

# MANUAL OF PROCEDURE

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**PROCEDURE NUMBER:** 1047

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**PROCEDURE TITLE:** Miami Dade College Acquisitions & Collections Management - Museum of Art + Design Permanent Art Collection and College Campus Art Collections

**STATUTORY REFERENCE:** FLORIDA STATUTES 1001.64 AND 1001.65

**BASED ON POLICY:** V-40, Miami Dade College Art in Public Places

**EFFECTIVE DATE:** October 28, 2015

**LAST REVISION DATE:** N/A

**LAST REVIEW DATE:** N/A

## **I. PURPOSE and MISSION**

Miami Dade College (“College” or “MDC”) Museum and Galleries of Art + Design (MGAD) 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. MGAD strengthens, supports and contributes to the academic research and teaching of Miami Dade College.

As a support of the College, the professional staff of MGAD is directly responsible for the care, research, and preservation of the Museum of Art + Design (MOAD) Permanent Art Collection and selections from the College Campus Art Collections.

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.

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.

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).

## **II. PROCEDURE**

### **A. Scope of Collection**

The collections maintained by MGAD are comprised of MOAD Permanent Art Collection and the College Campus Art Collections.

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 asset 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, in rotation, at the Museum's location within the Freedom Tower. However, selected Permanent Collection artworks may be available to be displayed throughout the various campuses on loan. In addition, special consideration shall be given to Campus Presidents and their offices in regards to the display / loan of higher level artworks from the Permanent Art Collection.
2. College Campus Art Collections or Campus Collections: works in these collections fit within the MGAD and Campus's statement of purpose. They may be acquired by donation, purchase, bequest or transfer. Selected artworks within this category are designated for display (as campus loans) in public spaces (including campus offices and hallways) as part of 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 are rotated throughout the MDC Campuses. In certain instances, campuses may acquire new artworks through their respective President or appointed staff person for a specific campus

location. They may wish to have the work remain solely as a part of that campus' collection. While documentation associated with the artwork shall be fully archived by the MGAD Registration Department, the direct and physical care of the works shall remain with the respective campuses.

## 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 and, whenever possible, follow guidelines placed in effect from time to time by the American Alliance of Museums (AAM) and the American Association of Museum Directors (AAMD). The Curator, 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.

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

1. MGAD 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.

MDC employees and MGAD 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 MGAD and those officers of the College, in direct supervision of the employees of MGAD must not in fact or appearance, be in conflict of interest with the purposes and activities of MGAD, 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. It is possible that a College employee may have a private relationship with an artist or donor and that artist or donor may wish to give a gift of the artwork to the College staff member. The acceptance of such gift shall be subject to state law or College policies and procedures.

In the occurrence of a deaccession, College staff, members of MGAD committees, College Board of trustees, MGAD volunteers, interns or work-study students, or members of their immediate family, may not receive a special benefit to acquire objects that have been deaccessioned from the Permanent Collection or Campus Collections.

#### 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 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 asks donors to complete a Deed of Gift indicating that the works are offered and accepted as unrestricted gifts.

3. 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 on the web and in hard copy, and license reproduction for commercial and educational purposes.
4. To qualify for *accession* into the Permanent Collection, a work of art must be of outstanding artistic quality and / 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 quality and / or historical significance. The works must also have an educational value that is related to and / or serves the respective campus community.
5. To qualify for *accession* into the Permanent Collection, a work of art must be of outstanding artistic quality and / 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 quality and / or historical significance. The works must also have an educational value that is related to and / or serves the respective campus community.
6. The physical condition and appropriateness for display of a work must be taken into consideration.
7. The ability of the Museum or Campus to properly store and care for a work of art, long term, must be taken into consideration.
8. 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.
9. Under certain circumstances, works of art deemed inappropriate for accession into the Permanent Collection may be accepted and *registered* as gifts for study purposes or public display on campuses or as non-accessioned unrestricted gifts that may be sold at a later date utilizing the deaccession process. The MGAD Registration Department shall maintain documents on these works.
10. 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. This is to insure that no laws have been violated.
11. 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. This is to insure that no laws have been violated.

