

Albuquerque Museum

COLLECTIONS MANAGEMENT POLICY

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I. INTRODUCTION

The Collections Management Policy (the “Policy”) of the Albuquerque Museum (the “Museum”) reflects the Museum's mission to be a cornerstone of our community that cares for important collections of art and history, presented through well-curated exhibitions and programs that inspire and promote learning across cultures. In pursuit of this mission, the Museum seeks a high standard of excellence in the implementation of all aspects of this Policy that will guide the management of photo archives and the collections of significant historical objects and high quality works of art the Museum brings into the public domain.

The Museum’s History collection, Art collection, and Photo Archives (“collections”) reflect a broad range of collecting areas and, at the same time, an emphasis on acquiring relatively few, but excellent works of art (“works”), significant historical objects (“objects”), and photographs. The collection, recognized regionally for this combination of breadth and quality, will, by intent, remain comprehensive in scope (i.e., including art, photographs, and historical objects related to New Mexico’s many cultures over a broad range of time as well as works of art and historical objects that represent outside influences on the region without seeking to be encyclopedic in content).

The character of the collections has been determined by gifts and purchases recommended by the Museum’s professional curators and directors and accepted by the Board of Trustees on the recommendation of the Art and History Advisory Committees, a standing committee of community members as well as representatives from Board of Trustees (the “Board”), and the Albuquerque Museum Foundation (the Foundation). Generally, the Museum has been rigorous in its application of quality standards regarding works and objects offered as gifts and bequests. The Museum strives to not accept for accession into the Permanent Collections works and objects that cannot be cared for, preserved, and/or have no chance of being exhibited in the galleries. The Museum reserves the right to respectfully decline works or objects offered by gift or bequest.

A. Purpose of the Collections Management Policy

The Collections Management Policy is intended to document the basic policies that guide the development and care of the Museum’s art collection, history collection, and photo archives consistent with the mission of the Museum and with professional museum standards.

Through this Collections Management Policy, the Museum ensures that:

- its collections are accounted for and documented;
- its collections are protected, secure, cared for, and preserved;
- acquisition, disposal, and loan activities are conducted in a manner that conforms to the Museum’s mission, complies with applicable laws, and reflects the highest ethical standards;

- disposal of works or objects from the collection through sale, exchange, or other means is solely for the advancement of the Museum's mission, and proceeds from the sale of such works are used only to purchase other works or objects consistent with Museum policy; and
- access to the collections in the galleries and storage areas, and access to collection information is permitted and appropriately regulated.

B. Collections Definitions

1. Permanent Collection

The Museum's Permanent Collections lie at the heart of the Museum's mission. It is composed of objects of artistic, art historical, and/or historical significance that have been accessioned. For these art works and historical objects, the Museum holds legal title and full stewardship responsibilities.

The Permanent Collection is comprehensive in scope and is shaped by a Collection Development Plan formulated by the Museum Director, Art Curator, History Curator, and Photo Archivist. Objects enter the Permanent Collection through proposal by the appropriate curator, recommendation of the Art and History Advisory committees, and ultimately approval by the Museum Director and the Board of Trustees.

Works of art and historical objects in the Permanent Collection are governed by policies and procedures as detailed in this Collections Management Policy.

2. Reserve Collection

The Museum has maintained a collection of art and history objects for educational outreach and other purposes. Objects in the Reserve Collection are not part of the Museum's Permanent Collection but are objects that are managed by the Museum.

Although artworks and historical objects in the Reserve Collection may not meet the same high standards of artistic merit, historical significance or scholarly value as artworks and objects in the Permanent Collection, they must nevertheless be consistent with the scope of the Museum's collections.

As of 2020, the reserve collection will be maintained but no additional artworks or historical objects will be acquired for the reserve collection. Only artworks and objects accepted to the permanent collection will be accessioned.

1. Items in the reserve collection may be used for the following purposes:
 - a) Education. e.g., suitcase kits, hands-on materials, school loans;

- b) Trade with other institutions;
 - c) Sale in conformance with Museum disposal policies.
2. Loans to public bodies in the community, office areas of public officials, corporate public spaces. Loans shall be made on a contract basis approved by the Museum Director to ensure proper care in regard to facilities and security.
 3. Items in the Reserve Collection may at any time be reassessed and given status in the Permanent Collection.

II. ACQUISITION OF WORKS OF ART, HISTORICAL OBJECTS, AND PHOTOGRAPHS

C. Acquisition Policy

Since its inception, the Museum has sought to form collections that encompass the history and art of the Southwest region emphasizing the collection of excellent works of art, historical objects, and photographs (“work or object”) rather than quantities of “representative” works and objects. The Museum's Collection Development Plans affirm its commitment to expand and refine a Permanent Collection of a broad scope by accessioning high-quality historical objects that tell the diverse stories of the region. The Museum acquires important works of art in most areas that reflect the diversity of the Southwest—including historical and contemporary Native American Art, Mexican, Latino and Hispanic Art, works by the many artists who have worked in New Mexico, and artists who have influenced artists working in the region—with particular emphasis on painting, sculpture, ceramics, textiles, the graphic arts, folk art, photography, and the three-dimensional arts in various media.

All works or objects should be in, or capable of being returned to, an acceptable state of preservation, unless the deteriorated physical condition is integral to the meaning of the work or object. The Museum must be able to house and care for the proposed acquisition according to generally accepted museum practices.

1. Acquisition by Purchase

For all purchases, the curator recommending the work or object to be purchased writes a detailed report, including a description of the work, its condition, publication and exhibition history, importance to the Museum's collection, justification for acceptance, provenance, and the gift or fund against which the purchase will be charged. This report must be approved by the Museum Director.

