

**THE NEWARK MUSEUM OF ART**  
**COLLECTIONS MANAGEMENT POLICY**

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## **1 MISSION AND VISION STATEMENTS**

### **MISSION STATEMENT**

*The Newark Museum of Art welcomes everyone with inclusive experiences that spark curiosity and foster community.*

2019

### **VISION STATEMENT**

*The Newark Museum of Art will be the destination museum for the city, region, and country.*

2019

## 2 STATEMENT OF AUTHORITY

The Newark Museum Association doing business as The Newark Museum of Art (hereafter the Museum) is a private, nonprofit, 501(c)(3) corporation governed by the Board of Trustees (hereafter the Board). The Board is a body acting in accordance with the Bylaws of The Newark Museum Association. The Board must approve the Collections Management Policy because they have the ultimate responsibility for ensuring that the Museum's mission and goals are met, which includes managing the collection. The Board manages the Museum by selecting a Museum Director and by delegating the management of the collection through the Director to the Collections Care staff. This is done by the Board approving the policies to be implemented by the staff under the leadership of the Director, who reports to the Board. The day-to-day management of the museum is delegated by the Board to the Director, who bears the responsibility for the implementation of the policies. The Director delegates the authority to implement the Collections Management Policy to the staff.

from the Amended Certificate of Incorporation:

1. The Name of the Corporation is The Newark Museum Association
2. The purposes for which the Corporation is formed are: To establish, maintain and manage a museum or museums in the City of Newark or elsewhere within the State of New Jersey for the reception, exhibition, use, and study of articles of art, science, history and technology, and a library or libraries, related to its museum purposes; to advance and encourage public study, use, appreciate, understanding and enjoyment of the arts, sciences, history and technology; to preserve, restore, establish, maintain and manage historical and cultural buildings and sites within the State of New Jersey .... It's said activities may be conducted within or without New Jersey. The Corporation shall have and may exercise all powers necessary, convenient or incidental to effect its purpose and all powers given by law.

Historical note:

The Association's original Certificate of Incorporation was signed and sealed April 29, 1929, under an act of the Legislature of New Jersey entitled An act to incorporate Associations not for pecuniary profit, approved April 21, 1898, Rev. Stat. (1937) Tit. 15:1-1 et seq. On January 26, 1926, the Association amended Articles 4,5,6, and 7. On January 26, 1965, the Association amended Articles 1, 2, 3, 5 (as previously amended), 7 (as previously amended), 8, 9, 10, 12, and simultaneously it adopted Articles 13 and 14. The entire Certificate as so amended and as reproduced above was filed for recording with the Secretary of State of New Jersey on February 23, 1965, and with the Essex County Clerk on March 15, 1965.

Approved Acquisitions & Collections Committee, 10/1/2020  
Approved Board of Trustees, 10/21/2020

### 3 COLLECTIONS OF THE NEWARK MUSEUM OF ART

#### I. Guiding Principles

##### General Principles and Types of Collections

The Newark Museum of Art's (hereafter the Museum) collections include:

1. The Permanent Art Collection of more than 130,000 objects representing American Art, Arts of the Americas, Arts of the Ancient Mediterranean, Arts of Global Africa, Arts of Global Asia, Decorative Arts, and Numismatics. This collection consists of formally accessioned objects that are maintained at the highest standard of care and documentation and are central to the Museum's mission. These objects are assigned permanent unique identifying numbers and are entered in the collections database for tracking purposes. An object file should also be maintained as a fundamental record for every accession. Policies for the approval of objects entering this collection are outlined in the Accession Policy (See Section 5). Objects in this collection are removed from the collection only through the process of deaccessioning (See Section 6).
2. The Permanent Science Collection estimated at 170,000 natural history specimens of zoological, botanical and geological origin. Specimens have been acquired for their potential research, exhibition, and educational purposes. This collection consists of formally accessioned objects that are maintained at the highest standard of care and documentation and are central to the Museum's mission. These objects are assigned permanent unique identifying numbers and are entered in the collections database for tracking purposes. An object file should also be maintained as a fundamental record for every accession. Policies for the approval of objects entering this collection are outlined in the Accession Policy (See Section 5). Objects in this collection are removed from the collection only through the process of deaccessioning (See Section 6).
3. An Educational Loan Collection of more than 25,000 mostly three-dimensional objects from world cultures, history, and the sciences. This collection was closed in 2010, deaccessioned in 2014, and is currently being reviewed and disposed of. The collection was closely linked to school curriculum and was used primarily by teachers and libraries in classroom settings and for exhibit. In addition, organizations, businesses, small museums and churches also borrowed objects for special events and exhibition. These objects are assigned an identifying number for inventory and tracking but are not considered part of the Permanent Collection. The Collection Management Policy applies to the Educational Loan Collection only where expressly noted. See Appendix B for Educational Loan Deaccession Policy.
4. A Library containing approximately 60,000 volumes dedicated to the arts and sciences. Archives that serve as the repository of the historical records of the institution dating from 1909 to the present. The Library & Archives have their own Collection Development Policies.
5. An Education Collection comprising a small number of mostly three-dimensional objects from world cultures, history, and the sciences. This unaccessioned collection is utilized for teaching and interpretive programming by the Learning & Engagement Division, including School Programs, Youth and Family Programs, MakerSpace, Dreyfuss Planetarium, and Volunteer Docents. Some objects are appropriate for hands-on educational programs. These objects are tracked through a physical inventory conducted by the Learning & Engagement Division and are not considered part of the Permanent Collection. This Collection Management Policy applies to the Educational Collection only where expressly noted. Education Collection

objects, at the Deputy Director of Learning & Engagement's discretion, may be disposed of if they are damaged or if it is determined that they no longer serve the educational mission of the Museum.

6. A Supplemental Collection comprising unaccessioned objects that are acquired to support the program goals of the Museum but are not fit for the Permanent Collection. They may include technology components to support acquisitions such as new media, exhibition props, objects of low value for use in a particular exhibition, fakes, reproductions and/or exhibition copies. These objects are assigned an identifying number for inventory and tracking but are not considered part of the Permanent Collection. This Collection Management Policy applies to the Supplemental Collection only where expressly noted. See Appendix A for Supplemental Collection Policy.

The Museum's collections provide the basis for its educational and programmatic activities. The Museum recognizes that its obligation to its collections constitutes a public trust that must be considered paramount to other concerns. This obligation includes responsibility towards future generations who are entitled to benefit from the material evidence of human culture and the natural world that the Museum's collections provide.

It is also the Museum's purpose to shape the collections through purchases, gifts, and deaccessions.

Any Collections Management Policy must be broad in scope, flexible, and subject to frequent review. The Collecting Plan is a companion document in which assessment and goals for specific collecting areas are articulated by the Curatorial team.

## II Definitions

### Collections:

Collections are defined as objects, artifacts, and specimens, including historical houses, owned by The Newark Museum of Art, along with related records and other documentary materials which provide sources of information about them. Included are materials held by the Art, Science, Educational Loan, Learning & Engagement, and Library & Archives Departments.

### Collection Departments:

Several departments in the Museum interact regularly with objects in the Museum's collections and are responsible for their care. In addition to those departments listed under collections, they include: Office of the Registrar and Exhibitions Department. Other departments using objects but not responsible for their primary care include: School Programs, Youth and Family Programs, MakerSpace, Dreyfuss Planetarium, and Volunteer Docents.

### Collections Staff:

Full or part-time members of collection departments and volunteers and interns in collection departments are the individuals usually dealing with the objects.

The Newark Museum of Art's collections include:

**Art**

American Art  
Arts of the Americas  
Arts of the Ancient Mediterranean  
Arts of Global Africa  
Arts of Global Asia  
Decorative Arts  
Numismatics

**Education**

**Educational Loan**

**Library & Archives**

**Science**

**Supplemental Collection**

Approved Acquisitions & Collections Committee, 10/1/2020  
Approved Board of Trustees, 10/21/2020

## 4 ACCESSION POLICY

### I. LEGAL, ETHICAL AND PRACTICAL CONSIDERATIONS

#### A. General and Practical Considerations

The following constitute specific considerations that, among others, form the basis for The Newark Museum of Art's (hereafter the Museum) acquisitions activities for the purpose of accessioning and constitute guidelines for those persons involved in the acquisition and accessioning process:

1. General Considerations: Objects accessioned by the Museum into its collections, whether by gift, bequest, purchase, or exchange, are intended to be retained for the long term and are reviewed according to the following general criteria:
  - a. The object shall be relevant to the mission of the Museum.
  - b. The object shall be consistent with the general collection goals of the Museum and the specific goals of the relevant Curatorial department.
  - c. The object shall be useful for exhibition or educational purposes.
  - d. The object shall offer the potential for research and scholarship.
  - e. The object shall retain its basic integrity and be in an appropriate state of preservation.
  - f. The object shall be free of restrictions or qualifications of any kind. However, there may be objects so important that such restrictions will be deemed acceptable. If, in special circumstances, an object is accepted with restrictions, the conditions should be clearly stated in an instrument of conveyance and all records.
2. Practical Considerations: In addition to these general considerations that have just been set forth, the following factors will be considered in determining whether to accept an object:
  - a. The existence of appropriate storage and/or exhibition space.
  - b. The extent to which the provenance of the object has or can be explored and the results of that exploration.
  - c. The rights in the object that lawfully are being or can be conveyed to the Museum, as well as any other encumbrances on the exhibition or other use of the object.
  - d. The terms under which the object is being acquired, (i.e., purchases) together with a consideration of the availability of similar objects at more favorable terms (i.e., gifts and bequests).
  - e. The fairness and reasonableness of the price and other terms of acquisition.

