Procedures for Public Art
June 2015

MISSION: The Council for the Built Environment (CBE) Design Review sub-council (DRsc) Art Committee is dedicated to 1) overseeing the selection, installation, management and deaccessioning of works of public art that convey, reinforce and expand the university’s ideals and identities; 2) supporting the mission of the University by adding a dynamic public art presence to the Aggie experience; 3) enhancing the aesthetic appeal of the Texas A&M University campus; and 4) fostering the global prestige of Texas A&M University as an institution.

VISION: To expose the Texas A&M community to works of art that inspire and instill a lifelong appreciation for the value and impact of the visual arts in enhancing education, stimulating reflection, promoting cultural enrichment, attracting interest and attention, and improving the intellectual and visual environments of the University. These objectives will be achieved through the use of public art to transform sites, structures and spaces into cultural destinations.

1.0 SCOPE OF APPLICATION

These procedures are limited to permanent installations on the TAMU College Station and Riverside campuses, to Easterwood Airport, to the Health Science Center, and to those locations where TAMU rents or leases local properties, or where TAMU has any academic, research, or administrative facilities directly associated with the University. The scope of application does not include the branch campuses in Galveston, Qatar or the TAMU School of Law.

These procedures do not cover temporary public art installations. Oversight of temporary public art installations is through the Temporary Outdoor Art Committee chaired by the Director of the Texas A&M Art Galleries.

2.0 SCOPE OF COVERAGE

The primary scope of coverage for these procedures includes public art to be located within the scope of application, as defined in Section 1.0 of this document. The audience for types of installations or pieces is very broad and includes: university students, faculty and staff, and their families when they visit; former students; donors to the university; corporate sponsors of academic activities; recruiters; attendees to university sponsored academic, cultural, and sport events; and visitors from the general public at large.

These types of installations or pieces (whether indoor or outdoor) need to be formally approved by TAMU prior to their acceptance, acquisition, and installation, and may result from:

- A gift from a Graduating Class through Class Agents, or from individuals, families, classes, or organizations, directly or through the Association of Former Students (AFS), the Texas A&M Foundation, the 12th Man Foundation, or other third party source;
- A commission or purchase by any academic, research, or administrative unit at TAMU, following System Policy 51.03 Art Acquisitions for New and Renovated Facilities.

DEFINITIONS:
Public Artwork shall refer to two- or three-dimensional works of art—both in traditional media (stone, bronze, etc.), environmental media (earthworks and landscape art) as well as new media (digital, video, etc.) created or considered for installation in public spaces so long as they are not associated with the acquisition activities of the Texas A&M University Stark Galleries, Forsyth Galleries, other university galleries and collections or other curated and archived collections. Functional objects (such as benches, light fixtures, etc.), which are created as unique works of art also are included in this definition.

Public spaces shall refer to sites exterior to buildings, unenclosed interior spaces (e.g. atria) and enclosed interior spaces such as lobbies, social spaces and other high traffic areas, with the exception of departmental spaces such as conference rooms, personal offices and other administrative areas.

Atria are large enclosed interior spaces intended for the general public.

Major capital projects (as defined by System Policy 51.01 Capital Planning) shall refer to:
- New construction of buildings, facilities or other permanent improvements with scopes of $4,000,000 or more
- Additions to buildings, facilities or other permanent improvements with scopes of $4,000,000 or more.
- Repair, renovation or rehabilitation of existing buildings, facilities or other permanent improvements with scopes of $4,000,000 or more.
- Real property acquisitions.
- Projects or acquisitions funded using Higher Education Fund (HEF), Permanent University Fund (PUF) and/or Revenue Financing System (RFS) debt proceeds.

3.0 GENERAL GUIDELINES

Based on established selection criteria for the development of public art collections that will fulfill the art mission and vision, preference will be given to works selected through a competitive process.

This would include:
- Individual already-created art pieces considered for purchase. (Individual already-created art pieces offered as gifts would follow the same procedures for accepting and placing art.)
- Art pieces commissioned based on donated funds.
- Art pieces commissioned as part of a capital building construction project.

All permanent public art pieces shall be identified with either a plaque or other appropriate signage as per TAMU Procedure for Campus Plaques.

Selection, acceptance, and placement of art will be based on review by the DRsc Art Committee. These individuals will provide recommendations to the CBE. The CBE Co-Chairs, at their discretion, may request additional review by any of the existing sub-councils before making their final recommendation to the President of the University.

DRsc Art Committee
- Current DRsc members
- One faculty member with a terminal degree (MFA or PhD) in the arts and/or art history, theory and criticism (appointed by DRsc Chair) – 2 year term
- One undergraduate student representative (Current CBE Member) – 1 year term
- One graduate student representative (Current CBE Member) – 1 year term
Membership may be expanded to include other individual stakeholders on a case-by-case basis, such as deans, department heads, other student group representatives, donor or donor’s representative, etc., as appropriate.