A detailed outline of the procedures that guide purchases follows below:

- The appropriate curator presents a work or object for consideration to the Museum Director, providing information as to the work's quality and condition, its importance to history or history of art and to the collection, its provenance, price, and, where possible, prices of comparable works or objects. If the Museum Director approves the work or object for further consideration, it is either brought to the Museum for detailed examination by the curator and/or Museum Director, or a team is sent to examine the work to make assessment of its condition, dating, and attribution as part of the report and sign the report. This report must be approved by the Museum Director.
- The Museum Director rejects or approves the work for further consideration.
- If the work or object is approved by the Museum Director, the curator prepares a formal written entry based on the information listed above and including any other relevant information, and the work or object is placed on the agenda for consideration by the appropriate Advisory Committee.
- Curatorial information is presented to the appropriate Advisory Committee during their meetings.
- The Advisory Committee votes to recommend whether or not the work or object should be approved.
- For works or objects approved for purchase, an invoice from the vendor is sent to the Museum. The Museum requests the appropriate purchase order from the City of Albuquerque or the Albuquerque Museum Foundation.
- The purchase is assigned to an appropriate acquisitions fund. An invoice, w-9, and the signed approval form are submitted. Payment is then made consistent with the agreed upon terms along with a letter of thanks from the Museum Director.

2. Discretionary Purchases

If the price of a work or object is at or under \$50,000, the Museum Director may choose to purchase it immediately. These works or objects are nevertheless routinely reviewed by the Advisory Committee at the next meeting.

From time to time donors provide funds for the purchase of a specific work or object. The curator presents the appropriate work or object to the appropriate Advisory Committee in the same manner set forth in Section II,A,1, except that the work or object is accepted as a "Gift by Purchase." The donor is acknowledged in the credit line.

3. Auction Process

The Museum Director may approve the acquisition of a work or object at auction by authorizing a maximum bid. Though the process is accelerated, the steps followed for auction purchases are the same. The Museum follows all City of Albuquerque procurement rules for the purchase of artworks, photographs, and historical objects. The Museum Director recommends the appropriate funding source.

- Works or objects are identified, researched, and recommended for purchase by the curators in collaboration with the Museum Director.
- Works or objects are examined in person by Museum staff, and/or a detailed condition report is sought.
- The work or object is presented by the curator to the appropriate Advisory Committee for review.
- The formula generally used for approval is a maximum bid plus one additional bid increment for each lot. For each auction, the Museum must seek approval for the full amount of the maximum authorized bid plus the buyer's premium to ensure that all costs are identified and understood. If the maximum bid plus the buyer's premium of a work or object is under \$50,000, the Museum Director may choose to bid on it immediately.
- The process used in auction bidding can vary, and might include telephone bids, bidding by designated agents of the Museum, or direct bidding from the floor.
- The results are announced to the appropriate Advisory Committee following the auction.

4. Acquisition by Gift or Bequest

The Museum accepts gifts and bequests of works or objects on a regular basis and is grateful for the generosity of collectors of the past, present, and future. The Museum is rigorous, however, in its application of quality standards regarding the accessioning into the Permanent Collection of such gifts and bequests. The Museum's policy is to accept gifts of only works or objects intended for retention. Consistent with the standards that apply to acquisition by purchase, works or objects offered by gift or bequest that are not suitable for exhibition will, generally, not be candidates for accession into the Permanent Collections (see page 12).

The Museum does not accept restrictions on gifts.

For all gifts and bequests, the curator recommending acceptance gathers pertinent information that may include a description of the work or object, its condition, publication and exhibition history, importance to the Museum's collection, justification for acceptance, and provenance. When possible, curators also include a

valuation which is determined by the curator and is for internal Museum use only. This information will be presented to the appropriate Advisory Committee and will be used in the process of cataloguing accessioned works or art and historical objects.

The Museum Director has the authority to accept gifts during the period after the December meeting of the Art and History Advisory Committees through December 31. These gifts are referred to as Year-End Gifts and reported to the appropriate Advisory Committee at the next meeting. The appropriate Advisory Committees are informed about but do not vote on the already accepted objects.

Normally, the Museum asks donors to sign a non-exclusive right of reproduction unless the donor does not own such rights. If the donor does not own such rights, the Museum will ask the artist, artist's estate, or copyright owner to sign a non-exclusive right of reproduction.

A detailed outline of the procedures that guide gifts or bequests follows below:

- Following discussions with the donor, a curator examines the work or object and determines the relevance of the work or object to the collection. Condition, ability to display the work, storage, and preservation needs are taken into account.
- If the work or object is approved, it is placed on the agenda for the appropriate Advisory Committee's next meeting.
- If the work is a bequest, the form of transfer will depend upon the underlying documents and the type of transferee, *e.g.*, executor or trustee.
- The work is presented at the Advisory Committee meeting as part of the Curator's report. The Advisory Committee votes to accept or reject the work.
- The donor, estate representative, or trustee is thanked by letter and is requested to submit the signed Deed of Gift. For bequests, a Deed of Gift is requested once the Museum taking possession of the work or object.

D. Duties of the Board

Acquisitions (whether by purchase, gift or bequest), deaccessions, and loans from the Permanent Collection are implemented through a collaboration of the professional staff (Museum Director and Curators) and the Board of Trustees, through delegation to the Art and History Advisory Committees. Acquisitions, deaccessions, and loans from the collection must be recommended by the Museum Director or Curators for consideration and recommendation by the Advisory Committee. Approval of these actions must be by formal vote.

The Board of Trustees establishes two Advisory Committees, a History Advisory

Committee and an Arts Advisory Committee. The members of each committee will be appointed by the Board of Trustees for terms of three years, with members eligible to serve a maximum of two consecutive terms. The initial terms of members may be staggered in the first year of implementation of this policy. The membership of these committees shall reflect the goals of the Museum's Diversity, Equity, Access and Inclusion Plan.

The voting members of each committee will consist of at least two members of the Board of Trustees, one member from the Board of Directors of the Foundation, and not more than six additional members chosen for their knowledge and expertise in the fields covered by that committee. The chair shall be elected by members of the committee. At least one professional member of the Museum staff will be an ex officio member of each committee. The voting members of any committee shall be authorized to invite individuals to participate in discussion in those cases where special expertise not represented on the committee is deemed desirable; such additional advisory individuals shall be entitled to be heard and their opinions weighed, but they shall have no vote on any matters before said committees. Each committee will be under the supervision of the Museum Director to carry out the following responsibilities:

- Provide acquisition screening and/or advice on matters or items in its fields of responsibilities;
- Understand the Museum's Art and History acquisitions plans and consider donations based on the policies described in section 3.1.
- Recommend possible acquisition policy changes to the Board of Trustees;
- Act as a resource and support group in matters of policy at the discretion of the Museum Director and appropriate curator;
- Review proposals for, assuring conformance to Board adopted policies with respect to, and approving works for, deaccessioning.
- Keep a written record of committee judgments, actions, and votes.