- f. The potential that acceptance of the object will result in major future expenses for the Museum, in the areas of conservation, maintenance, storage, or because it opens a new area of collecting.
- g. The Museum will not, except in very exceptional circumstances, acquire works that the Museum is unlikely to be able to catalog, conserve, store, or exhibit in a proper manner.

B. Legal and Ethical Considerations:

The Museum is committed to following all applicable laws regarding the acquisition of works of art, objects, and specimens, and will follow best ethical practices as put forth from time to time by the Association of Art Museum Directors (AAMD) and the American Alliance of Museums (AAM).

The guidelines in this policy are based, in good part, on the AAMD document “Report on Acquisitions of Archaeological Materials and Ancient Art,” June 10, 2004, revised 2008 and 2013, “Art Museums and the Identification and Restitution of Works Stolen by the Nazis,” May 2007, and “Report on the Stewardship and Acquisition of Sacred Objects,” May 2006

- a. The Museum will comply with all applicable local, state, and federal U.S. laws, most notably with those governing ownership and title, tax law and laws relating to gifts of appreciated property, import, and other issues critical to acquisitions decisions, the rights of artists in their work, and the maintenance of endangered species and conservation of natural history.
- b. In recognition of 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 Museum will not acquire any archaeological material or work of ancient art known to have been “stolen from a museum, or a religious, or secular public monument or similar institution.” In addition, the Museum will not acquire any archaeological material or work of ancient art known to have been part of an official archaeological excavation and removed in contravention of the laws of the country of origin.
  - n.b. The Museum will not acquire any such works of art that were removed after November 1970 regardless of any applicable statutes of limitation and notwithstanding the fact that the U.S. did not accede to the Convention until 1983. If, after rigorous research, it is not possible to determine legality of materials proposed for acquisition, the Museum will use its professional judgment in determining whether to proceed with the acquisition.
- c. The Museum will not accession an object that it has reasonable cause to believe has been collected or otherwise obtained under exploitative or illegal circumstances or in a manner generally considered to be unethical, unscientific, or otherwise incompatible with professional museum standards and practices. In the case of acquisition of material that might have Nazi-era provenance issues, the Museum will undertake additional research to determine the work’s status.
- d. When considering the acquisition of objects presumed to be sacred, the Museum will, whenever possible, consult with cultural and religious leaders to



ensure that an object can be collected or removed from its context without damaging a society's central religious beliefs or practices.

- e. The Museum will not accept a work if such acceptance can be construed as conveying its commercial endorsement of the work.
- f. If new information becomes available which substantiates a legitimate claim to ownership of a work, the Museum will make such equitable arrangements as will best serve the principles and ethics of the Museum as outlined in its policies.

### C. Artist's Rights

The Museum seeks to respect artists' creations and to comply with applicable laws related to artists' rights of integrity and attribution based on the Visual Artists Rights Act of 1990 (VARA). To those ends:

- 1. Correct credit will be given to the artist when known. Artist's name will be used on or in connection with his/her work.
- 2. Artist's name will not be used with works that the artist did not create or in instances in which authorship has been disclaimed.
- 3. Objects will not be altered, defaced, distorted, mutilated, or modified in a manner that would be prejudicial to an artist's honor or reputation.
- 4. Care will be taken with respect to lawful reproduction, conservation, storage, installation, and public presentation of objects.

## II. OVERSIGHT AND DUE DILIGENCE

### A. Internal Oversight Mechanisms

- 1. Gifts - The Director may approve all gifts as long as they are unconditional (see Section III.A. of this policy for guidance on restricted gifts). The Acquisitions & Collections Committee of the Board of Trustees will be informed of all gifts by reports presented at each meeting.
- 2. Bequests & Exchanges - Same oversight as for gifts. (In the case of exchanges of works of art or artifacts, general guidelines for accessioning and deaccessioning always apply.)
- 3. Purchases - The Director and the Acquisitions & Collections Committee of the Board of Trustees must approve of all purchases over \$25,000, except as more specifically provided in paragraphs A.3.a. and B.2, below. The Director alone may approve all other purchases, i.e. those less than or equal to \$25,000. The Acquisitions & Collections Committee of the Board of Trustees will be informed of all purchases less than or equal to \$25,000 by reports presented at each meeting.
  - a. The Board of Trustees annually approves a spending percentage of the existing acquisitions funds, as determined by the Investment Policy, for the purchase of artworks.

- b. Acquisition funds, in addition to covering vendor/artist primary purchase price, may be used to support such costs as are required to present and install acquired artwork. These costs may include, but are not limited to, conservation, mounting, framing, and demolition/construction of a space as necessary for a site-specific artwork. Proposed acquisitions costs shall be reviewed by the Collections Stewardship Committee and approved by the Director and the Acquisitions & Collections Committee.
      - c. When funds are available and circumstances arise, such as when a particularly desirable object (valued more than \$25,000) becomes available requiring swift action, an attempt shall be made to call a meeting of the Acquisitions & Collections Committee on short notice, including by conference phone, so that if possible the Committee shall determine whether and how to proceed, e.g. by authorizing the Director to make the purchase. If convening the Committee is impossible or impractical, the Chair(s) of the Board will pre-approve action by the Director for a particular purchase. When exercising purchasing authority in this manner, the Director will inform the Chair(s) of the Board and the Chair of the Committee in advance of expending the funds, and will inform the Chair(s) of the Board and the Chair of the Committee immediately upon expending the funds. If extraordinary measures require expenditures beyond the pre-approved amount, the Director must secure the permission of the Chair(s) of the Board before exceeding the spending limit.
  - 4. Declining Gifts and Bequests - The Director is authorized to decline any gifts and bequests that do not meet the criteria of the Museum's accession policy, using discretion to report to the Acquisitions & Collections Committee when appropriate.
  - 5. Recognition of Gift - The Museum will officially record a gift once it is irrevocably transferred to the Museum. A gift transaction is complete once the Museum receives either actual title to the property being donated or written documentation, signed by the donor, that the gift has been made, officially accepts the gift and has possession of the object(s) involved. Generally, a gift during the donor's lifetime becomes irrevocable when title to the property has been transferred to the Museum as aforesaid; or the donor has established an irrevocable commitment such as a Pledge, trust, or similar arrangement for the benefit of the Museum. A gift under a donor's will becomes irrevocable at the time of the donor's demise.
- B. Acquisitions & Collections Committee of the Board of Trustees
- 1. The Acquisitions & Collections Committee of the Board of Trustees has two regular meetings a year. A quorum, consisting of 1/3 of the members of the Committee, voting in person (including participation by conference phone), is required for a final vote on acquisition of an object. Approval of acquisition of an object is by majority vote of those voting thereon.
  - 2. In instances in which, for purchases at auction or other purposes, an object must be accepted prior to the next scheduled regular meeting of the Acquisitions & Collections Committee, and it is not possible to call a meeting of the Committee on short notice similar to the process described in paragraph A.3.a. above, the Director is authorized to

present the object to the Chair of the Committee or to poll the individual members of the Committee orally or in writing, in order to obtain the Committee's authorization to acquire the work. In instances in which authorization is provided by the Chair, or in other instances in which quorum and voting requirements have not been met through the polling process, the determination to acquire a work remains subject to ratification by the Acquisitions & Collections Committee at its next scheduled meeting.

3. Minutes, setting forth the acquisition determinations of the Committee are to be prepared by the Curatorial Assistant or the Registrar and circulated to the Committee members for use in compiling the records of the Museum.

#### C. Due Diligence

1. Each work proposed for acquisition must be vetted by the designated Deputy Director and recommended for approval to the Director by the Curator.
2. It is the responsibility of the Curator, assisted where necessary by the Museum staff, to investigate and record the origin, status and provenance of the object and to provide information regarding provenance and title to the Director. This report shall, as indicated by the nature of the object, include warranty of title, export statutes and import documents, analysis of laws both U. S. and in the country of origin, reports from databases regarding stolen art as necessary, holocaust research, potential impact of the Native American Graves Protection and Repatriation Act, publication and exhibition.

#### 3. General Considerations

The respective Curator must be prepared to provide specific information and/or documentation on the following matters for all acquisitions:

- a. Provenance.
- b. Ability to convey legal title.
- c. Whether acquisition of the work is in compliance with state, national, international, and other laws or conventions that protect (1) the export and import of cultural patrimony, (2) the rights of artists in their works, (3) the rights of countries or their Indigenous people in their historical, religious and cultural patrimony, and (4) the maintenance of endangered species.
- d. The identity of all rights of copyright that are being transferred with the work itself.
- e. A description of any property or other rights issues that may arise in connection with the work, such as restrictions on the purposes for which the object can be handled or used.

In addition, the relevant Curator, in conference with Registrar/Conservator as necessary, will be prepared to present specific information and/or documentation on the following:

- a. A description of the physical condition of the object, including a conservation report, if necessary.

- b. Associated possible costs of acquisition (e.g., conservation, transport, etc.).
- c. Evidence of fair market value.
- d. Visual documentation.
- e. The vendor's original invoice.
- f. The Curator's reason for adding the object to the collection.

