

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: SWAAC

NUMBER: Assigned

AREA: Public Art Policy

SUBJECT: De-accession of Public Art

1. PURPOSE

This administrative memorandum outlines the policies for de-accession and disposal of any public artwork from the permanent collections of the University of Houston System (UHS). The System Wide Art Acquisition Committee (SWAAC) has adopted the professional standards, policies and the procedural rules that have been provided by the Association of the Art Museum Directors (AAMD), and these regulations are followed by SWAAC for any de-accession and disposal of public art from the University's permanent art collection.

2. DEFINITIONS

De-accession is defined as the process by which a work of art or other object (collectively, a "work"), wholly or in part, is permanently removed from UHS collection.

Disposal is defined as the transfer of ownership by the component university of UHS after a work has been de-accessioned; in the case of false or fraudulent works, or works that have been irreparably damaged or cannot practically be restored, removal from the collection and disposition is determined by the museum and may include destruction of the work (source: AAMD).

The SWAAC oversees, approves and executes the de-accession and disposal decisions of UHS component Universities. De-accession decisions must be made with great thoughtfulness, care, and prudence. Expressions of donor intent should always be respected in de-accession

decisions and the interests of the public, for whose benefit collections are maintained, and thus must always be foremost in making de-accession decisions (Source: AAMD).

3. GENERAL POLICY

3.1. No artwork in the collection of the University of Houston Systems (UHS) may be de-accessioned (sold, traded, given away, etc.) without ascertaining the original terms of the gift, without following current professional standards including those of the Association of the Art Museum Directors, (AAMD), without the recommendation and approval of SWAAC, and without specific approval of the Board of Regents.

3.2. SWAAC has developed clearly written collection management policies for all UHS component universities. The collection management policies includes written collection goals, acquisition and de-accession principles, procedures and processes, as well as those that address preservation, conservation and collection care.

3.3. SWAAC approves UHS component universities to accept into their collection only gifts of works that support the mission of the institution and to be thoughtful about accepting gifts of works with restrictions.

3.4. All UHS component universities must comply with all applicable laws, including, if applicable to the component university, the filing of required Internal Revenue Service forms, in de-accessioning and disposing of works from the collection.

3.5. UHS Component universities should not capitalize or collateralize collections or recognize as revenue the value of donated works. SWAAC is to follow Governmental Accounting Board Standards (GASB) and will ensure that.

3.7. When recommending a work to SWAAC for de-accessioning, a representative of the component university or the Curator of the University Collection should provide thorough

research on prior ownership history and the contract used to commission the work, an explanation of expressed donor intent, if any, current scholarly evaluation, and relevance to the existing collection and future collecting goals.

3.8. A component university should publish on its website within a reasonable period of time the art works that have been de-accessioned and disposed.

4. PROCEDURES

I. Purpose of De-accessioning and Disposal

- A. De-accessioning is a legitimate part of the formation and care of collections and, if practiced, should be done in order to refine and improve the quality and appropriateness of the collections to better serve the university's mission.
- B. Funds received from the disposal of a de-accessioned 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 in a manner consistent with the SWAAC's policy on the use of acquisition funds. In order to account properly for their use, SWAAC will follow the guidance of UHS Finance in accounting for and tracking in the UHS Finance System any earnings, appreciation or depreciation associated with the sale of public art in the UHS collection.

II. Criteria for De-accessioning and Disposal

There are a number of reasons why de-accessioning might be contemplated. Primary among these are:

- A. The work is of poor quality and lacks value for exhibition or study purposes.
- B. The work is a duplicate that has no value as part of a series.

- C. The university collection's possession of the work may not be consistent with applicable law, *e.g.*, the work may have been stolen or illegally imported in violation of applicable laws of the jurisdiction in which the university is located or the work may be subject to other legal claims.
- D. The authenticity or attribution of the work is determined to be false or fraudulent and the object lacks sufficient aesthetic merit or art, historical importance to warrant retention. In disposing of or retaining a presumed forgery, the university collections shall consider all related ethical issues including the consequences of returning the work to the market.
- E. The physical condition of the work is so poor that restoration is not practicable or would compromise the work's integrity or the artist's intent. Works damaged beyond reasonable repair that are not of use for study or teaching purposes may be destroyed.
- F. The work is no longer consistent with the mission or collecting goals of the university/UHS. The SWAAC must exercise great care in revising their mission or reformulating collecting goals.
- G. The work is being sold as part of the component university's effort to refine and improve its collections, in keeping with the collecting goals reviewed and approved by the SWAAC.
- H. The component university is unable to care adequately for the work because of the work's particular requirements for storage or display or its continuing need for special treatment.

