

# **COLLECTIONS MANAGEMENT POLICY**

## **MUSEUM OF THE CITY OF NEW YORK**

Approved and Adopted by the Collections Committee

October 25, 2023



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## **I. Mission Statement**

The Museum of the City of New York fosters understanding of the distinctive nature of urban life in the world's most influential metropolis. It engages visitors by celebrating, documenting, and interpreting the city's past, present, and future.

## **II. Purpose of the Collections Management Policy**

This Collections Management Policy (the "Policy") is intended to document the basic policies, procedures and practices that guide the development and care of the Museum's collections consistent with the mission of the Museum and with professional museum standards. Detailed policies and procedures may be issued from time-to-time, further implementing this policy. Through the Policy, the Museum shall ensure that:

- its collections are accounted for and documented;
- its collections are protected, secure, cared for, and preserved;
- acquisition, disposal, and loan activities are conducted in a manner that conforms to the Museum's mission, complies with applicable law, and reflects the highest ethical standards;
- disposal of works from the collection through sale, gift, exchange, or other means is solely for the advancement of the Museum's mission, and proceeds from the sale of such works are used only for acquisition or direct care of collections;
- access to the collections in the galleries, storage, and in the research room, and access to collection information is permitted and appropriately regulated; and
- collection-related activities promote the Museum's mission and the public good rather than individual financial gain.

## **III. Governance**

The Collections Committee of the Board of Trustees shall be responsible for implementing and overseeing the Museum's policies, procedures and practices regarding the collections management policies of the Museum as established by the Board of Trustees from time to time.

## **IV. Compliance with Applicable Law**

The Museum's acquisitions and loans shall comply with all applicable local, state, and federal U.S. laws, most notably those governing import of historical Objects, such as: the National Stolen Property Act (NSPA), the Convention on Cultural Property Implementation Act (CCPIA), sanctions enforced by the Office of Foreign Assets Control (OFAC), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Native American Graves Protection and Repatriation Act (NAGPRA).

## **V. Definitions**

### **Object**

An artifact or artwork of historic or artistic importance. Objects in the Museum's permanent

collection include - but are not limited to - paintings, sculpture, photographs, ephemera, architecture, textiles, furniture, and decorative arts.

### **Acquisition**

An Object that has been formally and legally incorporated into the Museum's permanent collection. The Museum is obligated to provide care for an Object at museum industry standards once it has been formally accessioned.

### **Deaccession**

An Object that was at one time incorporated into the Museum's permanent collection but has been formally and legally removed from the Museum's permanent collection. A deaccession may physically remain in the Museum's custody but does not need to be handled with the same priorities.

### **Dispersal**

The act of physically removing an Object from the Museum's custody after it has been deaccessioned.

### **Loan**

Objects from one collection that are entrusted into the care of the Museum or another cultural institution for exhibition purposes. Loan subsets include:

- Outgoing Loans - Objects sent out from the Museum to another cultural institution.
- Incoming Loans - Objects brought into the Museum to support a thematic exhibition.
- Long Term Loans - Objects on loan for an extended or indefinite period.
- Traveling Exhibitions - Large groups of Objects that are lent along with additional curatorial, exhibiting management, or design support.

### **Collections Steward**

A museum professional responsible for evaluating and advocating for Objects accessioned into the Museum's permanent collection. Individual Collections Stewards hold a variety of titles that depend on the individual needs of the collections for which they are responsible.

### **Registrar**

A museum professional responsible for implementing and overseeing policies and procedures that relate to the care, movement, and documentation of the collection and other cultural Objects in the Museum's custody such as incoming loans and potential accessions.

## **VI. Scope and Categories of Collections**

The permanent collection of the Museum consists of approximately 750,000 Objects categorized into the following collecting departments. Each collecting department is assigned to a Collections Steward who oversees collection-related decisions for Objects in that department.

- Books, Manuscripts and Ephemera;
- Costumes and Textiles;
- Furniture and Decorative Arts;
- Paintings and Sculpture;
- Photographs, Prints and Drawings;
- Theater; and

- Toys.

## VII. Acquisitions

### A. General Principles

Collection Stewards should only propose exceptional Objects for acquisition to the collection that significantly enhance the Museum's stated mission and are worthy of addition to the Museum's permanent collection. The criteria for determining whether an Object should be accessioned include, but are not limited to, the following:

1. All Objects should be in, and or capable of being returned to, acceptable and stable exhibition condition, safe for long term preservation, unless the deteriorated physical condition is integral to the significance of the Object.
2. The Museum must be able to house and care for the proposed acquisition according to generally accepted museum practices.
3. All Objects should have identifiable relevance and significance to the collection for supporting potential exhibitions.
4. All Objects must be unencumbered.

Additions to the collection may be made by purchase, gift, bequest, or exchange.

The Museum does not accept restrictions on gifts; however in special circumstances, such restrictions may be presented to and approved by the Executive Committee.

The Museum shall require donors to transfer all rights of reproduction unless the donor does not own such rights or the gift is made by a living artist of the artist's own work. In such cases, the Museum will seek a nonexclusive right of reproduction from the copyright owner.

Deeds of Gifts shall be established for all gifts, bequests, transfers, or exchanges and signed by a Registrar.

