

# MANUAL OF PROCEDURE

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<b>PROCEDURE NUMBER:</b>	1047	<b>PAGE</b> 1 of 10
<b>PROCEDURE TITLE:</b>	Miami Dade College Acquisitions & Collections Management - Museum of Art and Design Permanent Art Collection and College Campus Art Collections	
<b>STATUTORY REFERENCE:</b>	FLORIDA STATUTES 1001.64 AND 1001.65	
<b>BASED ON POLICY:</b>	V-40, Miami Dade College Art in Public Places	
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## **I. PURPOSE and MISSION**

Miami Dade College (“College” or “MDC”) Museum of Art and Design (MOAD) manages a diverse collection of art and works of cultural significance, both contemporary and historical, that allows for exhibitions, teaching and research opportunities, and fosters discussions that are relevant to the critical issues of our time. It encourages interdisciplinary exploration at an intersection of art, ideas, and experience. MOAD strengthens, supports and contributes to the academic research and teaching of Miami Dade College.

As a support of the College, the professional staff of MOAD is directly responsible for the care, research, and preservation of the Museum of Art and Design (MOAD) Permanent Art Collection, the Kislak Collection, Cuban Exile Archives, as well as selections from Campus Collections. MOAD also provides guidance for the care and use of the Campus Art Collections and Public Art, and maintains physical and electronic records for these objects.

The Museum’s mission is to encourage the appreciation and understanding of visual aesthetics through direct engagement with original works of art and design, and serves as a catalyst for the cultivation of creative dialog and diverse perspectives through the arts. While building and preserving its collections in trust for future generations, the Museum is an accessible educational resource for the students, faculty and staff of the College, as well as the greater South Florida community.

The Museum’s Permanent Art Collection is essential to the mission of the Museum, and, for this reason, its integrity and development are a fundamental responsibility of the Museum staff, the Museum Board of Advisors (“Board”) and the College District Board of Trustees. The Museum and Board must be united in their commitment to the institution’s mission. The Board recommends policies that govern the Museum’s operations. These policies should be a reflection of the goals established in the Museum’s mission statement.

This procedure will define the process of decision-making and the guidelines to be followed for the acquisition, accession and long-term care of works of art for the Museum's Permanent Art Collection and the Campus Collections. This procedure should be read in conjunction with the MOAD *Deaccession Procedures*.

This procedure is guided by:

1. The American Alliance of Museums (AAM), "Code of Ethics for Museum," 2000 and "Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era," 2001.
2. The Association of Art Museum Directors (AAMD), "Report on the AAMD Task Force on the Spoliation of Art during the Nazi / World War II Era (1933-1945)," 1998, "Professional Practices in Art Museums," 2011 and Association of Art Museum Directors University / College Museums "Art on Campus" Guidelines, July, 2009.
3. The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 (accepted by the United States in 1983).
4. Native American Graves Protection and Repatriation Act (NAGPRA), 2015.
5. Florida Statutes 265.565, 212.08(7)cc, 2021.

## II. PROCEDURE

### A. Scope of Collection

The collections managed and maintained by MOAD are comprised of MOAD Permanent Art Collection, The Kislak Collection, and Cuban Exile Archives. MOAD stores artwork and maintains records for Campus Collections, and also maintains records for Public Art.

1. Permanent Art Collection or Permanent Collection: works in this collection fit within the Museum's mission statement and main Accession Plan. The term "Accession" indicates that an artwork obtained by the Museum formally enters its collection. Accessioned artworks are primarily of the highest artistic, aesthetic and historical value to the College. These are works created by artists of great significance thereby enhancing or strengthening the Museum's collection. Artworks may be acquired by donation, purchase, bequest or transfer. New works acquired for this collection shall be submitted to the Board of Advisors for approval as Accessioned artworks. The Accession of artworks into the Permanent Art Collection designates that the artwork is under the direct, physical care of the Museum and its staff, to be exhibited at the Museum's location, or to be loaned to other similar institutions that are able to care for the objects according to American Alliance of Museums standards and best practices dependent upon the condition of the artwork and the safety and security of the location, to be determined on a case-by-case basis. These artworks are subject to recall for condition issues or in support of Museum programming needs. The borrowing party will bear responsibility for all costs related to borrowing artworks, which may include framing, mounting, packing, transit, installation, preservation or conservation by industry professionals as recommended by museum collection manager.

