

## ART COLLECTIONS

**University Policy No:** BP3310

**Classification:** External Relations

**Approving Authority:** Board of Governors and Senate

**Effective Date:** May 27, 2014

**Supersedes:** New

**Last Editorial Change:**

**Mandated Review:** Annually

### Associated Procedures:

[Procedures for Art Collections](#)

[Terms of Reference for Art Collections Committee](#)

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### PURPOSE

- 1.00 This policy establishes the provisions for the successful development, refinement, access, and care of the Permanent Collection of the University of Victoria Legacy Art Galleries (hereinafter "Legacy").

### DEFINITIONS

For the purposes of this policy:

- 2.00 **University** refers specifically to the University of Victoria.
- 3.00 **Artwork** refers to a physical object considered to be an artistic creation.
- 4.00 **Permanent Collection** encompasses the University's art collections, which are entrusted to Legacy, having entered its care through the formal process of Acquisition as detailed [Procedures for Art Collections](#).
- 5.00 **Acquisition** refers to an Artwork that has entered the Permanent Collection.
- 6.00 **Deaccessioning** refers to the permanent removal of one or more Artworks from the Permanent Collection.
- 7.00 **Commissioning** refers to the act of hiring and paying for the creation of an Artwork.
- 8.00 **Repatriation** refers to the legal return of Artwork to original or former owners including individuals, institutions, or communities.

## **SCOPE**

- 9.00 This policy and its associated procedures apply to the Artwork entrusted to Legacy in its Permanent Collection. This policy does not apply to the varied collections of art and artifacts that may exist at the University and its divisions outside of the jurisdiction of Legacy.

## **POLICY**

- 10.00 The Permanent Collection exists to support the University's academic use in research and teaching and community outreach mission. It is intended to be accessible to audiences today while being preserved as a cultural trust for the benefit of future generations.
- 11.00 The future development of the Permanent Collection shall be founded upon principles of quality and artistic merit, building upon existing strengths and relating to the University's academic use in research and teaching.
- 12.00 Legacy will support local, provincial, national and international access to the Permanent Collection through research and study, exhibition, publication, Internet access, and loans of Artwork on campus and to other public museums based on resource availability and according to [Procedures for Art Collections](#).
- 13.00 In all collection activities Legacy will meet the highest professional standards in compliance with international museological principles and ethics, following provincial, national and international laws, agreements and treaties.
- 14.00 The Legacy director and employees are responsible for the care of the Permanent Collection. Only Legacy employees shall handle Artwork or authorize its handling.

### Art Collections Committee

- 15.00 There will exist a standing committee called the Art Collections Committee (hereinafter called the "Committee"), which will make decisions with respect to Acquisition and Deaccessioning of Artwork for the Permanent Collection. The composition, roles, and activities of the Committee are detailed in the [Terms of Reference for Art Collections Committee \(Appendix A\)](#), which are approved by the Vice President External Relations.

### Acquisition and Deaccessioning

- 16.00 Legacy develops the Permanent Collection through Acquisition, including donations (gifts and bequests), exchange, purchase and Commissioning, and through Deaccessioning, including Repatriation when appropriate.

16.01 Acquisitions to and Deaccessioning from the Permanent Collection will be done in accordance with this policy, the [Procedures for Art Collections](#) and the [Fundraising and Gift Acceptance Policy \(ER4105\)](#).

- 17.00 All Acquisition and Deaccessioning activity by Legacy is undertaken in an arm's-length relationship with the parties involved.
- 18.00 All donations of Artwork to Legacy are irrevocable upon formal transfer of title to the University determined by the date of countersigning on the deed of gift.
- 19.00 Deaccessioning is undertaken at Legacy to refine and improve the quality and appropriateness of the Permanent Collection.
- 19.01 Deaccessioning shall be approached with caution on a case-by-case basis, following a rigorous process for Deaccessioning and disposal, and will not be governed by current fashion or individual taste of Legacy staff members.
- 20.00 At no time shall a University employee, member of the Board of Governors, or anyone connected with the University in any formal way, including membership on a committee or under contract, be permitted to acquire a Deaccessioned Artwork directly from the University.
- 21.00 Deaccessioning shall not serve as a means for generating operating funds.