4. Auction Purchases

In the case of proposed purchases at auction, the steps leading to approval of acquisition should be followed, except (1) delivery of the work to the Museum is not required and (2) approval (whether by the Director or by the Director and the Acquisitions & Collections Committee) must include a maximum bid limitation.

5. Intellectual Property Considerations

Curators will try to determine, before acquisition, the copyright status of objects they wish to acquire. Upon acquisition, the Museum will make every effort to obtain, at minimum, limited non-exclusive rights (i.e. right to reproduce for a variety of museum purposes). The Museum will respect the interests of copyright owners.

D. General Procedures

Consistent with the provisions set forth in this Policy, the Office of the Registrar, working with the Director through the Acquisitions & Collections Committee, will develop and maintain up-to-date procedures for acquisition of objects into the collections. Those procedures will be available as part of the collection procedures manual and will be incorporated into the administrative policy and procedures manual.

### III. SPECIFIC TYPES OF ACQUISITIONS

A. Restricted Gifts and Purchases

It is the goal of the Museum to obtain unrestricted rights to the objects that it acquires. Any proposed restrictions on a gift must be conveyed to and approved by the Director and (if requested by the Director) the Acquisitions & Collections Committee. Any proposed restrictions on a purchase (including a bargain sale) must be conveyed to and approved by the Director and the Acquisitions & Collections Committee. Decisions to accept restricted gifts and both the nature and wording of the restriction are to be monitored by legal counsel, at the request of the Director or the Committee.

If a restriction is approved, that restriction, worded so as to avoid ambiguity, must appear on the Deed of Gift that has been countersigned by the Director or the Director's designate, and must be recorded in the records maintained by the Registrar and the relevant Curator. The nature of the restriction shall also be included in the information provided (required by paragraph II.A.1., above) to the Committee regarding such gift.

B. Year-end gifts

A gift will be considered complete for tax purposes if the gift has been offered by Letter of Intent and accepted by the Museum, or by executed Deed of Gift, and if the object has been delivered to the Museum. Additionally, the Museum must take possession of the object by December 31, and the Gift Acknowledgment Letter and the Deed of Gift or the Letter of Intent and acceptance by the Museum pertaining to the object must be signed no later than December 31.

C. Fractional Gifts

Fractional Gifts are discouraged, however the Museum will consider gifts in which the Museum is given a fractional interest and the donor retains a remaining fractional interest, only if possession and complete ownership of such gifts will be transferred to the Museum after a period of years or upon death of the donor. The Museum will follow current United States law regarding fractional transactions.

D. Bargain or Donative Sales

A bargain sale occurs when the owner of an object intentionally sells the object to the Museum for less than its fair market value, because the owner wants to claim a charitable contribution for the remainder of the object's value. The transaction will be considered legitimate if the object is, in fact, sold to the Museum at substantially less than its fair market value. In instances in which bargain sales occur, the Contract of Sale will constitute the transfer document. A Deed of Gift should not be utilized. However, the Museum will follow current United States law regarding acknowledgements for these types of transactions.

E. Bequests

The Museum reserves the right to accept or decline any bequest (or portion of a bequest) at its absolute discretion, or to negotiate with Executors or Trustees concerning any aspect of the bequest. As a general rule, the Museum will only accept bequests of a clear and unrestricted nature. If a bequest is to be declined, that fact should be promptly communicated to the Executor.

The Museum may also consider accepting an unrestricted bequest with the intent to sell it. However, sale should occur only if the work would be suitable for deaccession under the Museum's Deaccession Policy and if the proceeds of sale are utilized for the purposes set forth in the Deaccession Policy. The Museum will follow current United States law regarding acknowledgements for these types of transactions regarding possible estate tax consequences of such a sale to the donor's estate, if any. A decision to sell an unrestricted bequest must be approved by the Director.

F. Undocumented and Found in Collection objects

Undocumented objects are those objects similar to collection objects and found in collections areas with no numbers, no information in their housing, and no characteristics that might connect them to documentation. The Museum will make every attempt to reconcile undocumented objects to existing documentation. Objects that are not reconciled will be considered Found-in-Collection (FIC). FIC objects are undocumented objects that remain after all attempts to reconcile them to existing records of permanent collection and loan objects fail.

The Museum holds that undocumented and FIC objects are the property of the Museum. Undocumented objects will be tracked and documented from the time they are found and may be used as any permanent collection object is used. FIC objects may be accessioned into the collection or disposed of according to approved deaccession policy. The Registrar is responsible for tracking numbers and for bringing FIC objects to the attention of the Curator. The decision to accession may be made by the Curator with the approval of the director as documented on an acquisition proposal form. FIC objects accessioned into the permanent collection will be given numbers in the year of accession and included in the annual report of objects.

If original documentation is found for an object that has been tracked or accessioned into the collection as an FIC object, that object will be returned to its original status and number and the FIC number will be retired.

If a claim is made on an undocumented or FIC object, either accessioned into the collection or disposed of, the Museum will make an ad hoc decision on accepting or resisting the claim.

Unclaimed objects and FIC objects slated for disposition will follow the approved deaccession process as if they are permanent collection objects.

#### IV. DONOR CONSIDERATIONS

##### A. Representations

At no time shall a person represent to a donor that object/s may be held by the Museum for a specific time, nor promise exhibition or publication of said object/s.

Donors should be notified at the time of receipt of a gift that the Museum will cooperate fully in all matters related to IRS investigations of non-cash charitable gifts and that it will comply with current regulations regarding notification to the IRS should the gift be sold.

##### B. Appraisals

Curators and other persons employed by or otherwise representing the Museum may prepare appraisals of objects in the possession of the Museum only for use by the Museum in performing its functions (e.g., in obtaining insurance evaluations for outgoing loans or evaluating its collections for insurance purposes).

The Museum staff may not otherwise give appraisals, recommend appraisers, or place valuations on works, whether offered as gifts, as loans, or for study. Donors are advised to secure the advice of professional legal and/or tax counsel, as well as a financial advisor, in advance of making a gift to the Museum. Due to potential conflicts of interest, neither the Museum nor its Trustees or employees may serve as legal, tax, financial, or accounting advisors to donors regarding their gifts. All tax consequences of a gift to the Museum are the sole responsibility of the donor. The donor is responsible for obtaining (and paying for) an independent appraisal, as may be required by U.S. law in connection with the gift. The Museum will cooperate with such appraisal process, e.g. by making the object available to the appraiser for purposes of completing the appraisal.

## V. CONFIDENTIALITY

All information concerning prospective donors, as well as addresses, monetary value of gifts, and information on other objects in the collections of donors, shall be kept strictly confidential by the Museum and its authorized personnel unless permission is obtained from the donors or prospective donors – in writing – to release such information or such disclosure is required by law. Donors will be credited as they request. Donors' requests to remain anonymous will be strictly followed.

The monetary value of an acquisition will be treated as confidential and will not be disclosed to third parties, unless required by law or unless other special circumstances exist, in which circumstance the prior approval of the Director must be obtained.

## VI. CONFLICTS OF INTEREST

The Trustees and employees of the Museum are bound to uphold the highest level of public confidence and accountability and must comply with the Museum's Institutional Code of Ethics and Conflict of Interest policies. Neither Trustees nor employees of the Museum may serve as legal, tax, or financial counsel to the Museum or to donors in the establishment of gifts, trusts, or testamentary provisions.

No person involved in the policy or management of the Museum, such as a Trustee or other member of a governing body or a member of the Museum's paid or volunteer staff, may use that person's position with the Museum for personal gain or to benefit another at the expense of the Museum, its mission, its reputation and the public that it serves. No such person may compete with the Museum for works or take advantage of privileged information received because of the person's position. Should a conflict of interest develop between the needs of the individual and the Museum, those of the Museum will prevail.

Special care will be taken in considering any offer of an object for sale or as a gift by a Trustee or other member of a governing body, a member of the Museum's staff, vendor to the Museum, or the relative of any of the foregoing to ensure that no unfair advantage is gained by that person as the result of the person's relationship to the Museum. In such cases, the identity and relationship of the donor or vendor to the Museum must be disclosed to the Director and, at the Director's discretion, such gifts or purchases must be approved by the Acquisitions & Collections Committee.

## VII. REVIEW AND REVISION

This Acquisitions Policy shall be reviewed from time to time or, at least, every five years by the Collections Stewardship Committee, Director, and the Acquisitions & Collections Committee of the Board of Trustees, and submitted to the Board of Trustees for its approval.