2. Jay I. Kislak Collection: consisting of more than 260 exemplary artifacts and historical objects, this collection is considered as MOAD Special Collections, held within the care and custody of MOAD. These objects receive the same level of stewardship and care as MOAD's Permanent Collection. These objects are extremely rare and fragile. Without exception, materials in this collection that may be eligible for loan may only be borrowed by other entities holding Kislak Collection objects, including University of Miami Richter Library and Lowe Art Museum, University of Pennsylvania, and Library of Congress, or other similar institutions after careful consideration.
3. Cuban Exile Archives: this nascent and growing archive includes documents and ephemera that shall be maintained as digital records, managed by MOAD. Further procedures for the management of this archive may be modified as the collection develops.
4. College Campus Art Collections or Campus Collections: these artworks may be acquired by donation, purchase, bequest or transfer. Selected artworks within this category may be used as campus loans or to support the College's overall educational mission. New works acquired shall be submitted to the Board of Advisors for approval as "Registered" Campus Collection artworks and may be stored with MOAD until they are requested for use. In certain instances, campuses may acquire new artworks through their respective President or appointed staff person for a specific campus. They may wish to have the work remain solely as a part of that campuses' collection. While documentation associated with the artwork shall be fully archived by the MGAD Registration Department, the direct and physical care of the works, and related costs, shall remain with the respective campuses. These may include framing mounting, packing, transit, installation, and preservation. When campus collection artworks are requested for campus loan, MOAD will provide guidance and recommendations for vendors

## B. Provenance

The Museum and the Campuses will not purchase or accept as a gift, bequest or loan any work of art it knows or has good reason to believe is of questionable provenance or was stolen or sold under duress. In acquiring works of art for its Permanent Art Collection and in borrowing works for exhibitions, the Museum shall consider international, federal and local laws, as well as guidelines placed in effect by the American Alliance of Museums (AAM) and the American Association of Museum Directors (AAMD). The Curator, Executive Director, Campus President, or appointed person recommending an acquisition or loan must consider the work's provenance and make all reasonable inquiries to determine (a) that the Museum / Campus can obtain clear title if a purchase or gift is contemplated or (b) that a proposed lender has clear title at the time the loan is made. It is under the Museum's / Campus's due diligence that all objects should be researched and recorded to the fullest extent possible.

## C. Code of Ethics

The administration of an art museum requires connoisseurship, discernment, and knowledge in dealing with works of art. To that end,

1. The College is committed to the reasonable acquisition, whether by purchase, gift, bequest or exchange, of artworks.
2. The College is committed to the principle that acquisitions be made according to the highest standards of ethical and professional practice, in accordance with applicable laws, ethics codes and museum policies.
3. The College is further committed to the exercise of due diligence in the acquisition. process, in particular in the research of proposed acquisitions, transparency in the policy applicable to acquisitions generally, and full and prompt disclosure following acquisition.

MOAD staff and MDC employees must avoid acquiring stolen, illegally imported, or improperly collected works.

1. MOAD, in keeping with AAM guidelines, along with others in the international community, including source countries, recognizes the date of the UNESCO Convention, November 17, 1970 (accepted by the United States in 1983), as providing the most pertinent threshold for the application of more rigorous standards to the acquisition of archaeological materials and ancient art as well as for the development of a unified set of expectations for museums, sellers and donors.

2. The ethics and guidelines outlined are equally applicable to objects with Nazi-era provenance. MGAD shall follow AAM's General Principles on objects appropriated during the Nazi-era by defining objects with Nazi-era provenance as: "objects that may have been unlawfully appropriated during the Nazi era (1933-1945) as a result of actions in furtherance of the Holocaust or that were taken by the Nazis or their collaborators. For the purposes of these guidelines, objects that were acquired through theft, confiscation, coercive transfer, or other methods of wrongful expropriation may be considered to have been unlawfully appropriated, depending on the specific circumstances.
3. MOAD and the College will comply with NAGPRA, and AAMD guidelines for the acquisitions, care, use, and repatriation of sacred objects of native people of North America.

MDC employees and MOAD staff may not accept on behalf of MDC, unsolicited objects for acquisition consideration into of the Permanent Collection or Campus Collections without proper procedure. All MDC employees will act in a responsible way and will not participate in illegal, unethical or irresponsible traffic in works of art. Employees of MOAD and those officers of the College, in direct supervision of the employees of MOAD must not in fact or appearance, be in conflict of interest with the purposes and activities of MOAD, including all activities related to collections.

