

Collection Management Policy and Procedures

Nasher Museum of Art at Duke University

COLLECTION MANAGEMENT POLICY

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Nasher Museum of Art at Duke University

COLLECTION MANAGEMENT POLICY

Preamble:

It is the purpose of this Collection Management Policy to set forth a policy and outline procedures for the management of the collection of the Nasher Museum of Art at Duke University, which is sometimes referred to herein as the "Nasher." This Policy is intended to be used as a guide by the Nasher and its professional staff and supporting committees, and also as a reference for members, donors, and other friends of the Nasher.

I. Mission Statement

The Nasher Museum of Art at Duke University promotes engagement with the visual arts among a broad community including Duke students, faculty, and staff, the greater Durham community, the Triangle region, and the national and international art community. The museum is dedicated to an innovative approach, and presents collections, exhibitions, publications, and programs that attain the highest level of artistic excellence, stimulate intellectual discourse, enrich individual lives, and generate new knowledge in the service of society. Drawing on the resources of a leading research university, the museum serves as a laboratory for interdisciplinary approaches to embracing and understanding the visual arts. (Mission Statement revised July, 2011)

II. Organization

The Nasher Museum of Art at Duke University, established in 1966 as the Duke University Museum of Art, is a unit of Duke University, a non-profit educational institution established in 1924. Overall responsibility for the management of the Nasher and the collection rests with the Director of the Nasher. The Director is responsible for all decisions and actions regarding the Nasher's collections and their development. The Director may consult with the curatorial and registrarial staff of the Museum, and may seek the advice and counsel of the Nasher's Board of Advisors and Collections Committee in accordance with this Policy. The curators are responsible for research, care, and exhibition of the Nasher's collection. The Registrar is responsible for the physical wellbeing of the collection and recordkeeping concerning the collection.

The *Board of Advisors* is an advisory board appointed by the President of Duke University upon the recommendation of the Director. The Board of Advisors shall serve in an advisory role to the Director on matters of collection development, planning, and fundraising. Members of the Board

of Advisors shall be selected from alumni, friends of the Nasher, faculty and administration, and others interested in the Nasher and committed to art and education and the success of the Nasher. The Chairperson of the Board of Advisors shall be appointed by the Director, and shall be an *ex officio* member of the Collections Committee described below. There shall be at least twelve but no more than thirty-six members of the Board of Advisors. The Director shall serve as an *ex officio* member of the Board of Advisors. Members shall serve three year terms, and may be appointed to more than one term. Members no longer serving may be appointed to *emeritus* status.

The *Collections Committee* is an advisory board, appointed by the Director to serve as a source for consultation by the Director on all matters relating to the collection including acquisitions and deaccessions. The members of the Collections Committee shall be selected from the faculty and administration of the University, alumni, friends of the Nasher, and others having an expertise or special knowledge which would be useful to their service on the Collections Committee. The Director and other appropriate Nasher staff appointed by the Director shall each serve as *ex officio* members of the Collections Committee. Members shall be appointed by the Director to serve three year terms, and members may be appointed to more than one term. There shall be at least twelve but no more than twenty-four members of the Collections Committee. The Chairperson of the Collections Committee shall be appointed by the Director.

III. Description of Collections

The Nasher Museum of Art at Duke University was founded as the Duke University Museum of Art with the purchase of the Brummer Collection of Medieval and Renaissance Art by the University. The Nasher's holdings have since grown to more than 13,000 works of art, acquired primarily through donations. The permanent collection is strong in four core areas: medieval and renaissance art, African art, ancient American (pre-Columbian) art and Classical art. Duke faculty have long used the Nasher's permanent collection in their teaching, and these collections have very significant teaching and research value, as detailed in the collection area descriptions and quality assessments that follow.

Medieval Art

The Brummer Collection of Medieval and Renaissance art numbers about 200 objects, including sculptures in stone, bronze, wood and ivory, as well as a number of significant architectural fragments and examples of stained glass, leather and textiles and a complete illuminated manuscript. The collection spans the 800s through the 1600s and includes works from throughout Europe, although the majority of the collection is from the Romanesque, Gothic and later medieval periods. The collection has been described as the "best university medieval collection in America" (Charles Little, Metropolitan Museum of Art) and "one of the six best medieval collections overall in America" (Neil Stratford, Keeper Emeritus of Medieval and Later Antiquities, British Museum.) This is probably the museum's most significant collection and was published in a 1992 catalogue by Duke professor Carolina Bruzelius and former Duke University Museum of Art curator Jill Meredith.

Ancient American Art

The ancient American holdings include about 3,300 objects encompassing nearly every culture of pre-Columbian Latin America, from Mexico to Argentina. Included are sculpture, ceramics and painted pottery, painted wall fragments, textiles, gold items, body ornaments, wooden objects, jades and a selection of ocarinas and other musical instruments. Many chronological periods are represented, with over a hundred pieces as early as the first millennium BCE. The collection is strongest in Mayan art (over one-third of the collection) and also includes an impressive group of over 175 Peruvian textiles, several as early as 600-300 BCE, as well as early ceramics from Moche, Paracas and Nasca cultures in Peru. The Mayan ceramics were assessed in 2003 by vase painting specialists Justin and Barbara Kerr of the Foundation for the Advancement of Mesoamerican Studies (FAMSI), who identified about 20 excellent pieces, and classified pieces that should be exhibited, used for study, or deaccessioned. As a whole, the ceramics collection is above average because of its scope as a teaching collection; the general quality is average with some important individual pieces. A catalogue of the collection was written in the mid-1990s by former curator Dorie Reents Budet, but never published; this could be the basis of a future catalogue publication.

African Art

The Nasher's African holdings number around 300 objects, including a group of 172 rare masks and ritual objects from Liberia donated to Duke in 1974 by Dr. George Harley, a Duke-trained physician, missionary and anthropologist, who was one of the first to bring art out of Africa beginning in the 1920s, and whose scholarship on the secret Poro Society of the Dan peoples remains a standard reference. Duke University is also the repository of Harley's papers documenting his experiences in Africa. Other highlights are: a splendid Mende Bundu Headress from Sierra Leone, a chief's door with original pigment of ca.1920 by one of the most famous of the Osi master carvers in Nigeria, Arowogun d'Osi-Ilorin (1880 - 1945), and other important Yoruba works such as a rare pair of large torso masks from the 19th and early 20th centuries, a fine beaded chief's crown, a carved bowl in the shape of a rabbit, and group of Gelede helmet masks. The Harley Collection is superior, whereas the rest is average with a few star pieces as noted above. The museum should publish a catalogue of the Harley Collection and perhaps organize an exhibition.

Classical Art

The Classical Collection of objects from Greece, Rome, Egypt and Etruria combines the Duke Classical Collection, started in 1964 by Duke's Department of Classical Studies, with the Nasher's own collection. The collection is comprised mostly of small pieces of average quality with some outstanding examples, and spans from 2800 BCE to 300 CE. The Nasher has recently been given an important collection of some 224 Greek works, mostly ceramics, but also bronze, gold, amber and a few small marble pieces, ranging from the Cycladic and Mycenaean periods to the Hellenistic Greco-Roman era, with almost two dozen star pieces. This collection is being catalogued for publication by Duke professors Sheila Dillon and Carla Antonaccio. The previously existing collections were published in a 1994 catalogue by Duke professor Keith

Stanley. The total collection now includes about 240 examples of ceramics and vase painting, two dozen marble sculptural fragments, two dozen examples of Roman glass, about a dozen pieces of jewelry, several bronze utilitarian items, and about 500 ancient coins.

European and American Art

The Nasher's collection of European and American art contains about 60 paintings and sculptures from the Renaissance to the present. The European paintings and sculptures complement the Brummer collection, and are regularly used in teaching. Artists represented include Frans Pourbus, Daniel Seghers, Giovanni Paolo Panini, François Gérard, Clodion, Carrier-Belleuse, Jules Dalou and Joaquin Sorolla y Bastida as well as several works by Hudson River School painters and Ashcan School artists. The collection is diverse with works of generally average quality, but with some very weak items. Weak works that are not exhibitable or used for teaching should be deaccessioned.