As adjunctive committees, each is responsible to the Board of Trustees for its performance. Should interpretive conflicts arise concerning overlapping responsibilities, the Museum Director will designate the committee having jurisdiction.

E. Compliance with Applicable Law

The Museum's policy is to conduct its acquisition program in a manner that will support the protection of art and historical objects from exploitation and destruction. The Museum will take all reasonable precautions to ensure that a work or object intended for acquisition has entered the United States legally and has not been stolen from a government, institution, or private individual including, where appropriate, consulting

with international agencies such as the Art Loss Register.

Museum acquisitions and loans must comply with all applicable local, state, and federal laws, most notably federal customs laws (governing the importation and exportation of the work), the National Stolen Property Act (NSPA), the Convention on Cultural Property Implementation Act including emergency import restrictions and memoranda of understanding related thereto (CCPIA), sanctions enforced by the Office of Foreign Assets Control (OFAC), the Native American Graves Protection and Repatriation Act (NAGPRA—see Section II, D, below) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The Museum staff and trustees may need to seek legal advice from outside counsel with regard to specific acquisitions.

1. Native American Graves Protection and Repatriation Act

The Museum recognizes and complies with Public Law 101-601, the Native American Graves Protection and Repatriation Act of 1990, as amended (NAGPRA), and the regulations promulgated thereunder.

In compliance with deadlines outlined in the NAGPRA legislation and in order to begin an exchange of information about its collection, the Museum sent inventories of relevant objects in its collection to potentially affiliated Native North American tribes. The Museum will respond to all requests from tribal organizations and cultures that request information regarding the Museum's collection of cultural items. Should the Museum acquire a protected object in the future, it will comply with all requirements of disclosure according to NAGPRA.

2. Accession, Tax Considerations

Works and objects offered as gifts and bequests are candidates for accessioning into the Permanent Collection if in the judgment of the curators, the Museum Director, and with the recommendation of the Advisory Committee, such works are appropriate additions to the Permanent Collections.

Except in special circumstances as determined by the Museum Director, even after approval of an acquisition by the Advisory Committees, a work or object is not accessioned to the collection until the necessary documentation evidencing the transfer, *e.g.* deed of gift, has been signed and delivered to the Museum.

Current Internal Revenue Service (“IRS”) regulations allow donors of works or objects to take a fair market value tax deduction for a gift of a work or object only if it will be used in connection with the Museum's exempt purpose. The Museum evidences this purpose by the formal process of accessioning to the Permanent Collection. For works or objects that are not accessioned, the donor is usually limited to deducting only the cost of the work or object. The Museum does not (and cannot)

accession works or objects simply to accommodate the tax considerations of a donor or potential donor.

Most potential donors, when notified that their proposed gift is not a candidate for accessioning into the Permanent Collection, withdraw the proposed gift. In some cases, the Museum must notify a potential donor that the Museum is not interested in receiving a given work under any terms.

The acceptance without accession of works as donations – even when the potential donor understands the tax consequences – is generally considered an inappropriate course for the Museum to pursue. First, the acceptance of such gifts risks the Museum becoming a repository for unwanted objects of little or no quality, thus diminishing the Museum’s status and prestige. Second, on a practical level, proceeds realized from the disposition of such low-quality objects do not justify the added cost and effort involved in administering, accepting, and selling such objects. On occasion, a work of some value whose appropriateness for the Permanent Collection is legitimately a subject of debate will be accepted for accessioning into the Permanent Collection. At some later date, if the work or object is judged inappropriate or no longer appropriate, the Museum will dispose of the work and use the proceeds for the acquisition of other works. The donor of the original work or object will be credited as the donor of any work(s) acquired with such proceeds, “by exchange.”

3. Documentation

Attached to the Policy are various forms for use in connection with acquisitions reviewed by City of Albuquerque Legal Department (February 2021). The Museum Director or Curator may add new forms, delete existing forms or change the forms as they determine appropriate for review and approval.

III. PROVENANCE

The curator recommending an acquisition (whether by gift, bequest, purchase, or exchange) or loan must consider the work’s or object’s provenance and make all reasonable inquiries to determine (a) that the Museum can obtain good and valid title if an acquisition is contemplated or (b) that a proposed donor has good and valid title at the time the gift is made.

A. Provenance Guidelines for all Acquisitions

1. Inquiry and Research

Museum staff must request that sellers, donors, and their representatives provide all available information about and documentation with respect to a work or object.

Museum staff must research the provenance of a work or object prior to acquisition. Such research should include, but is not necessarily limited to, determining:

- the ownership history of the work or object;
- the countries in which the work or object has been located and when;
- the conditions under which the import into and export from any such countries occurred;
- the exhibition history of the work or object, if any;
- the publication history of the work or object, if any;
- whether any claims to ownership of the work or object have been made;
- whether the work or object appears in relevant databases of stolen works; and
- the circumstances under which the work or object is being offered to the Museum.

For all acquisitions, Museum staff should make a concerted effort to obtain accurate written documentation with respect to the history of the work or object, including import and export documents. In particular, written documentation of the importation of the work into the United States, including U.S. Customs and Border Protection Form 7501 should, and if the work or object is being imported to be considered for gift or purchase by the Museum, must be retained in the registrar files.

2. Disclosure and Dissemination of Information

For significant acquisitions or as otherwise required by this Policy, Museum staff strive to publish promptly, in print or electronic form, an image (or representative images in the case of large groups of works) and relevant provenance information, which will thus be readily available to an international audience.

3. Nazi/World War II Era

The Museum is guided by the 1998 Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933–1945), with 2001 addendum, of the Association of Art Museum Directors (the “AAMD”) and the 1999 AAM Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era (amended April 2001) (see <https://aamd.org/sites/default/files/document/Report%20on%20the%20Spoliation%20of%20Nazi%20Era%20Art.pdf> and <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/unlawful-appropriation-of-objects-during-the-nazi-era/>). In particular, the Museum observes the following guidelines relating to the Nazi/World War II era for all acquisitions, whether by gift, bequest, purchase or exchange:

Curatorial departments should independently research and ask donors (or executors in the case of bequests) and sellers of works or objects to provide provenance information for works that were likely to have been in Europe between 1933 and 1945.

