. In order to be considered, a loan should be requested a year in advance of the opening date. MAG maintains the right to consider all loans at their discretion.

**Loan authorization:** Upon receipt of a request for a loan from the permanent collection, the Curator will evaluate the request based upon the criteria listed below, consult with the Director and the Director of Education, and recommend a course of action to the Director. The Curator will present the recommendation to the Art Committee at the next meeting, or to the chair of the Art Committee if more urgent action needs to be taken. All outgoing loans require approval by a majority vote of the Art Committee or by the Art Committee Chair acting on behalf of the Art Committee.

**Criteria for lending:** In deciding whether a particular work of art should be lent from the

permanent collection to another institution, consideration should be given to the following:

1. Whether the loan is requested for exhibition as part of a temporary installation or loan exhibition by another museum, a not-for-profit or government institution to be placed upon public exhibition, or to a commercial gallery, when the borrowed work is included in a scholarly exhibition;
2. Whether the exhibition or other use for which the object is being requested represents a significant use of the work of art, in terms of scholarly interpretation, publication, or publicity of the work;
3. Whether the work is in good physical condition to travel safely, based on the Registrar's opinion or the results of a conservator's examination, the cost of which will be borne by the borrower;
4. Whether the work is essential to the Gallery's own education and exhibition programs during the period of the proposed loan;
5. Whether the work has been lent extensively previously, and whether its loan again would constitute an excessive absence from exhibition at the Gallery or risk of its physical condition by frequent travel;
6. Whether the work will be sufficiently safeguarded during the period of loan, including travel. A facilities report is required for the approval of any loan request;
7. Whether the requesting institution will agree to lend a comparable work from its collection, if available;
8. When relevant, in the case of loans to institutions or venues outside the United States, the borrowing party must demonstrate to MAG's satisfaction prior to the loan that there is no legal question as to the Gallery's rightful ownership of the work or authority to lend.

**Loans will NOT be considered for the following purposes:**

1. To an individual or to an individual's private office, with the exception of designated buildings within the University of Rochester (see E1)
2. To a private corporation, with the possible exception of loans to public galleries maintained by those corporations, on the approval of the Director and curatorial staff.
3. To any for-profit or non-profit institutions locally, with the exception of loans to other area museums and galleries.

**Loan Period:** Loans are usually for a minimum of two months and a maximum of one year. For

exhibitions with more than three venues, extra consideration should be given to the condition of the object and the wear and tear that additional travel to more venues would cause. Loans to extended venues may be subject to restrictions including written evaluation (condition report) or the return of the object(s) for in-house evaluation, and assurance of current insurance valuation prior to the extended loan period.

**D. Long-term loans**

On rare occasions, selected objects from the permanent collection have been loaned to area institutions on a long-term basis. These are handled like short-term loan requests, but the loan agreement is renewed annually and the object's condition is monitored annually.

**E. Loans to Other University Departments**

Consistent with the Association of Art Museum Directors' policy, it has been determined by the Art Committee that requests for on-campus art will be fulfilled with works that have been deaccessioned from the collection and determined to be of inconsequential resale value; or art that has been donated to the Gallery but not accessioned. Art in these two groups shall form a "Loan Collection." 1. Loans of work from the "Loan Collection" may be made to the University of Rochester for a limited list of spaces: Witmer House (the President's House); Barry House (the Provost's House; Wallis Hall (Administration Building).

2. All loans must comply with the following guidelines:

- a) Appropriate and safe location with climate control and security that have been approved by the MAG registrar;
- b) Location in public spaces that are accessed routinely or during University and community events; art is not to be placed in private quarters not typically accessed by the public, such as bedrooms and studies;
- c) Loan period is for one year, subject to renewal;
- d) Artwork is to be prepared by MAG staff and routinely will include protective glazing (glass) and security hanging hardware as deemed appropriate and necessary by MAG registrar or designee; the borrower may be held responsible for charges incurred in preparation of the work for loan;
- e) Installation of artwork to be overseen by MAG registrar or designee; if artwork needs to be moved for any reason, MAG registrar or designee needs to supervise movement;

- f) ID label must be placed with artwork;
- g) Artwork is subject to recall at any time if needed for loan to another museum, if location or environmental conditions are not appropriate for the artwork, or for any other reason deemed necessary;
- h) If conservation or reframing is deemed necessary for an artwork requested for loan, the cost shall be borne by the borrower;
- i) Pursuant to the adoption of this policy, an appropriate River Campus representative shall be identified to be the on-site liaison with the MAG registrar. This person will have responsibility for inspecting the artwork periodically to determine if environmental and security standards are being met.

