



OLD DOMINION UNIVERSITY

University Policy

Policy #2500

VISUAL ARTS COLLECTION POLICY

Responsible Oversight Executive: Provost and Vice President for Academic Affairs
Date of Current Revision or Creation: August 11, 2015

A. PURPOSE

The purpose of this policy is to outline the process for the acquisition, care, storage, display, inventory and disposal of visual arts assets owned or controlled by the University.

B. AUTHORITY

[Code of Virginia Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 6.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[Code of Virginia Section 23.1-2003, as amended](#) – Powers and Duties

[Old Dominion University Board of Visitors Policy 1801 – Development Policy](#)

[Old Dominion University Board of Visitors Policy 1802 – Acceptance of Gifts-in-Kind to the University](#)

C. DEFINITIONS

Accession - The formal act by which the University accepts an object into the category of materials that it holds in the public trust.

Acquisition - The act of gaining possession of objects or properties.

Collection - A group of objects that directly relate to the purpose of the University and the Baron and Ellin Gordon Art Galleries (the “Gallery”). Objects accessioned into a collection are cataloged, documented, preserved, and managed according to prescribed procedures meeting the [American Alliance of Museums Standards and Best Practices](#).

Collection Committee – Appointed by the Dean of the College of Arts and Letters as needed, this committee approves all recommendations of works to be accessioned and deaccessioned from the Collections. This committee should be comprised of at least one full time faculty member from the Art Department.

Cultural Property - A tangible asset that, on religious or secular grounds, is specifically designated by a culture as being of importance for archaeology, prehistory, history, literature, art or science, considered significant and valuable in itself and held in public trust.

Curator - Working under the supervision of the Gallery Director, the Curator is charged with maintaining, researching, and interpreting the collections, developing and mounting interpretative and educational exhibitions related to the mission of the Galleries, and serving the academic departments of the University.

Deaccession - The formal act of removing an art/craft object from the University's collections in preparation for disposal or transfer of that object either by sale or donation.

Gallery Director - Appointed by the Dean of the College of Arts and Letters, the Gallery Director is responsible for the general direction, oversight and operation of the Baron and Ellin Gordon Art Galleries (the "Gallery").

Instrumental Property - A tangible asset related to the mission of the organization because it enables an organization to carry out its charitable purpose.

Visual Arts - Include the University's permanent, study and ancillary collections as described in Section E.

D. SCOPE

This policy applies to all employees and employees of affiliated organizations who are paid through the University who are responsible for the proper use and control of University-owned visual arts assets. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University. Affiliated organizations are separate entities that exist for the benefit of the University through an operating agreement and include the Foundations, the Community Development Corporation, and the Alumni Association.

E. POLICY STATEMENT

Old Dominion University is committed to the proper care and management of its visual arts in accordance with the [American Alliance of Museums Standards and Best Practices](#). This policy provides guidelines for the University's collections-related activities in order to meet these professional standards.

The types of collections maintained by the University include the following:

- **Permanent Collection:** The permanent collection is held for public exhibition, or research in furtherance of public service, rather than for financial gain.

For the purpose of the University's Baron and Ellin Gordon Galleries (the "Gallery"), permanent collections will be narrowly chosen so as to allow for the creation of a comprehensive and definitive collection in a selected area of study. As the Gallery continues to grow, these collections may become broader as the capacity for research and collecting increases. The range of the collection of the Gallery shall include works of 20th- and 21st-Century American self-taught and folk art; works of modern and contemporary art; artworks by Old Dominion University faculty, staff or students; works by regional artists, including artists from or working in Virginia and North Carolina; other works as deemed appropriate;

and archives and interpretive material related to these works. The collection shall include documentation of individuals and cultural groups as well as objects that illustrate the history of arts and crafts in Virginia and North Carolina as well as American self-taught and folk art.