Works on Paper

The works on paper collection numbers almost 3000 works, of which most are prints with a small number of drawings and photographs. The collection includes about 60 good teaching examples of European prints (and a few drawings) from the late 16th century to the early modern period, including works by Albrecht Dürer, Jacques Callot, Rembrandt, Giambattista Piranesi, David Roberts, Edgar Degas, Henri de Toulouse-Lautrec, Pablo Picasso, Henri Matisse, El Lissitzky, Jacques Villon, and Paul Klee, as well as a collection of 185 Winslow Homer wood engravings. Ackland Art Museum curator Timonty Riggs, an authority on prints, has reviewed many of the early prints. These are generally of average or below average quality. Most of the collection, between one-half and two-thirds, consists of works after 1945, with significant works by Romare Bearden, Andy Warhol, Robert Rauschenberg, Cindy Sherman, Don Eddy, David Levinthal, and Kara Walker. Most, however, are by little known American or Russian artists. This collection needs to be assessed and many works should be deaccessioned.

Modern and Contemporary Russian Art

The Nasher also has a collection of some 760 works of modern and contemporary Russian art (223 paintings, 65 sculptures, 417 works on paper, 55 miscellaneous works), mostly acquired as gifts from about 1990 to 2003 from the artists themselves, from dealers, and from Russian émigré collectors. The collection includes pre-Soviet era, Soviet era, and post-Soviet era works by the avant-garde, state-recognized artists, non-conformist artists, and émigré artists. Although there are half a dozen works from the early part of the century, by far the largest component of the collection is by second-generation non-conformist artists from the Brezhnev era into the post-Soviet period, including artists such as Komar and Melamid. The significance and value of this collection are unclear, and it needs to be assessed by experts in the field. From that assessment, a decision should be made as to whether to keep this collection or deaccession it. It is on occasion used for teaching, much less than the other collections, but this function could still be maintained with a much smaller group of the best works.

Contemporary Art

This collection represents the Nasher's current primary growth area, with recent acquisitions of works by Marlene Dumas, Sam Durant, Christian Boltanski, Petah Coyne, Olafur Eliasson, Kara Walker, David Levinthal, Christoph Draeger and Eve Sussman, as well as a promised gift of 37 contemporary works by artists including Anthony Caro, David Hammons, Sol Lewitt, Glenn Ligon, Paul McCarthy, Ed Ruscha, Gary Simmons, Hiroshi Sugimoto, and Kehinde Wiley.

IV. Collection Development Plan

As a university art museum connected to a major research university, the Nasher has a broad educational mission, which, arguably, is best supported by a certain breadth of collections. On the other hand, the Nasher's best opportunities to build significant and unique collections currently lie in the fields of modern and contemporary art. Going forward, the Nasher will work on both fronts. The Nasher will maintain its strengths in the traditional areas outlined above, and when opportunities arise, will build these collections judiciously through significant gifts. But the Nasher will focus its active solicitation of gifts on modern (20th-century) and contemporary art, and will concentrate its limited purchase funds in the contemporary field. Through this strategy, the Nasher will endeavor to build a unique and exciting contemporary collection of educational and historical significance, while continuing to strengthen the collection in other fields to support the university's broader educational mission.

A. Purchases

1. Contemporary Art

The Nasher will focus its purchase funds primarily in this area, and will pursue examples of leading edge work, with a global focus. The Nasher will seek works that are both artistically significant and educationally rich in terms of addressing interdisciplinary and intercultural issues. The Nasher will pay special attention to the work of artists of the African diaspora (including African-American), in light of current curatorial and faculty expertise, and local as well as national and international interest. Special attention will be paid to works that explore issues of gender and identity, which are among the most critical and interesting issues engaging contemporary artists today. Special consideration will also be given to purchasing works from or related to exhibitions organized by the Nasher, in order to capitalize on resources already invested and relationships already developed.

The Nasher will pay special attention to photography and new media, which are especially important in relation to Duke's long-standing distinction in documentary studies and documentary photography (Center for Documentary Studies) and its burgeoning interest in all forms of new media and their ability to link disciplines such as art history, visual studies, film studies, and engineering.

Another area of special focus will be contemporary sculpture, given the interests of founder Raymond D. Nasher and the relationship with the Nasher Sculpture Center, and the fact

that the Nasher's building and grounds are particularly well suited to the display of sculpture.

In building a collection of international contemporary art, the Nasher will not seek to build a standard survey, because that is probably not possible given the scope and variety of contemporary global practice and the moment of the Nasher's entry into the market; instead, the Nasher will seek to build a collection of significant and meaningful works that address important issues and will stand the test of time. To make best use of limited resources, but also to manage risk, the Nasher will in general seek to purchase works by artists who have achieved a certain level of recognition and market value, and whose work can be evaluated within a significant critical or historical context, but whose work is still within a range that is affordable in terms of available resources.

2. Works on Paper

The Nasher will also make purchases in this area, using a smaller proportion of purchase funds. In addition to contemporary photographs and other contemporary works on paper that fit the criteria above, the Nasher will work to build broader historical collections of works on paper and photographs, with the eventual aim of a collection representing major artistic developments from the renaissance to the present day, encompassing western and eastern traditions. The goal here is to build a useful and high quality collection for general teaching and exhibition purposes. Purchases will be made as funding permits, and efforts will also be made to secure gifts in this area. Purchasing efforts will be focused on prints and photographs for reasons of cost and availability, although drawings should also be considered. In building a photography collection, the Nasher will be cognizant of the photography collecting efforts at Duke's Perkins Library (primarily collections of documentary photographs and photographers' archives, often in support of activities at the Center for Documentary Studies, plus a small collection of historic photographs built for teaching purposes), and will work in concert with those efforts.

B. Gifts

1. 20th-Century Art

It is also very desirable to build a strong collection of modern art, covering significant developments in the U.S., Europe (including Eastern Europe), and elsewhere in the world during the 20th century. Such a collection would be invaluable for teaching and for providing a general foundation for visitors' appreciation and understanding of contemporary art. However, important works are prohibitively expensive, and thus efforts will be made to solicit significant gifts in these fields.

2. Other areas

Although the Nasher's main active collecting focus will be in modern and contemporary art and works on paper, as outlined above, gifts may be offered in other areas. Because the Nasher is a teaching museum attached to a great research university, opportunities to build

the collection in other areas should be considered as they arise, and offers of gifts to areas of traditional strength in the collection (as outlined in the Description of Collections) will also be considered. The Nasher will evaluate such opportunities in light of all relevant circumstances, including their artistic significance and value to the mission of the Nasher, their relationship to other similar collections in the area, and their cost in financial and other kinds of resources including space, time, and curatorial expertise.

C. Review of Existing Collection

Within the context of the Description of Collections above, the Director and curatorial staff will continue the ongoing review of existing collections, to identify any objects that are not relevant to the Nasher's mission for possible deaccession. All deaccessions will be reviewed according to the guidelines outlined in section VI. below, and will not be undertaken in response to exigencies of the moment, but only after careful consideration and consultation with relevant faculty and other experts.

D. Revision of Collection Development Plan

This Collection Development Plan will be evaluated and updated as needed, and in any event shall be reviewed within five years of its last revision. The Director shall be responsible for presenting the Collection Development Plan to the Collections Committee for review as required, and revisions shall be made by the Director after due consideration of the recommendations of the Collections Committee.

V. **Acquisitions**

Acquisition is the physical entry of objects into the collection. It is the point at which transfer of title to the Nasher is made. All acquisitioned objects should support the institution's mission and collecting goals. Acquisitions may be made through gift, bequest, purchase, exchange, or transfer and acquisition decisions shall be made by the Director after due consideration of the recommendations of the Collections Committee. The following policies will guide the Nasher's decisions regarding acquisitions.

A. Criteria for acquisitions include:

1. The object is of significant art historical quality and importance.
2. The object is in good condition or can be restored at reasonable expense.
- 3.. The object is relevant to and consistent with the purposes, programs, and activities of the Nasher, as specified in the Nasher's mission statement and collection development plan.
4. The object fills a gap in the permanent collection in accordance with the collection development plan.