Where information is incomplete for an acquisition of such a work or object, curatorial staff should undertake such additional research as the staff determines necessary or prudent to resolve the Nazi/World War II era provenance of the work or object. All research efforts shall be documented. In the absence of evidence of unlawful appropriation of such a work or object, the acquisition may proceed. Where there is credible evidence of unlawful appropriation of such a work or object without subsequent restitution or settlement, the Museum shall not acquire the work until taking further action to resolve these issues.

If the Museum subsequently determines that a work or object in its collection was unlawfully appropriated during the Nazi/World War II era without subsequent restitution or settlement, the Museum will make such information public and, if a legitimate claimant comes forward, the Museum will seek to resolve the matter with the claimant in an equitable, appropriate, and mutually agreeable manner. If no legitimate claimant comes forward, the Museum will acknowledge the history of the work or object on labels and publications referring to the work or object.

4. Warranty and Indemnification

When purchasing works priced above \$50,000, unless otherwise determined by the Museum Director or Curator, the Museum will require representations and warranties from the seller, including that the seller has good and marketable title to the work or object, that the work or object is free from any liens, claims or encumbrances, that the work or object is authentic and that the work or object has been validly exported from and imported into any country through which it has passed. The Museum will also require an indemnification for costs associated with and a full refund of the purchase price in the event of any breach of warranty.

B. Acquisition of Archaeological Materials and Ancient Art

1. American Association of Museum Directors (AAMD) Guidelines

The Museum is guided by the AAMD's 2008 *Report of the AAMD Subcommittee on the Acquisition of Archaeological Material and Ancient Art* (see <https://aamd.org/sites/default/files/document/2008ReportAndRelease.pdf>) as supplemented by the AAMD's 2013 Revision of the Guidelines (see https://aamd.org/sites/default/files/document/Guidelines%20on%20the%20Acquisition%20of%20Archaeological%20Material%20and%20Ancient%20Art%20revised%202013_0.pdf), with respect to acquisitions by purchase, gift and bequest of works or objects that are subject to the report.

2. Applicable Principles

The Museum believes that the history and artistic achievements of New Mexico and the region should be represented in the museums, which, uniquely, offers the public the opportunity to encounter works of art and historical objects directly, in the context of their own and other cultures, and where these works may educate, inspire and be enjoyed by all. The interests of the public are served by museums around the world working to preserve and interpret our shared cultural heritage.

The Museum deplors the illicit and unscientific excavation of archaeological materials and ancient art from archaeological sites, the destruction or defacing of ancient monuments, and the theft of historical objects or works of art from individuals, museums, or other repositories.

The Museum is committed to the principle that acquisitions be made according to the highest standards of ethical and professional practice and in accordance with applicable law and in such a way that they do not provide a direct and material incentive to looting. The Museum is 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.

The November 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import and Export and Transfer of Ownership of Cultural Property (the “UNESCO Convention”) began a new dialogue about the best ways to protect and preserve archaeological materials and ancient art, although regrettably the looting of sites, destruction of monuments and theft of objects continue to this day. The Museum recognizes the date of the Convention, November 17, 1970, 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.

Recognizing that a complete recent ownership history may not be obtainable for all archaeological material and every work of ancient art, the Museum believes that it should have the right to exercise its institutional responsibility to make informed and defensible judgments about the appropriateness of acquiring such an object if, in its opinion, doing so would satisfy the requirements set forth below and meet the highest standards of due diligence and transparency.

3. Definitions

In the acquisition of archaeological material and ancient art, the Museum is guided by the following definitions:

- “Archaeological material” means an object of cultural significance created in

antiquity and discovered on land, below ground or under water as a result of scientific or clandestine excavation, exploration or digging activities or inadvertently as a result of other activities;

- “Ancient art” means a work of art created in antiquity that is not archaeological material;
- “1970” means November 17, 1970;
- “2008” means June 4, 2008; and
- “Work” means an object of archaeological material or a work of ancient art.

For purposes of this Section III, B of the Policy, the Museum has determined that the term “antiquity” means the periods set forth below with respect to works created in the cultures and/or geographic areas set forth below:

Art of the Americas:	Created before 1492 A.D. (year of Columbus’s landing in the New World)
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In the event that the relevant curator believes that a work being considered for acquisition could be considered an antiquity, but is not covered by any of the foregoing, the curator, shall consult with the Museum Director and appropriate qualified experts to determine whether the work could be considered an antiquity and, if so, whether an addendum to the foregoing should be considered by the Collections Committee.

4. Process

The Museum will research the ownership history of archaeological materials or works of ancient art (individually a “work”) prior to their acquisition, including making a rigorous effort to obtain accurate written documentation with respect to their history, including import and export documents.

When the work is being imported into the U.S. in connection with its acquisition by the Museum, import documentation should be obtained and compliance with the export laws of the country of immediate past export to the U.S. should be confirmed.

The Museum normally should not acquire a work unless provenance research substantiates that the work was outside its country of probable modern discovery before 1970 or was legally exported from its probable country of modern discovery after 1970. The Museum will promptly publish acquisitions of archaeological materials and ancient art, in print or electronic form, including in these publications an image of the work (or representative images in the case of groups of objects) and its provenance, thus making this information readily available to all interested parties.

The Museum recognizes that even after the most extensive research, many works will lack a complete documented ownership history. In some instances, an informed judgment can indicate that the work was outside its probable country of modern discovery before 1970 or legally exported from its probable country of modern discovery after 1970, and therefore can be acquired. In other instances, the cumulative facts and circumstances resulting from provenance research, allow the Museum to make an informed judgment to acquire the work, consistent with the applicable Principles above. Examples of such facts and circumstances include, but are not limited to:

- the number, place, and circumstances of independent exhibition(s) of the work;
- the number, type, and circulation of publication(s) of the work;
- the length of time and place of public display(s) of the work;
- as to archaeological material, the provenance history of other works excavated from the same site or area;
- the prior owner(s) of the work and any claims made against them with respect to other works; and communications regarding the work between the country of modern discovery and the current owner, a prior owner, or the Museum.