- **Study Collection:** The Study Collection contains objects and artifacts useful to the development of hands-on educational programs presented by the Gallery and the University in interpreting the permanent collections and the process of making the works in the collections. Objects in the study collection are readily available or duplicate objects and are not accessioned into the permanent collection. They may include printing plates, restrikes, photographic copies and reproductions, and other materials specific to creating works in the collection.
- **Ancillary Collection:** The Ancillary Collection comprises objects not related directly to the purpose of the Gallery but which contribute to and enhance the visual, educational and investment interests of the University. Objects accessioned to ancillary collection are not part of the permanent collection but are maintained and afforded the same treatment and protections as objects in the permanent collections.

The University manages its Visual Arts Collection through Acquisition, Accession and Deaccession.

1. **Acquisition** - The University may acquire objects by donation, bequest, purchase, or transfer. Authority for the acquisition of objects for the University's collections is held by the Gallery Director and a Collections Committee appointed as the need arises.
2. **Accession** - Objects acquired by the University and meeting the following criteria may be accessioned to one of its several collections.
 - a. Objects acquired for the permanent collection must be relevant to, and consistent with, the Gallery's purposes and activities, which are research, preservation, exhibition, and/or interpretation of objects as described in the definition of the permanent collection above.
 - b. The University and Gallery must be able to provide proper care and storage for objects in all collections in keeping with professionally accepted standards.
 - c. It is intended that objects in the permanent collection shall remain in the collection as long as they retain their physical integrity, their authenticity, and their relevance and usefulness for the purposes and activities of the University and Gallery.
 - d. The University and its staff shall be in full compliance with State, Federal, and international laws and regulations governing the acquisition, sale, and transfer of cultural and instrumental properties.
 - e. Title to all objects acquired for the Permanent, Study, and Ancillary collections should be obtained free and clear without restrictions to use or future disposition.
 - f. The present owner shall have a clear and verifiable title of ownership to the object and shall have obtained the object legally and ethically, as described by the [American Alliance of Museums Code of Ethics](#), prior to acquisition by the University.
 - g. The University should be provided with (or allowed to copy) all existing documents and information in the present owner's possession that pertain to the historical significance and provenance of the object.
 - h. Acceptance of the object will not result in major expense in conservation disproportionate to its usefulness.

3. Deaccession - The University and Gallery have the right to deaccession in order to dispose of or transfer objects from its collections after due consideration in a manner consistent with professionally accepted standards and in the best interest of the University and the Gallery. An object recommended for deaccession must meet at least one of the following criteria:
 - a. The object has ceased to have relevance and consistency with the University's or Gallery's purposes and activities.
 - b. The object has deteriorated beyond usefulness and/or the University's or Gallery's ability to conserve it.
 - c. The object is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other objects and/or the health and safety of the University community.
 - d. The University or Gallery is unable to continue to provide care and storage for the object in keeping with professionally accepted standards.
 - e. The object's care and storage are more expensive than the value of the object as it relates to the University's or Gallery's purposes and activities.
 - f. The object has failed to retain its identity or authenticity.
 - g. The object is replaced with a similar object of greater significance, quality, and better condition.
 - h. The object is subject to legal and AAM ethical standards including but not limited to issues arising from illegal import or export from country of origin, stolen property, or property consisting of a controlled substance.

In accordance with AAM ethical standards, deaccessioned objects will not be sold or given, publicly or privately, to any University employee, member of the Board of Visitors, or their families or representatives of University employees or Board of Visitors members. Complete records will be maintained on all deaccessioned objects and their subsequent disposition. A deaccessioned object may be disposed of by one of the following methods:

- a. Transfer to another more appropriate department of the University.
- b. Placement in the study collection or ancillary collection of the University if appropriate.
- c. Donation to an appropriate non-profit gallery, museum or scholarly or cultural institution or organization, preferably within the Commonwealth of Virginia, especially if the object is from the Commonwealth.
- d. Repatriation to the entity or government that has established a legal claim to ownership of the object in accordance with international laws and repatriation acts.
- e. Sale at an advertised public auction or in the public marketplace in a manner that complies with State law and that will best protect the interests, objectives, and legal status of the Gallery. Every means possible should be taken to ensure the object remains within a public institution.
- f. Destruction of the object only if the object has deteriorated beyond usefulness or presents a health hazard and no other method of disposal is appropriate.