#### Loans

- 22.00 Decisions for loans of Artwork either from the Legacy Permanent Collection or to the Legacy from other collections or institutions are made in accordance with the standards outlined in [Procedures for Art Collections](#) and in consultation with the Advisory Committee (described in section 11.00 of the [Museum Policy \(BP3315\)](#)).
- 22.01 A select number of Artworks from Legacy's Permanent Collection will be available for temporary loan on campus to enhance working and learning environments. These will also serve as statements expressing UVic's values on a continual basis.
- 22.02 No Artwork certified as Cultural Property shall go out on loan to campus buildings that are not designated as Category A facilities.
- 22.03 No loans of Artwork will be made to private individuals.

#### Records

- 23.00 Legacy will maintain a comprehensive system of records associated with each Artwork in its care in perpetuity according to [Procedures for Art Collections](#).

#### Reproduction and copyright

- 24.00 Legacy complies with all Canadian copyright legislation pertaining to the reproduction of artists' Artwork in the Permanent Collection and on loan.

## **AUTHORITIES AND OFFICERS**

- i) Approving Authority: Board of Governors
- ii) Designated Executive Officer: Vice-President External Relations
- iii) Procedural Authority: Vice-President External Relations
- iv) Procedural Officer: Director, Legacy

## **RELEVANT LEGISLATION**

[Income Tax Act](#)

## **RELEVANT POLICIES AND DOCUMENTS**

- [University of Victoria Strategic Plan](#)
- [Fundraising and Gift Acceptance Policy \(ER4105\)](#)
- [Records Management Policy \(IM7700\)](#)
- [Protection of Privacy Policy \(GV0235\)](#)
- [Canadian Museum Association Ethical Guidelines](#)
- [ICOM Code of Professional Ethics](#)
- [Cultural Property Export and Import Act, 1985](#)
- [Convention for the Protection of Cultural Property in the Event of Armed Conflict \(Hague Convention, 1954\)](#)
- [UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970](#)
- [Copyright Act \(R.S.C., 1985, c. C-42\)](#)

## PROCEDURES FOR ART COLLECTIONS

**Procedural Authority:** Vice-President External  
Relations  
**Procedural Officer:** Director, Legacy

**Effective Date:** May 28, 2014  
**Supersedes:** New  
**Last Editorial Changes:**

**Parent Policy:** [Art Collections Policy \(BP3310\)](#)

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### PURPOSE

- 1.00 These procedures set out the processes for the successful development, refinement, access, and care of the Permanent Collection of the University of Victoria Legacy Art Galleries (hereinafter "Legacy").

### DEFINITIONS

For the purposes of these procedures:

- 2.00 The definitions contained within the [Art Collections Policy \(BP3310\)](#) apply to these procedures.
- 3.00 **Fair Market Value** means the highest price, expressed in a dollar amount, that the property would bring, in an open and unrestricted market, between a willing buyer and a willing seller who are both knowledgeable, informed, and prudent, and who are acting independently of each other.
- 4.00 **Public Art** refers to Artwork in any media that has been planned and executed with the specific intention of being sited in a public space either outdoors or in publically accessible buildings.

### PROCEDURES

#### Acquisitions

- 5.00 Proposed Acquisitions (donations, exchanges, and purchases) are presented to the Art Collections Committee (hereinafter the "Committee") and recommended for Acquisition by the director or curator.
- 6.00 The Committee members have authority to vote on whether each proposed Acquisition of Artwork should enter the Permanent Collection. The Committee may reject a proposed Acquisition if any one of the following criteria is not met:

- a) Artwork is relevant to the Permanent Collection, present and future, and to the Legacy's mission to support the University's academic use in research and teaching;
  - b) Artwork is in a condition suitable for exhibition relevant to its age;
  - c) Artwork has artistic merit;
  - d) Artwork meets a standard of quality, which is measured in terms of the total production of an artist within the pertinent area and the substance of the particular Artwork;
  - e) Artwork is deemed authentic in the academic opinion of the director;
  - f) Artwork demonstrates a use value, which is measured in terms of how the Artwork will be used in the future in the context of exhibitions, programs, and research;
  - g) Legacy has adequate resources for the acquisition, maintenance, conservation, storage, access for research and display of the Artwork;
  - h) The provenance of the Artwork is known and there is proof that the donor has clear legal title to it;
  - i) The donation of the Artwork is made with unrestricted terms, free of any conditions imposed by the donor, including, but not limited to, the condition of Legacy achieving a certain appraised value, or Legacy committing to permanent display.
- 7.00 Careful consideration must be given to embarking on new areas of collecting, and therefore an assessment of the direction and strengths of the Permanent Collection shall be conducted annually with the Committee and following consultation with academic stakeholders.
- 8.00 Following ratification at a formal Committee meeting, each Artwork entering the Permanent Collection shall be recorded in the official meeting minutes and shall be assigned a permanent accession number.
- 9.00 If a donor requires a tax receipt for a donation in a given year, the Artwork must be offered to Legacy in writing by October 1 and presented to the Committee before the final Committee meeting of the year, normally the end of October.
- 10.00 In certain instances for purchases or donations from outside the Capital Region, the Committee may assess the Artwork first in photographic image to determine an expression of interest prior to shipping the Artwork to Legacy.
- 11.00 Artwork must be in Legacy's possession by December 31 to qualify as an Acquisition for that tax year as per Canada Revenue Agency (hereinafter "CRA") requirements.
- 12.00 While donor expectations concerning tax credits and other fiscal considerations such as Fair Market Value are appropriately respected, such expectations do not drive Legacy's collecting practices, nor will Legacy deviate from best practice standards in order to meet any such expectations.

- 13.00 The director is responsible for determining whether a gift has appropriate qualifications to be eligible for application to Canadian Cultural Property Export and Import Review Board (hereinafter "CCPERB") for certification. Legacy will prepare and submit the application.
- 14.00 In the case where a CCPERB receipt is desired, certification will be for the tax year in which the gift is formally accepted by the Committee into the Permanent Collection even if the CCPERB certification meeting occurs in the subsequent calendar year. However neither the Committee nor the Legacy staff can guarantee approval of certification by CCPERB.
- 15.00 Expenses associated with a donor's gift (e.g. appraisals, shipping) shall in most cases be paid by the donor.
- 16.00 Legacy staff may make in-house appraisals for Artwork with a Fair Market Value up to \$1,000 per Artwork as per [CRA Summary Policy CSP-F07, Appraisal](#).
- 17.00 When offered a donation, Legacy staff will notify the Development Office, to determine if there is an existing relationship with the donor and if a development officer needs to be involved to manage the donor relationship.
- 18.00 In the rare circumstance when Legacy considers Commissioning an Artwork for the Permanent Collection, an *ad hoc* committee including the Director and Collections Committee chair and other campus stakeholders, will create and approve the terms and conditions of the commission and make the selection of a short-list, if necessary, and of the final Artwork. Professional standards for Commissioning an Artwork shall be followed.
- 19.00 All Commissioning of Public Art intended to be accessioned into the Permanent Collection shall include a fund to install and assist with ongoing upkeep of the Artwork in order that Legacy does not suffer a financial burden in the future.

#### Deaccessioning

- 20.00 Artworks for Deaccessioning are determined and presented with a full justification to the Committee by the director or curator. The justification must contain explanation of criteria for the Deaccessioning, demonstrate consultation with UVic stakeholders such as faculty, staff, and donors who may hold an interest in artworks proposed for deaccessioning, and a declaration of the intention for disposal.
- 21.00 Artworks may be considered for Deaccessioning from the Permanent Collection based on any one or more of the following criteria:
- a) Irrelevance to the Permanent Collection;
  - b) Duplication;
  - c) Inferior quality;
  - d) Poor condition;
  - e) Public safety concerns;

- f) Inability for Legacy to meet standards of care or storage requirements;
  - g) Questionable authenticity, attribution, or provenance;
  - h) Political and legal concerns.
- 22.00 Prior to Deaccessioning, the Artwork shall be researched thoroughly, documented, and photographed, and the process of Deaccessioning thoroughly documented including the justification. The records related to the deaccessioned Artwork shall be maintained by Legacy on a permanent basis.
- 23.00 Prior to the Committee meeting Legacy staff shall ascertain that there are no legal, time-related or other restrictions against disposal of the Artwork and that the disposal will not contravene CCPERB regulations or other legislation.
- 24.00 Legacy will work with the relevant University development officer to make every reasonable effort to advise donors or their immediate family or any other appropriate interested parties about plans for Deaccessioning.
- 25.00 In the case of an Artwork by a living Canadian artist, the director or curator shall contact the artist prior to making any recommendations.
- 26.00 In cases when an Artwork has been accidentally destroyed or permanently lost, the Artwork will be deaccessioned from the Permanent Collection. Any funds derived from this loss, such as payment from insurance, will be credited to Legacy for purchase of Artwork for the Permanent Collection or for use for conservation or care of Artwork in the Permanent Collection.