Approved Acquisitions & Collections Committee, 10/1/2020  
Approved Board of Trustees, 10/21/2020

## 5 DEACCESSION POLICY

### I. GENERAL PRINCIPLES

- A. In forming and maintaining a collection of the highest quality, the Board of Trustees considers it legitimate and desirable to refine the collection through the occasional sale or exchange of previously accessioned objects.
- B. The Board of Trustees, Administration, and Curators of The Newark Museum of Art (hereafter the Museum) agree that deaccessioning of objects from the collection of the Museum is a step that should not be taken lightly, but judiciously, with the same caution and prudence as is exercised in the acquisition of objects.
- C. The fundamental purpose of removing objects from the collection, also known as deaccessioning, is to strengthen the collection. Deaccessioning may enable the Museum to acquire better works than those removed from the collection. It may also provide more adequate space and care for the collection.
- D. The Collections Stewardship Committee and all concerned persons must exercise due diligence and follow best practices and guidelines for deaccessioning.
- E. The Museum is accountable for its collections and therefore deaccessioning must be considered in the context of the Museum's public trust responsibilities.
- F. No action pertaining to deaccessioning should be undertaken which would impair the integrity and good standing of the institution within its community at large and within the profession.
- G. Deaccessioning should be conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade in such materials.
- H. In the case of an exchange with another institution, the objects received in return shall have an equivalent intrinsic value.
- I. In determining the sufficiency of the return upon deaccession of any particular object (Section G of Part IV, Procedure, below) and the appropriateness of the method of disposition (Section H of Part IV, Procedures, below), the desirability of keeping the object in the public domain is to be weighed in the balance. Other things being equal, disposition to another institution shall be preferred.
- J. Collections shall not be deaccessioned or disposed of in order to provide financial support for institutional operations, facilities maintenance, or any reason other than the preservation or acquisition of collections.
- K. Proceeds of dispositions will be used for future acquisitions or Direct Care of collections (see Part IV, Procedures, Section Q).
- L. The Board of Trustees reserves the right to amend this Deaccessioning Policy, or to suspend or modify its application in that particular instance or in any case, by majority vote of the entire Board and without notice to any donor or class of donors.



## II. CRITERIA

Objects may be removed from the Permanent Collection for any of the following reasons, without being limited to them:

- A. The object is of poor quality, either intrinsically or relatively, in comparison with other objects of the same type in the collection. Objects of modest quality, however, may have sufficient study value to warrant retention, or transfer to other departments.
- B. The object is redundant or is a duplicate that has no value as part of a series.
- C. The Museum's possession of the object is found to have been not legitimate, i.e, the work may have been stolen or illegally exported in violation of applicable state and federal laws.
- D. The authenticity, attribution or genuineness of the object is determined to be false or fraudulent and the object lacks sufficient aesthetic merit or art historical importance to warrant retention. A suspected or known forgery or reproduction may be returned to the vendor for reimbursement and must never be disposed of on the open market or to any public or private specific transferee, without full disclosure.
- E. The physical condition of the object is so poor that restoration is impossible or will render the object essentially false. Objects damaged beyond reasonable repair that are not of use for study or teaching purposes may be destroyed.
- F. The costs of storage and conservation may no longer permit retention of the object.
- G. The object does not belong to any field within which the Museum collects or is no longer consistent with the mission or collecting goals of the Museum.
- H. An exchange involving the object is available and is deemed advantageous with respect to the collections of the Museum.
- I. The removal from the collections of natural history specimens without significant market or research value is a continual and routine process in which the Curator concerned must use their own best judgment. The Curator must, however, dispose of the specimen(s) in a manner that best serves the interests of the institution, the public, and the scholarly community.
- J. If an object of major importance to the collection is brought to the Museum's attention and the purchase is beyond its means, the Museum may deaccession objects from the department that have been deemed not central to its holding. A list of possible deaccessions should be previously cleared by the Collections Stewardship Committee to preclude untoward action in this regard.

## III. GUIDELINES

The Newark Museum of Art is committed to following all applicable laws regarding the deaccession of works of art, objects, and specimens, and will follow best ethical practices as put forth from time to time by the Association of Art Museum Directors (AAMD) and the American Alliance of Museums (AAM).

- A. **Legal and Consensual Requirements.** Deaccessioning must comply with all applicable local, state, and federal laws. Deaccessioning also must observe any terms and obligations which pertained to the acquisition of the work by the Museum, unless as part of the deaccessioning

- procedure it is determined to seek judicial exoneration or relief *cy pres* from any consensual restriction.
- B. Approvals. The final authority to deaccession objects will rest with the Director, the Acquisitions & Collections Committee of the Board of Trustees and the Chair(s) of the Board of Trustees, as specified in Part IV, Procedures.
  - C. Procedures. The process of deaccessioning and disposal is initiated by the appropriate professional staff using approved forms. The Director will, after appropriate review of the facts and circumstances, present the request to the governing authority. The Director shall exercise care to assure that the recommendations are based on authoritative expertise. See Part IV, Procedures, for fuller discussion of procedural requirements.
  - D. Ethical Considerations. No member of the Museum's Board of Trustees, governing body, staff or those whose association with the institution might give them advantage in acquiring the work, shall be permitted to acquire directly or indirectly a work deaccessioned by the Museum, or otherwise to benefit from its sale or trade.
  - E. Notification. It may be desirable, but is not required, to make a reasonable effort to advise the donor or heirs of the proposed deaccession. Such action shall not be construed as a request for permission to deaccession.
  - F. Credit to donors. In the case of removal for gifts or bequests, credit to the donor will be transferred to resulting acquisitions where appropriate.
  - G. Forgeries and reproductions. Known forgeries or reproductions shall be marked as such and so described in documentation to the transferee.
  - H. Three-Year Disposition. The Museum refrains from selling, exchanging, or otherwise disposing of any donated property for three years after acquisition except by Acquisitions & Collections Committee authority. In the event that a gift having a value in excess of \$5,000.00 is disposed of in less than three years, the Museum will file a Donee Information Return (I.R.S. #8282).
  - I. Records. The Registrar and Curator are responsible for complete and accurate records, including photographs.

#### IV. PROCEDURES

- A. Collections Stewardship Committee: Members of the Collections & Curatorial Division (select Curatorial, Registrar, Exhibitions, Library & Archives staff) and the Director comprise the Collections Stewardship Committee. It functions as advisor and monitors the deaccessioning process to ensure that complete documentation exists for each transaction, that mandated procedures are followed, and that relevant General Principles and Guidelines are identified to all concerned persons for their guidance. The first meeting is convened after the Curator has completed the first page of the Deaccessioning Proposal Form and the Registrar has reviewed the registration files. Periodic meetings continue throughout to ensure that all aspects of official policy are executed to the degree necessary.
- B. The Curator or designated specialist nominates an object for deaccessioning by completing the first page of the Deaccessioning Proposal Form and forwarding it to the Registrar. The

Registrar reviews the records and then convenes the first meeting of the Collections Stewardship Committee.

- C. The Registrar's findings and recommendations do not represent a legal audit. In some cases it may be necessary to consult legal counsel, in order to ensure compliance with legal and consensual requirements (Part III, Guidelines, Section A).
- D. In cases where there is not adequate staff expertise, the Curator must seek and present in writing the opinion of at least one outside expert.
- E. The Collections Stewardship Committee convenes to review page 1 of the Deaccessioning Proposal Form and sends its recommendations and the form to the Director for approval to proceed.

After the Director's approval, the Curator completes the work required for page 2 of the Deaccessioning Proposal Form. In the process of completing the form, the Chair of the Acquisitions & Collections Committee of the Board of Trustees are notified as follows:

1. No value or less than or equal to \$25,000. The Director receives notification, may request to view the object, and has the authority to approve of deaccession and disposition. If an object or a lot (group of like objects from the same accession) is of extremely low quality, no historic interest, little sale value or in a seriously deteriorated state, the Curator may recommend that it be destroyed, having been approved by the Collections Stewardship Committee. No object in this category should be discarded whole or with its registration number intact. The Acquisitions & Collections Committee of the Board of Trustees will be informed of all deaccessions with no value or with a value less than or equal to \$25,000 by reports presented at each meeting.
2. Over \$25,000. Written notification is made to the Acquisitions & Collections Committee, and to the Chair(s) of the Board of Trustees. The Acquisitions & Collections Committee, by way of a quorum majority vote (the Director having given approval to proceed) has the authority to approve of deaccession and disposition.
3. The Executive Committee of the Board of Trustees must be included in matters of repatriation or related diplomatic situations.

For purposes of this Section E, value is initially fixed by the Curator and Director jointly but may be modified by the Director as appropriate, in each instance having due regard for the appraisal obtained pursuant to Section F.

Full minutes of the Trustees' discussion and actions are noted in the minutes of the Acquisitions & Collections Committee and appended to the Deaccessioning Proposal Form.

F. Appraisals

1. No value or under \$10,000 - no appraisal is required.
2. Objects valued above \$10,000 and up to \$25,000 - one outside appraisal should be presented.

3. Objects valued above \$25,000 and up to \$100,000 - two outside appraisals should be presented.
4. Objects valued above \$100,000 - three outside appraisals should be presented.

Actions of appraiser should be a matter of written record.

G. Consideration

1. In instances where disposition for cash is proposed, the Curator shall recommend a reserve; the Director may modify the recommendation as appropriate; in each instance having due regard for the appraisal obtained pursuant to Section F above. The final reserve shall be fixed by whichever entity has the authority to approve the disposition according to Section E above.
2. In instances where an exchange is proposed, the Curator shall present information supporting the benefit to be realized by the Museum from the exchange, including estimates of dollar value (where available, having due regard for the appraisal obtained pursuant to Section F), for each object in the exchange and reasons why the collection would be improved, or important aesthetic, historical or educational interests would be served, by the exchange. The Director may modify or supplement these considerations as appropriate. Whichever entity has the authority to approve the exchange according to Section E above must be satisfied with the validity of these considerations.

