

Collections Management Policy



Section	Date	By-Law Number	Page	Of
Douglas Family Art Centre	October 20, 2020	153-2020	1	12
Subsection	Repeals By-Law Number	Policy Number		
Collections	N/A	DFAC-01-02		

Purpose:

The Douglas Family Art Centre champions artistic expression, celebrating the human experience through the lens of art by presenting, collecting, researching and interpreting artworks that seek to engage, inform and inspire the public through selected exhibitions and programming.

1. This Collection Management policy establishes the provisions followed by The Muse Board, Art Centre Advisory Committee, staff and volunteers, in the development, refinement and care of the Douglas Family Art Centre's permanent collection and collections on loan.
2. This Policy does not apply to the Art Centre Boutique.

Definitions:

3. **The Muse** refers to the joint entity that is the Lake of the Woods Museum and the Douglas Family Art Centre.
4. **Board** refers to The Muse Board of Directors.
5. **Collections Committee** is comprised of The Muse Director, the Art Centre Curator, The Muse Board members and the Art Centre Advisory Committee members, hereafter referred to as the "Committee".
6. **Art Centre** refers to the Douglas Family Art Centre.
7. **Collection** is understood to mean the artworks formally acquired to the Permanent Collection of the Douglas Family Art Centre.
8. **Acquisition** refers to an artwork that has entered the Collection.
9. **Deaccessioning** refers to the permanent removal of one or more artworks from the Collection.

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10. **Repatriation** refers to the legal return of an artwork to original or former owners including individuals, institutions or communities.
11. **Director** refers to the Director of The Muse (Lake of the Woods Museum and Douglas Family Art Centre).
12. **Curator** refers to the Curator of the Douglas Family Art Centre.
13. **Fair Market Value** is defined as the highest price, expressed in a dollar amount, that the property would bring, in an open and unrestricted market, between a willing buyer and a willing seller who are both knowledgeable, informed, and prudent, and who are acting independently of each other.
14. **Public Art** refers to artwork in any media that has been planned and executed with the specific intention of being sited in a public space outdoors of the Art Centre.
15. **Cultural Property** refers to artworks of great cultural importance to the heritage of Canadians as certified by the Canadian Government.

Insurance:

16. The Art Centre ensures that insurance coverage is in place to protect the collection and artworks on loan. The Director, Curator, and insurance provider will review the policy on an annual basis in order to ensure that content and coverage is adequate and current. The Director or Curator will advise the provider's representative of the need for extra or special coverage as needed.
17. Incident Report:
 - The Curator and Director are immediately notified upon the discovery of damaged or missing artwork;
 - It is the responsibility of the Director and Curator in conjunction with the municipality to process insurance claims with regard to the collection and loans
18. Disaster Planning:
 - All staff work in accordance with The Muse Disaster Recovery Policy.

Acquisition to Collection:

19. The Art Centre develops the collection through acquisition, including donations (gifts and bequests), exchange, purchase and commissions as well as through deaccessioning and repatriation when appropriate.
20. The Collection is intended to be accessible to audiences of today as well as be a cultural trust for the benefit of future generations.

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21. Collection Priorities

- Collect high quality works of art within a regional context and with relevance to the artistic history of the region;
- Collect contemporary and historic works of art by outstanding regional artists;
- Collect contemporary and historic works of art by Canadian artists of national and international stature;
- Collect artwork that demonstrates a use value, which is measured in terms of how the artwork will be used in the future in the context of exhibitions, programs, and research.

22. The acceptability of an artwork to be formerly entered into the Collection will be determined by the Collections Committee.