Disposal of Deaccessioned artworks

- 27.00 The director shall recommend the means of disposal of deaccessioned artworks.
- 28.00 Means of disposal of Artwork may include:
- a) Donation to or exchange with another qualified donee;
  - b) Sale;
  - c) Intentional destruction; or
  - d) Repatriation.
- 29.00 When an Artwork has been disposed of, the director will ensure that the relevant documents are sent to the office of Finance and Operations to ensure the disposal is recorded in the financial records of the University.
- 30.00 In circumstances other than accidental destruction or loss, the manner of disposal should be in the best interest of the University, the community it serves, and the public trust placed in it.
- 31.00 In the case where Artworks are in suitable condition, every effort should be made to ensure that the Artwork remains in the public domain. As a result, sale at Fair Market Value to or exchange with another public institution that can provide the highest degree of care for and make the most appropriate use of the Artwork will be the first course of action pursued. The University will do its utmost to ensure that a



deaccessioned Artwork which is significant to Canadian cultural heritage is retained in Canada.

32.00 If disposal is by outright sale, sale by public auction is preferable.

33.00 Artwork can be intentionally destroyed if it is determined:

- a) To be inauthentic, such as a forgery or reproduction, and of no archival or documentary value; or
- b) To substantially lack physical integrity to the point that it cannot reasonably be preserved.

34.00 Where disposal involves the transfer of ownership, appropriate legal documents shall be obtained.

#### Use of Deaccession Proceeds

35.00 All proceeds realized from disposal will be credited to Legacy for purchase of Artwork or use for conservation of Artwork in the Permanent Collection.

36.00 If the funds for an Acquisition come from the disposal of a donation, and if it is appropriate, the name of the donor should be attached to the Artwork so acquired.

#### Repatriation

37.00 With regard to questions concerning legitimate title or discovery that an Artwork is stolen, legal counsel will be sought.

38.00 In order avoid the future need to repatriate Artwork in the Permanent Collection Legacy will:

- a) Maintain research of origins and titles of artworks;
- b) Maintain knowledge of up-to-date information on international and national inventories of lost and stolen Artwork;
- c) Refuse cultural objects from any occupied country;
- d) Maintain complete documentation related to repatriation or questions about legal ownership of Artworks in the Permanent Collection.

#### Care of collections

39.00 Legacy will uphold museum standards of care for Artworks involving the following fundamental elements:

- a) Security (e.g. protection against theft, vandalism, fire, flood and other disasters);
- b) Environmental controls (e.g. temperature, relative humidity, intensity and quality of lighting, and airborne contaminants);
- c) Appropriate methods and conditions for handling and storing Artworks that are in line with indefinite preservation.

- 40.00 It is the responsibility of the director to ensure that professional standards are met in the methods and conditions under which the following activities occur:
- a) Display and providing study access to Artwork;
  - b) Installation and de-installation of Artwork in exhibitions;
  - c) Exhibition lighting;
  - d) Matting and framing of Artwork;
  - e) Transportation of Artwork on or off campus;
  - f) Storage of Artwork.
- 41.00 Artwork on loan to Legacy will be subject to the same standard of care as Artwork in Legacy's Permanent Collection.
- 42.00 Artwork certified as Cultural Property through CCPERB shall only be stored or displayed in facilities granted Category A status through the CCPERB designation process.
- 43.00 All permanent members of Legacy staff will have the appropriate level of training for handling Artwork and any temporary employees involved with handling Artwork will be trained by Legacy staff to the appropriate level for the safe handling of Artwork.
- 44.00 The director is responsible for initiating any conservation action on an Artwork. Such work will not be undertaken without consultation with a member of Legacy staff.
- 45.00 The director will work with the office of the VP Finance and Operations to ensure that the Artwork is appropriately insured.
- Loans: Temporary Loans (Out)
- 46.00 Official requests for loans must be made in writing to the director whose final authority it is to approve or deny the loan based on borrower's ability to meet standards of care.
- 47.00 Borrowers must sign a loan agreement prepared by Legacy staff and assume all costs related to loans including packing, crating, shipping, insurance, customs fees, conservation and other necessary costs as agreed to between the borrower and Legacy.
- 48.00 Loans of Artwork outside of the University will only be made to public institutions that can insure that professional standards of care will be met.
- 49.00 Only institutions designated as Category A by the Movable Cultural Property Program through the Department of Canadian Heritage shall borrow Artwork certified by CCPERB as cultural property from the Legacy's Permanent Collection.
- 50.00 Legacy staff will ensure that all Artwork selected for loan is in sound condition, fully documented, and capable of the required transport.