H. Methods of Disposition. The methods of disposition may vary according to the existing market for each type of object and the essential purpose of the deaccession. The Director and Curator decide on the method of disposal with the approval of the Collections Stewardship Committee, the Acquisitions & Collections Committee, and the Chair(s) of the Board of Trustees, per the procedures outlined in Part IV, Procedures, Section E.

There are nine principal methods of disposing of deaccessioned objects:

1. By sale at public auction.
2. By sale through consignment, by whole or partial exchange, or by direct sale to a dealer or other buyer.
3. By whole or partial exchange, or direct sale to another museum or other suitable institution.
4. By return to the original vendor for reimbursement.
5. In the case of a work by a living artist, the Museum may consider returning or selling the work to the artist or exchanging the work with the artist for another work. The Visual Artists Rights Act of 1990 (VARA) ensures that living artists retain the right to have their work protected from destruction. This right can only be waived, in part, by the artist, by means of a written and signed document.
6. By repatriation to the country of origin under federal cultural property statutes.

7. By repatriation to appropriate people under Public Law 101-601, Native American Grave Protection and Repatriation Act.
  8. If there is minimal or no market value, deaccessioned objects may be designated as study material, as teaching assets, or destruction.
  9. Retention by the Museum under a non-accessioned status.
- I. The Museum must inform prospective recipients of any known hazards associated with the deaccessioned material.
  - J. The sale of deaccessioned material through the Museum Gift Shop is unacceptable.
  - K. Identification. Upon transfer from the Museum's custody, the accession number and any other Museum identification shall be removed from the object. (In special instances, after approval by the Board of Trustees, identification numbers may be left on in the interests of scholarship.) The accession number will remain on record associated with the deaccessioned object and may not be re-used.
  - L. The Director and Curator arrange details of sale to approved buyers. The Finance Department validates the accuracy and completeness of the transaction.
  - M. Replacement credit line, if appropriate, is assigned by the Administration.
  - N. The Registrar completes the deaccessioning process following the form, including the preparation of final sales receipt and a final report to the Board of Trustees.
  - O. Documentation is filed in the object file and is tracked in the collections management database system.
  - P. The Museum should publish on its website, within a reasonable period of time, works that have been deaccessioned.
  - Q. Use of Proceeds. The proceeds received from the sale of deaccessioned objects must be placed in a separate and identifiable account. The proceeds will be used to improve stewardship of the collection through the acquisition or deaccession of objects or the Direct Care of the collection. Deaccession funds may be used on a case by case basis to cover the following:
    1. The purchase price of new objects for the Permanent Collection.
    2. Payment for specific costs directly associated with such acquisitions after operating funds have been reviewed and/or exhausted.
    3. To support the Direct Care of collections, including but not limited to framing; mounting; photography; conservation treatment of objects; conservation and preservation supplies such as acid-free support materials and storage furniture; staffing; staff training and development; collections care consultants; technology for monitoring and regulating storage and exhibit environments; computer hardware and software used for collections documentation and management; reference materials relating to the care and documentation of collections; packing; transportation; evaluation; and sales fees. Direct care is an investment in existing collections that

enhances the life, usefulness, or quality of the collection and thereby ensuring that they will continue to benefit the public.

Approved Acquisitions & Collections Committee, 10/1/2020

Approved Board of Trustees, 10/21/2020

## 6 LOANS

### LOANS, OUTGOING

#### I. CONDITIONS FOR MAKING LOANS

The Newark Museum of Art (hereafter the Museum) participates in loan programs that increase public access to and appreciation of objects consistent with the long-term conservation of the objects and the Museum's educational, research, and exhibition goals. Foremost in the consideration of loan applications is the protection of the Permanent Collection and the integrity of the installations of the Museum's Permanent Collection. Loan requests are evaluated in light of the art historical, ethnographic, scientific, and scholarly value and importance to the regional, national, and international museum community of the exhibitions for which the objects are requested.

Outgoing loans may be made to other museums and institutions engaged in nonprofit, educational, or scholarly pursuits. All borrowers must provide full-time professional care for the objects. All borrowers must provide a current facility report for evaluation to ensure that facilities meet standards set by the Museum. Institutions to which the Museum makes loans on an ongoing basis are required to submit an updated facility report every five years. Under circumstances to be evaluated by the Director, non-museum borrowers, such as government agencies and commercial and corporate galleries, may borrow objects under stipulated conditions. Objects may not be loaned to individuals for personal use.

Objects must be in exhibitable and stable condition and able to withstand transit, climate changes, and handling. In addition, all objects must be registered by accession number or loan number. Borrowers may not lend the Museum objects loaned to them without the written consent of the Museum.

#### II. RESTRICTED WORKS OF ART

Certain works of art should not leave the Museum except under extraordinary circumstances, for example, because of their physical condition or great importance to the Museum. Restrictions may be placed on inherently fragile media and constructions, such as wood, textiles and works on paper, and upon irreplaceable objects, or objects of significant value which, in the opinion of the Curatorial staff in consultation with the Conservator, and/or the Director, should not be subjected to unnecessary handling or other risks attendant upon a loan transaction.

#### III. APPROVAL

All outgoing loans are made in response to a written request to the Director from the borrower and should be received by the Museum at least one year in advance of the desired shipping date. The loan request is initially evaluated by the Registrar and relevant Curator, and their recommendations are given to the Collections Stewardship Committee for consideration.

The Collections Stewardship Committee reviews the comments of the Registrar and Curator and considers issues such as the need for a courier, loan fees, and other costs relating to preparation of the object for loan. These issues should be discussed and agreed upon before the signing of loan agreements by the Museum and the borrower. The recommendations of the Curator, Registrar, and Collections Stewardship Committee are passed to the Director for consideration and final approval.

The Director may give final approval for loans within the continental United States and objects appraised under one million dollars. For international loans and objects appraised over one million dollars, final approval must come from the Executive Committee and Chair(s) of the Board of Trustees. Upon final approval or refusal of the loan, the designated loan Registrar sends written notification to the borrower over the Director's signature.

#### IV. LOAN FEES

The steady increase in staff time and costs involved in processing works for loan has compelled the Museum to institute an administrative fee to help meet these expenses. The borrower is also responsible for other costs relating to a loan, such as conservation, packing, shipping, and insurance. Exceptions to these guidelines will be determined on a case-by-case basis by the Collections Stewardship Committee at the recommendation of the relevant Curator and subject to the approval of the Director. All loan fees may be waived at the Director's discretion. The fee structure will be reviewed at the beginning of each fiscal year, with a lower fee being charged to New Jersey institutions.

#### V. DOCUMENTATION

All loans shall be for a specified time and shall be documented and monitored by the Registrar. All outgoing loans must be governed by written loan agreements between the Museum and its borrowers executed prior to shipment. Written condition reports shall be made for all loans upon departure and return.

#### VI. INSURANCE

The Museum's collections must be insured in transit and while in the custody of borrowers. Outgoing objects are normally insured by the borrower, who shall provide a Certificate of Insurance before the loan is released but may be insured by the Museum at the borrower's expense. Continuous coverage must be provided for loans traveling to several venues. It is the responsibility of the relevant Curator or Registrar to determine the insurance value of the outgoing object. The Registrar is responsible for all insurance arrangements and will maintain related records and provide appropriate reports.

#### VII. MONITORING

Loans shall be monitored by the Registrar for compliance with the terms of the loan. Long-term loans (those over one year at one location) are reviewed by the Collections Stewardship Committee and approved by the Director, at specified intervals to determine their continued loan status. Such loans must have loan agreements renewed on an annual basis. The condition of these objects should also be checked at the loan location on an annual basis and the current market value reviewed for update of insurance. The borrower is responsible for travel expenses related to site visits by the Collections and/or Curatorial staff.



## LOANS, INCOMING

### I. GENERAL CONDITIONS

#### A. Acceptance of Incoming Loans

In accordance with the mission of the Museum, incoming works shall be accepted only for acquisition consideration, research, or exhibition. The Museum will provide care equivalent to that afforded its own collections for such objects while in its custody.

Before accepting any loan, the Museum must consider the following:

- Availability of storage or exhibition space
- The object's condition and ability to withstand transportation, climate change and/or circumstances of usage
- Lender's restrictions
- Costs, such as insurance, conservation, installation, storage, transportation, or other fees, which may be prohibitive
- Whether the provenance, copyright or ownership is uncertain or questionable, and whether all applicable laws and treaties have been followed.
- The possibility that the loan may give rise to commercial exploitation or in any way bring discredit to the Museum

The Museum will follow Association of Art Museum Directors (AAMD) guidelines relating to loans of antiquities and ancient art, as follows:

- All loans must be in conformity with U.S. law, which may recognize claims to ownership based on foreign patrimony laws;
- In accordance with the 1970 UNESCO Convention, loans may not include works of art that were illegally removed from “a museum, or a religious, or secular public monument or similar institution” after November 1970;
- Long-term loans are assessed according to criteria comparable to those for acquisitions;
- For works of art with incomplete provenance, the Museum will judge on a case-by-case basis whether the loan is in the best interests of the work of art, the culture it represents, and the public good.
- In cases where this judgment is positive, bringing a hitherto unknown work of art into the public domain should facilitate significant advances in scholarship, and provide a transparent process for any claimant to the work of art (should such exist) to come forward.