Use of Proceeds Derived from Deaccession/Disposal

- a. Any funds derived from the sale of deaccessioned objects from the permanent or study collection will be used solely for collection acquisitions.
- b. Any funds derived from the sale of works from the auxiliary collection, if the object is a gift-in-kind, shall be used for the support of the program for which it was given.
- c. Funds derived from other objects not in the permanent collection will be distributed at the discretion of the President of the University according to the donor's wishes.

Incoming Loans of Artifacts – The University and/or Gallery may borrow objects from institutions and individuals for specific purposes such as exhibition and/or research if the following criteria are met:

1. Loans of objects from individuals are limited to a time period of five years or less. Loans of objects from institutions are usually limited to a time period of five years or less, but may, under special circumstances, be arranged for a specified time period of over five years at the recommendation of the Gallery Director and with the approval of the Dean of the College of Arts and Letters or the President or designee. Authority for incoming loans is shared by the Gallery Director and the Curator.
2. The University or Gallery will not, under any circumstances, accept so-called indefinite or permanent loans.
3. Objects on loan are to be provided with the same professional level of care afforded objects owned by the University and Gallery. The University and Gallery will not knowingly accept an object on loan if the physical condition is such that the object will not be able to withstand travel to and from the University and/or exhibition. Lenders to the University and Gallery shall have obtained the object legally and ethically and have a clear and verifiable title of ownership to the object. Complete records on all incoming loans are maintained in the Gallery offices by the Curator.

Outgoing Loans of Artifacts - The University and Gallery may lend objects to qualified museums and other institutions for specific purposes such as exhibition and/or research for a specified time period if such institutions meet professional standards of collections care and management and the following criteria are met.

1. The Gallery will not under any circumstances lend objects to individuals.
2. Outgoing loans to qualified museums will be permitted for a period of five years or less with an option for renewal if agreeable to both parties.
3. No object will be lent if its physical condition is such that the object will not be able to withstand travel and/or exhibition.
4. The Gallery will not lend objects that are needed for its own exhibition and/or research purposes.
5. Authority for outgoing loans lies with Gallery Director or director's designee, subject to the approval of the Dean of the College of Arts and Letters or the President or designee.

Access to and Use of Collections and Collections Records - The University and Gallery will strive to make its collections and collections records available for study and examination by individuals for scholarly research and other legitimate purposes.

The University and Gallery will allow access to and use of its collections and collections records in a controlled, professional manner that protects the physical and intellectual integrity of the collections and collections records. Access to the collections and collections records will not be unreasonably denied. However, acknowledging its responsibility to safeguard the collections and collections records, the University and Gallery reserve the right to control access to prevent the following:

- Deterioration, mutilation, loss, or dislocation of objects and/or collections records.
- Undue interference with the administrative, professional, and technical operations of the Gallery
- Undue impact on the furnishing of services to other Gallery users.

Authority for permitting and monitoring access to and use of the collections and collections records is shared by the Gallery Director and director's designee. Should questions arise regarding proper, legitimate access to and use of the collections and collections records, University Counsel will be consulted.

Reproductions of Objects in Collections: The University and Gallery reserve all rights for the reproduction of objects in the collections. No commercial reproduction (replica manufacture of any sort) is permitted without a written agreement approved by the Gallery Director and Dean of the College of Arts and Letters. In general, non-educational or commercial reproductions of objects will not be approved. The University reserves the right to license vendors, collect royalties, initiate charges, or otherwise control the use of its collections as may be deemed appropriate and lawful.