5. The potential of an object for exhibition, teaching, and research.
6. The documentation and acceptability of an object's provenance.
7. The Nasher can provide for the storage, protection, and preservation of the object, in keeping with professionally accepted standards. Acceptance should not result in unwarranted future expenses for the Nasher in storage, maintenance, and conservation.
8. The object is intended to remain permanently in the collection, as long as it retains its physical integrity, its identity, and authenticity, and as long as it remains useful for the Nasher's purposes. In general the Nasher does not accept objects for the purpose of later sale.
9. The title to the object is free and clear.
10. The object is free of restrictions imposed by the donor. Should the Nasher wish to accept an exceptional gift with donor restrictions, such restrictions must be clearly stated on the *Deed of Gift* and all appropriate accession records, and must be approved by the Director after consultation with the Collections Committee. Restrictions are considered only if they are not onerous and do not compromise the museum's mission. All restrictions will be monitored by the Registrar and curators.

B. If an entire collection is being offered, the collection on balance must meet the established criteria for acquisitions. The Director, as well as the Collections Committee, are required to consider the disposition of those objects not to be accessioned into the permanent collection, and every effort will be made to harmonize decisions on such disposition with the wishes of the donors and their legal representatives, as may be appropriate.

C. Objects bequeathed to the Nasher should be approved for acquisition prior to the Nasher being designated as the beneficiary. If this is not done, the Nasher is under no obligation to accept the bequest. All objects bequeathed to the Nasher are subject to the approval of the Director after consultation with the Collections Committee. The Nasher will observe appropriate confidentiality with regard to accepted testamentary distribution of objects.

D. For all works of art that have previously changed hands, the Nasher requires an appropriate dealer warranty certifying that the dealer possesses good title and has the right to sell the object.

E. The Nasher does not provide appraisals. Upon request, the Nasher will provide a list of independent outside appraisers, without making specific recommendations, and, if appropriate, will also identify organizations of appraisers as a courtesy to potential donors.

VI. Legal and Ethical Issues Regarding Acquisitions

The Nasher Museum will adhere to the highest legal and ethical standards with regard to acquisitions. This is crucial to the museum's mission as part of a research university where the pursuit of knowledge is central, and to the maintenance of the public trust in the museum's purpose. Because this is an area of complicated, and rapidly changing, standards, special ongoing vigilance is required.

A. All acquisitions will be evaluated to avoid possible violations of legal and ethical standards involving ownership, possession, and authenticity.

B. The Nasher will not knowingly acquire an object unless the Nasher believes that it can acquire title or has acquired valid title to the object in question.

C. No object will be acquired that, to the knowledge of the Nasher, has been stolen, removed in contravention of treaties and international conventions of which the United States is a signatory, illegally exported from its country of origin or the country where it was last legally owned, or illegally imported into the United States. The Nasher will undertake due diligence to establish the legal status of an object under consideration for acquisition, making every reasonable effort to investigate, substantiate, or clarify the provenance of the object.

D. In addition, for the acquisition of any ancient work of art or archaeological material, the Nasher will require:

1. Documentation or substantial evidence that the item was in the United States by November 17, 1970 (the date of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property) and that there is no reason to suspect it was illegally exported from its country of origin, or

2. Documentation or substantial evidence that the item was out of its country of origin before November 17, 1970 and that it has been or will be legally imported into the United States, or

3. Documentation or substantial evidence that the item was legally exported from its country of origin after November 17, 1970 and that it has been legally imported into the United States.

E. It is the Nasher's intent and policy to comply with the Association of Art Museum Directors ("AAMD") guidelines on acquisitions of art that was stolen, looted, or otherwise changed hands illegally during the Nazi era, attached as Schedule A, and the American Association of Museums ("AAM") Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era, attached as Schedule B.

F. It is the Nasher's intent and policy to comply with the Association of Art Museum Directors' guidelines on the acquisition of sacred objects, attached as Schedule C.

G. It is the Nasher's intent and policy to comply with Public Law 101-601, the "Native American Graves Protection and Repatriation Act", attached as Schedule D.

VII. Deaccessions

A fundamental function of an art museum is to develop a meaningful and significant collection of works of art that serves the museum's mission. If offered as gifts, works of art may be accepted with or without restrictions on disposal. From time to time, individual works of art or collections may be disposed of for the refinement of the collection and the advancement of the Nasher's mission. Disposal is intended to refine and improve the quality and appropriateness of the collections. This process requires extreme care and should reflect policy rather than a reaction to the exigencies of a particular moment. Careful study by the Director and curatorial staff precedes the recommendation to deaccession a work from the collection in accordance with the current guidelines of the American Association of Museums and the Association of Art Museum Directors. Care must be taken to make sure that the Nasher is under no legal constraints regarding the disposition of the work considered for deaccession. Deaccession decisions shall be made by the Director after due consideration of the recommendations of the Collections Committee and are subject to the approval of the Provost.

A. Each object considered for deaccession must be carefully and individually evaluated. General criteria to be considered include:

1. The object is of poor quality.
2. The object is rarely or never exhibited.
3. The object is not useful as part of a study collection.
4. The object is a duplicate (of a multiple such as a print or photograph) or redundant to other closely related objects in the collection.
5. The possession of the object is not legitimate (e.g. stolen or illegally exported/imported).
6. The object is not authentic.
7. The physical condition of the object is poor and restoration is not feasible.

B. Proceeds from deaccessioning are to be used solely for the acquisition of other works of art, as per the guidelines of AAMD. All funds realized from the sale of deaccessioned artworks will be placed in restricted accounts and clearly accounted for in terms of the original donor. The original donor credit line will be preserved and applied to any work(s) purchased with that donor's funds, with the addition of the term "by exchange". It is the responsibility of the Registrar and curators, working together, to account for funds realized from sales and their attributions to original donors, and the subsequent identification and use of these funds for later purchases. All proposed assignments of original donor funds to new purchases, and their credit lines, are confirmed by the Director.

- C. Deaccessioning and disposal must comply with all applicable local, state, and federal laws.
- D. The Nasher will endeavor to honor legal restrictions attached to the gift or bequest of any work of art. If this becomes impossible, the donor or his/her heirs will be notified. If the Nasher should wish to change the restrictions, consent must be obtained from the donor or his/her heirs. The Nasher will work with the University's Office of Legal Counsel as needed to address these issues.
- E. The donor of any work to be deaccessioned should be notified in advance. Circumstances may warrant extending similar notice to heirs of deceased donors.
- F. When a work of art by a living artist is deaccessioned, consideration will be given to notifying the artist.
- G. No member of the Nasher staff, Collections Committee, Board of Advisors, Friends Board, Duke University staff member or trustee may acquire directly or indirectly a work deaccessioned by the Nasher, or otherwise benefit from its sale or trade.
- H. In the case of a deaccession perceived to be of particular interest to the broader community, a public announcement should be made. Consideration will also be given to making a public announcement for other deaccessions.
- I. Public auction is the preferred method of disposal. Consideration may also be given to other methods that might yield a greater monetary return. In any case, the Nasher must be openly acknowledged as the seller.

VIII. Loans, Custody

To achieve its mission and educational goals, the Nasher may make items or portions of its collection available to other accredited museums or reputable public or private institutions on a loan basis subject to the conditions imposed by the Nasher to insure the protection, safe transport, return, and insurance of object(s) for the purposes of exhibition, study, and public education. Similarly, the Nasher may wish to borrow objects from other institutions or individuals in order to fulfill an exhibition or research requirement. Outgoing loan requests are reviewed with the goal of making the Nasher's collection available to the broadest possible audience, balanced with considerations of conservation and safety of the works, and the Nasher's own exhibition, teaching, and research needs. All loans shall be approved by the Director on the recommendation of the Curator and the Registrar. It is the Nasher's policy not to accept objects for custody or storage, except under unusual circumstances as outlined below.

A. Outgoing Loans

1. Loan requests must be made in writing to the Nasher and must specify the work(s) to be borrowed, purpose, and length of the loan period. The Nasher requires that requests be made at least six months in advance of the loan period; however, exceptions to this six month requirement may be made in extraordinary circumstances in the discretion of the Director. The borrowing institution must provide a current AAM Standard Facility Report for review.