#### **F. Procedural Follow-up to the Art Committee Meeting:**

**Notification:** If the Art Committee has turned down the request, the borrowing institution will be notified as soon as possible and given a reason for the denial of the loan.

If the Art Committee has agreed to the loan, the borrowing institution will be notified as soon as possible, and terms of the loan agreement (including any restrictions recommended by the Art Committee) will be settled. The costs of borrowing the work (including loan fee, conservator's examination, packing, shipping, insurance and installation) will be borne by the borrower, unless another arrangement is made and confirmed in advance by the borrower.

**Examination by Conservator:** Any object requested for loan will need an examination by a conservator either prior to the art committee meeting if at all possible or as soon as possible after the loan has been approved. The cost of an examination will be borne by the borrowing institution whether or not the loan is approved or deemed in sufficiently good condition to lend. If conservation is recommended, the loan will be contingent upon the borrower's willingness to pay for treatment and related costs, including transport of the object to and from the laboratory, if necessary. When appropriate and approved by the Chief Curator and Registrar, treatment may be provided by the borrowing institution.

**Condition Report:** The registrar will complete a detailed condition report prior to the work being packed. A condition report is required from the borrowing institution upon receipt of the loaned object(s) and prior to packing for return to MAG.

**Shipping and Transport:** The loan will be packed and shipped in a manner stipulated by the Registrar.

Generally speaking, all loans to venues outside the United States require the services of a courier. For other venues, the services of a courier are subject to the Registrar's, Curator's and Curator-in-Charge's judgment. If, prior to the loan period, it is deemed that there is a higher than normal travel risk, it is MAG's prerogative to cancel the loan.

**Damage or loss:** Damage or loss of an object(s) while in transit or during the loan period must be reported verbally immediately and followed up in writing to the Registrar. Insurance claims for damaged or lost objects are the responsibility of the Registrar. An object(s) on loan cannot be altered, moved, cleaned, or repaired unless permission to do so is authorized in writing by the Registrar.

**Insurance:** Insurance coverage for all objects sent out on loan is required. Normally, insurance coverage is provided by the borrowing institution. Current and reasonable insurance valuations are the responsibility of the Curator, who will provide the valuation or contract with an appraiser to provide the information. All other insurance matters are the responsibility of the Registrar. Insurance is part of adequate security and confirms that resources are available for payment of damages or replacement of the loaned object(s). Under all circumstances, insurance is all risk, wall-to-wall coverage. A certificate of insurance is required from the borrowing institution, naming MAG of the University of Rochester as additional insured, prior to transportation of the loaned objects and is kept on file in the Registrar's office.

The borrower must provide a copy of their institution's fine arts insurance policy for review by the University of Rochester Risk Management office to be sure that the insurance is adequate and acceptable.

Cancellation or changes in insurance coverage necessitate immediate written notice to the Registrar. The loan then may be subject to cancellation. Failure to maintain adequate insurance coverage in no way releases the borrowing institution from liability for loss or damage regardless of whether or not the Museum monitored the borrowing institution's insurance.

**Object return:** An object(s) on loan must be returned promptly and prior to the expiration of the loan period. As appropriate, a reminder letter is sent by the Registrar to the borrowing institution. The Gallery reserves the right to cancel or deny renewal of any loan.

**Photography:** Except for condition reports, all photography, reproduction, or replication of a

borrowed object(s) must be with prior written approval by MAG curatorial staff. Lighting conditions, environmental alterations, and other conditions of reproduction and replication must be specified by the borrowing Registrar in writing.

**Credits:** The Museum must be credited in all publications and exhibitions associated with the loan object(s), including photographs and reproductions, and must receive two (2) copies of any publication that references the loan object. The object(s) should be identified by its catalog or accession number. The proper name of MAG and credit line to be used in all acknowledgments are included in the loan agreement.

**Fees:** A loan fee of \$100 per object prevails to cover the costs associated with the loan. The fee may be adjusted based on a curator's or director's recommendation.

### **G. Incoming Loans**

Incoming loans shall be accepted only under prescribed circumstances for temporary and long-term exhibition. The object on loan may comprise part of a larger loan for an exhibition or it may be an individual object that adds needed content to an already existing display. In all cases MAG will exercise the same care in respect to loans as it does in the safekeeping of comparable property of its own. In all cases, a loan agreement will be signed by MAG and the lender outlining the terms recommended below.

