

University of Houston System

System-wide Public Art Committee (SPAC) Operating Procedures Manual

I. Public Art Mission Statement

Inspiring. Distinctive. Global.

The University of Houston System's ambitious Public Art Collection engages academic and global communities in an open forum to promote dialogue about the visual arts and its relevance to contemporary life.

The distinguished works of critically-important artists enrich the cultural and intellectual character of the University of Houston System, and reflect and connect our uniquely diverse audience.

II. Background and Charge of the Committee

This Committee was formed in an advisory capacity to the University of Houston System Board of Regents to aid in the building of a distinguished collection of 20th and 21st century art for all universities in the University of Houston System.

The Board of Regents of the University of Houston (BOR) approved the program for the acquisition of public art in 1966 to be funded in accordance with state and federal laws. The program is financed in whole or part by the public art revenue plan, a 1969 Texas law enabling the funding of public art from construction projects (currently not to exceed 1% of the construction budget).

The Committee oversees the following responsibilities with regard to the System Wide Public Art Program:

1. Sets the tone and the vision for the Collection, assuring that all activities are in accordance with the adopted Mission Statement, Strategic Plan and UHS university Master Plans.
2. Approves artists for commission and/or acquisition for permanent installations in conjunction with Curator.
3. Approves temporary public art projects.
4. Approves transfer of ownership of holdings, when deemed appropriate.
5. Serves as fiduciary steward for owned and borrowed works, particularly relating to maintenance, site optimization, conservation, related documentation and keeping appraisals current.
6. Assures relevant policies and procedures are followed in all Public Art Collection activities.
7. Promotes the Collection.

These procedures are written in accordance with Section 444.029 of Texas Government Code and UH System Board Policy 53.01, in which any county, municipality, or other political subdivision of this state undertaking a public construction project estimated to cost

more than \$250,000 may specify that a percentage not to exceed one percent of the cost of the construction project shall be used for fine arts projects at or near the site of the construction project and complies with industry-standard best practices.

These procedures will be posted on the System-wide Public Art Collection web site and will be updated as procedures are revised by the Committee. The System-wide Public Art Committee will complete and publish annually a report of its activities, including compliance with procedure provisions. The Chair of the Committee is responsible for ensuring compliance with procedures in this document.

Changes to procedures may be recommended by Committee members and will be reviewed by the Stewardship & Standards Sub-committee, a sub-committee of SPAC. Following receipt of a recommended procedure change, the Stewardship & Standards Sub-committee will be convened to review these recommended changes. Every three years, the Stewardship & Standards Sub-committee of SPAC will be convened to review the current procedures and discuss potential procedure changes. All recommended procedure changes will be presented by the Stewardship & Standards Committee to SPAC for their approval. Following SPAC approval, the operating procedures manual shall be submitted to the UH System Board of Regents for their review and approval, in accordance with UH System Policy 53.01.

All of the procedures in this manual have been determined to be essential for care and operation of the Collection. Any non-compliance with procedures should be discussed with the Stewardship & Standards Sub-committee and a plan developed by the Curator and Chair to remediate the non-compliance.

III. Policy Terms

The following policy terms will be used throughout this document:

- a. **Artist** is a person engaged in one or more of any of a broad spectrum of activities related to creating, practicing or demonstrating a self-conceptualized body of work with serious intent and ability.
- b. **Artwork** is executed by an artist in a variety of media such, as but not limited to sculpture, painting, printmaking or photography or a performance.
- c. **SPAC** is the System Wide Public Art Committee.
- d. **Capital Construction Project** refers to any new building or the addition of square footage to an existing building. Total project costs must exceed \$1,000,000 for the 1% of public art revenue to apply. For facility renovation projects, total project cost must exceed \$5,000,000 for the 0.5% public art revenue to apply.
- e. **Public Art Revenue**
For appropriation purposes, **1% for Art** is based on the total cost of new construction. For appropriation purposes, the **0.5% for Art** is based on the total cost of construction for facility renovations.
- f. **Curator of University Collections** works with SPAC, Facilities Planning & Construction and artists to facilitate projects and artist commissions, calls meetings, maintains the archives on all committee work and work in the collections and, in

addition, coordinates all necessary conservation and maintenance, prepares necessary budgets, labeling and brochures for the collection.