Limitations on Public Photography of Collections - No publication or commercial use of photographs taken in the University's/Gallery's exhibition areas is permitted without the written approval of the Gallery Director or the director's designee.

F. PROCEDURES

1. Accessions

- a. All offers of objects to the University or the Gallery whether by donation, bequest, purchase, or transfer should be referred to the Gallery Director or the director's designee.
- b. The object will be placed on temporary deposit until the next meeting of the Collections Committee and the potential donor will be given a Loan Agreement receipt for the object. The agreement receipt should be signed by the object's owner and the Gallery staff person receiving the object (the Gallery Director, Curator or their designee). This receipt outlines the terms of temporary custody, the length of which should not exceed 90 days.
- c. The director will call a meeting of the Collections Committee at which the potential donation is reviewed and considered for accessioning. The Collections Committee consists of the, Gallery Director, curator and a selection of faculty members appointed by the Gallery's Director.
- d. After study and review of the object, the Collections Committee will determine whether or not to acquire the object and, if acquired, designate the appropriate collection for the acquisition.
- e. If the decision is made not to acquire the object, the curator will be responsible for returning the object to the owner, according to the terms of agreement outlined in the temporary custody receipt, and documenting the return. (See "Incoming Loans," Part III, "Incoming Loan Agreement.")
- f. If the decision is made to acquire the object, the Gallery Director or Curator, in concert with the Vice President for University Advancement or designee, will initiate and complete the acquisition of the object in the following manner:
 - i. If the object is to be donated, a deed of gift should be signed by the donor and the Gallery Director. The deed of gift formally transfers the complete ownership of the

object to the University and shall be legally binding when signed and dated by both parties. A copy of the deed of gift shall be provided to the donor, and deed of gifts shall be kept on file in the Office of University Advancement with copies to the Gallery Director and Curator.

- ii. If the object is to be bequeathed, a copy of the pertinent section of the Will should be provided by the attorney or executor and shall be kept on file in the Office of University Advancement with copies to the Gallery Director and Curator.
- iii. If the object is to be purchased, the bill of sale or receipt will be kept in the Office of University Advancement with copies to the Gallery Director and Curator.

2. Deaccessions

- a. A written deaccession request listing the reason(s) for deaccession and recommended means of disposal must be signed by the Gallery Director, Curator, and the Dean of the College of Arts and Letters before submission to the President's Office and University Counsel.
- b. The deaccession request must be approved by the President or designee in order to authorize the Gallery to proceed with the deaccession and disposal.
- c. If an object is a gift-in-kind donated for the sole purpose of benefiting the University, college or program as the University sees fit and is recommended for deaccession, it should be reviewed by the Collections Committee to determine if the work meets the requirements to be accessioned into the permanent collection prior to its deaccessioning and disposal. If these requirements are met, the object is to be transferred to the permanent collection.

3. Incoming Loans of Artifacts

- a. For objects on loan from individuals or institutions for a period of five years or less, an [Incoming Loan Agreement](#) must be signed by the lender and an authorized Gallery staff person (the Gallery Director, Curator, or their designee). For objects on loan from institutions for a period of over five years, an Incoming Loan Agreement must be signed by the lender and the Gallery Director with prior approval from the President's Office. The Incoming Loan Agreement outlines the terms of the loan specifying the loan purpose, time period, insurance coverage, and the responsibilities of both the borrower and the lender.
- b. The Gallery normally photographs borrowed objects for recordkeeping and security purposes unless instructed by the lender not to do so. The Curator will be responsible for the packing, shipping and/or transportation, and insurance coverage for borrowed objects. The lender is responsible for the cost of any object appraisal(s) if needed for insurance purposes. The Gallery will make all reasonable efforts to return borrowed objects to the lender in accordance with the terms outlined in the Incoming Loan Agreement and in accordance with [Code of Virginia, Title 55, Property and Conveyances, Chapter 11.1, Disposition of Unclaimed Property](#).