**Criteria for incoming loans:** Loans are accepted dependent on:

1. The ability of the object to enhance the Museum's offerings;
2. The ability of the object to be kept on display for a substantial portion of the loan period, with the understanding that the loan may be withdrawn at any time by the Director or Trustees of the lending institution, or by the owner if a private individual;
3. Whether the Gallery has appropriate exhibition and storage space for the loaned item(s);
4. Whether the object to be loaned is in good condition and able to withstand the ordinary strains of packing and transportation;
5. Whether the lender is willing to agree to appropriate terms, including a definite duration, in a loan agreement;
6. Whether the loan might aid in eventual acquisition of the work through gift or bequest;

7. Whether the object is clear of UNESCO restrictions, according to the owner's knowledge and MAG's independent determination;

8. Due diligence has been practiced regarding the provenance of a work, especially of objects that were possibly in Europe from the years 1933-1945.

MAG reserves the right to refuse to accept a loan if:

1. Lenders will not agree not to sell the work for a year following the return of the object;
2. The primary reason for the loan is for safe or proper storage of the object.

Loans must be refused when there is the possibility that:

1. The loan appears to give rise to commercial exploitation or bring discredit upon the Gallery
2. Unreasonable restrictions exist on the loan
3. The provenance is unsatisfactory.

**Authorization of incoming loans:** Incoming loans will be recommended by the Curator or Director and authorized by the Director.

### **During the term of the loan:**

1. No repairs, alterations (including unmatting or rematting) or conservation treatment of loaned objects shall be undertaken without properly documented permission of the lender.
2. Insurance and shipping will be arranged by MAG unless otherwise determined in advance by the Registrar. The Gallery will insure this loan wall-to-wall under its fine arts policy, for the amount indicated on the loan agreement, against all risks of physical loss or damage from any external cause while in transit and on location during the period of the loan. If the lender elects to maintain his/her own insurance, MAG must be supplied with a certificate of insurance per the terms stipulated on the loan agreement.
3. MAG assumes the right, unless specifically denied in writing by the Lender, to photograph the objects lent for educational and publicity purposes, including reproduction of low-resolution images on the Gallery website.
4. A condition report will be prepared upon the object's arrival at MAG.

### **Return of the object(s):**

Unless otherwise notified in writing, MAG will return the objects only to the Lender. In case of change of ownership during the period of the loan,



the new owner will be required to establish his/her legal title by proof satisfactory to MAG. Before the object is returned from MAG, the object will be examined against the incoming condition report.

## **VI. Deaccessioning and Disposing of Works of Art**

### **A. General Policy**

The best deaccession policy is a good accession policy. All accessioning and deaccessioning should meet the highest standards of the museum profession, serve the best interests of the community, and maintain the confidence of the public trust. In order to meet those goals, this policy has been established to take into account legal issues, ethical concerns, and professional standards. Evaluation of the collections is a continuing responsibility of the curatorial staff. Collections are not static, but change constantly as new acquisitions are added. Balances may shift and evaluation may indicate, from time to time, the wisdom of eliminating certain objects from the collections in favor of others.

### **B. Recommendation of Director or Curator**

1. It is the responsibility of the staff, through continual evaluation, to recommend objects for deaccessioning. Recommendations are presented to the Art Committee by the Director or Curator, supported by full justification for deaccessioning, including an explanation of why certain objects are no longer desirable for retention and a plan for disposal.
2. Justifiable reasons for deaccessioning include:
  - a. Lack of relevancy to mission
  - b. Duplication
  - c. Request for repatriation
  - d. Fake or forgery
  - e. Inferior quality
  - f. Severe damage or deterioration
  - g. Inability to store or care for the object properly
  - h. Object has been stolen and the Gallery received an insurance claim

### **C. Compliance with Legal Requirements**

1. Before any object is deaccessioned, clear and unrestricted title of Gallery ownership must be established.
2. An object must be maintained as part of the Gallery's collection for at least 3 years before it can be considered for deaccession.

3. Any restriction imposed on the disposition of objects will be determined and strictly observed. If the objects were acquired by Gallery funds that were restricted as to their use, then such restrictions shall again apply to proceeds received upon the sale of the objects.

4. Where reasonable, in the case of deaccession of the work of a living artist, the Gallery will notify the artist of its intent and, if desirable to both parties, make arrangements to exchange the work for another by the artist, or to sell the work and apply the proceeds to the acquisition of another work by the artist.