IV. Membership

The System Wide Public Art Committee members will be approved by Board of Regents (BOR) and include the following 19 voting and two ex-officio members:

- a. Chair- Associate Vice Chancellor/Associate Vice President for Administration
- b. Two representatives from the BOR, appointed by the Chair of the BOR
- c. Curator of UH Public Art.
- d. Director, University of Houston Blaffer Art Museum
- e. One appointee and one alternate appointee from each university to be appointed by that UH President, three year term. Preference may be given for arts experience. May be appointed to second term.
- f. One artist, who has a work in the current collection, and who would not be selected for future commissions, two-year term.
- g. One university system student to be appointed by the component university president. This position would rotate among the component universities on an annual basis, one-year term.
- h. Four arts professionals (unaffiliated with the University) for three year term. May be appointed to second term.
- i. Three Community representatives, three year term. May be appointed to second term.
- i. Vice Chancellor for University Advancement.
- j. Nationally or internationally recognized art critic of the visual arts.
- k. Executive Director of Facilities Planning & Construction will serve as an ex officio member.
- l. Dean of Architecture or designee will serve as an ex officio member

University of Houston Clients, Project Architect and Project Manager will be invited to meetings on a per project basis.

V. Policy and Process for Obtaining Public Art Revenue

In accordance with Board of Regents Policy 53.01.1, once quarterly, the Chair of the Committee will request a list of projects that meet the criteria for capital construction projects (as defined in this policy) and the corresponding public art allocation for each capital construction project. Allocations for University of Houston capital construction projects will be transferred to the appropriate UH System public art cost centers as budgets for these projects are created. Allocations for University of Houston System component universities will be transferred to the corresponding component university public art cost centers as capital construction projects are funded.

Allocations for public art acquisition, public art operations, and public art conservation are to be made in separate cost centers. The Chair of the Committee and designated public art

staff are responsible for ensuring the appropriateness of transactions made to these cost centers and for monitoring and approving monthly reconciliations of public art transactions.

VI. Overview of Committee Responsibilities

SPAC shall:

- a. Recommend an artist(s) for each project based on meeting with Architect and Project Manager.
- b. Recommend the location for the artwork. Sites for artwork shall be identified during the planning or early development stages by the artist, Collection Curator, project manager, and architects in order to effectively and economically integrate art into the planning of the project. Existing campus sites unrelated to the project location may be identified for the artwork. This includes ensuring that artwork selections meet the needs of the UHS universities' master plans. To ensure that SPAC members are apprised of current master plan activities, a presentation of System university master plans should be made each September.
- c. Recommend proposal phasing and design.
- d. Criteria for selection of artwork shall include but is not limited to the following:
 - Fits the Mission and Strategic Plan;
 - Appropriateness to the location;
 - Artistic excellence;
 - High probability of completion within timeline;
 - Durability and ease of maintenance;
 - Ability to accomplish, fabricate and install artwork within project budget;
 - High visibility;
 - Excitement and interest for the users of the facility, University and the surrounding community;
 - Ability to relate to a diverse demographic;
 - Complement the existing collection;
 - While no restrictions should be placed on content, consideration should be given to the audience and client; and
 - Fabrication and installation of artwork.
- e. Coordinate communication, media relations and public education related to the public art selection and overall public art collection.
- f. Meet on a regularly scheduled basis to consider all of the above actions as well as to assist in managing and maintaining the Collection. The Chair of the Committee will be responsible for scheduling and calling these meetings.
- g. Set aside sufficient budgets for the operating budget supporting SPAC, conservation of the public art collection and other requisite activities. The determination of the specific amount to be set aside to support SPAC will be made by the Executive Vice Chancellor for Administration and Finance based on recommendations from the Committee.

VII. Temporary Public Art Program

- a. Oversees a uniquely engaging series of Temporary Public Art projects.
- b. Provides a changing environment and continuous new opportunities for audience and community engagement at UHS universities.

- c. As with the Permanent Collection, promotes the generation of website, social media and traditional media content to raise the profile of the Collection in accordance with the Strategic and Master Plans.