It is understood that lenders, both public and private, are required to provide all relevant evidence of an artwork's provenance history, and that the Museum must be prepared to undertake additional inquiries if and when appropriate. Lenders are asked, as appropriate, to make warranties of legal title to the artwork. Lenders will be informed of possible implications of a third-party claim on their works of art during the loan period, including forfeiture. Lenders and the Museum must be prepared to respond to any substantiated claims to ownership in a responsible, forthright, and transparent manner.

The Museum does not customarily accept any work of art or other materials for indefinite or permanent loan, except under extraordinary circumstances, particularly when the Museum wishes to procure the objects as an eventual gift. The Collections Stewardship Committee makes recommendations on the acceptance of long-term loans (those to remain for one year or more) to the Museum, which then is brought to the Acquisitions & Collections Committee for approval. At that time, a plan shall be devised by the Director and relevant Curator and recommended to the Acquisitions & Collections Committee with

regard to the future status of the loan. Long-term loans are reviewed annually by the Collections Stewardship Committee and reported to the Acquisitions & Collections Committee. Objects on loan to the Museum shall not be re-lent without the owner's written permission.

#### B. Loan Agreements

Individual loans are governed by the conditions set forth in the various agreements, be it a Loan Agreement for an object requested by the Museum, a modified Loan Agreement for gifts or purchases on approval, or a Temporary Receipt for an object brought to the Museum. Any modification made to any of the conditions in the agreements must be set forth in writing and approved by the Director, at the recommendation of the Curator.

#### C. Responsibility for Costs

The Museum will be responsible for all costs related to incoming loans for exhibition, including insurance, packing, and shipping, and related photography. Exceptions may be made to this, for example, when the loan is at the lender's request. Costs for touring exhibitions will be designated by contract. Unsolicited loans are discouraged, however when approved, the lender must agree to assume these responsibilities. Exceptions can be made for objects that are formally promised gifts to the Museum (e.g. when legal documents have been signed) and for objects on temporary loan prior to approval for acquisition. Should the approval of a purchase or gift be withheld by the Director or the Acquisitions & Collections Committee, the Museum will cover the cost of returning the object to the owner.

#### D. Reproduction

Objects on loan to the Museum shall not be photographed or otherwise reproduced by the Museum without the owner's permission. However, unless specifically noted on the contract, objects on loan to the Museum may be photographed by the public while on display in accordance with the Museum's Photography in the Galleries Policy, which allows for photography by the public for non-commercial purposes or 'fair use'.

#### E. Change in Ownership

In the case of the death of a lender, the legal representative of the deceased is required to notify the Museum, giving their full name and address, and enclosing a certified copy of his authority.

In the event that an object, the ownership having meanwhile passed by sale, bequest or gift, is not to be returned to the original lender, the new owner must establish in writing, in advance of such return, their authority to receive it.

If the ownership of an object on loan to the Museum is contested, the Museum reserves the right to withhold the return of the object until ownership can be proven.

#### F. Abandoned Property

Individual loans are governed by the conditions set forth in various agreements, be it a Loan agreement for an object requested by the Museum, a modified Loan Agreement for gift or purchase on consideration, or a Temporary Receipt for an object brought to the Museum. These agreements contain provisions governing the disposition of unclaimed property. If, after pursuing all possible means of contact, and in accordance with any legal requirements, the lender cannot be found or the lender refuses to accept the return of the object, it shall be deemed abandoned and become the property of the Museum.

If there is a change in the ownership or address of a lender or owner, the Museum assumes no responsibility to search for the lender or owner who cannot be reached at the address of record but will in good faith make a reasonable effort to do so. If there is a change of ownership, the previous owner may be asked to provide the necessary information regarding the new owner.

## II. INCOMING LOANS FOR EXHIBITION

### A. Individual Loans

The Museum mounts exhibitions for which individual works are borrowed from private lenders and other institutions. The relevant Curator and/or the Project Director is responsible for the selection of possible loans for the exhibition and for making the initial loan request. Subsequent contact may be handled, as appropriate, by either the Curator, Project Director, or the Registrar. Loan requests should be sent out with adequate advance time, so that all details of the loan may be planned effectively and written agreements can be executed. Loan forms are developed by the Museum and sent to lenders, and subsequent arrangements are made according to the signed loan contract. The Museum will use lenders' loan forms if that is requested by the lending institution.

The formal requirements of the duties of the Registrar may be waived in connection with certain exhibitions, such as those organized and budgeted through the Learning & Engagement Divisions (e.g. Teen Arts Annual exhibition, 10th Congressional District exhibition).

### B. Exhibitions

The loan of an entire exhibition organized by another institution and received by the Museum is made in accordance with the terms of a contract initiated by the organizing institution. All conditions and fees must be included in the contract and agreed upon prior to the dispatch of the exhibition. Relevant portions of contracts for exhibitions which include information on exhibition design and installation, public relations, educational programs, and sales of catalogs and promotional material should be reviewed by the relevant departments that are affected. The details of any such contracts may be negotiated at the curatorial level, but the contract must be reviewed as a whole by the Registrar, Deputy Directors, and the Director. The final contract, with modifications negotiated, is signed by the Director.

### C. Administration of incoming loans and exhibitions

Once the terms of either the loan agreement for individual objects or a contract for an entire exhibition have been agreed upon, the Registrar has the primary responsibility for completing all necessary loan arrangements and complying with the terms of the agreement or contract. These responsibilities include:

- Arranging insurance, packing, and transportation, as necessary
- Receiving the loans and recording their arrival
- Inspecting and writing a condition report for the loan on arrival and departure
- Serving as the point of contact for other department's communications with the organizing institution
- Assuring safekeeping and proper care of the loans
- Arranging return shipping and releasing loans

Documentation regarding all loans and exhibitions is kept by the Registrar's Department.

## III. OBJECTS TEMPORARILY PLACED IN THE CUSTODY OF THE MUSEUM

The Registrar is responsible for receiving objects placed in the custody of the Museum, for properly

recording all of these objects, and for maintaining all documentation. A Temporary Receipt is issued specifying the conditions under which the Museum accepts the object and can be issued by the Registrar or one of the Curators. The Temporary Receipt must indicate the conditions for the disposition of the object if left in custody beyond the agreed closing or return date.

In regard to unsolicited artworks, whether received by mail or by hand, it is left to the discretion of the appropriate Curator to decide whether to accept the object or turn it away. If accepted, the object will be subject to the conditions stated above. If rejected, the Registrar will return the object by the same method it was delivered.

#### IV. WORKS OWNED BY STAFF

Members of the staff and others associated with the Museum shall not bring works from their personal collections into the Museum for storage. In instances where works of art owned by staff may be appropriate for exhibition purposes, these should be reviewed by the Director and the appropriate Curator and exhibited as anonymous loans. Personal collections may not be intermingled with Museum collections. Personal works may be used as office decoration, subject to the approval of the Director. These works should be documented by a Temporary Receipt that includes a statement freeing the Museum from responsibility for such objects. Only those staff-owned works formally borrowed by the Museum and governed by the Museum's standard Loan agreement will be insured by the Museum.

## COURIER POLICY

### I. NEED FOR A COURIER, ART HANDLER OR INSTALLER

The lending museum makes the final determination of the need for a courier, art handler or installer. The requirement of specific personnel is established and agreed upon by the lending and borrowing museums before the loan agreement is signed and accepted.

The Newark Museum of Art requires a courier, art handler or installer from its staff on an outgoing loan if it deems this necessary for the safety of an object. The decision is based on the fragility, value (\$1,000,000 or more), and/or need for special handling of the loan in question. All international loans require a courier. The requirements of each loan will be considered separately at the time of the request.

### II. PERSONNEL

When the Museum provides the courier, that person must be a qualified staff member, not a guest Curator or consultant. Since it is the responsibility of the Registrar to transport and pack exhibitions, that department should normally act as couriers, or designate a replacement, in consultation with the Deputy Director, Collections & Curatorial Strategies. It is preferred that the replacement be from the Curatorial area making the loan. If that department's personnel are not available, then another Curatorial staff member should be the courier. In unusual circumstances, a qualified staff member from another lending institution may act as a courier, provided that they observe the same procedures expected of this Museum's own staff couriers. All traveling personnel should be approved by the Director or Deputy Director, Collections & Curatorial Strategies. In order to qualify, that person should be familiar with the packing of the shipment and the condition or fragility of the objects. They should be trained by the Registrar on how to meet emergencies, procedures for customs clearance and general information about airport practices for cargo shipments. The courier should also be trained in condition reporting and should be able to assist in the unpacking and condition reporting of the loan.

### III. RESPONSIBILITIES

The chief responsibility of the courier is to ensure the safety of the shipment. The shipment and courier arrangements should be made so that the courier will not be impeded in maintaining security measures and ensuring the safety of the object(s). The borrower should meet the courier upon arrival in the borrower's city, and the borrower should make transportation arrangements for the safe delivery of the shipment to the museum or warehouse and the courier to their hotel. The courier, acting as the agent of the lending museum, has full responsibility to act in protection of the object until it is officially released to the borrowing institution. In the event that original plans are changed or modified upon delivery, the courier should notify the lending museum. Any courier acting on behalf of The Newark Museum of Art may not assume the responsibility for acting as courier for another institution without prior notice and approval of the Registrar. The museum which selects the courier is responsible for that person's knowledge of the condition of the objects, guaranteeing their ability to withstand the rigors of travel and to take full responsibility for protecting the shipment. The Newark Museum of Art will follow the *Code of Practice for Couriers of Museum Objects* found in *Museum Registration Methods 5th Edition*.