Criteria for Selection
The DRsc Art Committee applies a consistent set of criteria in evaluating works of public art that are offered to the University, as well as works that the University or its units proactively seek to add to the public environment. Essential to the criteria are the following:

- **Artistic quality** – the aesthetic significance of an individual work of public art, the significance of the artist(s); uniqueness (originality and authenticity); ethical position (ideological content and/or provenance).
- **Appropriateness** – the work contributes to the University’s educational mission, as well as to the existing collection of public art; the proposed work reflects diversity in style, scale, media and sources as well as diverse cultural communities and perspectives. **Note: statues of living persons normally will not be accepted.**
- **Feasibility** – the work includes convincing evidence of the artist’s ability to complete the work as proposed; full funding for the project is in place including all financial encumbrances related to the work from the conception through competition through creation, transport, installation, modification, and long-term maintenance.
- **Site context** – the proposed location is appropriate in terms of the form, scale, content, materials and intent of the work; the work integrates with surrounding site features, structures, spaces and landscape elements such that it contributes to the mutual enhancement of all elements on the site.
- **Durability** – the work is constructed of materials appropriate in quality, lifespan, and structural integrity (including such factors as light-fastness in paint, etc.); the work has appropriate structural and surface soundness that provides inherent resistance to theft, vandalism and weathering.
- **Maintainability** – the siting, structure, scale, dimensions, materials and formal organization of the work allow for cleaning, repair and (if necessary) safely relocating the work at a later date; the ability of the University to assure the proper long-term care of the individual work.
- **Safety** – the absence of any physical hazard associated with viewing or coming into close proximity or physical contact with the work.

4.0 PROCEDURES

For capital construction projects, the University Architect, in consultation with project architects and stakeholders, will identify public art opportunities as early in the design process as possible. The normal process can take up to 24 months.

All requests for new pieces of public art on campus will be sent in writing to the CBE for distribution to the appropriate sub-councils.

Call-for-entry competitions or invitational competitions

- **DRsc Chair** and University Art Galleries Director meets with stakeholders and informs them of the competitive process. A decision is made on which type of competitive process will be utilized and a budget is identified.
- **DRsc Art Committee** will craft, vet and broadcast call for entry or invitation.
  - For invitational competitions, proposals will be solicited from artists whose names appear on a list to be compiled and reviewed annually by the DRsc Art Committee, or
  - A public art consultant will be hired to compile a list of suitable artists.
- For invitational competitions, the DRsc Art Committee may bring in one or more artists to meet with project architects and stakeholders and to assess potential sites.
- The University Art Galleries Director will appoint one committee member (on a rotating basis) to assist with administering each competition, including handling receipt of proposals and organizing the jury process.

- The University Art Galleries Director selects members of and convenes the jury, oversees the selection of the finalists, contracts with and arranges for payment of finalists for full proposal.
- Finalists present their proposals to the jury.
- Jury selects single finalist.
- Other CBE sub-councils are engaged for input as needed, prior to final recommendation.
- The DRsc Chair sends final recommendation to CBE.
- The CBE will make a written recommendation to the President.
- The President will make the final decision to approve or not approve the public artwork in a written communication.
- The CBE Coordinator will inform the DRsc Chair of the final decision.
- If the public artwork is approved, the University Art Galleries Director will contract with the finalist. Signature authority on the contract will follow established university policy.
- The DRsc Chair and/or University Art Galleries Director will be responsible for informing the stakeholders of the TAMU Procedure for Campus Plaques and the procedures for approval.
- The University Art Galleries Director will be responsible for oversight of the contract through final installation, and will serve as the primary point of contact between the University and the artist(s).

**Individual Already-Created Artwork Offered as Gift**

Depending on the type of project and keeping in mind the amount of time necessary to carefully consider an acquisition of public art for the Texas A&M University campus, the Request for Approval (RFA) must be submitted a minimum of six months prior to proposed installation.

Once the request is received, the CBE Coordinator will contact the DRsc Chair.

- In order for the work to be considered by the DRsc Art Committee, the donor or donor’s representative must complete and submit a Request for Approval of Art Acquisition Form to the DRsc Chair.
- The donor or donor’s representative is invited to present to the committee. If no representative is available, the DRsc Chair will present the RFA.
- The DRsc chair sends a recommendation to the CBE Co-Chairs. The CBE Co-Chairs, at their discretion, may request additional review by any of the existing sub-councils.
- Once the sub-councils have reported, the CBE will make a written recommendation to the President.
- The President will make the final decision to approve or not approve the recommendation in a written communication.
- The CBE Coordinator will inform the DRsc Chair of the final decision.
- Once approved, the University Art Galleries Director will generate a gift agreement with the donor.
- The University Art Galleries Director (or designee) will be responsible for oversight of the donation through final installation.

**Commissioned Artwork Offered as Gift**

If a donor wishes to offer a specific piece of public art, which has not already been created, it must be done at the conceptual stage and before any contractual obligations have been made between the donor and the potential artist.
All requests for new pieces of public art on campus will be sent in writing to the CBE for distribution to the appropriate sub-councils.

Once the request is received, the CBE Coordinator will contact the DRsc Chair.