VIII. Other Acquisition and Gifts

- a. Potential gifts of artwork to the University of Houston System to be displayed in public settings and to be used for other than study materials are subject to the same review as works acquired through the public art revenue procedure (Section VI) to insure that their artistic excellence meets the standards of SPAC and the University. Donor must supply a professional, third-party appraisal of the artwork.
- b. SPAC will work proactively with University Advancement to acquire funds to complement the public art revenue, temporary art program and public art collection.
- c. Gifts of Art must be vetted through the UH Gift Acceptance Committee before being brought to SPAC.

IX. Transfer of Ownership

- a. SPAC 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 SPAC for any transfer of ownership of public art from the Collection.
- b. SPAC oversees, approves and executes transfer of ownership for UHS component Universities. This must be made with great thoughtfulness, care, and prudence. Expressions of donor intent should always be respected in deaccession decisions and the interests of the public, for whose benefit collections are maintained, and thus must always be foremost in making these decisions.
- c. No Collection transfer of ownership can occur without ascertaining the original terms of the gift, without following current professional standards including those of the Association of the AAMD, or without the recommendation and approval of SPAC.
- d. There are a number of reasons why transfer of ownership or de-accessioning might be contemplated. Primary among these are:
 1. The work lacks value for exhibition or study purposes.
 2. The work is a duplicate that has no value as part of a series.
 3. 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.
 4. 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.

5. 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.
 6. The work is no longer consistent with the mission or collecting goals of the University or UHS. The SPAC exercises great care in considering, revising or reformulating its mission or collecting goals.
 7. The work is being transferred or sold as part of the component university's effort to refine and improve its Collection, in keeping with the collecting goals reviewed and approved by the SPAC.
 8. The Collection 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.
- e. The final authority for transfer of ownership of works rests with the SPAC or its designee.
 - f. The curator shall exercise care to assure that the recommendations to SPAC are based on authoritative expertise.
 - g. Third-party review and appraisal may be considered in the case of objects of substantial value.
 - h. In the case of work(s) by a living artist, special considerations may apply.
 - i. The timing and method of transfer of ownership should be consistent with the UHS' collection policy. Attention must be given to transparency throughout the process.
 - j. No member of a UHS university's staff, or anyone whose association with the System may give them an advantage in acquiring the work, shall be permitted to acquire directly or indirectly a work, wholly or in part, by the System, or otherwise benefit from the sale or trade of any artwork in the System Collection.
 - k. The following may be taken into account in selecting a method of transfer of ownership:
 1. Preferred methods of transfer of ownership 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 transfer of ownership.
 2. In the case of a work of art by a living artist, consideration may be given to an exchange with the artist.
 3. When ownership of work is transferred, all electronic and paper records must be updated. Prior to transfer of ownership, an image should be taken of the work and retained in SPAC's records. As works are transferred, the method of transfer, including possible consignee, new owner, sale price and location, if known, should be recorded according to the UHS's collection management policy.

X. Loan Policy

- a. UHS will actively pursue artwork loans that meet the goals of the Strategic Plan. SPAC will include the following criteria in evaluating the acceptability of a loan item:
 1. Quality of the artwork and its appropriateness in the context of present and future Collection. Loans of artwork must be judged by the same standards as commissioned artwork.
 2. The Collection's ability to provide an appropriate site for the artwork.
 3. The Collection's ability to provide for the safety and security of the artwork and of its audience.
- b. Artwork on loan to the Collection will be reviewed on an annual basis and the lender may be asked to sign an annual renewal agreement. The lender will be furnished an annual condition report of the artwork.
- c. A loan agreement and condition report will be prepared for each item of artwork accepted by the Committee.
- d. Loans made by the UHS Public Art Collection to other venues will be considered based on approval by SPAC, current condition and site of artwork requested, Facility Report and certificate of insurance provided by the institution requesting artwork for loan and fees associated with packing, shipping and re-installation.

XI. Conservation and Maintenance

Conservation priorities, schedule and a budget shall be established annually by the Curator and approved by SPAC. Priorities will be established based on available funding, artwork condition and the Strategic Plan. A conservation schedule, established by a conservator will be followed according to recommendations for each artwork. The entire Collection will be assessed annually for any conservation work needed or addressed more immediately if damage is noted. An annual conservation plan will be presented each September to SPAC.

XII. Ethical Procedures and Conflict of Interest

No member of SPAC shall profit financially or through receiving favors from any transaction involving the sale, resale, gift, loan, or exchange of any artwork to the UHS.

XIII. Review of Policy

A formal review of this policy should occur every three years.