### IV. COSTS

The lending and borrowing museum must agree, in advance of signing a loan agreement, on all costs related to the courier, art handler or installer, including unforeseen costs to be paid by the borrowing institution.

Approved Acquisitions & Collections Committee, 10/1/2020  
Approved Board of Trustees, 10/21/2020

## 7 COLLECTIONS CARE

The Trustees of the Newark Museum Association and The Newark Museum of Art (hereafter the Museum) staff recognize that the obligation to the Museum's collections is paramount. Every Trustee and employee of the Museum is entrusted with the preservation and safety of the collections. It is an ethical duty of the Museum to transfer to posterity the collections it holds in public trust.

The Director approves procedures for the periodic evaluation of the condition and control of the collection and for its general and specific maintenance in keeping with professionally accepted standards. Integral to this obligation is the realization of the importance and interdependent nature of objects and related documentation. The maintenance of this information in an orderly and retrievable form is critical.

The Director is ultimately responsible to the Board of Trustees for care of the collections. In carrying out that responsibility, the Director enlists Curators, Registrars, Conservators, Librarians, Exhibition and Operations staff, and consultants.

It is the responsibility of the entire staff to help provide the proper environment, security, and the highest standards of care and handling for the collection.

A Collections Stewardship Committee chaired by the Registrar and consisting of Registrars, Curators, Librarian, Deputy Director, Collections & Curatorial Strategies, and the Director meet regularly to discuss and develop collections policies and procedures and to make collections decisions regarding loans, conservation, and deaccessions. The Director will periodically report collections matters to the Board of Trustees.

### GOALS

The Museum will accept and carry out the highest level of legal, ethical, and professional care required to define and provide for all collections acquired or borrowed that are placed in the Museum's custody.

The intended use or purpose of an object is determined and noted at the time of acquisition. Since different collections store, use, and maintain objects according to different guidelines, it is critical that the designation of a collection area: Permanent Collection, Library, Archives, Education Collection, or Supplemental Collection, be made at the time of the acquisition.

The Museum supports and promotes the goals for collections care as stated in its own Institutional Code of Ethics and in the professional codes of ethics for museums, registrars, and conservators. Awareness of responsibilities for the care of collections is incorporated in all Museum activities, for example education programs, special events, and other such activities will strive to support common goals.

Training and information is provided to all Museum staff on proper care and safety of the collections. All staff working with collections are committed to keeping up to date with, and communicating to other staff, current requirements for accepted standards of collections care.

The goal, purpose, or product of an activity does not take priority over the care and safety of the object or record. All activities involving collections will incorporate and maintain the policies and procedures developed for care and preservation.

Museum staff ensures that collection records are up-to-date, complete, and stored in accessible, user-friendly systems. The Museum acknowledges the existence of accessioning backlogs and is committed to addressing the backlogs in a timely fashion.

## PREVENTIVE CONSERVATION

This collections care policy is based on the principles of preventive conservation to ensure that the agents of collection deterioration (physical forces, thieves and vandals, dissociation, fire, water, pests, pollutants and contaminants, light and radiation, incorrect temperature and incorrect relative humidity) are detected, avoided, blocked, or mitigated if possible. Should damage occur, recovery strategies must be undertaken.

## INTEGRATED PEST MANAGEMENT

The Newark Museum of Art is committed to the implementation of an Integrated Pest Management (IPM) program to reduce or eliminate pest damage in collections through proactive management and the application of mostly nonlethal pest control measures. IPM schedules are maintained through the Office of the Registrar. To help further the goal of reducing pest risk to collections, food and drink are prohibited in collections areas. Exceptions may be made in consultation with the Registrar, Curator, Deputy Director, Collections & Curatorial Strategies, and the Director (see Section 8.3).

## OBJECT MOVEMENT

Objects in the Permanent Collection may be handled by members of the Collections and Curatorial Divisions provided that they are identified by the Registrar as eligible to handle. Staff must be trained for handling by the Registrar or a delegate of the Registrar. A record must be made when objects in the collections of the Museum are moved. Systems for recording and retrieving information about object location in the Permanent Collection, Educational Loan Collection, and Supplemental Collection are the responsibility of the Office of the Registrar, which acts as the single control point for recording object movement. Packing and shipping of the Museum's collections conform to standard professional practices that provide maximum protection for the objects relative to the type of shipment.

## INVENTORY

The Registrar, with the aid of the Curators, devises and carries out inventories of the collection. Complete inventories are undertaken every 10 years. Random inventories are conducted annually.

## DOCUMENTATION

The Office of the Registrar maintains primary documentation for the Permanent Collection, Educational Loan Collection, and Supplemental Collection and administers the database for all Museum collections. Original documents and copies of signed correspondence are deposited in the Office of the Registrar by Administration, Curators, and Registrars. Records are maintained according to professionally accepted standards in an accessible, user-friendly system. Archival standards are maintained for the records. Duplicates of important records, as well as systematically developed back-ups of the collections database, are stored off-site. Every reasonable effort will be made to incorporate new technology as it becomes available. Museum collection records that are not restricted shall be made available to legitimate researchers with approval of the relevant curatorial or archival staff and under supervision of the relevant department.

The Library is responsible for rare books and the research collection of books, periodicals and vertical files. The Archives, consisting of institutional records, photographs, and ephemera, has been established and is maintained by the Library. In addition, the Library and Archives maintains a manuscript collection.

## RISK MANAGEMENT

The Museum maintains appropriate fine arts insurance to protect its collections and objects on loan to the Museum. The Museum's collections are required to be insured in transit and while on a borrower's premises. The Deputy Director, Collections & Curatorial Strategies oversees the process of obtaining appropriate insurance for the collections. The Office of the Registrar obtains and administers fine arts insurance and ensures that loan agreements and receipts are in hand to effect coverage. The Office of the Registrar handles insurance claims on collection or loan objects, maintains related records, and provides appropriate reports.

Collections must be secured in controlled areas. Access and movement are monitored and recorded.

The Director delegates responsibilities for collections care to appropriate Curators, Registrars, and to the Librarian. Every object is designated as the responsibility of one of the collections areas. Curators are ultimately responsible for safeguarding the collections in their care.

Collections are routinely monitored for damage and loss. Collections in public areas are monitored by Security staff, the Office of the Registrar, and the Exhibitions Department. Collections in storage are monitored by Curators, Registrars, or other collections department staff. All staff must report any damage or loss of objects in public areas as soon as possible to the Security Office, which immediately notifies the Office of the Registrar. Damage in art storage areas or off-site areas must be immediately reported to the Office of the Registrar. The Office of the Registrar reports all losses and damage to the Director, the Deputy Director, Collections & Curatorial Strategies, the Chief Financial Officer & Deputy Director of Infrastructure, the Senior Director of Facilities Operations, and the Curator in a timely manner.

The Emergency Preparedness and Response Plan for collections must be followed in all emergencies involving collections.

## CARE OF SACRED OR CULTURALLY SENSITIVE OBJECTS

Some sacred or culturally sensitive objects in the Permanent Collection may require special care and attention, which in some instances may contradict the principles of preventive conservation. The Curatorial team and Office of the Registrar staff will work with a conservator and the appropriate tribal or cultural representatives to establish policies and procedures that address these objects.

## CONSERVATION

Curators, in consultation with conservators, develop plans for preventive treatment and care for the objects in the Permanent Collection. The Museum maintains close relationships with conservators who can address general issues and who may consult and work on various objects in the collections. The Museum consults with conservators on a regular basis; these include consultants who assist in the monitoring of collections and the environment and help in identifying treatment conservators and conservators who will advise on special projects.



All Collections staff make the Curators aware of specific problems as they arise. Curators decide when treatment is required in consultation with conservators; priorities for treatment are established and revised based upon established guidelines (e.g. the condition of the object, its importance, and its planned use) and periodic reviews of collections. Curators develop lists of conservation needs annually, and after approval, the budget for conservation work will be coordinated through the Office of the Registrar.

Collections are treated only by professional conservators or those with an appropriate level of skill as determined by the Conservator and under the supervision of the Conservator. Treatments are not done in-house without the authorization of the Conservator. Office of the Registrar staff performs cleaning and basic maintenance procedures on objects in the collections under the supervision of the Conservator.

## STORAGE

Although the Curators have primary responsibility for the Permanent Collection, the Office of the Registrar and the Conservator are entrusted with the physical maintenance and integrity of the objects themselves. The Office of the Registrar has primary responsibility for art storage. The Office of the Registrar, with the help of Curators, seeks funding for and designs and implements upgrades in storage. Immediate responsibility for the physical care and movement of the collections lies with the Registrar. Maintenance schedules, environmental checks, and integrated pest management schedules are maintained by the Office of the Registrar.

The Office of the Registrar administers all off-site storage facilities and monitors collections located at these facilities in consultation with Curatorial staff. Environmental standards for off-site storage should match those at the museum, and off-site storage must be remotely monitored 24/7 by electronic security. The decision to place an object at off-site storage should consider increased risk of loss or damage to objects as well as budget and staffing impacts.

Administration of Library & Archives and Education Collection storage rests with the head of each of those departments.