2. General criteria for approving an object for outgoing loan are:

- (a) The loan is in the best interests of the Nasher, the public it serves, the public trust it represents in owning the collections, and the scholarly or cultural communities that it represents and serves.
- (b) The loan is to a reputable institution.
- (c) The loan serves a scholarly and/or educational purpose. The Nasher does not lend works from its collection for the purpose of financial gain.
- (d) The object will not be exposed to any undue risks.
- (e) The object is in safe condition for travel and handling.
- (f) The Standard Facility Report is deemed acceptable by the Collections Management Committee, consisting of curators, Registrars, and preparators.

3. The borrowing institution pays all costs related to the loan, unless otherwise agreed. These costs may include insurance, packing, shipping, special installation needs, photography, customs, and duties. Any alternative arrangements are to be made and confirmed in advance by the borrower and approved by the Director.

4. Loans to extended tours will not be approved until the entire tour is specified, and current facility report and proof of insurance have been reviewed for each venue.

5. The loan of any work of art shall be subject to recall by the Nasher as required for the Nasher's own purposes or for the physical safety of the work of art. The Nasher reserves the right to cancel any loan from the permanent collection for good cause. Every effort will be made to give the borrower reasonable notice, except in cases of imminent physical danger to the object.

6. If the terms are satisfactory, all objects granted on loan shall be insured at full value on the borrower's wall-to-wall fine arts policy. The borrower will be expected to supply a Certificate of Insurance naming the Nasher as additional insured. Where such coverage is not provided, the Nasher will obtain coverage at the borrower's expense and the borrower will be billed for the applicable premium. In addition, all packing and transportation costs will be paid by the borrower, unless otherwise arranged.

7. The Nasher must be credited in all publications and exhibition press materials associated with the loan object. Questions concerning Rights and Reproduction are handled by the Registrar's Office.

B. Incoming Loans

1. General Criteria for approving incoming loans is:

- (a) The loan is in the best interests of the Nasher, the public it serves, the public trust it represents in owning the collections, and the scholarly and cultural communities that it represents and serves.
- (b) Provenance has been investigated by the curatorial staff. If any doubt exists concerning the provenance of an incoming loan, assurance of the ethically and legally unimpaired

provenance of the object must be obtained by the Nasher's representative generating the exhibition from the owner before recommending the loan. The Nasher will abide by the AAM's *Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era* and by the AAM's guidelines regarding loans of archaeological material (see attached).

(c) The Nasher will abide by the AAM's *Guidelines on Exhibiting Borrowed Objects* (see attached Schedule E).

2. In general, objects will not be received on loan from Nasher staff members, because of potential conflict of interest considerations. Limited exceptions may be made if the Director and curators are in agreement that the loan is in the best interest of the museum.
3. It is the responsibility of the lender to set insurance valuations. The Nasher does not provide evaluations or appraisals for loan objects. Incoming loans may be insured by the Nasher or by the lender. While in the Nasher's possession (including transit), objects lent to the Nasher will normally be insured "wall-to-wall" by the Nasher under its fine arts policy. A Certificate of Insurance will be provided to the lender upon request. The Nasher staff will make every effort to see that valuations for insurance are fair and related to current market values. If the lender elects to maintain his own insurance for the period of the loan, the lender shall so indicate on the Loan Agreement, and the lender and not the Nasher will be responsible for errors or deficiency in claims procedure or other information furnished to the lender's insurers and for any lapses in insurance coverage. If the lender maintains insurance, a Certificate of Insurance naming the Nasher as additional insured must be provided to the Nasher.
4. Loans of personal property from individuals for storage in the Nasher will not be accepted.
5. Any change in the condition of loan objects must be reported immediately to the Registrar. The Registrar will document the damage and will notify the lending party as quickly as possible. If appropriate, the Registrar will also notify the insurance company and prepare a full condition report. It is the responsibility of the Registrar, in consultation with the Director, to handle claim negotiations.
6. The Nasher reserves the right to cancel a loan or remove loan objects from display at any time. All long-term loans are set for a period not to exceed two years, and may be renewed. The Registrar will regularly evaluate the status of each loan to determine if loan renewal or an updated insurance valuation is needed.
7. Packing and shipping arrangements for loans are the responsibility of the Registrar.
8. The Registrar, in consultation with the Director, may notify a lender of the Nasher's intent to terminate the loan of an object for which a written loan agreement exists that was made for an indefinite term.
9. For long- or short-term loans from private collectors (excluding exhibition loans where the request is generated by the Nasher), it is the Nasher's policy not to pay shipping and packing

costs, given budgetary constraints, unless the loan is a documented promised gift. Exceptions can be made only by the Director.

C. Campus Loans

1. In support of its mission as an art museum, and the collections it holds in trust for the benefit of the public, the Nasher does not lend works of great significance from its collection to any locations on campus other than similar exhibiting institutions open to the public such as the Center for Documentary Studies and Perkins Library, provided that sufficient security and climate control can be provided.
2. Except for the Campus Loan Collection (see below) the Nasher does not lend to other locations on the Duke University campus, except to the President's house and office, where the levels of security and climate control are comparable to Nasher conditions.
3. The Nasher has designated a class of objects, the Campus Loan Collection, which may be lent, on a limited basis, to certain other campus locations when it is judged by the curators and/or the Director that such loans are consistent with its mission as an art museum within an educational institution, and reasonable security and climate control can be provided. Such loans are generally made to the President's house and office, the offices of the Provost and Deans, and certain other locations which are visited by the public and/or university alumni and supporters. For reasons of security, and because of limited staff and resources, the Nasher does not make loans to faculty offices.
4. It is the responsibility of the borrower to pay any costs associated with the loan (truck rental, special packing materials, etc.), and to notify the Nasher when the loan is no longer needed or when the borrower is vacating the space where the loan is installed.
5. The Registrar's Office will conduct a biannual inspection of all campus loans to ascertain that their condition is sound, they have not been moved, and the borrower still occupies the space where they are installed.

D. Objects Left in the Custody of the Museum and Abandoned Property

1. This section refers to objects that are brought to the Nasher for such purposes as attribution, identification, or study.
2. It is the Nasher's policy not to accept such objects for custody or storage, even on a temporary basis, except under unusual circumstances. Ordinarily, an owner wishing an opinion must make an appointment with the curator to bring in the object for examination, and the object is not retained at the Nasher. If the curator wishes to retain the object at the Nasher for any reason, the Registrar must be notified so that proper paperwork can be prepared.
3. Unlike objects on loan for other purposes, the Nasher will not cover these objects under its fine arts insurance policy unless otherwise specified in writing. The Nasher assumes no responsibility for such objects.

4. It is the curator's responsibility to make sure the owner understands that any attributions, dates, or other information provided by Nasher staff regarding such objects are not to be considered appraisals or official opinions of the Nasher.
5. Objects in temporary custody that are not reclaimed within a reasonable time and after concerted efforts to reach the owner will be maintained at the owner's expense for a maximum of five (5) years, after which period of time those objects will be administered by the Nasher in accordance with the applicable laws of North Carolina.

IX. Documentation

The maintenance of accurate records on the permanent collection and loan objects is a major responsibility of the Nasher. The Nasher considers the care of its collections to include the maintenance of the full range of records and inventories of its holdings as well as preservation and protection of the objects. Daily management of these responsibilities is centered in the Registrar's Office; however, these responsibilities are shared by the curators and preparators.