5. Whenever possible and as a courtesy, donors or donors' heirs are to be informed of deaccessions. Although the Gallery may be under no legal requirements to do so, effort should be made to solicit the approval of the donors (including the donors' heirs, if applicable) prior to an object's actual disposal. The Board of Managers believes it is in the best interest of the Gallery to take this step, even though the Committee is not necessarily bound by the wishes or attitude of donors or donors' heirs.

### **D. Process of Deaccessioning**

1. After meeting the above listed requirements, the Curator or Director shall present the argument for deaccession of an object to the Art Committee, including the preparation of the "Recommendation for Deaccession" form.
2. The work shall be present at the meeting of the Art Committee, or available in storage, unless extenuating circumstances exist, in which case a photograph of the work will be offered in its place.
3. Any object valued by the Curator or Director at more than \$50,000 shall be appraised in writing by two disinterested outside parties.
4. Each object approved for deaccession must be approved by a majority vote of a quorum of the Art Committee. If the deaccession is approved, the Curator, Registrar, Director and Chair of Art Committee shall sign the "Recommendation for Deaccession" form.

### **E. Methods of Disposal**

1. Objects properly approved for deaccessioning may be eliminated from the permanent collection in any of the following ways, in order of preference:
  - a. by being offered for sale, exchange or gift to other non-profit museums or educational institutions; every effort will be made to keep objects of significant local or historical interest to the area in the community;

- b. by being offered for sale at public auction;
  - c. by being offered for sale or trade to a private art dealer;
  - d. in special circumstances, by being offered for sale through other means, as approved by the Art Committee;
  - e. by being offered to another Gallery department for another use;
  - f. in special cases where an object is significantly damaged and/or beyond repair or may cause injury to staff or other collections, by destruction; in cases where an object must be destroyed, all museum numbers shall be removed and the object should be destroyed, under witness and beyond recognition.
2. If a suitable method of disposal cannot be found, the Gallery must keep and maintain the objects as part of the collection.
  3. In no case are deaccessioned objects offered for private sale or exchange to museum staff, to members of the Board of Managers or of the Art Committee, or to others associated with the Gallery where a conflict of interest or conditions of special privilege may be obtained. In addition, none of the above persons may purchase deaccessioned objects at public auction or private sale.
  4. In disposing of or retaining a presumed forgery, the museum shall consider all ethical issues including the consequences of returning the object to the market.

#### **F. Procedures for Disposal**

##### **1. Sale at auction**

The Director or Curator will determine the best possible auction possibilities. The Director will set the auction reserve. After negotiation of the commission and other contractual terms of sale, the Registrar will deliver the contract documents to the Director or his agent for approval and execution. The Registrar, in collaboration with the Curator, will oversee removal and sale.

##### **2. Transfer**

If the Art Committee has determined that the best use of the deaccessioned object is transfer to another institution or another department of the Memorial Art Gallery or University, then a Transfer Agreement will be given to the recipient institution or department and a copy retained for the Memorial Art Gallery curatorial files.

##### **3. Sale or Trade to Dealer**

The Director or Curator will determine the best possible sale or trade options. The Director will set the terms of the sale or trade. After the negotiation of the commission and other contractual terms of

sale, the Registrar will deliver the contract documents to the Director or his or her agent for approval and execution. The Registrar, in collaboration with the Curator, will oversee removal and sale.

#### **G. Use of Proceeds**

1. Deaccessioning is never justified solely for the purpose of raising money. Works of art may not be sold to defray operating costs. Such an aim is precluded by the very nature of the Gallery as an institution exercising public trust over cultural materials of significant aesthetic and historical value. MAG follows the guidelines established in AAMD's Professional Practices in Art Museums (2011), "Funds received from the disposal of a deaccessioned work shall not be used for operations or capital expenses. Such funds, including any earnings and appreciation thereon, may be used only for the acquisition of works of art in a manner consistent with the museum's policy on the use of restricted acquisition funds." Any gain from the sale or exchange of works of art is legitimately available only for the acquisition of other works of art.

2. Funding for works acquired with monies from deaccessioned objects should be attributed to the original donors whenever possible.

#### **H. Records**

1. An adequate record of the conditions and circumstances under which objects are deaccessioned and disposed of should be made and retained as part of the Gallery's permanent collection records:
  - a. Recommendation of Deaccession form.
  - b. Object Deaccession Checklist.
2. The accession number shall not be reassigned.
3. At the first Art Committee Meeting of each year, a report on the status of the previous year's deaccessions and all deaccessions disposed of that year shall be given.
4. The collections management policy should be made available to donors or other responsible persons on request.
5. The Gallery should make available the identity and description of objects that are deaccessioned on its website.
6. All deaccessions sold should be itemized and reported to University Central Finance Capital Asset Accounting for proper accounting treatment and IRS reporting.