When a gift of artwork is given for the Museum's Permanent Collection or Campus Collection, the gift is given for College use, not personal use and shall be used for College purposes only.

In the occurrence of a deaccession, College staff, faculty and administration, members of MOAD committees, College Board of Trustees, MOAD volunteers, interns or work-study students, or members of their immediate family, may not acquire objects that have been deaccessioned from the Permanent Collection. For Campus Collection objects, the afore mentioned may not receive special benefit.

#### D. Principle Guidelines and Qualifications

All acquisitions are subject to the guidelines below. MDC Employees may not accept artworks on behalf of the Permanent Collection or College Campus Collections without following these procedures:

1. All items must have free and clear title indicating that there is no outstanding lien, encumbrance, mortgage, security interest or other hypothecation of an interest in the item and there is no outstanding legal claim (pending or threatened), financial or otherwise, involving the item to be acquired.
2. Gifts of works of art are accepted on an unrestricted basis, unless previously agreed upon in writing. An "unrestricted gift" is a gift of art or material culture made to the Museum / Campus of a work(s) of art by a donor with no intention to govern the terms or conditions under which the work(s) is used or displayed at the Museum or College. Gifts offered, that are subject to conditions that are regarded as unreasonable or unduly onerous will not be accepted. As a general principle, gifts are acquired by the Museum / Campus as unrestricted. As part of the procedures for accepting works of art into the collection, the Museum / Campus it should be clearly indicated within the terms of the Deed of Gift that the works are offered and

- accepted as unrestricted gifts. To the extent feasible, all acquisitions shall include the transfer of all intellectual property rights, including but not limited to copyright. This enables the Museum / Campus to publish images in electronic media and in hard copy, and license reproductions for educational purposes within the scope of Fair Use Law, as outlined in *AAMD Guidelines for the Use of Copyrighted Materials and Works of Art by Art Museums*.
3. To qualify for *accession* into the Permanent Collection, a work of art must be of outstanding artistic quality as well as aesthetic or historical significance, and must enhance the Museum's Collection. To qualify for *registration* into the Campus Collection, a work of art must be of high artistic, historical, or aesthetic merit. The works must have an educational value that is related to, and serves the respective campus community.
  4. The physical condition and appropriateness for display of a work must be taken into consideration.
  5. The ability of the Museum or Campus to properly store and care for a work of art, long term, must be taken into consideration.
  6. For acquisition made by purchase, the Museum / Campus should establish that the purchase price for a work of art compares favorably with the current market values for comparable objects. A purchase agreement should be signed by both parties. The purchase agreement, invoice and any documentation of the transfer must be retained by MOAD.
  7. MOAD does not accept donations of works of art for the purpose of resale.
  8. The Museum/ Campus shall require sellers, donors, and their representatives to provide all information of which they have knowledge and documentation that they possess, related to the work being offered to the Museum /Campus, as well as appropriate warranties regarding the origins and provenance of a work of art offered for acquisition into the Permanent Collection or Campus Collection as evidence of legal title and legal transfer.
  9. The collections of the Museum may be refined periodically through careful deaccessioning, a process governed by the Deaccession Policy. Depending upon the purpose of the deaccession, disposal may be implemented as a transfer to a study collection, transfer to another museum, destruction of the work, or as a publicly auctioned item. Private sales are not permitted. Funds derived from the sale of deaccessioned works must be used to purchase other works or for direct care of the collection

#### E. Procedures for Museum Accession

1. Artwork considered for Accession into the Permanent Collection shall be previewed by the MOAD Curator and Executive Director, followed by review of the Acquisitions & Collections Advisory Committee (ACAC). The Curator identifies the object by photograph or by physical observation. The Curator outlines the reasons why the proposed work is desirable for the Museum, explaining the work's historical importance, its relation to other works by the same or related artists already in the collection, and its particular contribution to the Museum's Collection and mission in the broadest sense.
2. When an artwork be physically brought in for acquisition consideration, it shall be recorded as

a temporary deposit by MOAD Registration Department and assigned a temporary deposit number. An Incoming Receipt of Delivery (including statement of purpose) shall be given to the owner acknowledging receipt and indicating insurance responsibility by the Museum. The Curator shall review with the MOAD Registrar to determine the condition of the object as well as feasibility of long-term care, use, and storage. A condition report will be produced by the Registrar to be presented during the ACAC meeting.

