

## **Deaccession Policy 2020**

**Approved by Collections Committee September 22, 2020**

**Approved by Board of Trustees September 17, 2020**

### **III. Deaccessioning**

#### A. Statement of Purpose

In order to maintain growing collections in accordance with the goals and focus of the Collections Development Plan, and in accordance with the highest professional standards and ethics set out by the American Alliance of Museums (AAM) and the Association of Art Museum Directors (AAMD), it may be necessary, from time to time, to deaccession objects.

Recommendations for deaccessioning may be initiated by the Executive Director, Chief Curator, or appropriate curator, and must meet one or more of the following criteria.

#### **B. Criteria for Deaccessioning**

Objects in the Permanent Collection will be retained if they continue to be relevant and useful to the purposes and activities of the museum, and if they can be properly used and cared for, including stored, maintained, and preserved. Deaccessioning of objects may be considered when these conditions no longer prevail, or in the interest of upgrading the quality of the collections. An object may be considered for deaccessioning if:

1. The object does not or no longer supports the museum's collecting goals and focus; the object is being sold as part of the museum's effort to refine and improve its collections in keeping with the collecting goals reviewed and approved by the museum's Board of Trustees.
2. The object lacks historical and/or artistic merit; the object is of poor quality and lack value for exhibition or study purposes.
3. The object is irreparably damaged or has deteriorated to such a poor physical condition that it is not possible or practical to adequately conserve it or restoration would be so extensive that it would destroy the integrity of the object or would compromise the artist's intent.
4. The object requires care beyond the capacity of the museum, because of the work's particular requirements for storage, display or its continuing need for special treatment.
5. The authenticity, attribution, or genuineness of the object is determined to be false or fraudulent.
6. The object is redundant or is a duplicate of other works in the collection and/or has no value as part of a series.
7. The museum's possession of the object is determined to be not legitimate, i.e., the object may have been determined to be stolen or illegally exported or imported in violation of applicable state and/or federal laws.
8. The museum may deaccession objects for the purpose of repatriation in accordance with NAGPRA.
9. The object is missing from inventory for a minimum of 10 years.

#### C. Consensus and Process

1. Objects in the Permanent Collection will be deaccessioned only with the unequivocal recommendation of the Executive Director, the Chief Curator, and the Collections Committee. After the deaccession is approved by the Collections Committee at a scheduled meeting or a special meeting in accordance with the by-laws of the committee, objects for deaccession will be presented to the Board of Trustees for their formal approval at their next scheduled meeting.

2. The Executive Director or appointed staff will contact the donor and the artist, if living, of the work recommended for deaccession, in advance of presentation.

#### D. Process and Documentation of Deaccessions

The Registration/Collections Management Department will be responsible for keeping permanent records for each item deaccessioned. These shall include:

1. Original accession files and photographs/digital images.
2. Written recommendations for deaccessioning and any opinions sought from outside consultants or specialists.
3. Written notices of deaccessioning sent to donors and/or heirs.
4. Copies of the meeting minutes of the Collections Committee and Board of Trustees.
5. Method of disposal employed for each item including sale dates, sale prices, names and locations of museums or institutions to which an item is transferred and any special transaction conditions.

The manner of disposition of deaccessioned items will reflect the best interest of the museum, its donors, the public it serves, and the public trust it represents. Preference will be given to disposing of deaccessioned objects in public sales, but other methods may be selected after the advantages and yields of the different methods and the best interests of the museum have been fully examined. In appropriate instances, appraisals from outside sources will be sought and evaluated. Deaccessioned objects may be disposed of by means of:

- a. Public sale through an established auction house.
- b. Exchange for another object with artists, nonprofit public institutions, reputable dealers, or collectors. If the deaccessioned object is exchanged for another object, the general requirements and approvals for acquisitions must be followed as well as those for deaccessioning.
- c. Placing the object, through transfer or by gift, in another non-profit public institution.
- d. Objects repatriated in accordance with NAGPRA and transferred to the Federally recognized tribe.
- e. Private sale or consignment.

#### 2. Destruction

Subject to applicable laws, physical destruction of the object may be considered. The Director and/or Chief Curator, with input from outside advisors and/or specialists as requested by the Director and/or Chief Curator, may recommend destruction if the physical condition of a marginally significant item has deteriorated to such an extent that it has lost its art historical and/or artistic character. Such recommendations must be approved in writing by the Executive Director. Records and photographic evidence of destruction will be retained in the deaccession records.