A. Object Records

1. The Registrar's Office is responsible for maintaining and making available up-to-date records that document the history and all activities affecting objects in the Nasher's custody. All collection object files and loan files are stored in the Registrar's Office. Corresponding computer records are developed to facilitate the retrieval and production of information. These records are backed up regularly and stored off-site.
2. The Registrar's Office is responsible for creating and maintaining accession records for each object and maintaining incoming and outgoing loan records. The Curatorial Department is responsible for cataloguing each object. Curatorial research files are maintained in the Registrar's Office.
3. Object attribution changes are noted in the files and in computer records.
4. Each object in the accessioned collection is supported by the following information:
 - (a) Number reflecting year, sequence of acquisition, and individual object number, with suffixes assigned to each part. (i.e. – 2010.350.100A-C)
 - (b) Description of object, including date, maker, country of origin, material, and dimensions.
 - (c) Method of acquisition (gift, bequest, purchase, exchange, transfer) and from whom.
 - (d) Deed of Gift/Bill of Sale and warranties/bequest documentation
 - (e) Location of object.
 - (f) Activity of object (on exhibition, outgoing loan, conservation, etc.)
 - (g) Documents pertaining to all legal transactions.
 - (h) Restrictions on use of the object.
 - (i) Artist and exhibition information

(j) Provenance information

5. Photograph files are maintained in the Registrar's Office. Procedures for photograph checkout are developed and monitored by the Assistant Registrar.

B. Inventories

1. The Nasher shall maintain an inventory of all collections in its care, custody, and control; the inventory cycle began with the move to the new museum building in 2004-2005, and is to be completed every five years. The process is implemented and supervised by the Registrar. Results are reported to the curators and the Director.
2. Locations are verified and recorded in the computer.
3. Inventory records are stored in the Registrar's Office.
4. If a collection object appears to be missing, location records are marked "missing" with the date noted. Missing objects are not deaccessioned. The Director, curators, and Registrar shall consult to determine what further action is needed.

C. Retrospective Provenance Review

In accordance with AAM and AAMD guidelines, the Museum shall conduct ongoing provenance review on the collection, with particular reference to the Nazi era. Works whose provenance during the Nazi era is unknown or questionable shall be listed on the Museum's website. If evidence is uncovered that leads to a potential claimant, the Museum will attempt to notify the potential claimant and will work diligently to resolve any claims fairly, in accordance with the Museum's fiduciary duties. Retrospective provenance review is the responsibility of the curators.

X. Care of Collections

The Nasher recognizes that its permanent collection is one of its greatest assets. The proper maintenance of this asset, and other objects for which the Nasher is responsible, is one of the institution's primary responsibilities. The Curator and the Registrar shall be responsible for developing and implementing appropriate procedures to ensure the proper care of these assets.

A. Care. The Office of the Registrar shall be responsible for developing and implementing appropriate procedures for the overall maintenance, storage and security of the collection.

B. Security. The manager of protection services, working with the Duke Police Department and the staff of the Nasher, shall be responsible for the security of the collection.

C. Conservation. The curatorial staff shall be responsible for conservation efforts and monitoring conservation needs.

D. Risk Management. The University's Office of Corporate Risk Management, in consultation with the Registrar, shall be responsible for managing the risk exposure of the collections and other assets for which the Nasher is legally responsible.

XI. Access

Access addresses the Nasher's policies concerning public access to collections and collections records. In setting policy and procedures, the Nasher weighs its duty to make the collection as accessible as possible with its duty to safeguard the collection from physical damage and theft and its duty to maintain confidentiality of some records. As a university art museum, the Nasher has a special responsibility to make its collections available to students and faculty, as well as visiting scholars presenting appropriate credentials, while maintaining appropriate security and conservation standards to ensure the continued safety of the collection.

A. Access to Nasher records.

1. Object files are available to the general public and to scholars and researchers with advance notice to the Registrar, who supervises their use.
2. Advance appointments must be made with the Registrar to see object files. Most information in these records is available to the public, but certain exceptions must be made for reasons of confidentiality. The following types of information are not released to the public: personal information about a donor or lender; information a donor or lender wishes to be confidential; location of object; value of object. All requests from the public for information in such records should be referred to the Registrar who, in turn, consults the Director if uncertain as to the proper disposition of a request.
3. Collection records may not be removed from Registrar's Office.

B. Access to Nasher storage. Access to the collections in storage is provided to scholars, students, and other interested persons at the discretion of the curators, registrars, and the Director, by advance appointment. Visitors to art storage areas must be accompanied by Nasher staff at all times.

XII. Intellectual Property Rights

Intellectual property rights are associated with objects in the Nasher's collection and loaned objects. The Nasher recognizes its responsibility to manage and administer these rights, as well as the objects themselves.

A. Copyright

1. In reviewing potential acquisitions, especially objects executed after January 1, 1978 that are subject to the Copyright Act of 1976 (17 U.S.C. §§ 101-702), the Nasher should develop a clear understanding of their copyright status and ownership, and, when appropriate, should endeavor to negotiate a non-exclusive license to reproduce the work unless full ownership of rights can be secured.

2. When the Nasher acquires any object that appears to be protected by copyright (whether pre- or post-1978), it is important to establish, if possible, who holds copyright and to clarify whether any of the existing copyright interests pass to the Nasher with the object.

3. Copyright information is maintained in the object file in the Registrar's Office.

4. The Nasher must take into account the Visual Artists Rights Act of 1990 (VARA), which grants certain "moral rights" to living artists, including the rights of integrity and attribution. When working with living artists on commissions and installations, the Nasher will require them to execute a written waiver of certain rights under VARA as appropriate. VARA rights can ONLY be waived in writing.

B. Reproduction

1. The Assistant Registrar serves as the Nasher's rights and reproductions officer, and develops appropriate procedures based on current law and best practices. All requests for photographs and reproductions are addressed to the Assistant Registrar.

2. All photographs released to outside sources, such as the press, must be properly identified, and every effort must be made to ensure that proper credits are published with these photographs.

3. Fees are charged for photographs, and for reproduction rights. Reproduction fees may be waived for scholarly uses at the discretion of the curator. Photography fees are not generally waived, since they comprise out of pocket costs to the Nasher.

4. All requests for information on loaned objects should be addressed to the Registrar's Office.

C. Photography

1. No photographs can be taken of collection objects without the permission of the Nasher. Those wishing to take photographs of collection objects for personal use must sign a permission and release form available at the information desk. For any other use including any publication, the Registrar's Office must be contacted. In general, the Nasher requires that photographs intended for publication be supplied by the Nasher, to allow for quality and image control.

2. No photography of loaned objects is allowed.

3. Use of tripods and other ancillary equipment and requests to photograph objects not on public view require advance approval from the Registrar's Office, and cannot always be accommodated.

4. The Registrar's Office supervises collection photography.

XIII. Ethics and Conflict of Interest

In all actions related to the Nasher and its management, the Nasher staff will adhere to the current AAM Code of Ethics and the current AAMD Professional Practices in Art Museums manual as well as the Nasher Museum of Art at Duke University Code of Ethics (see attached Schedule F).

XIV. Monitoring and Revising the Collections Management Policy

This Policy is meant to provide clear direction for the Nasher staff, the Board of Advisors, and the Collections Committee and serves as a basis for decision-making. It establishes guidelines and defines areas of responsibility. All relevant staff and committee members should be familiar with this Policy, and a copy, along with appropriate orientation, must be provided to all new staff in relevant areas. This Policy will be reviewed every five years, or more often if needed. The Director and Registrar are responsible for monitoring compliance with the Collection Management Policy and for recommending review when warranted. Revisions to this Policy may be made by the Administration of the University upon recommendation of the Director, and after consultation with the Board of Advisors and the Collections Committee. A copy of this Policy shall be made available to donors, lenders, borrowers, and other responsible persons upon request to the Registrar.

XV. Schedule of Attachments

- A. Report of the AAMD Task Force on the Spoliation of Art During the Nazi/World War II Era (1933-1945)
- B. AAM Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era
- C. Report of the AAMD Task Force on the Acquisition and Stewardship of Sacred Objects
- D. Native American Graves Protection and Repatriation Act ("NAGPRA")
- E. AAM Guidelines on Exhibiting Borrowed Objects
- F. Nasher Museum Code of Ethics

Nasher Museum of Art at Duke University Collection Management Procedures

This document prescribes procedures for certain aspects of the administration of the Nasher Museum of Art at Duke University (the "Nasher") including implementation of the Collection Management Policy.