## E. Procedures for Museum Accession

1. Artwork considered for Accession into the Permanent Collection shall be previewed by the MGAD Curator followed by review of the Acquisitions & Collections Advisory Committee (ACAC). The Curator identifies the object by photograph or by physical observation. The Curator should outline 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. Should an artwork be physically brought in for acquisition consideration, it shall be recorded as a pre-accession by the MGAD Registration Department and assigned an incoming temporary loan 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 MGAD Registrar potential issues related to the object such as necessary conservation treatment, storage, and /or display requirements, and potential associated costs of maintaining the object. A condition report will be conducted 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 MGAD Director and assists with enhancing and refining strategies for managing the Museum's Permanent Collection including accessions and collection deaccessioning.
  - a. The ACAC, as decided by the Board of Advisors, may consist up to 8 voting members and includes: Curator / Executive Director, Associate Curator, one member of Board of Advisors, one current member of MDC faculty, one MDC alumni member and one external member. 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) and opposing views shall be noted. The final resulting vote shall be recorded in the Board 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's countersigned signature. The Deed must clearly indicate the unrestricted status of the gift and transfer title to the artwork to the Museum.
6. For purchases, the Executive Director shall forward the invoice to the College Business Affairs Division for payment. A copy of the invoice 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. The Registration Department 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. 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 MGAD Registrar (e.g., MDC-PAC 2012.3). An accession report will be created including current condition and object location.

#### F. Procedures for Campus Acquisitions

1. 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 MGAD Registrar (e.g., MDC-PAC 2012.3). An accession report will be created including current condition and object location.
2. Should an artwork be brought in physically, the owner or agent shall be given the MGAD Registration Department, Incoming Receipt of Delivery form (including statement of purpose), acknowledging receipt and indicating insurance responsibility by the College.
3. The Campus President or designee shall make final recommendations (or approval as necessary), for Campus Collection acquisitions to the MGAD Executive Director, in accordance with the Acquisition Management Policy.
4. Following approval of an artwork into the Campus Collection, all documentation shall be forwarded to the 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.

5. It is the obligation of the respective campuses to install acquired artworks, including indoor / outdoor sculptures, for their collections.
6. 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.
7. 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 receipt (available directly through the Registration Department) shall be signed by Campus President or designee.

#### G. Collection Care

Routine conservation is essential to the stewardship of the Museum's Permanent Collection and the Campus Collections. The Board of Advisors and MGAD Staff are charged with the long term preservation of the collection through necessary restoration and development of wide-ranging preventative strategies.

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 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 MGAD.
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. Fragile works, works on paper, works with conservation issues, or works of primary importance to the Museum's Collection shall be restricted from a campus loan program. Such works shall remain solely within the Permanent Collection. The Museum may wish to limit campus loans to objects of lesser value, infrequent use, lower environmental sensitivity, and to those peripheral to the Museum's artist programming and mission.



7. The Museum requires that all campus loans are subject to inventory controls by the Museum's Registration Department including periodic condition reports. If at any time the MGAD Registrar determines and informs the MGAD Director that a work on loan requires conservation or treatment or is in danger of damage from light, temperature, or humidity variations, the works shall be immediately recalled to the care of the Museum for further assessment.

## 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. Through its curators and registrars, 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 a digital database system) and will be archived on a regular basis.

1. In particular, Collection Records should include at a minimum:
  - a. A full description of the work, including name of artist, title of artwork, medium and dimensions and a picture or photo
  - b. A full description of the work, including name of artist, title of artwork, medium and dimensions and a picture or photo
  - c. The works current location
  - d. The terms and other material facts regarding the acquisition, deaccession or loan of the work
  - e. A copy of the documents conveying the work to or from the Museum or Campus (e.g. receipt of purchase or sale, deed of gift, transportation bill of lading, etc.)
2. The Museum shall maintain files that include the object's accession number (Permanent Collection), registration number (Campus Collection) 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.
4. The Museum's collection and Campus Collections must be inventoried under the supervision of the Registration Department, as well as periodically by Curators, and the resulting inventories must be maintained, corrected, and updated on a continual basis.

I. Archives

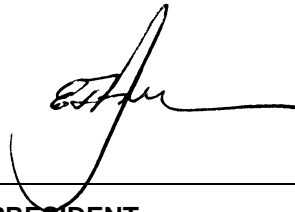
The archives document the origin, development, and achievements of MGAD. The archives will collect, preserve, and make accessible records of enduring value and will coordinate a records management program for the orderly disposition of the ongoing records of MGAD. The archives collect records, including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

J. Review/Revision

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

	
10/28/2015	
PRESIDENT	DATE