- The DRsc chair sends a recommendation to the CBE Co-Chairs. The CBE Co-Chairs, at their discretion, may request additional review by any of the existing sub-councils.
- Once the sub-councils have reported, the CBE will make a written recommendation to the President.
- The President will make the final decision to approve or not approve the recommendation in a written communication.
- The CBE Coordinator will inform the DRsc Chair of the final decision.
- If the public artwork is approved, the University Art Galleries Director will contract with the artist and/or donor. Signature authority on the contract will follow established university policy.
- The DRsc Chair and/or University Art Galleries Director will be responsible for informing the stakeholders of the TAMU Procedure for Campus Plaques and the procedures for approval.
- The University Art Galleries Director will be responsible for oversight of the contract through final installation, and will serve as the primary point of contact between the University and the artist(s).

5.0 FUNDING

No public art proposal shall be considered unless all costs associated with the individual work, its installation, and future maintenance are fully funded.

In accordance with TAMU System Policy 51.03, it is recommended that up to 1% of the construction cost of capital projects falling within the scope of this policy shall be allocated to the acquisition of artwork commissioned by the University. It is strongly recommended that an alternate approach be utilized in the event that up to 1% is not available because of costs associated with core programmatic functions. Art shall be considered a priority when evaluating the use of contingency funds once all construction related contingency expenses have been funded. Allocated funds for proposed projects and surplus funds from completed projects will be maintained in a University-controlled account administered by the Office of the President.

Public art projects funded by outside donors are subject to the 5% fee charged by the Texas A&M Foundation and should be adjusted accordingly.

6.0 MAINTENANCE FEES

Maintenance fee will be assessed along with each commission on a case-by-case basis and will comprise no less than 3% of the acquisition cost; maintenance fees via endowment also encouraged.

7.0 RELOCATION OR ALTERATION OF PUBLIC ART

It is the primary responsibility of DRsc Art Committee to advocate for the preservation and protection of the public art collections at Texas A&M University. However, under certain conditions, and in accordance with the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113d), known as VARA, or in the case where the artist has waived his/her rights under VARA, in accordance with the University’s contractual agreement.
with the artist, the University Art Galleries Director may authorize actions that would alter or relocate a piece in the collection.

If TAMU finds it necessary to relocate or alter a piece of artwork, then the University Art Galleries Director shall make a reasonable effort to notify the artist by registered mail of the University’s intent and outline possible options, which include but are not limited to the following:

- **Transfer of Title to the Artist:** The artist will be given the first option of having the title to the artwork transferred to him/her. If the artist elects to pursue title transfer, he/she is responsible for the object’s removal and all associated costs.
- **Disclaim Authorship:** In the case where the University contemplates action which would compromise the integrity of the artwork, the artist shall be given the opportunity to disclaim authorship and request that his/her name not be used in connection with the given work.
- **Alteration/Modification:** If alteration or modification of an artwork protected under VARA is contemplated, the University Art Galleries Director must secure a written waiver of the artist’s rights under this section. In the case of an emergency removal that may result in destruction or irreparable damage, the University Art Galleries Director will act in accordance with the advice of the Office of General Counsel.

### 8.0 DESTRUCTION AND DEACCESSIONING

Deaccessioning is a legitimate and necessary part of the formation and care of collections and, if practiced, should be done in order to refine and improve the quality and appropriateness to better serve the university's mission. As a general rule, disposal of collections objects, or deaccessioning, is permissible unless specific restrictions apply. Deaccessioning procedures are designed to insure thoughtful, well-documented consideration of each proposed disposition in the context of the long-term best interests of Texas A&M University.

Artwork may be removed or deaccessioned from the public art collection at the recommendation of the DRsc Art Committee and with the final approval of the President. For further information on the deaccessioning guidelines and process, please refer to the DRsc Art Collections Guidelines.

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 in a manner consistent with this policy.

### 9.0 RELATED GOVERNING DOCUMENTS

The oversight and enforcement of compliance and accountability with these procedures is in agreement, coordination, compliance, conjunction with TAMU SAP 51.05.99.M0.01 Visual Art.

There are several governing documents that have been already adopted, and which relate in some way to the scope of application and coverage of these procedures, as defined in Sections 1.0 and 2.0. These governing documents include TAMU System Policies, TAMU Policies, TAMU Rules, TAMU SAPs, and DRsc documents.

These governing documents include:
- System Policy 51.01: Capital Planning
- System Policy 51.03: Art Acquisitions for New & Renovated Facilities
System Policy 51.05: Furnishing and Equipping New & Renovated Buildings
TAMU Procedure for Campus Plaques
TAMU Rule 51.99.99.M1: Campus Signage
TAMU SAP 51.05.99.M0.01: Visual Art
TAMU SAP 51.99.99.M0.01: Procedure for Capitalizing Improvements on Buildings
DRsc: Heritage Building Guidelines
DRsc: Design Checklist for New Buildings
DRsc: Landscape Guidelines & Checklist for Landscape Projects
DRsc: Relevant District Plans and Campus Master Plan
DRsc: Campus Site Furnishings & Hardscape Standards
DRsc: Art Collections Guidelines