A. Staff Committees

1. Collections Management Committee. The *Collections Management Committee* is a staff committee appointed by the Director and is responsible for collection and exhibition logistics and coordinating relevant staff for matters such as installation and collection moving projects. The Collections Management Committee also reviews loan requests and makes recommendations to the Director. Members may include curators, registrars, and preparators.

2. Safety Committee. The *Safety Committee* is a staff committee appointed by the Director and is responsible for providing an ongoing review of safety and security practices and in particular, their relationship to special events and facilities maintenance and improvements. Members may include the deputy director for operations, manager of protection services, facilities manager, representatives from the registrarial and preparators' areas, and the special events manager.

B. Procedures for Acquisitions

1. General

1.1. Proposed acquisitions of all types, including without limitation gifts, potential purchases, loans, and exchanges, are first discussed by the Director and the curatorial staff, and evaluated according to the criteria and policies of the Collections Management Policy of the Nasher. Upon the recommendation of the Director, the proposed acquisition is placed on the agenda for the next Collections Committee meeting for consultation. Final decisions regarding all acquisitions shall be made by the Director after consultation with the Collections Committee as required by these procedures.

1.2. All gifts must be presented to the Collections Committee for consultation at its regular meetings, except as provided under item 7 below. All purchases valued at over \$10,000 must be presented to the Collections Committee for review at its regular meetings, except as under no. 7 below. Purchases of \$10,000 or less may be made at the discretion of the Director in consultation with the curatorial staff.

1.3. The relevant curator will prepare a *Proposed Acquisition Form* containing basic identifying information, contact information for donor or seller, purchase price, etc., for

circulation to the Registrar, so that the Registrar can arrange the object's delivery to the Nasher for consideration in accordance with these procedures.

1.4. The curator shall prepare an acquisition justification document for presentation to the Collections Committee, including basic identifying information, preliminary research, justification for acquisition in terms of the existing collection and the collection development plan, provenance and title information, price justification, and other factors.

1.5. Proposed acquisitions should be physically present for examination, ideally by curators and the Director, before the Collections Committee meeting and at the meeting. When a proposed acquisition cannot be physically examined, approval can only be made contingent on the object's arrival in good condition and satisfactory examination by the Director, the curatorial staff, and, if appropriate, a conservator.

1.6. In the event that a consultation for an acquisition is needed outside the schedule of regular Collections Committee meetings, consultation may be sought from the Collections Committee via telephone conference, video teleconference, or email. Information must be presented as fully as possible given time constraints. This method should be used only when absolutely necessary, as in the case of year-end gifts and pending auction opportunities.

1.7. After consultation with the Director, the Registrar shall assemble the required documentation (Deed of Gift, invoice and dealer warranty, provenance and research information, and other documentation). Only the Registrar has the authority to assign accession numbers, and this will be done as part of the accessioning process after approval of the acquisition by the Director following consultation with the Collections Committee. The Registrar is also responsible for entering the acquisition into the Nasher's computerized database and for maintaining records sufficient to identify and locate every work accessioned into the collection.

1.8. The Registrar, in consultation with the curators and /or Director, is responsible for negotiating a non-exclusive license to reproduce the work, in the event that the Nasher does not obtain copyright with the work (as will generally be the case with living artists).

1.9. Additional information on the object is assembled by the curatorial department, which sends this information to the Registrar for entry into the database and creation of the object file. Accessioned object files must contain:

- (a) signed *Deed of Gift*; or proof of ownership and/or dealer's warranty and invoice for objects purchased; or letter from the trading/exchanging institution transferring title of the object to the Nasher
- (b) name and address of donor, seller, trader or exchanger or bill of sale
- (c) any gift restrictions
- (d) any copyright documentation, including non-exclusive license
- (e) any existing research information

- (f) required documentation regarding Nazi-era issues, NAGPRA-related issues, archaeological issues, as appropriate
- (g) any additional provenance information
- (h) condition report
- (i) photographs

2. Special Procedures - Gifts and Bequests

2.1. A “Letter of Intent” should be submitted by the potential donor to the Director or appropriate curator for discussion by Director and curatorial staff.

2.2. Once the object has been formally approved for acceptance by the Director after consultation with the Collections Committee, the Registrar will explain to the donor in writing the procedure for transfer of title and provide the donor with a *Deed of Gift* form. The *Deed of Gift* should be executed by the donor or donor’s legally constituted agent. If a *Deed of Gift* is not signed by the donor, then evidence of the authority of the donor's agent must be presented to the Office of University Counsel for approval. The original executed *Deed of Gift* shall be retained by the Nasher in the Registrar’s Office, one copy may be retained by the donor, and one copy shall be forwarded to the Duke Alumni & Development Records Office. Once received, that office sends a gift receipt to the donor. The Registrar will circulate a copy of the fully executed *Deed of Gift* to the Director, who will send an acceptance letter to the donor. The signed date on the *Deed of Gift* is the official date of the acquisition transaction and is so noted on all donation-related documentation.

2.3. In general the Nasher does not accept restricted gifts. Any restrictions that the Nasher is willing to accept must be made clear at the time the gift is offered and must be approved by the Director after appropriate consultation with the Collections Committee.

2.4. It is the donor’s responsibility to establish a value for the gift for the donor's tax purposes. To receive a tax deduction, donors are required to fill out IRS Form 8283 for gifts valued at \$500 or more. A qualified appraisal is required by the IRS in the case of gifts equaling or exceeding \$5,000. The appraisal cannot be made more than sixty days before the date of gift and must be obtained before the due date (including extensions) of the income tax return on which the donor first claims the deduction. Any form required by the IRS to be signed by Duke University as a charitable recipient of gift-in-kind property will be forwarded by the Registrar to the Duke Alumni & Development Records Office for appropriate signature and handling.

2.5. The Nasher's staff cannot provide appraisals for donors nor can the Nasher pay for an outside appraisal. The Nasher may supply the donor with a list of independent outside appraisers.

2.6. The Registrar assigns an accession number to an object only after the object has been approved for acceptance, the object is in the Nasher’s physical custody, the donor has provided a letter of intent, the *Deed of Gift* is complete, and a letter of acceptance and a gift receipt has been sent to the donor.

2.7. Special procedures and paperwork apply for fractional and promised gifts. The Nasher works with the donor and the University's Office of Gift Planning and Office of Legal Counsel to develop appropriate documentation of fractional and promised gifts. No fractional or promised gifts can be accepted without a written commitment to complete the gift on a specified timetable. The Nasher accepts partial interest gifts (split with other museums) only when the Nasher can obtain an interest that is equal to or greater than that of any other museum sharing in the gift.

3. Special Procedures - Purchases

3.1. Funding of purchases must be provided from budgeted funds unless otherwise provided for with the specific approval of the Provost.

3.2. Purchases of over \$100,000 require approval from the Provost of the University.

3.3. Once an object is approved for addition to the collection, the Registrar must be sent notification that includes the vendor's name and address, physical description of the object, purchase price, and fund obligated.

3.4. The curator involved is responsible for obtaining the invoice and dealer's warranty from the seller. The invoice is sent to the Business Office for processing. Copies of the invoice and warranty are given to the Registrar and relevant curator. The Registrar keeps a copy of the invoice and warranty as title to the object. If possible, the dealer or source for each purchase should also provide information about provenance, condition of the object, and exhibition and publication history.

3.5. The Registrar assigns an accession number to an object when the object has been approved for purchase, the object is in the Nasher's physical custody, and the invoice has been processed. The date on the Duke University form used to process the invoice is the official date of the acquisition transaction and is so noted on all object-related documentation.

3.6. All purchases made with donated acquisition funds are to be appropriately credited to the donor(s) of these funds. This includes funds derived from deaccessioned objects which were themselves donated. In consultation with the curator and Registrar, the Director will confirm the credit line by written memo to the Registrar's Office.

3.7. Works of art may be purchased through reputable auction houses. The following procedures for purchasing at auction will be followed, in addition to those detailed in this section, and in the general rules for acquisitions:

- (a) Upon receipt of auction catalogues the Director and curatorial staff will review offerings and develop a prioritized list of works to guide bidding.
- (b) For each work of art a maximum price, including the buyer's premium, will be agreed on.