In addition, the Museum may acquire the work if the acquisition of the work is by gift or bequest and:

- the donor/testator signed prior to 2008 a promise to gift, a will, a trust, or other document setting forth her/his intent to donate or bequeath the work to the Museum;
- the work was on long term loan to the Museum prior to 2008; or
- the Museum had an expectation prior to 2008 of receiving the work by gift or bequest, as reflected in (i) a writing to or from the donor or a prior owner, (ii) communications with the donor or a prior owner, provided that the communications have been memorialized by the Museum prior to acceptance of the gift or bequest or (iii) other documentation, or
- The acquisition is of a fractional interest in the work by gift, bequest or purchase and the Museum acquired prior to 2008 a fractional ownership interest in the work.

In all of the foregoing instances, the Museum must carefully balance the possible financial and reputational harm of taking such a step against the benefit of collecting, presenting, and preserving the work in trust for the educational benefit of present and

future generations.

The Museum will prominently post on the AAMD website an image and the information about the work as described in the exception paragraph above, and all facts relevant to the decision to acquire it, including its known provenance and the reason the Museum believes that the acquisition meets one or more of the exceptions.

5. Information Obtained Subsequent to Acquisition

If the Museum, as a result of its continuing research, gains information that establishes another party's right to ownership of a work, the Museum will bring this information to the attention of the party, and if the case warrants, initiate the return of the work to that party, as has been done in the past. In the event that a third party brings to the attention of the Museum information supporting the party's claim to a work, the Museum should respond promptly and responsibly and take whatever steps are necessary to address this claim, including, if warranted, returning the work, as has been done in the past.

IV. DEACCESSION OF WORKS OF ART, HISTORIC OBJECTS, AND PHOTOGRAPHS

Deaccessioning is an ongoing professional responsibility of the Museum, pursued for programmatic reasons of collection refinement. The Museum's policy is to conform its deaccessioning process to the standards of the AAMD as set forth in its 2011 publication, *Professional Practices in Art Museums*, specifically, Appendix B, *Deaccessioning and Disposal* (see <https://aamd.org/sites/default/files/document/2011ProfessionalPracticesinArtMuseums.pdf>) and the National Park Service guidelines (see <https://www.nps.gov/museum/publications/mhii/mh2ch6.pdf>)

The Museum maintains a very cautious attitude toward deaccessioning, however, a work or object is appropriate for consideration for deaccessioning when:

- the work or object is no longer consistent with or relevant to the mission of the Museum or has little value in the Museum's collection;
- the work or object is a duplicate that has no value as part of a series;
- the work or object is of poor quality and lacks value for exhibition or study purposes;
- the work or object is of lesser quality than other works of the same type in the collection or about to be acquired;
- the Museum's possession of the work or object may not be consistent with applicable law, *e.g.*, the work or object may have been stolen or illegally imported in violation of applicable laws of the United States or the work or object may be subject to other

legal claims;

- the authenticity or attribution of the work or object is determined to be false or fraudulent and the work or object lacks sufficient aesthetic merit or art historical importance to warrant retention;
- the physical condition of the work or object is so poor that restoration is not practicable or would compromise the work's or object's integrity or the artist's intent;
- the Museum is unable to care adequately for the work or object because of the work's or object's particular requirements for storage or display or its continuing need for special treatment; or
- The work or 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 Board.

Relevant works or objects of quality are not deaccessioned due to changes in taste and rarely to raise funds for the acquisition program.

The Museum generally does not dispose of deaccessioned works or objects determined to be forgeries. Curatorial departments generally retain these works for study purposes or seek the Museum Director's permission to destroy the works or objects, unless it can be determined that disposal can be accomplished in a responsible manner without confusion to a possible buyer. Works or objects incorrectly attributed or dated may be deaccessioned, provided that the new information or attribution is provided as part of the disposal process.

No trustee, officer, employee, volunteer or family member¹ of any of the foregoing individuals may purchase deaccessioned works or objects directly from the Museum or at auction if consigned by the Museum.

All funds received from deaccessioned works or objects shall be used consistent with the established standards of the Museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections.

An outline of the procedures that guide deaccession follows below. (See the Albuquerque Museum Deaccession Policy document for detailed procedures):

- Works or objects to be deaccessioned must have the written recommendation of the curator and be proposed by the Museum Director /Curator and the Collections Committee for its approval, at which time the reasons for the proposal are fully presented.

¹ "Family member" means a spouse, brother, sister, or lineal descendant or ancestor (or the spouse or such descendant or ancestor) or any other family member or family member's spouse, if living in the same household as the trustee, officer, employee or volunteer.

- The appropriate Advisory Committee, if it concurs with the proposal, recommends or does not recommend deaccession to the Board of Trustees, which approves or rejects the action.
- When appropriate, works or objects of value to be deaccessioned should have a written opinion by an outside authority supporting the deaccessioning of the work or object;
- Works or objects may be offered for transfer to another government institution or individual, if appropriate;
- Works or objects may be offered for sale first to another museum, if appropriate;
- Unless offered for sale to another museum, works or objects of value will be made available for sale through a public platform; and
- Works or objects may, under certain circumstances, be traded for a like work or object of higher quality and equal or greater value.

V. CARE AND PRESERVATION OF THE COLLECTIONS

A. Conservation

Among the Museum’s primary responsibilities is the preservation of the works or objects in its care for the enjoyment of today’s public and future generations. To this end, it applies advanced standards of conservation, collections management, and security to the presentation, storage, and care of its collection. To assist in this process, the Museum maintains an Emergency Plan. The Museum’s preservation standards shall be maintained for works on loan to the Museum or borrowed from the Museum.

The Museum’s Collections Division is charged with the long-term care and preservation of the collection and works and objects with conservation professionals and shall maintain exact documentation on all examination and treatment of artworks and historical objects. The Museum’s Collections Division is responsible for the technical examination of the Museum’s collection and for the development of long-term preventative conservation strategies.

B. Collections and Housekeeping

In the context of collections management, the term “housekeeping” is defined as all of the ongoing actions (tasks) to care for Museum works, objects, archives, and records. Housekeeping is planning and monitoring, as much as it is hands-on collections care. Housekeeping is a collaborative effort between collections management, curatorial, facilities staff, and registrarial staff.