23. The Committee will consider artwork proposed for acquisition based on the following criteria:

- Artwork has artistic merit based on the opinion of the Curator in comparison to work in other public and commercial galleries;
- Artwork must be in presentable condition as determined by the Curator;
- Artwork collected must demonstrate a use value, which is measured in terms of how the artwork will be used in the future in the context of exhibitions, programs, and research;
- Artworks must be authentic in the academic opinion of the Director and Curator, and if needed, third party experts;
- Artwork must meet a standard of quality, which is measured in terms of the total production of an artist and substance of the particular artwork;
- The Art Centre has adequate resources for the acquisitions, maintenance, conservation, storage, access for research and display of the artwork;
- The provenance of the artwork is known;
- Proposed donations are to be unconditional gifts with unrestricted terms by the donor.

To assist in the decision-making process, the following questions will be used as a guideline:

- Who is the artist in relationship to the Douglas Family Art Centre?
- What does the piece represent in the artist's production?
- Will the work be shown at the Douglas Family Art Centre?
- Will other institutions want to show this work, i.e. can it be loaned?
- Is the Douglas Family Art Centre the best location for this work?
- Is having this piece in the collection of the Douglas Family Art Centre the best for the artist?

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24. The Art Centre will not collect duplicates unless they serve a useful purpose, such as demonstrating experimentation by the artist with other versions of a piece or unless they are of a higher quality or are acquired for future sale. Any duplicate which does not have a specific function should not be collected.
25. A budget line is provided in the annual operating budget for the acquisition of objects, their cataloguing, storage and care.
26. Acquisition may be made through gift, bequest, purchase, commission or exchange.
 - a) **Gift or Bequest** – A gift or bequest may be accepted from any source, including a staff member:
Gift: Title passes to the Art Centre during the life of the donor.
Bequest: Title passes to the Art Centre under a will.
 - b) **Purchase** - Artworks may be purchased from any source, such as an artist, dealer, vendor or auction. Staff does not have the authority to purchase artwork exceeding \$1,000.00. There is the option to purchase artwork whose cost is in excess of \$1000.00 by seeking funding through the Legacy Fund at the Board's discretion.
 - c) **Exchange** - The exchange of artworks between institutions is an established and useful means of developing and improving a Collection. Exchanges may be arranged by the Curator with the approval of the Director and if deemed necessary with the Board. Exchanges with individuals will not be made.
27. All donations are considered outright and unconditional gifts to be used, displayed, or disposed of at the Art Centre's discretion.
28. Title to the artwork passes to the Art Centre when the Deed of Gift has been signed or the invoice is paid, in full or in part, or as agreed in each instant.
29. Charitable receipts for income tax purposes may be issued for donations of artworks. The person who determines the Fair Market Value of the property must be competent and qualified to evaluate the artwork(s) being transferred as a gift. Donations exceeding a value of \$1000.00 must be accompanied by a written professional third party appraisal, paid for by the donor, before a tax receipt can be issued.
30. If a donor requires a tax receipt for a donation in a given year, the artwork must be offered to the Art Centre in writing by December 1st and presented, accepted and onsite before the holiday closure of that year.
31. In certain instances regarding purchases or donations from outside the immediate region, the Committee may assess the artwork first in photographic image to determine an expression of interest prior to shipping to the Art Centre.

