May 3, 2012

MEMORANDUM

TO: Dr. R. Bowen Loftin

SUBJECT: CBE Recommendation: Approval for Design Review Sub-Council’s Art Collections Guidelines

At its April 10, 2012 meeting, the Council for the Built Environment (CBE) discussed a request from the Design Review Sub-Council (DRsc) to recommend to the President for approval their draft Art Collections Guidelines. The duty for art collection policies was previously under the long-standing President’s Advisory Council on Art Policy (PACAP). Three former members of PACAP are now on the DRsc; the proposed Guidelines request the addition of two additional members: the Director of the University Art Exhibits and a faculty member with a background in Art or Art History.

The Art Collection Guidelines are modeled after PACAP’s and offer in their statement of purpose to “ensure minimal standards in the display, care and collection of permanent artwork maintained or owned by Texas A&M University.” Under these Guidelines, the DRsc will be responsible to oversee acquisition and deaccessioning- the formal process used to remove an object legally and permanently from an art collection- of art objects to Texas A&M’s collection.

CBE voted unanimously to recommend the President’s approval to accept the Design Review Sub-Council’s Art Collection Guidelines as submitted.

Karan L. Watson  Date
Provost and Executive Vice President for Academic Affairs
Co-Chair, Council for the Built Environment

R. Bowen Loftin  Date
President

Rodney P. McClendon  Date
Vice President for Administration
Co-Chair, Council for the Built Environment

cc: Sub-Council Chairs, Council on the Built Environment
Design Review Sub-council Art Collections Guidelines

Statement of Purpose

The Design Review Subcouncil (DRSc) exists to ensure minimum standards in the display, care, and collection of permanent artwork maintained and/or owned by Texas A&M University. Additionally, DRSc handles, at the discretion of the President, any institutional initiatives in the arts that transcend departmental initiatives.

Statement of Authority

Responsibility for the coordination of all permanent visual arts and related aesthetic matters of Texas A&M University will be maintained by the Design Review Subcouncil of the Council on the Built Environment (CBE).

Process

All project proposals are sent to the chairs of the CBE for consideration by appropriate subcouncils. The chair of the DRSc shall appoint one member to ensure all necessary information is obtained before the proposal is presented to the subcouncil for approval.

If the proposal is approved in concept only, the DRSc chair may, at his/her discretion, appoint a small group (2-3 members) to ensure the resolution of issues or concerns voiced by the subcouncil before it is resubmitted for final approval.

Components and Activities

The galleries and collecting organizations of Texas A&M University develop, maintain, conserve, and interpret collections of art and artifacts. They also use and create information about this material. The art, artifacts, publications, manuscripts and catalogs, the photographs and audio records, the moving images, the documents and data, when taken together, comprise the Texas A&M University art collections. (See Appendix One)

Texas A&M University provides access to the collections while ensuring preservation. Access is provided through research opportunities, exhibitions, publications, educational and interpretive programs, response to public inquiries, loan of collections, and information management. Accountability is attained through internal controls, written collecting plans, and authorized, documented collections management activity.

Each Texas A&M University gallery and collecting organization designs policies specific to its collections management needs and criteria. Each policy consists of a statement of purpose, a statement of authority, a collecting plan, a definition of the collections, and a description of collections management activities.

Acquisitions Approval Process

The recommendation to acquire an object or collection will be made by the Design Review Subcouncil. This subcouncil will not include any individual offering an object to the University, but may, at the discretion of the subcouncil chair, include non-voting members with expertise in the area of the potential acquisition on a case-by-case basis.

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The subcouncil’s recommendation will be forwarded through the CBE to the President for a final decision. The decision will be documented in the subcouncil’s minutes and will be a matter of public record. Donors will be notified of the University’s decision regarding the acceptance or non-acceptance of the object or collection. Appeals regarding DRSc decisions may be made through the appropriate vice-president to the president.

Factors in the Decision

The decision to acquire an object is based upon a number of factors considered individually and collectively: consistency with the mandate of the collecting organization; quality; rarity; intellectual value; cultural diversity; attribution or provenance; size, volume or quantity of the collections; price; physical condition; anticipated cost of conservation, storage, and maintenance; restrictions of use; and potential for use in exhibition and research. Texas A&M University acquires collections through gift, bequest, purchase, exchange, and transfer. (See Criteria List A; DRSc Potential Donation Decision-making Worksheet)

Texas A&M University policy governing acquisition requires strict adherence to professional ethics and the law in all collecting activities. Collections may be acquired only with proper authorization from Texas A&M University and only when consistent with applicable law.