Preventive conservation, the primary goal of the Collections division, aims to prevent

damage to Museum collections. The Museum's approach to collections care aims to minimize the need for conservation treatment by addressing the differing needs in:

- exhibition spaces;
- storage spaces;
- prepping and staging areas;
- other work spaces where art works or historic objects or photographs are handled

Each space requires a slightly different approach to be maintained and cleaned that takes into account how works or objects are stored and used. For example, exhibit spaces with closed cases may require only annual dusting of works or objects. Gallery spaces with works or objects on display in the open air, require a routine schedule of dusting (paintings, frames, furniture etc.)

VI. ACCESS TO THE COLLECTIONS

A. Access to the Collection in Storage

The Museum allows access to works or objects not ordinarily on view to qualified individuals by appointment only. Access is granted for valid research purposes and must be approved by the appropriate curator. The individual seeking access must make his/her/their request in writing, stating the purpose and scope of his/her/their research and, if applicable, his/her/their professional affiliation. The individual must follow all storage access regulations, including:

- leaving his/her/their coat and all bags, including purses, outside of storage (secured space is available at museum entrance);
- using a pencil for taking notes;
- not using flash photography;
- allowing herself/ himself/themself to be escorted at all times while in storage; and
- not at any time physically handling the work or object.

B. Access to the Collection on Display

A work or object may be removed from the galleries for the purposes of study by a qualified researcher with the approval of the appropriate curator.

VII. INVENTORY

A. Inventory Policy

Accurate documentation and record keeping are essential to the storage, preservation, development, and exhibition of the Museum's collections.

Regular inventories are used for the following purposes:

- determining the physical state and statistics of the collections;
- setting priorities for conservation treatment;
- evaluating the adequacy of storage and insurance coverage;
- analyzing the state of documentation, cataloging, labeling, and methods of record keeping;
- ensuring that registrarial records of works or objects are accurate and up-to-date; and
- establishing an overall view of the strengths, gaps, and duplications of the collections.

B. Unclaimed Loans and Undocumented Property

Works or objects that are unclaimed loans or undocumented property are works or objects of uncertain legal status in the Museum's custody that have not been claimed by any owner, yet are not the property of the Museum. For example,

- Unclaimed Loans are works or objects in the Museum's possession that are on loan, the owner of which has failed to claim them and has not been in touch with the Museum. These may be indefinite or permanent loans, or loans whose term has expired.
- Undocumented Property are works or objects in the Museum's possession of unknown ownership, for which the Museum has no records of how or from whom it was obtained.

The Museum makes every reasonable effort to locate lenders and ascertain their desires regarding their loan. If neither the owner, nor his/her/their legal heir(s), can be located, or if they fail to respond, the work or object is held for the prescribed period of time until it can be handled as abandoned property.

The Museum complies with New Mexico abandoned property laws which set forth the conditions under which property on loan to a Museum can be considered abandoned. Therefore, any work or object that has been on loan to the Museum and the loan has expired or, if there was no specific term, the work or object has been on loan for at least

seven years, or a work or object that has no documentation indicating how or from whom it was obtained and has been held by the Museum for at least seven years is commonly referred to as abandoned property and is eligible to be handled as such. Once claimed as legally owned by the Museum in accordance with New Mexico law, works or objects are processed as accessions or as determined by the appropriate Advisory Committees, based on recommendations from the curatorial staff and the Museum Director.

VIII. RECORDKEEPING

A. Records Policy

The Museum, through its curatorial, collections management, and registrarial departments, shall maintain accurate, up-to-date records on the identification, location and condition of all works or objects in the collection, as well as of ongoing activities such as exhibitions, research and correspondence with donors, artists and scholars. These records should be kept in an organized, coherent filing system within each department. The Museum has established electronic records which include records on accessioned, non-accessioned, and deaccessioned works or objects, departmental loans, and works or objects brought into the Museum for possible purchase, gift, bequest or exchange. Curatorial and registrarial departments are responsible for updating and maintaining these records for their collections.

All records created or received in the transaction of the Museum's proper business are the property of the Museum and must not be dispersed or destroyed except in accordance with its record retention policy. Museum records are subject to Personal Identification Information rules.

Museum records must be accorded the same protection against fire, theft, loss or disasters as any work or object in the Museum's care. Storage systems must be devised which provide maximum protection while allowing accessibility to records.

To prevent loss of research findings and documentation or any other critical data, certain key records must not be removed from their sites. Deteriorating records must be duplicated. Documents other than originals must be disposed of judiciously. Records in constant use must be kept in good physical condition and be easily accessible.

B. Access to Collection Records

The Museum's library is the first source for public information on the collection.

The Museum's object files may be viewed by qualified individuals by appointment with the Curator or Museum Director. Curatorial and conservation records are available on a more limited basis at the discretion of the Curator or Museum Director. In all instances, the request must be made in writing stating the purpose and scope of the research and, if applicable, her/his/their professional affiliation. Access to collection records may be denied at the discretion of the appropriate department (generally only if the research

purpose is frivolous) and with the approval of the Curator or Museum Director.

Prior to the appointment, all records will be reviewed and information deemed proprietary or confidential (for example, appraised values, purchase price, donor names if anonymity was requested, or addresses, etc.) will be removed from the file. The records permitted for viewing may be photocopied by the visitor at the discretion of the appropriate department. The visitor must comply with all applicable copyright laws and cite the Museum's archives as a source of information in the publication.

IX. LOANS

A. Outgoing Loans

As an important means of fulfilling the educational and scholarly purposes of the Museum's mission, the Museum lends works or objects from its collection to qualified institutions, in this country and abroad. The Museum wishes to cooperate with as many qualified institutions as possible to share its comprehensive collections with the widest possible public, both general and scholarly.