#### 3. Fakes and Forgeries

The disposal of a deaccessioned object, which has been found to be falsely attributed or proved to be a fake or forgery, can be approved only after the object has been clearly marked and identified so as to prevent future misrepresentation. These objects may not be sold, exchanged or transferred except for educational or research purposes.

#### F. Use of Deaccession Funds

1. All proceeds realized from the sale of deaccessioned objects shall be used only for the purchase of other objects for the Permanent Collection. Such proceeds shall be maintained in a restricted account. Sale proceeds can be added to an acquisition endowment or used as spend down monies for acquisitions, based on approval of the Board of Trustees.
2. The credit line of the deaccessioned work is assigned to works acquired with deaccession proceeds, with the addition of the phrase “by exchange” i.e. Gift of Jane Smith, by exchange, 2019.
3. Restriction on Proceeds – Prohibition on Use for Operating or Capital Expenses. Deaccession Proceeds shall not, under any circumstances, be used for museum general operating expenses or capital improvements.

#### **AAMD Resolution—AMENDMENT TO POLICY—through April 10, 2022**

Notwithstanding any other provision of the Museum’s Collections Management policy, and in accordance with long-standing American museum practice, legal parameters and Museum ethical standards outlined by AAM and AAMD, during the **24 month interim measures** outlined in the April 10, 2020 COVID-19 Emergency Resolutions of the Association of Art Museum Directors (the “AAMD Resolutions”), income (not principal) of funds placed into a restricted endowment from the sale of deaccessioned artworks may also be used for the **“direct care of collection items” (“Direct Care”)** as outlined below. After April 10, 2022, in the absence of a renewal or extension of such AAMD Resolution, this Interim Policy for use of funds for Direct Care shall automatically expire.

#### **Definition of Direct Care of Collections.**

For purposes of this policy, and based on AAM guidelines, the expenditures for **“Direct Care”** refer to investments in the existing collections that enhance their life, usefulness or quality and thereby ensuring they will continue to benefit the public. Conservation and use of museum resources for Direct Care is essential to preserve the Museum’s collections for current and future generations. As such, Palm Springs Art Museum may use Deaccession Proceeds, as outlined by the AAMD Resolutions, for the following types of direct care activities and expenditures, in order to benefit the long term care of, and access to, the collections in furtherance of the Museum’s mission. Direct Care of the collection expenditures may include, but are not limited to:

- Costs associated with the maintenance, conservation, analysis, treatment, surveying, inventorying, documenting (including photography), storage, and collections information systems related to existing collection objects;
- Costs associated with materials and systems that benefit, or are required for, the direct care, conservation, maintenance, preservation, storage, safeguarding, photographing, documenting and condition reporting of collections;
- Costs associated with expert analysis, conservation, registration, maintenance, cataloguing, audio visual, imaging, framing, and documentation services for the collections;
- Salaries of registrars (including collection managers), conservators, or other staff experts engaged in the Direct Care of the collections as well as costs associated with fees for outside vendors and independent contractors providing such Direct Care services for the collections; and
- Other Direct Care expenditures identified or further clarified in writing from time to time by the “Direct Care Committee” consisting of the Executive Director, Chief Curator, and Chief Financial Officer (or their respective senior staff designees) and approved by the Collections Committee and Executive Committee.

4. Administration of Funds and Compliance with FASB Standards. Deaccession Proceeds used for art acquisitions are administered by the Executive Director, Chief Financial Officer, and the Chief Curator, with approval from the Collections Committee. The Museum’s Chief Financial Officer must confirm that any proposed use, including any expense for Direct

Care of collections, complies with this policy and the Financial Accounting Standards Board's (FASB) March 2019 amendment, or any subsequent governing amendments.

5. Direct Care Committee Approval Process and Annual Cap. Prior to the Museum expending any deaccessioned proceeds for any Direct Care expense under this policy, the Direct Care Committee shall recommend such expenditures, including both an itemized list of the expenditures together with a recommended fiscal year cap on such expenses in compliance with this policy and the applicable FASB standards, for final approval by the Executive Committee or the Board.

#### G. Restrictions on Disposition

1. Where conditions attached to an acquisition restrict its disposition, the museum will make every effort to comply with those restrictions, providing that they do not seriously compromise the goals and ethics of the Collection Management Policy. If conditions are not followed, the museum will make every effort to consult with the original owner.

2. Objects may not be acquired directly or indirectly by Museum Trustees, paid staff, museum volunteers, or their families or representatives.