As a general rule, an object or collection is accepted only when there is a good faith intention to accession. Collections are not generally accepted for resale. Exceptions to this rule are rare and include appropriate discussion with the donor and arrangements for the disposition of unwanted objects. Collection use may affect a donor’s tax deduction. Adherence to tax regulations is encouraged through the regular use of deed of gift and transfer forms. The System General Counsel and Office of Contracts Administration should be consulted about exceptions to these issues of acquisition.

It is Texas A&M University’s practice to accept only unrestricted art gifts. In cases where deviations to this practice are sought to accommodate extraordinary cases, it is understood that the director of the gallery or collecting organization seeking this exception will exercise prudent judgment to alert DRSc to proposed acquisitions involving substantial conditions. Donor agreements with restrictions shall follow Delegation of Authority 6.1 as outlined in university rule 25.07.99.M2 - President’s Delegation of Authority for Contract Administration. The Texas A&M Foundation shall be involved as appropriate in the case of objects or collections that are given in trust, with the department head/director serving as liaison between DRSc and the Foundation.

1. DRSc, before authorizing the acquisition of an object, whether by purchase, transfer, gift, or bequest, has the responsibility, in good faith, to ascertain, from the circumstances surrounding the transaction, or knowledge of the object’s provenance, that the object in question was not stolen or wrongfully converted, and is not illegally present in the United States. At a minimum, the deed of gift should contain language stating that the donor(s) represents and warrants to Texas A&M University that he/she is the sole owner(s) of title to the object(s) and has full power and authority to give the object(s) to the University.

2. In cases of doubt, DRSc should consult widely within Texas A&M University, particularly with those whose interests would be affected by acquisition of the object, and with General Counsel. Where helpful, a special panel should be created to help pass on the questions raised.

3. The provenance of acquired objects shall be a matter of public record.
**Deaccessioning Process**
A collection object may be considered for disposal if it does not contribute to the mission of the university gallery or needs of the collecting organization. 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 interest of Texas A&M University.

An object proposed for deaccessioning is reviewed on the basis of its intellectual value; cultural origin; research potentials; attribution and provenance; condition, quality, and quantity; price; cost of conservation, storage, and maintenance; and restrictions of use. Methods of disposal include sale, exchange, transfer, donation, and destruction. As a general rule, Texas A&M University will make every effort to keep the object being deaccessioned within the public domain. Scholarly or cultural organizations will be preferred recipients rather than private individuals or commercial entities. DRSc will follow applicable university rules and state law in determining the proper procedures for disposal. Records of the disposal will be maintained in perpetuity. (See Criteria List B; Deaccessioning worksheet)

All proposed deaccessions of visual art objects shall be presented to the DRSc for approval. It should be noted, however, that the DRSc is only the first step in a series of approvals necessary to complete deaccessioning. If deemed necessary by the DRSc, outside experts shall be called in to help in the decision-making process. The subcouncil’s recommendation will be forwarded through the CBE to the President for a final approval. Decisions will be carried by majority vote of the members present. The decision will be documented in the committee minutes and will be a matter of public record. Appeals regarding PACAP recommendations to deaccession may be made through the appropriate vice-president to the president.

**CIRCUMSTANCES PROHIBITING DEACCESSIONING**

a) the reason is to solve financial difficulties (i.e. unanticipated operating expenses)  
b) the original gift agreement for the object prohibits deaccessioning  
   (N.B. all current acquisitions are unrestricted)

   It is incumbent upon the DRSc, on behalf of the University, to make a concerted and documented effort to notify the donor of the intent to deaccession. This is intended as a "good will" policy of notification. New acquisitions which use the funds from a deaccession will be labeled as acquired through the original owner's generosity.

   The value of the proposed deaccession shall in no way affect the procedures followed. The actions of those authorized to advise on or approve proposed deaccessions shall be a matter of written record.