Loan requests must be evaluated in light of the art historical and scholarly value of the exhibition for which they are requested, as well as the condition of the work or object and the need to incorporate it into the Museum's own programs. The borrowing institution must provide a current facilities report meeting the Museum's required standards and ensure the safety of the loan. All loan requests must be initiated by the appropriate curatorial department. The Museum Director, Curator, and Curator of Collections must review and approve all outgoing loan requests and determine any conservation needs. Loans requested from the Museum are subject to a formal review process as outlined below:

1. Considerations and Process

A written request for the loan of a work or object must be received by the Museum Director at least six months in advance, describing the nature of the exhibition, the importance of the loan and the period for which the loan is requested.

If the appropriate curator determines that the loan request has merit, the work or object is examined by the Curator of Collections and a facilities report from the borrowing institution(s) is obtained. The curator then makes a recommendation to the Museum Director based on the merits of the loan request, the recommendation of a conservator, the facilities report, and any other relevant information. The Museum Director then determines either to recommend or not recommend the loan. If recommended, the curator prepares and delivers to the Registrar for Loans a Recommendation Form and the Registrar prepares the relevant information.

If the Museum Director decides not to recommend a loan, the Museum Director informs the borrower of the decision. If the loan is approved, the Museum Director

informs the borrower by letter approving and setting forth the conditions for the loan. A loan agreement form with these requirements is included with the Museum Director's letter.

2. Loan Terms

All loans should be for a specific period of time and the work(s) or object(s) condition should be documented and monitored in accordance with Collections Management Policies and Procedures. Such documentation should include recent images of the work or object. Loans must be governed by written loan agreements between the Museum and its borrowers, which should be signed by both parties prior to shipment. No work or object may leave the building unless adequate insurance coverage is provided. To protect outgoing loans to the fullest extent possible, the Museum requests immunity from seizure for all outgoing loans wherever available. Long-term loans are subject to annual review and renewal by the appropriate curatorial department.

B. Incoming Loans

The Museum normally exercises the same standard of care for borrowed works or objects as it exercises for its own collection. The Museum is guided by the AAMD 2006 *Report of the AAMD Subcommittee on Incoming Loans of Archaeological Material and Ancient Art* (see https://aamd.org/sites/default/files/document/AAMD%20Guidelines%20for%20Incoming%20Loans_FINAL.pdf) with respect to the loan of works or objects that are subject to the report and is guided by the 1998 *Report of the AAMD Task Force on the Spoliation of Art During the Nazi/World War II Era (1933-1945)*, with 2001 addendum and the 1999 *AAM Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era* (amended April 2001) (see <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/unlawful-appropriation-of-objects-during-the-nazi-era/>) with respect to the loan of works or objects that are subject to that report and those guidelines. All incoming loans should be documented and monitored in accordance with the same detailed procedures as outgoing loans. Loans must be documented by written loan agreements between the Museum and the lender, which should be signed by the lender prior to delivery of the work or object to the Museum. Insurance coverage will depend upon the decision of the lender who may elect to cover the work or object or, with the Museum's consent, the Museum's policy may provide coverage. All incoming loans must be initiated by the appropriate curatorial division.

The Museum will apply to the U.S. State Department for immunity from seizure for incoming loans from foreign lenders, whether coming to the Museum as part of a special exhibition or for temporary display, unless the organizer of the exhibit has done or will do so.

Recognizing that the Museum's exhibition of a work or object may increase its value and financially benefit its owner, the Museum will carefully consider all incoming loans. All

incoming loans must add depth to an area or improve the quality of a special exhibition or of the Permanent Collection. The Museum will examine whether there are any potential conflicts of interest, or the appearance of a conflict, with lenders.

The Museum will maintain full decision-making authority over the content and presentation of the exhibition of all works, but may consult with a potential lender on works or objects to be selected from the lender's collection and the significance to be given to those works or objects in the exhibition. The Museum will make public information about its sources of funding where the lender is also funding the exhibition. The Museum will deny requests for anonymity if such anonymity would conceal a conflict of interest (real or perceived).

X. RIGHTS AND REPRODUCTIONS

A. Rights and Reproductions Policy

Content Curators and Registrar manage requests for images, in all media, of all works or objects in the Museum collection. The appropriate curator will review each request, issue an image use contract and invoice specific to each request, release the appropriate image, obtain a copy of the publication, and catalog the publication. The Registrar's office adheres to current federal copyright laws and applicable international agreements and makes every effort to stay abreast of new developments. For works or objects in the collection and loans, copyright information will be recorded in the appropriate records, object files, lender files, and the collections management database. The absence of information in object records does not necessarily indicate the absence of restrictions.

Copying, redistribution, or exploitation for personal or corporate gain of images of the Museum or of works or objects from the Museum collections, or any textual materials related to such works or objects, is not permitted.

The Museum maintains strict control of the right to reproduce works in its collection to protect and preserve the Museum's copyright of its images of the Permanent Collection, to ensure quality reproductions faithful to the original works, to avoid undesirable associations with particular commercial products, organizations etc., and to use the Museum's reproduction rights as a valuable revenue resource.

The Museum is guided by the AAMD 2017 *Guidelines for the Use of Copyrighted Materials and Works of Art by Art Museums* (see <https://aamd.org/sites/default/files/document/Guidelines%20for%20the%20Use%20of%20Copyrighted%20Materials.pdf>) in connection with the use of by the Museum of copyrighted materials and works of art. Unless the Museum otherwise determines, new chapters issued by the AAMD after the date hereof are incorporated in the Policy.

B. AM Publications

The author of any publication has the responsibility to obtain permission to use

copyrighted material or illustrations in any format of works or objects in the Museum's collection that will be published by the Museum.

C. Requests from Outside Clients

Requests for image materials and permissions must be made in writing to the appropriate curator. Images of works or objects in the collection are available to scholars, authors, publishers, etc. and permission to use these images is granted by the appropriate copyright holder.

Reproduction requires compliance with the Museum's written agreement for permission to reproduce works or objects in the Museum's collection. The Museum reserves the right to deny permission to any applicant whose product is not acceptable to the Museum for any reason. Reproduction is permitted only from materials supplied by the Museum.

In addition to receiving permission from the Museum, the applicant must also obtain permission from, and pay any necessary fees to, the appropriate artists' rights organization or other representative of the artist's copyright. Those requesting copies should not assume that the Museum is the sole holder of copyright for objects in the Permanent Collection.