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32. While donor expectations concerning tax receipts and other fiscal considerations such as Fair Market Value are appropriately respected, such expectations do not drive the Art Centre's collecting practices, nor will the Art Centre deviate from best practice standards in order to meet any such expectations.
33. The Director and Curator are responsible for determining whether a gift has appropriate qualifications to be eligible for application to Canadian Cultural Property Export and Import Review Board (hereinafter "CCPERB") for certification. The Art Centre or contracted qualified appraiser will prepare and submit the application.
34. In the case where a CCPERB receipt is desired, certification will be for the tax year in which the gift is formally accepted into the Collection even if the CCPERB certification meeting occurs in the subsequent calendar year. The Art Centre staff cannot guarantee approval of certification by CCPERB.
35. Expenses associated with a donor's gift (e.g. appraisals, shipping) shall, in most cases, be paid by the donor.
36. In the rare circumstance when the Art Centre considers commissioning an artwork for the Collection, the Committee, will create and approve the terms and conditions of the commission and make the selection of a short-list, if necessary, and of the final artwork. Professional standards for commissioning an artwork shall be followed.
37. The Art Centre will not give appraisals for external purposes.
38. The Art Centre will, in its acquisition and collection practices, abide by all municipal, provincial, and federal laws.
39. The Director and Art Centre staff, Board and Committee members cannot accept personal gifts of artwork from artists or their agents.
40. The Director and Art Centre staff, Board and Committee members shall not deal in artwork for personal profit, gain or other advantage.
41. No artwork created by an Art Centre staff member or a Committee member, or their immediate family shall be acquired by the Art Centre, whether by purchase or donation, while that member is serving on the Collections Committee unless that staff member is recused and refrains from any influence of the vote.
42. Any Collections Committee member wishing to donate artwork that they own but have not created, or who may have direct or indirect monetary or professional interest in such artwork, must disclose this information to the Collections Committee prior to any discussion of the donation of the artwork. If the proposed artwork is presented to the Committee for consideration, that member must recuse

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themselves from the meeting during discussion of the artwork and refrain from any influence of the vote.

43. Private collection of artwork by the Director, members of the Muse staff involved with the Art Centre's own collecting program, Board and Committee members is entirely appropriate. However, no private collecting may compete with the Art Centre for acquisition of artwork. Should a conflict of interest develop between the needs of the individual and the Art Centre, the interests of Art Centre shall prevail.

Documentation of Collection:

44. Artworks collected should be accurately and thoroughly documented maintaining a comprehensive system of records. Documentation is the responsibility of the Art Centre Curator and other staff as appropriate. Such documentation should include:
 - a) Provenance and legal title of artwork;
 - b) Accession and cataloguing data: artist name, nationality, title, production date, media, edition, surface material (canvas, paper etc), dimensions, framing description;
 - c) Photographic documentation;
 - d) Condition and conservation history;
 - e) All correspondence, documents and other materials/notes pertaining to an Artwork;
 - f) Current and former locations including loan records;
 - g) Deaccessioning information.
45. The Art Centre will use accepted and consistent standards, methods and procedures to document the collection. Documentation must be maintained as a permanent record. Copies of electronic records must be maintained and stored in an off-site location.
46. The Art Centre will ensure that the collection is properly labelled, stored, and cared for, in the Class A designated facility ensuring the long-term preservation of cultural property.
47. Confidential aspects of the records (such as, but not limited to, donor information and insurance values) will be kept confidential and separate from aspects of records shared with researchers.

De-Accessioning from Permanent Collection

48. Artwork for deaccessioning is determined and presented with a full justification to The Muse Board by the Director or Curator. The justification must include: explanation criteria for the deaccessioning, consultation with staff and may include consultation with interested dealer or specialist, and a declaration of the intended outcome once deaccessioned.

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49. The Art Centre may deaccession artworks from the Collection based on any or more of the following criteria:
- a) Duplication;
 - b) Questionable authenticity or provenance;
 - c) Not useful for research, exhibition, or loan;
 - d) Inferior quality;
 - e) Public safety concern;
 - f) Found to have unethical or illegal provenance;
 - g) Approved for repatriation;
 - h) Inability for the Art Centre to meet standards of care or storage requirements;
 - i) Accidentally lost or destroyed.
50. When an artwork is deaccessioned the Art Centre must ensure that:
- a) It has clear title to the object;
 - b) There are no legal restrictions that prohibit deaccessioning the artwork.
51. At no time will Art Centre staff, Board or Committee members or anyone connected to the Art Centre in any formal way be permitted to acquire deaccessioned artwork directly from the Art Centre.
52. Prior to the Board meeting, the Art Centre Curator shall ascertain that there are no legal, time-related or other restrictions against the deaccessioning of the artwork and that the disposal will not contravene CCPERB regulations or other legislation.
53. The process of deaccessioning will be thoroughly documented so that a permanent record of the Art Centre's actions is available for future reference. The catalogue number must be removed from the deaccessioned artwork; however the catalogue number must be maintained in the accession records along with the necessary details of the disposal.