**APPROPRIATE DISPOSAL**

a) In the interest of retaining the material in the public domain, reasonable efforts should be made to either trade or sell to another institution accessible to the public.  
b) The University shall strive to be fairly compensated in this sale or exchange.  
c) If circumstances warrant, disposal may be made by public auction.  
d) If the deaccessioned objects have little, if any, monetary value, the University may be justified in donating them to worthy causes.

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e) No employee, family member or agent of the Texas A&M University System may buy or benefit from this disposal.

USE OF FUNDS

a) Money realized from the disposal of collections objects is normally designated for additional collection acquisition. Exceptions to this general policy must be approved by the President of Texas A&M University.

If the estimated value of the object or collection to be disposed of is more than $100,000, approval must be obtained from the Vice President for Finance and Chief Financial Officer as outlined in University Rule 25.07.99.M2. In general practice, a written, independent appraisal is secured for deaccessions estimated to have a value of more than $1,000. Collections estimated to have a value of more than $50,000 require two independent appraisals.

Design Review Subcouncil Member Ethics
The following professional standards of conduct shall be observed by all subcouncil members:

1. Members must be committed to providing responsible and professional care for the collections. This includes maintenance of records that accurately document the identity, location and condition of collection objects.
2. Members shall in no way compromise their professional ethics by competing with Texas A&M University for the acquisition of specific objects; or competing for art and artifacts or items as related thereto as outlined in paragraph 2 of this document that will be or are deaccessioned from Texas A&M University.
3. Members will not accept objects for the permanent collection that do not transfer clear and full title to Texas A&M University.
4. Members will not prepare appraisals for objects to be accessioned or deaccessioned by Texas A&M University.
Criteria List A
Some questions to consider during acquisition review.

1. Does the object enhance Texas A&M University objectives in research, exhibitions, or public programs?

2. Can research, exhibition, and public program objectives be achieved by means other than collecting, such as audio-visual technology or borrowing from existing collections?

3. Can the object be given appropriate care?

4. Is the object appropriate to Texas A&M University or would it more appropriately be placed in a regional, local or specialty museum?

5. Is the object consistent with the goals of the gallery or collecting organization?

6. Is the object consistent with the university’s collecting rationale and collecting plan?

7. Does the object provide an opportunity to enhance multicultural interests?

8. Is the object’s use for museum purposes restricted because of its cultural significance?

9. Is the object’s provenance established?

10. Is the object offered with restrictions or conditions? If so, does the object present an exceptional opportunity for the museum and thus command preferential consideration?

11. Is the object encumbered by copyright, patent, trademark, or trade name restrictions?

12. Will the object give rise to commercial exploitation, or appear to do so?

13. Is the object by nature obscene, defamatory, potentially an invasion of privacy, or physically hazardous?

14. If the object is acquired, what expenses will Texas A&M University incur?

15. If the object is offered for sale, might it or a comparable object be obtained by gift or bequest?

16. Will the object be utilized in the foreseeable future?
Criteria List B
Questions to consider during a deaccessioning review.

1. Is the object no longer relevant or useful to the purposes and activities of the gallery or collecting organization?

2. Has the object deteriorated beyond usefulness? Can it be conserved or preserved?

3. Is there danger of not being able to preserve the object properly?

4. Could the object be placed in another not-for-profit institution where it would remain in the public domain?

5. Is the object duplicated by other material?

6. Will removing the object strengthen other collecting areas or gallery goals?

7. Will removing the object narrow the collecting area inappropriately?

8. Does the Texas A&M University own clear title to the object?

9. What is the monetary value of the object?

10. How will the money realized from the sale of the object be used?

11. Does the action warrant notification of the donor, donor’s decedents, or the press?

12. What is the method and particulars of the proposed disposition: exchange, sale, donation, or destruction?

13. Is it doubtful that the object can be used in the foreseeable future?
Appendix One
Texas A&M University Galleries and Collecting Organizations
(revised January 2012)

Benz Gallery of Floral Art  Contact: Bill McKinley, 845-1699
Location: Horticulture/Forest Science Bldg. Lobby
Seeks to collect objects related to the art of floral design

Class of ’85 Art Endowment Committee  Contact: Luke Altendorf, 845-1914
Location: Works on display on the second floor of the MSC
Seeks to collect objects that are by Texas-born, Texas-based or Texas-influenced artists

Cushing Memorial Library  Contact: Larry Mitchell, 845-1951
Location: across from the east side of the Academic Bldg.
Not actively collecting, but would consider European genre paintings, western art and art connected to Texas A&M in some manner.