- 51.00 Loans from the Permanent Collection to other institutions are considered for the following reasons:
- a) As part of a traveling exhibit prepared by Legacy or partner for public display;
  - b) As part of an exhibition or project, which is deemed by Legacy director to hold curatorial research and interpretation as a priority.
- 52.00 Any damage or change in condition of loans will be reported to Legacy staff as soon as possible.
- 53.00 No conservation work, framing or unframing will be undertaken by the borrower without written authorization from Legacy director.
- 54.00 Loans will be secured for a period not exceeding one year, with the possibility for renewal.

Loans: On Campus

- 55.00 Before loans are approved for campus locations, the director and/or Legacy staff will assess the appropriateness of the location for the Artwork as per the criteria set out in the *Art on Campus Guidelines* with regard to light levels, quality of light, environmental conditions and security and the ability for Legacy staff to be able to adequately care for the Artwork while on loan.
- 56.00 Handling fees will be charged for Artwork on loan as agreed upon by borrower and Legacy.
- 57.00 Loan Agreements prepared by Legacy staff shall be signed by the borrower prior to installation of Artwork.
- 58.00 Loan agreements shall be reviewed annually with possibility of renewal, however Legacy reserves the right to recall a loan at any time if conditions of display are deemed to be of risk to the Artwork or if Artwork is required for one Legacy's exhibitions or research projects.

Loans: (In)

- 59.00 Loans to Legacy are considered if the Artwork is deemed by the director to be useful for in-house or traveling exhibitions or research.
- 60.00 Loans receive appropriate levels of documentation and are accompanied by signed agreements defining the time frame of the loan, agreed upon costs, the use of the objects and their images, reproduction rights, insurance coverage and all other terms and conditions of the loan including shipping and handling conditions and requirements.
- 61.00 Conservation, restoration, or other treatment of loans may be carried out only with the expressed written authorization from the lender.

Long-term Loans: (In)

62.00 All Artwork on loan to Legacy except for exhibition or short-term research purposes shall come before the Committee for ratification. These Artworks are considered Long-term loans.

63.00 Long-term loans must meet the following criteria:

- a) Fall within the collecting parameters of Legacy;
- b) Not cause any resource hardship to Legacy and its operations in terms of budget, storage or human resources;
- c) Legacy must have the ability to display or store the loaned Artwork meeting standards of care outlined above;
- d) Legacy shall have permission to use the Artwork on Long-term loan as if they were in the collection.

64.00 The owner of the Artwork on Long-term loan shall pay costs of storage and insurance as determined by Legacy staff, unless waived by the agreement of the Committee.

65.00 All Long-term loan agreements shall be reviewed annually.

Access to the Collection

66.00 Access to Artwork in the collection shall be achieved through a combination of museum practice and collaboration and cooperation with internal and external researchers, organizations and institutions.

67.00 Whenever practical or possible Legacy will arrange special consultation with the Artwork, and will make accessible associated documentation, and will support and encourage loans or the publication of current research related to the Artwork.

68.00 The safety of Artwork will take priority over access when it is not reasonable within the resources and facilities of Legacy to provide access.