Disposal of Deaccessioned Artwork

54. The Curator will recommend the means of disposal of deaccessioned artworks.
55. Means of Disposal of artwork may include:
- a) Sold through public auction or by reputable and established dealers with the proceeds going into the acquisition fund;
 - b) Offered to another art gallery or educational or cultural institution as a gift or in exchange;
 - c) Donated to a charity;
 - d) Repatriation;
 - e) Intentional destruction.

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56. In circumstances other than accidental destruction or loss, the manner of disposal should be in the best interest of the Art Centre, the community it serves, and the public trust placed in it. Every effort should be made to ensure that the artwork remains in the public domain. As a result, sale at Fair Market Value or exchange with another public institution that can provide the highest degree of care for and make the most appropriate use of the artwork will be the first course of action pursued. The Art Centre will do its utmost to ensure that a deaccessioned artwork which is significant to Canadian cultural heritage is retained in Canada.
57. If disposal is by outright sale, sale by public auction is preferable.
58. Artwork can be intentionally destroyed if it is determined:
- To be inauthentic, such as a forgery or reproduction, and of no archival or documentary value;
 - To substantially lack physical integrity to the point that it cannot reasonably be preserved.
59. Where disposal involves the transfer of ownership, appropriate legal documents shall be obtained.

Use of Deaccessioned Proceeds:

60. In cases when an artwork has been accidentally destroyed or permanently lost, the artwork will be deaccessioned from the Collection. Any funds derived from this loss, such as a payment from insurance, will be credited to the Art Centre's acquisition fund or for care of artwork in the Collection or exhibition programming as determined by the Director.

Repatriation:

61. The Art Centre will deaccession artworks from the Collection for the purposes of Repatriation, when it can be shown that the individual, group or body of government have right to the artwork. The Art Centre recognizes that requests for Repatriation can only be resolved on a case-by-case basis.
62. In order to avoid the future need to repatriate artwork from the Collection the Art Centre will:
- Maintain provenance and titles of artworks;
 - Maintain knowledge of up-to-date information on international and national inventories of lost and stolen artwork;
 - Refuse cultural objects from any occupied country;
 - Maintain complete documentation related to repatriation or questions about legal ownership of artworks in the Collection.
63. With regard to questions concerning legitimate title or the discovery that an artwork is stolen, legal counsel will be sought.

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Care Of Collections:

64. In all collection activities the Art Centre will meet professional standards in compliance with museological principles and ethics, following provincial, national and international laws, agreements and treaties.
65. The Art Centre will uphold art gallery standards of care for artworks involving the following fundamental elements:
- Security (e.g. protection against theft, vandalism, fire, flood and other disasters);
 - Environmental controls (e.g. temperature, relative humidity, intensity and quality of lighting, and airborne contaminants);
 - Appropriate methods and conditions for handling and storing artworks that are in line with indefinite preservation.
66. It is the responsibility of the Director and Curator to ensure that professional standards are met in the methods and conditions under which the following activities occur:
- Display and providing study access to artwork;
 - Installation and de-installation of artwork in exhibitions;
 - Exhibition lighting;
 - Matting and framing of artwork;
 - Transportation of artwork to or from the Art Centre;
 - Storage of artwork.
67. All permanent members of the Art Centre staff will have the appropriate level of training for handling artwork and any temporary employees involved with handling artwork will be trained by Art Centre staff to the appropriate level for the safe handling of the artwork.
68. The Curator is responsible for initiating any conservation action on an artwork. Such work will not be undertaken without consultation with the Director.

Loans:

By Douglas Family Art Centre

69. Official requests for loans must be made in writing to the Curator, who with the final authority of the Committee will approve or deny the loan based on the borrower's ability to meet standards of care. Loans will not be made or considered to individuals, except under unique circumstances.
70. Each request to borrow artwork from the Art Centre will be dealt with individually.