(c) Before the auction, each work of art must be physically viewed and its condition satisfactorily approved by the Director, curatorial staff member or designated agent.

4. Special Procedures - Exchange

- 4.1. The Director, working with the curatorial staff, initiates all proposals for exchanges.
- 4.2. The exchange of any object in the Nasher's collection for another object requires that the Nasher's object first be deaccessioned from the collection in accordance with deaccession policies and procedures.
- 4.3. The exchange must also be approved by the Director after appropriate consultation with the Collections Committee.
- 4.4. Appraisals must be obtained for all objects that are part of the exchange. A consideration of the relative values of the objects exchanged is a part of the deliberations regarding approval of the exchange.
- 4.5. Once the other object has been approved for addition to the collection, notification must be sent to the Registrar to include letter of intent and any other correspondence, exchanging institution name, address, a physical description of the object, photographs, appraisal, and rationale for the exchange.
- 4.6. The Registrar prepares a *Letter of Agreement* explaining the procedure for transfer of title and the terms and means of the exchange. The letter should be signed by the exchanging institution and the Director. One copy of the signed *Letter of Agreement* is retained by the exchanging institution and one copy is kept on file in the Registrar's Office. The signed date on the *Letter of Agreement* is the official date of the acquisition transaction and is so noted on all object-related documentation.
- 4.7. The Registrar assigns an accession number to the object when the exchange has been approved, the object is in the Nasher's physical custody, and the *Letter of Agreement* is complete.
- 4.8. No exchanges of objects can be made with Nasher staff, members of the Collections Committee, the Board of Advisors, Duke University staff or trustees, or other like parties with whom a conflict of interest could exist.

5. Special Procedures - Transfer

- 5.1. The Director, working with the curatorial staff, initiates all proposals for transfers.
- 5.2. All transfers must be approved by the Director after appropriate consultation with the Collections Committee.
- 5.3. Once the object has been approved for addition to the collection, notification must be sent to the Registrar to include letter of intent and any other correspondence, transfer institution name, address, a physical description of the object, and appraised value if known.
- 5.4. The Registrar prepares a *Transfer Letter* explaining the procedure for transfer of title and the terms and means of the transfer. The letter should be signed by the transferring institution and the Director. One copy of the signed *Transfer Letter* is retained by the transferring institution and one copy is kept on file in the Registrar's Office. The signed date on the *Transfer Letter* is the official date of the acquisition transaction and is so noted on all object-related documentation.

5.5. The Registrar assigns an accession number to the object when the transfer has been approved, the object is in the Nasher's physical custody, and the *Transfer Letter* is complete.

C. Procedures for Deaccession

1. Recommendations for deaccession are made by the Director and curatorial staff after thorough examination and evaluation, including evaluation of any legal barriers to disposal. A written proposal including a description of the object(s) to be deaccessioned, reasons for deaccession, value of the object(s), and proposed method of sale is submitted to the Collections Committee for consultation. In consultation with the curators and Director, the Registrar will research the object(s)'s documentation to ascertain that there are no legal barriers to discussion, and that issue must also be addressed in the proposal. In addition:
 - (a) where appropriate, outside experts should be consulted for their opinions on the object(s) in question.
 - (b) Relevant Duke faculty members should also be consulted before a final decision is made.
 - (c) third-party review and written appraisal are recommended in certain cases described below.
2. All deaccession proposals and supporting information are presented by the Director to the Collections Committee for consultation. Deaccession decisions shall be made by the Director after due consideration of the recommendations of the Collections Committee and subject to the approval of the Provost.
3. From the approved deaccession proposal, the Registrar generates the *Deaccession Form* including all relevant information.
4. Photographs of all approved deaccessions are obtained.
5. A written appraisal must be obtained prior to a deaccession decision if the estimated fair market value of the object is equal to or exceeds \$5,000, and may, at the discretion of the Director, be obtained in any case regardless of the estimated fair market value of the object.
6. If approved in accordance with these procedures, the Director and curators finalize method of disposal, in cooperation with the Registrar, who arranges for the sale or disposal. Whatever the method, the Nasher is openly noted as the owner of the object(s) to be sold.
7. Means of disposal include:
 - (a) Sale through a publicly advertised auction.
 - (b) Sale to or exchange with another public institution.
 - (c) Sale through a reputable, established dealer.
 - (d) Transfer to another public institution.
8. Duke Alumni & Development Records completes an IRS 8282 form for objects valued at more than \$500 and sold within two years of date of gift, if applicable.

9. Registrar will maintain complete and accurate records, including photographs and circumstances of disposal, for each object removed from the collection.

10. In the case of irreparable damage, an object is deaccessioned by the Registrar's Office when certainty of loss is established and after the proper approvals are received as noted above.

11. In the case of theft from the collection, the location records are marked "stolen," with the date noted; in the case of lost objects, the location records are marked "missing," with the date noted. In neither instance are these objects deaccessioned.

12. In instances where a deaccessioned object has deteriorated or been damaged and is beyond any use, and its state has been confirmed in writing by a conservator, the Director and curators will consult the Collections Committee and may instruct the Nasher staff to destroy the deaccessioned object.

D. Procedures for Loans.

1. **Outgoing Loans.** Loan requests must be made in writing to the Director and must specify the work(s) to be borrowed, purpose, and length of the loan period. The borrowing institution must provide a current Standard Facility Report for review.

1.1. Once received, the Collections Management Committee will meet to assess the loan request according to the policy and general criteria.

1.2. The curatorial staff or the Registrar, in consultation with a conservator if appropriate, will advise the Director if there are any concerns about the ability of the object to travel, special handling, climate control, restrictions, packing, and/or installation requirements. The Collections Management Committee will make a recommendation regarding whether a courier is necessary; the Director will make the final determination and will specify the courier upon the recommendation of the Registrar.

1.3. Once the loan is approved, the borrowing institution is notified in writing by the appropriate curator. The borrowing institution must submit a loan agreement to the attention of the Registrar, who reviews it for adequacy; if the borrower's form is insufficient the Nasher's outgoing loan agreement is used.

1.4. The Registrar's Office arranges with the borrowing institution for insurance coverage, packing, and shipping. The Registrar's Office is responsible for preparing an outgoing condition report and for monitoring objects during loan preparations. All loan agreements are reviewed by the Collections Management Committee and signed by the Registrar. If a courier is necessary, arrangements for travel will also be made, and the Registrar will brief the courier in preparation for the trip.

1.5. Any requests for extensions of loans must be made in writing. All proposed extensions will be reviewed by the Director, curatorial staff, and Registrar and approved by the Director.

- 1.6. All loan files will be maintained and monitored in the Registrar's Office.
- 1.7. Upon termination of the loan, the Registrar will see that the loan is returned to the Nasher.
2. Incoming Loans. The loan request is generated by the curator. Loan requests must be made in writing to the lender and must specify the works to be borrowed and the length of the loan period.
 - 2.1. If any restrictions are imposed by the prospective lender, the Nasher will make a commitment only after consultation with the Collections Management Committee. The Registrar is responsible for ensuring compliance with such restrictions.
 - 2.2. Borrowed objects are documented and monitored by the Registrar's Office. A *Loan Agreement* specifying duration of the loan must be created and completed by the Registrar before the loan arrives at the Nasher. If the lender requires the use of its own outgoing loan form, the Registrar reviews it for adequacy and addresses any issues with the lender.
 - 2.3. Insurance coverage, method of shipment and special requirements must be agreed upon by the lender and the Nasher before the work is received. In general, terms are negotiated by the curator and/or Registrar and the lender. Unusual or especially costly requirements should be discussed with the Director.
 - 2.4. Loan agreements must be signed by the Registrar.
 - 2.5. The Nasher will pay all expenses for the loan unless otherwise agreed upon by both parties, except as under Section VII (B) 9 above.
 - 2.6. The Registrar will arrange and monitor packing, shipping and transit arrangements, and special installation requirements for all loans. The Registrar's Office maintains all loan paperwork. In/out condition reports will be completed on all incoming loans.
 - 2.7. Long-term loans are generally made for a period of no more than two years, renewable through the Registrar's Office.
 - 2.8. The Registrar is responsible for returning the loan to its owner. The Registrar will send a Receipt of Delivery to the lending party that they are required to sign and return to the Nasher within 30 days or else forfeit any claim for damage or loss. If the lender specifies that the loan be returned to another party, the request must be on file in writing before the loan is shipped.
 - 2.9. Objects on loan to the Nasher that are not reclaimed within a reasonable period, or as stated on the loan agreement, and even after concerted efforts to reach the owner, will be maintained at the owner's expense for a maximum of five (5) years, after which period of time those objects will become the property of the Nasher subject to the applicable North Carolina laws relating to abandoned property.
 - 2.10. The Registrar may notify a lender of the Nasher's intent to terminate a loan for an object for which a written loan agreement exists that was made for an indefinite term.