3. In the case where an artwork is acquired in the absence of the Committee meeting, the work must be reported at the next meeting.
4. The ACAC advises the MOAD Director and assists with strategies for enhancing, refining, and managing the Museum's Permanent Collection.
  - a. The ACAC, as decided by the Board of Advisors, shall consist of up to eight voting members and shall include at least one member of MDC Faculty, one MDC alumni member, and one external member. Along with the Executive Director, and Curator, and one member of Board of Advisors. The Registrar is present as a non-voting member.
  - b. A majority vote of the voting committee members present and constituting a quorum is required to recommend accession or acquisition of any work.
  - c. The Executive Director makes final recommendations for acquisitions and deaccessions to the Museum Board, which has final approval authority. In the event that consensus is not reached by the ACAC and the Executive Director recommends the acquisition of works of art with opposing recommendations to the Board, the opposing views will be noted in the Director's report.
  - d. The Registration Department shall prepare the list of potential acquisitions that will be included in the Board's periodic meeting agendas. Each acquisition listing will indicate that the Curator in charge of that acquisition, and the Executive Director, with the advice of the ACAC, support the recommendation (or support the deaccession). Opposing views shall be noted. The final resulting vote shall be recorded in the Board of Advisors minutes. The minutes of the Board and the Museum's Annual Report are the formal records of all gifts, purchases, and bequests. A copy of these documents shall be included within the object file.

5. Following donation approval, each donor shall be notified in writing of the acceptance of his or her gift by the Executive Director's office. A Deed of Gift signed by the Executive Director shall be sent with the acceptance letter for the donor to fully execute by countersignature. The Deed must clearly indicate the unrestricted status of the gift and transfer title of the artwork to the Museum.
6. For purchases, both the Museum's Executive Director and the seller will sign a purchase agreement. The Executive Director shall forward the invoice to the College Business Affairs Division for payment. A copy of the invoice and the executed purchase agreement is forwarded to the Registration Department for filing.
7. The Registration Department shall initiate the return of items brought in for gift, purchase or bequest consideration not accepted into the collection along with a formal letter of decline.
8. Executive Director of MDC Foundation has the authority to complete and sign Part IV, Donee Acknowledgement of the IRS 8283 form for gifts, acknowledging the date of receipt of the donation property, institution name, and address as well as the College employer identification number. In keeping with IRS regulations, the Museum's staff may not provide appraisals of donated property for the donor's purposes. Any valuations recorded on incoming receipts or in Museum files shall be used for the Museum's informational and internal insurance purposes only. Donors shall be responsible for obtaining independent appraisals for determining the appraised fair market value of the artwork and the amount claimed as a deduction and for other tax purposes.
9. Artworks accessioned into the Permanent Collection shall be given a formal accession number in accordance with AAM standards. The numeric system shall be established by the MOAD Registrar (e.g., MDC PC 2021.6). The artwork, donor, and provenance information will be entered into the database and an accession report will be created including current condition and object location.

#### F. Procedures for Campus Acquisitions

1. Should an artwork be brought in physically, the owner or agent shall be given the MOAD Registration Department, Incoming Receipt of Delivery form (including statement of purpose), acknowledging receipt and indicating insurance responsibility by the College.
2. The Campus President or designee shall make final recommendations (or approval as necessary), for Campus Collection acquisitions to the MOAD Executive Director, in accordance with the Acquisition Management Policy.
3. Following approval of an artwork into the Campus Collection, all documentation shall be forwarded to MOAD Registration Department for filing including all pertinent correspondence, full artist / artwork information, maintenance plan, accompanying import and export documentation, etc. For purchases, the Campus President or designee shall forward the invoice to the Business Affairs Division for payment. A copy of the invoice is forwarded to the Registration Department to include in filing.



4. It is the obligation of the respective campuses to install acquired artworks, including indoor / outdoor sculptures, for their collections.
5. Current and newly established Campus Collection artworks (including works for specific campus locations) shall be registered under a sequenced numbering system established by the Registration Department (e.g., MDC CC 2013.3). A condition report will be created including object location. Additionally, The College property control numbers shall be assigned through College Property Management.
6. Artworks within the Campus Collections (not including works for specific campus locations), but under the stewardship of the Museum, shall be available to the various campuses on loan. An inter-campus loan form (available directly through the Registration Department) shall be completed by MOAD registrar and signed by Campus President or designee.