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71. Loans from the Collection to borrowers are considered for the following reasons:
 - a) As part of a travelling exhibition prepared by the Art Centre or partner for public display;
 - b) As part of an exhibition project, which is deemed by the Art Centre Curator to hold curatorial research and interpretation as a priority;
 - c) To promote the Douglas Art Centre Collection.
72. No artwork certified as Cultural Property shall go out on loan to institutions not designated as Class A by the Movable Cultural Property Program through the Department of Canadian Heritage.
73. Selected artworks may be available for loan to other institutions with specified time lengths according to the loan conditions established by the Committee and detailed in the loan agreement used for such purposes.
74. The Art Centre reserves the right to recall a loan at any time if conditions of display are deemed to be of risk to the artwork or if the artwork is required for the Art Centre's exhibitions or research projects.
75. Borrowers must sign a loan agreement prepared by Art Centre staff. All loaned artworks are subject to a loan fee payable by the borrower, plus all costs related to the loan including packing, crating, shipping, insurance, customs fees, conservation and other necessary costs as agreed to between the borrower and the Art Centre.
76. Artworks loaned by the Art Centre on a long-term basis must be reviewed and renewed annually, if such renewal is desirable.
77. Art Centre staff will ensure that all artwork selected for loan is in sound condition, fully documented, and capable of the required transport.
78. Outgoing loans must be fully documented and accompanied by signed agreements defining time frame of the loan, agreed upon costs, the use of the artwork and their images, reproduction rights, insurance coverage and all other terms and conditions of the loan including shipping and handling conditions and requirements. The documentation on file will include one signed copy of the loan agreement and information relating to value and condition.
79. Any damage or change in condition of loans will be reported to Art Centre staff as soon as possible.
80. No conservation work or framing modifications will be undertaken by the borrower without written authorization from the Curator.
81. The Art Centre reserves the right to not lend artworks or other materials.

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To Douglas Family Art Centre:

82. Artworks will be accepted on loan by the Art Centre for a specific purpose, i.e. exhibition, research etc.
83. The Art Centre will accept loans from institutions, corporations, or individuals for assigned periods of time.
84. Loans receive appropriate levels of documentation and are accompanied by signed agreements defining the time frame of the loan, agreed upon costs, the use of the objects and their images, reproduction rights, insurance coverage and all other terms and conditions of the loan including shipping and handling conditions and requirements.
85. The Curator monitors loan expiration dates to ensure loans are returned to the lender within the agreed time frame. If an exhibition is extended and an artwork is to remain on loan, agreed upon with lender, the loan agreement is updated and insurance coverage extended.
86. The Art Centre will provide the same standard of care and security for the artworks on loan as it does for those in its Collection.
87. Conservation, restoration or other treatment will not be undertaken to borrowed artworks without the prior written authorization from the lender. Any restoration must be documented with conservator reports filed.
88. All long-term loan agreements shall be reviewed annually.

Reproduction and Copyright:

89. The Art Centre will comply with all Canadian copyright legislation pertaining to the reproduction of artist's artwork in the Collection and on loan.

Access to the Collection:

90. There will be physical access to artworks through exhibitions, programs, events and tours. Other requests for physical access will be considered individually (loans, individual requests, research).
91. Access to and use of the Collection is at the discretion of the Director and Curator and is generally provided to any person who can demonstrate a need. Determining factors include:

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- a) Condition of the artwork;
- b) Risk to the artwork;
- c) Location;
- d) Security;
- e) Health and safety risks;
- f) Copyright;
- g) Intended use;
- h) Expertise of the researcher;
- i) Human and financial resources available.

92. The Douglas Family Art Centre must be credited for any use of its Collection with "Courtesy of the Douglas Family Art Centre, Kenora, ON."

Review:

93. The Collections Management Policy shall be presented by the Director or Curator to the Board for review at a minimum of every three years.