III. Authority and Process

- A. De-accessioning and disposal must comply with all applicable laws of the jurisdiction in which the component university is located and must observe any terms or obligations that pertain to the acquisition of the work by the university.

- B. The final authority for the de-accessioning and disposal of works rests with the SWAAC or its designee.
- C. The process of de-accessioning and disposal must be initiated by the appropriate professional staff and any recommendations, with full justification, presented to Curator of University Collections, who will review the facts and circumstances of the proposed de-accession and disposal.
- D. As part of this process, the Curator or a designated staff representative must undertake a thorough review of all records to determine donor intent, clear title, donor restrictions, and current market value. If the curator determines that de-accessioning is appropriate, the proposal shall be presented to SWAAC in accordance with the steps outlined in the UHS collection policy with regard to de-accessioning.
1. The curator shall exercise care to assure that the recommendations are based on authoritative expertise.
 2. Third-party review and appraisal may be considered in the case of objects of substantial value.
 3. In the case of work(s) by a living artist, special considerations may apply.
- E. The timing and method of disposal should be consistent with the UHS's collection policy. Attention must be given to transparency throughout the process.
- F. No member of a component university's staff, or anyone whose association with the UHS's component university might give them an advantage in acquiring the work, shall be permitted to acquire directly or indirectly a work de-accessioned, wholly or in part, by the System, or otherwise benefit from the sale or trade of any artwork in the System collection.

IV. Selection of Methods of Disposal

The following may be taken into account in selecting a method of disposal:

- A. Preferred methods of disposal are sale or transfer to, or exchange with another public institution, sale through publicly advertised auction, and sale or exchange to or through a reputable, established dealer. Every reasonable effort should be taken to identify and evaluate the various advantages and yields available through different means of disposal.
- B. In the case of a work of art by a living artist, consideration may be given to an exchange with the artist.

V. Interests of Donors and Living Artists / Notifications

- A. UHS should notify the donor of a work, when practicable, under consideration for de-accessioning and disposal. Circumstances may warrant extending similar courtesy to the heirs of a donor.
- B. When a work by a living artist is de-accessioned, consideration must be given to notifying the artist.

VI. Documentation

When a work is de-accessioned, all electronic and paper records must be updated. Prior to disposal, an image should be taken of the work and retained in SWAAC's records. As works are disposed, the method of disposition, including possible consignee, new owner, sale price and location, if known, should be recorded according to the UHS's collection management policy.

VII. Special Circumstances

AAMD recognizes that part of the mandate of a contemporary arts organization is to expand the definition of what constitutes a work of art, as well as to question traditional exhibition practices. Therefore, if the organization's written policy provides for the sale of de-accessioned works, the funds derived from such sales may in exceptional cases be used for purposes analogous to the

purchase or commission of works of art, specifically the creation of new works, including some that may not be collectible. Expenditure of these funds for operations or capital expenses is precluded.

- i. De-accessioning and disposal from the collection must result from clear SWAAC policies that are in keeping with the American Association of Museum and Directors' (AAMD) Professional Practices.
- ii. De-accessioning and disposal from the art museum's collection must never be for the purpose of providing financial support or benefit for other goals of the university or college or its foundation. In no event should the funds received from disposal of a de-accessioned work be used for operations or capital expenditures (Source: AAMD).
- iii. Policies developed and approved by SWAAC with regard to acquisition and de-accession should be adopted or ratified by the central governing authority of the university or college.

5. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice Chancellor for Administration

Review: Review Schedule

6. APPROVAL

Approved: _____

VC responsible for oversight of policy

Chancellor

Date: _____