#### G. Collection Care

Long-term preservation is the essential role of proper collection stewardship. This includes wide-ranging strategies for the care of objects, including conservation treatment by an appropriate professional specialist when necessary.

1. The Museum and campuses shall provide a stable and appropriate climate for all objects in its collection, both those on public view or in storage. Both collections should also be protected from pests, excessive light, heat, humidity, and dust.
2. The Museum and campuses shall maintain appropriate security and fire detection systems and have a written disaster plan that includes the removal or relocation of artworks in the instance of an impending emergency.
3. The Museum and campuses shall maintain standards of handling and installation of art to preserve both collections respectively.
4. In all instances, Campus Collection artworks on loan should not be placed or relocated, within campus locations for any reason, even during renovation projects, without the prior notification and approval from MOAD.
5. Any damage to a loaned work of art (within campus offices or on public display), theft or change in its condition, must be reported immediately (within 24 hours) to Public Safety and the Museum's Registration Department. An Incident Report should be filed with Public Safety with a copy sent to the Registration Department. In the event of theft, vandalism, damage or deterioration of artwork, whether intentional or through negligence, the borrowing department may be responsible for its replacement or repair.
6. Objects from MOAD's Permanent Collection shall be restricted from campus loan. MOAD requires that all remaining Permanent Collection artworks currently on campus loan are subject to inventory controls and condition reports by MOAD's Registration Department. If the Registrar determines and informs the Executive Director that a work is in danger or has been damaged, the work shall be immediately recalled to the Museum for further assessment and any necessary treatment. Artworks may also be recalled for exhibition or other programmatic reasons by MOAD.

## H. Records

In order to maintain physical and intellectual control over its collection, the Museum must be diligent in creating and maintaining legible and comprehensive documentation of all artworks within the collection. The Museum will maintain accurate, up-to-date records on the identification, location and condition of all objects in the Museum Permanent Collection and the Campus Collections. Records of deaccessioned works, as well as ongoing activities such as exhibitions, loans, and research and correspondence with donors, artists and scholars will be maintained as well. These records will be kept in an organized, coherent filing system as well as in a collections management database system.

1. In particular, Collection Records should include at a minimum:
  - a. The unique identifying collection number for each artwork.
  - b. A full description of the work, including name of artist, title of artwork, medium and dimensions and a picture or photo
  - c. Records of acquisition, deaccession, loan and exhibition of the artwork.
  - d. Current location of the artwork.
  - e. A copy of the documents conveying the work to or from the Museum or Campus such as incoming/outgoing receipts, purchase agreements and invoices, deeds of gift, shipping documents.
2. The Museum shall maintain files that include the object's Permanent Collection number, Campus Collection number, or temporary loan numbers, exact credit line at time of acquisition, activity and history of the object within the Museum or Campuses, loan and exhibition history, correspondence, and routine inventory / condition report of the object.
3. All records created or received in the transaction of the Museum's proper business are the property of the College and Museum and must not be dispersed or destroyed except in accordance with its record retention policy. Routinely, the Museum will review inactive records and will, as appropriate, transfer those of continuing interest to the Archives, maintain them for reference to use elsewhere in the Museum, or discard them in accordance with Museum policy. Collection records shall be maintained by MOAD in perpetuity.
4. The Museum's Permanent Collections and Campus Collections must be inventoried under the supervision of the Registration Department, and the resulting inventories must be maintained, corrected, and updated on an ongoing basis.

I. Archives


The archives document the origin, development, and achievements of MOAD. The archives will collect, preserve, and make accessible records of enduring value and will coordinate a records management program for the orderly disposition of the ongoing records of MOAD. The archives collect records, including personal papers, oral histories and digital recordings relevant to the MOAD’s history.

J. Review/Revision

The Miami Dade College Acquisitions and Collections Management Policy shall be reviewed every five years or sooner, as necessary, in response to revisions that comply with professional association guidelines and the law.

**Resource Materials:**

Miami Dade College Manual of Procedure (Procedure #5007, October 2006); the American Alliance of Museums (AAM); the American Association of Museum Directors (AAMD); the Walters Art Museum Acquisitions and Accessions Policy (December 2011); the Museum of Modern Art Collections Management Policy (October 2010); The University of Manchester The Manchester Museum Documentation Policy (June 2004), The Patricia and Phillip Frost Art Museum Collection Management Policy 2015)

	02/12/2024
<b>PRESIDENT</b>	<b>DATE</b>