3. Campus Loans.

- 3.1. The Director or curator approves request of loan from Campus Loan Collection.
- 3.2. The curator meets with borrower to view the Campus Loan Collection and select work(s).
- 3.3. The Registrar and preparator are made aware of the selection(s) and organize the installation process which may include a site visit, assessment of hanging hardware/installation needs, and retrieving objects from storage.
- 3.4. The Registrar's Office handles all documentation relating to the loan. This includes condition reports, release forms signed by the borrower stating that the object(s) is in their custody, documenting the location, and updating the campus loan files.
- 3.5. The borrower notifies the museum if the object needs to be moved or returned. The Registrar and preparator coordinate the deinstallation/return.
- 3.6. The Registrar's Office conducts a biannual inspection of all campus loans.

E. Procedure for Objects in Custody and Abandoned

1. Director or curator must approve in advance any arrangements for objects to be left in the temporary custody of the Nasher.
2. The depositor of an object left in the custody of the Nasher for the purpose of examination, attribution, identification, consideration for acquisition, etc. must be issued a receipt from the Registrar stating the terms of acceptance. The receipt should specify the duration of time the Nasher is willing to hold the object if left in its custody.
3. Objects will be assigned a loan number, for tracking purposes, and will be monitored by the Registrar in the same way as loans. However, these objects will not be covered by the Nasher's insurance policy.
4. If an object is sent to the Nasher or left on the premises with no donor identification and is not reclaimed by the owner within a reasonable period of time, or the known owner has not reclaimed the object after a reasonable period of time, every effort will be made to locate the owner and return the object to the owner. In any event, if efforts to locate the owner and return the object to the owner are not successful, the object will be maintained at the owner's expense for a period of five (5) years in accordance with the Collection Management Policy. After the expiration of this five (5) year period, the Nasher will deal with the object in accordance with the applicable laws of North Carolina.

F. Procedures for Collection Maintenance

1. Care

- 1.1. Providing appropriate storage and security for collection items is essential. As part of their collection oversight responsibilities, the registrarial staff will periodically review the storage facilities and available storage space for the Nasher. They will report their findings to

the Collections Management Committee and the Director, and, when necessary, make recommendations for changes or improvements.

1.2. Constant attention is given to the improvement and efficient use of storage facilities, equipment, and materials; to keeping the collections clean and free of such dangers as pests, mold, and other deteriorate agents; and to maintaining a safe environment. Regular surveys taken by the Registrar's Office result in long and short-range plans for improvements of storage.

1.3. In cooperation with Duke's pest management personnel, the Nasher follows a program of integrated pest management.

1.4. Objects may be moved out of collections areas only under the supervision of a registrar or the chief preparator. The Registrar and chief preparator are responsible for providing adequate training for all personnel who handle objects.

1.5. The Registrar and chief preparator oversee the packing and shipping of collection objects and loan objects that leave the Nasher's premises. The central and only control point for recording all collection objects moving in and out of the Nasher is the Registrar's Office.

1.6. Risks to the collection in storage are identified during inventory and continual monitoring by registrarial staff through on-site inspection and the use of devices to record climate conditions and to catch pests. Risks during handling are assessed by the Registrar and chief preparator before an object is moved. Risks during transit are assessed by the Registrar. For a proposed loan, risks are assessed by reviewing the Standard Facility Reports before a loan is submitted for approval to the Collections Management Committee and the Director. Risks are eliminated or reduced through proper use and handling of objects, continual training, appropriate materials and equipment, and planned improvement of facilities.

1.7. The Registrar's Office must be notified of any change in location for a work of art and will promptly record the new location. Location change forms are located inside the doorways of every storage area. Locations are updated monthly by the Assistant Registrar.

2. Security

2.1. Responsibility for security rests with the manager of protection services, who works closely with the Duke Police Department and the Nasher staff. The facilities manager maintains responsibility for security and fire system hardware and computer systems.

2.2. Theft or vandalism to an object must be reported to the manager of protection services and a curator or Registrar immediately after it is discovered, and the crime scene left intact to preserve evidence. An incident report is created by the manager of protection services. Inspection of damaged objects is conducted by a curator or Registrar.

2.3. Objects on exhibition are checked daily as security guards change shifts. Art storage areas are controlled by alarm code and a computerized ID card swipe system. Extra guards are

assigned, as appropriate, during high-risk activities, such as exhibition changes, special events, other high attendance periods, and when high-value or politically sensitive objects are in transit.

2.4. Fire alarm and security systems shall be tested at least annually; the sprinkler system shall be tested at least quarterly, and complete testing records shall be maintained for at least five years. Access records for secure storage areas shall be regularly reviewed by the Manager of Protection Services at least monthly, and these records shall be maintained indefinitely. 2.5. Copies of the Nasher's *Emergency Preparedness Plan* are located with the Registrar, manager of protection services, facilities manager, and the Director. Summaries of essential information are distributed to all staff.

3. Conservation

3.1. Curatorial staff is charged with monitoring conservation needs.

3.2. Immediate responsibility for the physical care of the collection lies with the assigned curator, who insures that conservation projects are planned in consideration of the well-being of the object, public access requirements, research and exhibition needs, funding, and staff resources.

3.3. Curators decide when treatment is required in consultation with conservators.

3.4. The Director has final authority to approve conservation recommendations.

3.5. The Registrar is notified and copied on all correspondence, treatment reports, etc.

4. Risk Management

4.1. The Nasher's permanent collection and loans are insured through the Duke University Corporate Risk Management Office. The Registrar manages all fine arts insurance matters in cooperation with Corporate Risk Management. Objects are insured on and off-site and while in transit.

4.2. Objects lent to other institutions from the Nasher's permanent collection are generally insured by the borrower if coverage is acceptable. If not, the Nasher may elect to carry the insurance and bill the borrower. The borrowing institution must provide proof of insurance coverage naming the Nasher as additional insured.

4.3. For objects on loan to the Nasher, standard "wall to wall" coverage is provided, unless the lender elects to maintain his own insurance coverage, in which case a Certificate of Insurance naming the Nasher as additional insured must be provided.

4.4. Objects left in the custody of the Nasher under a receipt will not be insured, as described in Section VII (D) above.

4.5. Loss or damage to an object must be reported to the Director and the Registrar as soon as discovered, as necessary documentation must be processed promptly by the Registrar's Office in conjunction with the Corporate Risk Management Office. Theft or vandalism to an object must also be reported to the manager of protection services.

4.6. Insurance values for objects in the Nasher's collection are assigned by the relevant curator, and confirmed by the Director.

4.7. All records regarding insurance will be maintained by the Registrar. Records include:

- (a) copy of current policy,
- (b) correspondence relating to insurance,
- (c) certificates of insurance for objects not covered under the Nasher's policy,
- (d) files on insurance claims, and
- (e) records of insurance values on individual pieces.

These procedures may be revised at any time at the direction of the Director in consultation with the Collections Committee and subject to the approval of the Provost of the University.

Approved by the Nasher Board of Advisors on the twenty-first day of April, 2007.

Approved by Peter Lange, Provost, Duke University on the thirteenth day of August, 2007.

Revised on the twenty-fifth day of March, 2010.

Approved by the Nasher Board of Advisors and Provost, Duke University, on the twenty-fourth day of April, 2010.

Mission Statement revised July, 2011.