## **VII. Glossary of Terms**

Accession – the formal process of entering an object into the Gallery’s collection

Accession number – identifying number assigned to an object upon its acquisition into the collection

Acquisition – the act of obtaining appropriate objects for the Gallery’s collection

Art Committee – the committee of the Board of Managers of the Memorial Art Gallery that approves acquisitions, deaccessions, and loans brought to them by the Curators and/or Director

Deaccession – formal process of removing an object from the collection

Disposal – physical removal of the object from the collection after it has been deaccessioned and in a manner approved by the Art Committee

Public Trust – to hold something, in perpetuity, for the good of the people

Repatriation – the act of returning an object to its original country or people

*Full policy approved at Art Committee meeting  
October 2021.*

## ADDENDUM TO COLLECTIONS MANAGEMENT POLICY:

### INTERIM GUIDELINES TO AMEND MAG'S COLLECTIONS MANAGEMENT POLICY REGARDING USE OF PROCEEDS FROM DEACCESSIONED OBJECTS, THROUGH APRIL 10, 2022.

In accordance with the interim [AAMD Resolution to Provide Additional Financial Flexibility to Art Museums During Pandemic Crisis](#) (the "AAMD Resolution") enacted in April 2020 and in effect through April 10, 2022, as well as with [AAM 2019 Direct Care of Collections: Ethics, Guidelines, and Recommendations](#), the following interim policies and procedures will amend the MAG's Use of Proceeds from deaccessioned objects as outlined in the museum's current Collections Management Policy.

Notwithstanding any other provision of the MAG's Collections Management Policy, and in accordance with long-standing American museum practice, ethical standards, and legal parameters, all funds received from the sale of deaccessioned artworks shall be used to fund the acquisition of other works of art, or for the "**direct care of collection items**" ("**Direct Care**") as further provided below, and in accordance with the **24-month interim measures** outlined in the April 10, 2020 AAMD Resolution.

After April 10, 2022 this Interim Policy shall automatically expire.

#### Definition of Direct Care of Collections

MAG considers direct care of its collection to be any investment or expenditure that enhances the life, usefulness, or quality of its collection objects. Investments or expenditures that ensure the longevity of the permanent collection and thereby ensure that the objects will continue to be available to and benefit the public and support MAG's mission for many years to come are considered direct care of the collection.

Direct Care may include any of the following costs of daily care, research, conservation, and maintenance of the permanent collection including:

1. Materials and systems required for inventory, cataloguing, documentation, storage, and specialized display (i.e. mounts, casework, and framing) to ensure the protection and longevity of the artwork
2. An allocable share of salary and benefits for MAG staff responsible for Direct Care of

the collection (i.e. curators, registrars, and preparators)

3. Costs associated with fees for outside vendors and independent contractors providing Direct Care services for the collection
4. Costs associated with preservation- and conservation-related object maintenance, analysis, treatment, shipping, surveying, inventorying, documenting; including fees of contract conservators

#### Procedure for determining uses of funds

Any use of funds for Direct Care will first be recommended by MAG's Director and CEO to the Deputy Director and COO, the Curator in Charge, and to the Director of Finance to determine if such uses meet the requirements of Direct Care. For Direct Care expenditures, the Director and CEO must seek approval from the Executive Committee of MAG's Board of Managers, with input and counsel from the University's general counsel. Direct Care expenses for the daily care, research, conservation, and maintenance of the permanent collection will not exceed \$225,000 in one fiscal year. The Director and CEO will provide an annual report to the Executive Committee on expenditures of Deaccession Funds for Direct Care.

#### OTHER ART MUSEUM DIRECT CARE POLICIES CONSULTED

##### New York State

[Brooklyn Museum of Art](#)  
[Guggenheim \(PDF download\)](#)  
[Museum of Modern Art \(PDF download\)](#)

##### Other States

[Art Institute of Chicago](#)  
[Baltimore Museum of Art](#)  
[Cleveland Museum of Art \(PDF download\)](#)  
[Dallas Museum of Art](#)  
[The Getty \(PDF download\)](#)  
[Newark Museum](#)  
[Newfields \(Indianapolis\) \(PDF download\)](#)  
[O'Keeffe Museum of Art \(PDF download\)](#)  
[Palm Springs Art Museum \(PDF download\)](#)  
[San Francisco MoMA](#)

*Addendum approved by Art Committee of 2-23-2021  
and 10-12-2021*