D. Photography On-Site

Photography is permitted for private, noncommercial use only in the Museum galleries devoted to the Permanent Collection and subject to the rules of the Museum concerning the taking of photographs. Such photographs cannot be published, sold, reproduced, transferred, distributed, or otherwise commercially exploited in any manner whatsoever. Photography may or may not be permitted in special exhibitions depending on the agreed upon legal contract between the lending organization and the Museum. Areas designated as "No Photography" will be appropriately identified. Works or objects on loan from private collections or other institutions may or may not be photographed depending on the agreement between the lender and the Museum. Flash photography and tripods are not permitted.

E. Sketching and Copying

Sketching is permitted in the Museum's galleries with certain restrictions as to hours and materials. Arrangements have to be made with the appropriate curator or the Museum Director.

XI. STAFF POLICIES AND CONFLICT OF INTEREST

A. Ethical Guidelines for Museum Staff

In addition to this Policy, see the Museum's *Code of Ethics* (adopted and revised 2022), Section: Conflicts of Interest:

1. Personal Collecting by Staff,
2. Loans from Personal Collections,
3. Dealing in Art by Staff, and
4. Gifts.

B. Appraisals and Authentications

The Museum's longstanding policy has been not to provide appraisals to donors. Furthermore, under current IRS guidelines, the Museum cannot act as a qualified appraiser. If a donor asks for assistance in locating an appropriate appraiser, the curator may suggest several qualified appraisers. More than one name must be given. The Museum should not make arrangements for the appraisal and cannot pay for the appraisal. Upon request, the Museum will provide to the appraiser access to the work or object, if the work or object is in the Museum's possession or copies of images of the work or object or any appropriate relevant factual information in Museum files.

Curators and conservators are often asked, as scholars, to provide identification, authentication, or provenance opinions on works or objects, particularly where a member of the Museum's staff is the recognized expert on a particular artist or in a particular field. Notwithstanding the prohibition against appraisals, from time-to-time providing authentication opinions may be beneficial to the Museum and appropriate, at their discretion, for staff as a means of obtaining information about objects of interest to the Museum's collection or scholarship. When providing such opinions, Museum staff should make clear that the information provided is an opinion and shall not be used in connection with any past or contemplated commercial transactions. Staff providing written opinions should use appropriate disclaimer language as set forth on form letterhead for opinions.

Since encouraging collecting that will lead to philanthropy is to the Museum's benefit, when deemed appropriate by the Director/Curator, the expertise of Museum staff can be utilized to assist donors. When there is a probability that gifts will be forthcoming, curators may advise collectors on purchases, and donors may ship works or objects that are being considered for purchase to the Museum for curatorial examination and/or, with the approval of the Museum Director/Curator.

XII. INSURANCE AND RISK MANAGEMENT

Insurance and risk management are important administrative tools in the Museum's fulfillment of the Museum's mandate to preserve its collections. Because any discussion of insurance is inherently complicated the following discussion of the Museum's administrative policies relating to insurance is restricted to general matters.

A. Fine Arts Insurance Policies

The Museum maintains a blanket fine-arts insurance policy, the limits of which cover a certain proportion of the value at risk of the permanent collections and works or objects on loan. This policy is administered by the Registrar and Curator of Collections.

The policy covers the Museum including warehouses and other offsite locations. The policy covers works or objects owned by the Museum and on loan to the Museum both on Museum premises, at any other location worldwide, and while in transit worldwide, subject to certain limits.

For high-value exhibitions, additional insurance is sometimes arranged to supplement the limits of the blanket policy, using either a special policy or an endorsement to the blanket policy by the City of Albuquerque. The Registrar and Assistant Museum Director are responsible for negotiating this coverage.

1. Incoming Loans

If a lender indicates that she/he/they wishes to retain their own insurance coverage during the loan, the Museum may request that the lender reconsider this requirement in an effort to control costs. The Museum tries to establish reciprocal agreements with as many other museums as possible to reduce long-term insurance costs. If the lender insists on their own insurance coverage, the Registrar or Assistant Museum Director obtains an insurance certificate naming the Museum as additionally insured.

2. Outgoing Loans

The Museum permits borrowers to insure Museum loans subject to the Registrar for Loan's review of the borrower's insurance policy and receipt of a certificate of insurance naming the Museum as an additional insured. The insurance terms for loans are specified in the outgoing loan contract. The Museum prefers that an exhibition tour be covered by a single policy (usually the organizing institution's) to avoid controversies over whose insurance company is responsible for any loss. If the borrower's coverage is deemed inadequate for various reasons (e.g., unacceptable exclusions) the Museum will carry the insurance under its own blanket policy. A premium may be assessed based on standard rates. If the borrower self-insures, appropriate assurances will be obtained.

B. General Risk Management

Insurance must never be viewed as a substitute for sound risk management. Risk management covers a broad spectrum of concerns, including proper storage, handling, installation, packing, and shipping techniques; an integrated pest management program; professional fire and security systems; conservation and regular maintenance of the collection; inventory and record keeping.

C. Indemnities

1. U.S. Indemnity

The Museum applies for U.S. indemnity when such coverage will reduce insurance costs. Currently U.S. indemnity can cover (a) foreign loans to U.S. exhibition venues (including transits to and from and on location), (b) U.S. loans in foreign countries (including to and from and on location), and (c) U.S. loans in U.S. exhibitions supplementing foreign loans. The application is compiled by the Registrar with input from the appropriate curator. The Registrar notifies lenders that indemnity has been approved and issues required documentation. To avoid nullifying indemnification, all indemnity instructions and arrangements stated in the application must be carefully followed unless variances have been approved in advance. Protection Services is responsible for confirming security arrangements through the Collections Management Office.

2. Foreign Indemnities

For exhibitions organized by the Museum which travel overseas, the Museum will take advantage of foreign indemnity programs where the cost is effective. For outgoing loans to overseas exhibitions, the Museum's policy is to cooperate in accepting foreign indemnities following approval of the coverage terms and with appropriate documentation.

XIII. EFFECTIVE DATE, REVIEW AND REVISION OF THIS POLICY

This Collections Management Policy is effective as of the date set forth on page i and supersedes all prior policies on the matters addressed herein. To maintain its relevance and usefulness, the Policy will be subject to ongoing review and revision in the course of its use by Museum staff.