4. Outgoing Loans of Artifacts

- a. Museums seeking to borrow an object(s) must submit a written request to the Gallery Director stating the specific object(s), purpose, and time period of the proposed loan and guaranteeing payment of all costs associated with the loan including packing, shipping, and/or transportation, and insurance.

- b. A [Standard Facility Report](#) will be submitted to the Gallery Director by the proposed borrower. The Dean of the College of Arts and Letters and/or University Counsel's office will jointly review the written loan request and the completed Standard Facilities Report to determine if the proposed borrower meets professional standards.
 - c. If professional standards are not met by the proposed borrower, the Gallery Director or the Curator will notify the proposed borrower.
 - d. If professional standards are met by the proposed borrower and if the loan of the object(s) will not endanger its physical condition or interfere with the Gallery's own exhibition and/or research needs, the Gallery Director may make a written recommendation to the Dean of the College of Arts and Letters to approve the loan. Upon approval by the Dean, the Gallery Director is authorized to proceed with the outgoing loan.
 - e. An [Outgoing Loan Agreement](#) must be signed by the authorized representative of the borrowing gallery and either the Provost, or the Provost's designee.
5. Access to and Use of Collections and Collections Records
- a. A written request specifying the objects and records to be examined (and if the researcher wishes to photograph the objects and in what format), the purpose and proposed date of the examination, and the researcher's current address and daytime phone number should be submitted to the Curator.
 - b. If the request meets with the established access policy of the Gallery, the Curator will schedule an appointment with the researcher and will provide supervised access to the specified objects and records.
6. Request for Photographs of Collections
- a. Requests for obtaining photographs of objects in the Gallery's collections will be submitted in writing to the Curator.
 - b. The University will establish and adjust, as necessary, a fee schedule for all photographic and other copy work.
 - c. Due to limited staff resources and time, the Gallery may be unable to fulfill a specific photographic request if there is not already an existing negative, transparency or digital image.
 - d. Researchers wishing to photograph objects in the collections with their own photographic equipment may do so only with prior approval from the Gallery Director.
 - e. Researchers wishing to hire an outside vendor to photograph objects in the collections may do so only with prior approval. The University reserves the right to select the vendor to provide such special photographic services. The researcher must make direct arrangements with the vendor for payment of vendor services.
 - f. If the request is to publish a photograph of an object, a [Permission to Publish Form](#) with the stipulation that the photograph will be appropriately credited and that the Gallery will be provided with a complimentary copy of the publication must be completed and submitted for approval by the Gallery Director or the Curator.
 - g. Purchase of copyrighted photographic prints or transparencies of the University's collection does not convey to the purchaser any rights of copyright. Certain works of art as well as photographs of those works of art may be protected by copyright, trademark, or related interests not owned by the University. The responsibility for ascertaining whether any such rights exist and for obtaining all other necessary permissions remains with the purchaser.
 - h. The University reserves the right to charge for the use of its copyrighted materials, photographs, and reproductions.

- i. The University reserves the right to deny a request for photographs of the University's collections if fulfilling the request would lead to one or more of the following conditions:
 - endangering the physical security of the collections
 - undermining the intellectual integrity of the collections
 - posing an excessive administrative burden
 - violating the terms of a loan
 - infringing on copyrighted material
 - involving a use for illegal or unethical purposes
 - violating privacy, publicity, or other personal rights of any party
 - libeling, slandering, or causing undue ridicule or embarrassment to any person or organization
 - implying an institutional endorsement of any product, company, or enterprise.

G. RECORDS RETENTION

Applicable records must be retained and then destroyed in accordance with the [Commonwealth's Records Retention Schedules](#).

H. RESPONSIBLE OFFICER

Director, Baron and Ellin Gordon Galleries

I. RELATED INFORMATION

[University Policy 3400 – Fixed Asset Control](#)