Records

69.00 Legacy will maintain a comprehensive system of records that includes but is not limited to the following:

- a) Documentation pertaining to the provenance and legal title of an Artwork;
- b) All correspondence, documents, and other materials pertaining to an accessioned object;
- c) Accession and cataloguing data;
- d) Photographic documentation;
- e) Condition and conservation history;
- f) Current and former locations including loan records; and
- g) Deaccessioning information.

- 70.00 Confidential aspects of the records (such as, but not limited to, donor information and insurance values) will be kept confidential and separate from aspects of records shared with researchers following the University [Records Management Policy and Procedures \(IM7700\)](#).
- 71.00 Working with the University's office of VP Finance and Operations, Legacy will maintain insurance records for the Permanent Collection.

## APPENDIX A

### Terms of Reference for Art Collections Committee

- 1.00 The Committee shall:
  - a) Make decisions for Acquisitions and Deaccessioning for the University of Victoria Legacy Art Galleries Permanent Collection according to the [Policy](#) and [Procedures for Art Collections](#).
  - b) Make recommendations for updates to [Policy](#) and [Procedures for Art Collections](#).

#### Procedures of the Committee

- 2.00 Meetings will be held as necessary and shall be called by the director. Normally the director will call a minimum of two meetings per year.
- 3.00 The director and/or curator are responsible for the search, identification, and recommendation of Artwork for Acquisition and Deaccessioning that are brought before the Committee.
- 4.00 Prior to each meeting, an agenda will be circulated to all members listing the Artworks for consideration by the Committee, plus any relevant information and images if required.
- 5.00 At the meeting, the director and/or curator will outline the rationale for accepting or rejecting each proposal, addressing all of the criteria outlined in [Procedures for Art Collections](#).
- 6.00 The Committee will make their decisions for Acquisition and Deaccessioning based on the criteria outlined in the [Procedures for Art Collections](#).
- 7.00 Decisions to accept or reject each proposal are based on a majority vote.
- 8.00 In extraordinary circumstances where the Committee cannot convene, voting on Artwork proposed for Acquisition by the Committee may happen electronically or via a telephone poll conducted by the director.
- 9.00 All discussions and decisions of the Committee are confidential, including but not limited to issues of ownership and value.
- 10.00 In addition to compliance with the University's [Conflict of Interest and Confidentiality Policy \(GV0210\)](#), members of the Committee shall also comply with practices specific to issues related to Artwork and art museum practices:

- 10.01 No Artwork created by a Legacy staff member or a Committee member or his/her immediate family shall be acquired by Legacy, whether by purchase or donation, while that member is serving on the Committee.
- 10.02 Any Committee member wishing to donate Artwork that they own but have not created, or who may have direct or indirect pecuniary or professional interest in such artwork, must disclose this information to the Committee chair prior to any discussion of the donation of the artwork. If the proposal is presented to the Committee for consideration, that member must absent him/herself from the meeting during discussion of the artwork and refrain from voting, or trying to influence the voting.
- 10.03 Private collection of Artwork by the director, members of Legacy staff involved with Legacy's own collecting program, and Committee members is entirely appropriate. However, no private collecting that conflicts in any way with the collecting interests of Legacy may be permitted by these parties.
- 10.04 No member of the Committee or Legacy staff may compete with Legacy for acquisition of Artwork. Should a conflict of interest develop between the needs of the individual and Legacy, the interests of Legacy shall prevail.
- 10.05 The director and Legacy staff shall not deal in Artwork for personal profit, gain or other advantage.
- 10.06 The director and Legacy staff members on the Committee cannot accept gifts of Artwork from artists or their agents.

**Quorum**

- 11.00 The quorum for meetings of the Committee is three voting members.

**Appointment**

- 12.00 Appointment to the Committee shall be made by the Vice-President External Relations upon the recommendation of the Director of Legacy.

**Term**

- 13.00 The term of office shall normally be three years, renewable for up to two additional terms. The tenure of membership will overlap to ensure continuity.

## **Composition**

14.00 The Committee shall be composed of the following members:

- Vice-President External Relations or designated senior administrator (Chair)
- Community member with a demonstrated interest in art
- History in Art faculty member
- Visual Art faculty member
- Faculty member from another department
- Development office representative
- Library, archives or special collections representative
- Director, Legacy, ex officio (non-voting)
- Curator, Legacy, ex officio (non-voting)
- Legacy staff member (secretary)