Frank Wardlaw Collection/TAMU Press  Contact: Charles Backus, 845-1436
Location: Lindsey Bldg.
Seeks to collect objects that are by Texas artists who have been featured in books published by the Press

J. Wayne Stark Galleries  Contact: Catherine Hastedt, 845-8501
Location: northeast corner of the MSC
Seeks to collect objects of American art, with an emphasis on Texas art. Additional interests include objects for its Campus Art Loan Program.

MSC Forsyth Center Galleries  Contact: Nan Curtis, 845-9251
Location: 2nd floor, SW section the MSC
Seeks to collect objects of American art and American/English/French and other art glass.

Sanders Corps of Cadets Center  Contact: Lisa Kalmus Smith, 862-2862
Location: Spence Park
Seeks to collect objects related to the history of the corps of cadets at Texas A&M University. Additional interest in antique and historical guns

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### DRSc Potential Donation Decision-Making Worksheet

<table>
<thead>
<tr>
<th>Variables</th>
<th>Answers</th>
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<tbody>
<tr>
<td>I. Does the gift have artistic, cultural or historical value? If not, are other considerations for accepting the gift sufficient reason to take it?</td>
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<tr>
<td>II. Institutional Issues</td>
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<tr>
<td>a. Does it fit within TAMU mission and goals?</td>
<td></td>
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<tr>
<td>b. Any health and safety issues?</td>
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<td>c. Are we limited by law?</td>
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<td>d. Any cultural relevance/relationship to institutional and community values, history, etc.?</td>
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<tr>
<td>III. Resources – Can we afford to take care of it? Is there a dept. willing and able to be custodian?</td>
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<tr>
<td>a. site preparation</td>
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<td>b. electrical or mechanical requirements</td>
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<td>c. maintenance</td>
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<td>d. conservation requirements</td>
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<td>e. research costs</td>
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<td>f. security</td>
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<td>g. space and facilities</td>
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<td>IV. Relevance – Does it fit within existing collections parameters?</td>
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<td>V. Are there restrictions associated with the gift?</td>
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<tr>
<td>Are we willing to accept these restrictions?</td>
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<td>VI. Siting Potential</td>
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<tr>
<td>Any conflicts with TAMU Arts Master plan?</td>
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<td>Potential traffic flow/safety issues?</td>
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<tr>
<td>VII. Donor Considerations</td>
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<tr>
<td>a. donation history of prospective donor</td>
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<tr>
<td>b. future potential of donor</td>
<td></td>
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<tr>
<td>c. needs of dept. or college relative to prospective donor</td>
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</tbody>
</table>

DRSc recommends: approval/rejection  
_________________________  _____________________  
Date  Chair, DRSc

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DEACCESSIONING WORKSHEET

OBJECT

<table>
<thead>
<tr>
<th>Dept/Acct</th>
<th>Inventory #</th>
<th>Date</th>
<th>Accessioned</th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
</table>

Specific reason for deaccessioning: __________________________________________________________
_____________________________________________________________________________________

Donor’s Name: _________________________________
Alive?  Y / N  
Have donor or heirs expressed objection to disposal?  Y / N

Appraisal Value*  ___________________  Date Appraised _________________
Appraisal Value  ___________________  Date Appraised _________________
*if estimated value over $50,000 will need two appraisals

APPROVALS

Approved/Not Approved for deaccessioning

_________________________  Date: _______________
Chair of DRSc

Approved/Not Approved for deaccessioning

_________________________  Date: _______________
Director, Contracts Administration

Approved/Not Approved for deaccessioning

_________________________  Date: _______________
Vice President, Finance*
*If object valued at more than $100,000

DISPOSITION OF OBJECT

Final disposition of object: ________________________________________________________________
_____________________________________________________________________________________
on _______________

Monies received $ __________________  deposited into account # __________________

Notes:

ATTACHED: ___  Documentation proving legal right to dispose (e.g. gift agreement, purchase order, etc.)
___  Condition report with photograph
___  Other ____________________________
___  Appraisal(s)

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