## ENVIRONMENT AND ENVIRONMENTAL MONITORING

Preventive and protective measures are taken and proper materials used to minimize damaging effects of the environment. Monitoring the environment includes recording temperature, relative humidity, light, ultraviolet radiation, and regular building inspections. Technological systems to ensure environmental conditions appropriate to the maintenance and preservation of objects and their records are identified and implemented as funding allows. Systems in place are monitored and maintained at all times within the limits of available technology. Systems are monitored by the Facilities Operations Department and checked against manual measurements taken by the Office of the Registrar.

## DEFINITIONS

Collections: Objects or parts of objects, including historical houses owned by the Museum, along with related records and other documentary materials which provide sources of information.

Collections include:

### **Art**

- American Art
- Arts of the Americas
- Arts of the Ancient Mediterranean
- Arts of Global Africa
- Arts of Global Asia
- Decorative Arts
- Numismatics

### **Education**

### **Educational Loan**

### **Library & Archives**

### **Science**

### **Supplemental Collection**

Collection Departments: Departments in the Museum which interact regularly with objects in the Museum's collections and are responsible for their care. In addition to those departments listed under collections, they include

- Office of the Registrar
- Exhibitions Department

Other departments using objects but not responsible for their primary care include School Programs, Youth and Family Programs, MakerSpace, Dreyfuss Planetarium, and Volunteer Docents.

Collections Staff: Full or part-time members of collection departments and volunteers and interns in collection departments.

Permanent Collection: objects in the Permanent Art Collection and Permanent Science Collection

Treatment: Application of physical and chemical procedures and techniques to collection.

Approved Acquisitions & Collections Committee, 10/1/2020  
Approved Board of Trustees, 10/21/2020

## 8 COLLECTIONS ACCESS AND USE

The Newark Museum of Art (hereafter the Museum), in accordance with its mission, strives to provide maximum accessibility to its collections to the public, consistent with the safety and physical needs of the objects, as well as the safety of the staff. Access is provided through exhibitions on site, loans to other institutions, the Museum's traveling exhibition program, publications, educational programs, and the Museum's web site and other online platforms.

From The Newark Museum of Art's Code of Ethics:

*although the public must have reasonable access to the collections and their documentation on a nondiscriminatory basis, the Museum assumes as a primary responsibility the safeguarding of materials and therefore shall regulate this access.*

### 1. Access to stored collections and supporting documentation

Reasonable access to stored collections and their supporting documentation will be granted for legitimate research, educational, or religious and/or cultural purposes. Permission for access to stored collections and their supporting documentation may be denied for reasons which include but are not limited to: fragility, inaccessibility, or the sacred nature of the objects.

Permission for access to stored collections and their documentation must be requested in writing and shall be granted or denied by the Curatorial team, in consultation with the Registrar and Director.

Much of the information in documents supporting the collection is available to legitimate researchers and to the public, but exceptions will be made for privacy reasons and to protect proprietary information.

### 2. Destructive analysis

Requests for destructive analysis will be handled by the appropriate Curator and brought to the attention of the Museum's Collections Stewardship Committee for decision.

### 3. Events and Gallery Use

Events may be held in areas where collection objects are on view or stored, in consultation with and with prior approval from the Curator and Registrar. Appropriate measures must be taken for the safety and preservation of the collections. The following are not permitted where art is present, including but not limited to food, drink/liquids, open flame, and live plants. Exceptions may be made in consultation with the Registrar, Curator, Deputy Director, Collections & Curatorial Strategies, and the Director. If food and/or drink is approved, it must be kept at least eight feet from artwork at all times. If wine is to be approved, then white wine is acceptable and red wine is prohibited.

Collections objects in storage may be requested for use in events. Requests should go to the Curator and Registrar for review and approval. If approved, a member of the Collections and/or Curatorial Division will be required to handle the object during the event.

### 4. Photography and Filming in the Galleries

The following statements form the basis of the Photography and Filming in the Galleries Policies, two companion documents.

Photography is permitted in the Permanent Collection galleries and temporary exhibition spaces except

where a “No Photography” symbol appears on any label or near any object or is otherwise indicated by signage. Use of flash, tripods, lights, and extension cords are not permitted in the galleries unless by a professional photographer, with prior permission from the Registrar.

Filming by an outside entity for non-Museum related purposes will be handled on a case-by-case basis through the Chief of Staff and with consideration for the safety of the collections.

#### 5. Sketching in the Galleries

During public hours, students and visitors are welcome to make sketches of works of art from the Museum’s permanent collection using graphite pencil only. Objects in loan exhibitions may not be sketched. Exceptions may be made on a case-by-case basis. These statements form the basis of the Sketching in the Galleries Policy, a companion document.

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Approved Board of Trustees, 10/21/2020

## **9. MONITORING, REVISION, AND COMPLIANCE**

The Office of the Registrar is responsible for monitoring compliance with the Collections Management Policy. Review of the policy will be undertaken from time to time or, at least, every five years in conjunction with long range planning, accreditation, or special project activities that impact collection use and care; review will also be done as best standards change in the museum field. Revision shall take place through draft by the Registrar or other person designated by the Director, by the Collections Stewardship Committee, Director, and the Acquisitions & Collections Committee of the Board of Trustees, and submitted to the Board of Trustees for its approval as needed to update laws and best practice.

Approved Acquisitions & Collections Committee, 10/1/2020  
Approved Board of Trustees, 10/21/2020

## APPENDIX A

### Supplemental Collection Policy

#### 1. Definition:

The Supplemental Collection consists of objects that are acquired to support the program goals of The Newark Museum of Art but are not fit for the permanent collection. They may include:

- technology components to support acquisitions such as new media
- exhibition props
- objects of low value for use in a particular exhibition
- fakes
- reproductions and/or exhibition copies

#### 2. Acquisition:

Objects for the Supplemental Collection may be acquired by:

- Purchase
- Gift
- Transfer from art, science or educational loan collections
- Abandoned objects

#### 3. Documentation:

Objects in the Supplemental Collection are supported by the following documentation:

##### A. Numbering system

The prefix SC will be used to designate supplemental collections. It will be followed by a sequential number assigned to an object or group of objects, i.e.

SC1                      Group of objects used in exhibition Threads that Bind

If the number is assigned to a single object it will stand as above. If it is assigned to a group, it will be extended by object numbers and part and set numbers as used in the permanent collection tripartite system. Examples:

SC1.1                      Kente cloth  
SC1.2a,b                  Hat box with lid  
SC1.3.1-3                  Tea set

Number assignments will be kept in an electronic list in the digital files of the Registrar, in the same format as the OO found-in-collection book, as well as noted in the collections database.

##### B. Collections database entries will be made for each object, with limited fields, collection type Supplemental. Object location will be tracked in objects. Fields will include:

Object name  
Title  
Maker

Materials  
Description  
Date  
Dimensions

C. Acquisition notes will be made in the collections database.

If gift, a Deed of Gift will be obtained, stating that the object is for use and will not be kept as a permanent collection object.

4. Disposal:

Objects in the Supplemental Collection may be disposed of with the approval of the Collections Stewardship Committee. Disposal date and method of disposal will be reported by the Registrar for tracking in the collections database.

Supplemental Collections should be reviewed for disposal every five years.

The criteria for disposal are:

- Object no longer supports the program goals of The Newark Museum of Art
- Space limitations
- Destruction of the object through use
- Upgrading of the object into the Accessioned Collection

The methods of disposal are:

- Transfer to another collection within the Museum
- Gift to a non-profit education institution
- Witnessed destruction

Approved Acquisitions & Collections Committee, 10/1/2020  
Approved Board of Trustees, 10/21/2020

## APPENDIX B

### Educational Loan Department Deaccession Policy

#### 1. General Principles

- As of November 6, 2014, the Educational Loan Collection was permanently deaccessioned from The Newark Museum of Art's collection. The purpose of deaccessioning objects from a museum's collection is to remove objects that do not accurately explain the topic or culture, those of poor quality or items that are ineffective as teaching aids or as pieces for exhibition. Since the Museum no longer uses the objects in the Educational Loan collection, all objects were deemed ineffective and approved for deaccession.
- The disposition of any object is determined only after careful consideration and review by appropriate curator or consultant.
- Before the sale or destruction of an object, it is considered for transfer or gifting to another department or institution.
- Any proceeds gained from the sale of deaccessioned objects are used to support the mission of the Learning & Engagement Division of The Newark Museum of Art.
- Some objects may be deemed too important, of high quality, or of relevance to the collection, and thus considered for transfer to the Permanent Collection even if that is not their origin.

#### 2. Procedures

- Each object is identified, assigned an X accession number if it does not already have one, photographed, and catalogued into the Museum's database, and tracked henceforth.
- Each object is reviewed by the appropriate Curator, Conservator, and/or consultant, to determine the method of disposal.
- All object records are changed to indicate the object's method of disposal, the date of disposal, and location as "No Longer in Collection" in the Museum's database. If the object was transferred to another department in the Museum, that location will also be noted in the database.
- As of December 2019, the Learning & Engagement Division stated that they are no longer interested in obtaining objects from the Educational Loan Collection, and their review is no longer necessary for the disposition of this collection.

#### 3. Methods of Disposition

- Transfer to another department in the Museum
- Gift or sale to another institution
- Sale at public auction
- Witnessed Destruction. A Museum-designated taxidermist will destroy taxidermy animals or parts.

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Approved Board of Trustees, 10/21/2020