### Year-End Gifts

The Director & President has the authority to accept gifts during the period after the Collection Committee's and/or Executive Committee's final meeting for the calendar year through December 31. These gifts are referred to as Year-End Gifts and shall be reported to the Collections Committee and the Executive Committee at the first meetings of the following calendar year.

### Collection Steward's Report

In all cases the recommending Collections Steward shall write a detailed report, including a description of the Object, its condition, publication history, importance to the Museum's collection, and provenance. The justification for each acquisition should be framed in the context of established collection plans for all collecting areas. Given the breadth of the Museum's mission, as reflected in its name, great attention needs to be taken to precisely identify the reasons for accessioning an Object, including, but not limited to: context within the Museum's existing collection, physical condition, and exhibition potential. For example, it is not sufficient that an Object was made in or depicts New York City, or was owned by a New York City

resident. Each department's collection plan should include statements about the particular Desiderata (future essential Objects or types of Objects that will improve and hone a particular collection) for any given collection.

For all purchases, the Collection Steward recommending an Object to be purchased shall identify the gift or fund against which the purchase will be charged and the presence of sufficient funds. For a gift, bequest, or exchange, the Collection Steward's report may also include a valuation which is determined by the Collection Steward and is for internal Museum use only.

## B. Procedures for Accessioning

1. Accessions with an estimated value of less than \$50,000 for a single entire accession (the "Value Threshold") may be approved solely by the Director & President and do not require further approval.
2. The Collections Steward shall recommend accessioning to the Vice President, Museum Collections, who in turn shall recommend it to the Museum's Director & President and the Chief Curator, who in consultation with any other appropriate staff, will determine whether to move forward with the potential accession. Recommended accessions which exceed the Value Threshold identified in step 1 shall be presented for the inspection of the Collections Committee when appropriate. When physical presentation to the Collections Committee is not possible, thorough photographic documentation may suffice at the Director & President's approval.
3. If the recommendation is received favorably, the Collection Steward's report will then be submitted to the Vice President, Museum Collections, and then in turn to the Director & President. Based upon the Director & President's approval, either:
  - a. If the proposed accession falls below the Value Threshold, the Registrar will begin executing the paperwork to support the accession.
  - b. If the proposed accession exceeds the Value Threshold, step 4 will become applicable.
4. The Collections Steward shall present the report recommending an accession to the Collections Committee for approval. At the Collections Committee's discretion, the committee may recommend the accession require the approval of the Executive Committee of the Board of Trustees; provided that accessions valued at over \$100,000 shall require approval of the Executive Committee.
5. At each Collections Committee meeting, a report shall be made to the Collections Committee detailing accessions which fell below the Value Threshold since the last meeting. A report shall also be provided to the full Board of Trustees twice a year, listing all accessions since last reported.

## **VIII. Deaccessioning**

### A. General Principles

Any deaccession of a work shall be solely for the advancement of the Museum's mission. The criteria for determining whether an Object should be deaccessioned include, but are not limited to, the following:

1. The Object is not relevant to the mission of the Museum or has little value in the Museum's

collection.

2. The Object is redundant or is a duplicate and is not necessary for exhibition, research or study purposes.
3. The Object is of lesser quality than other Objects of the same type in the collection or about to be acquired.
4. The Object lacks sufficient historical significance, merit, or importance to warrant retention.
5. The Museum is ordered to return an Object to its original and rightful owner by a court of law.
6. The Museum is unable to preserve the Object in a responsible manner.
7. The Object is unduly difficult or impossible to care for properly, including storage.

For any comprehensive collections assessment projects that focus on particular areas of a collection rather than dealing with isolated instances of deaccession, the Collections Committee must approve the stated criteria prior to beginning the assessment.

The Museum shall honor legal restrictions attaching to the gift or bequest of any image or Object. In addition, requests which do not impose any legal obligation accompanying the bequest or gift of any Object will be respected to the extent feasible.

No trustee, officer, employee, volunteer, or family member of such individuals may purchase deaccessioned Objects directly from the Museum or at auction if consigned by the Museum.

All funds received from deaccessioned Objects shall be used to fund the purchase of other Objects or the direct care of collections.

#### Collection Steward's Report

In all cases, the recommending Collections Steward shall write a detailed report, including a description of the Object, its condition, any known publication or exhibition history, and justification for deaccession. The justification for deaccession should be framed in the context of established collection plans for all collecting areas. If an Object proposed for deaccessioning is estimated by the Collections Steward to be worth more than \$10,000, best efforts shall be made to obtain one outside appraisal; if worth over \$50,000, two outside appraisals may be considered. The report shall also include a recommendation for dispersal.

#### B. Procedures for Deaccessioning

1. The Collections Steward shall recommend Deaccessioning to the Vice President, Museum Collections, who in turn shall recommend it to the Museum's Director & President. If the Director & President decides the matter should be considered further the following steps shall be taken.
2. The Museum shall ascertain, with the advice of counsel when appropriate, that there is no legal restriction against Dispersal as noted above in General Principles.
3. The recommendation shall be discussed at a meeting prior to the Collections Committee meeting by the Director & President, in consultation with appropriate staff, who will determine whether to

recommend the deaccession to the Collections Committee.

4. The Collections Steward shall present a report to the Collections Committee, which will then decide whether to approve the deaccession. At the Collections Committee's discretion, they may recommend the deaccession require approval of the Executive Committee; provided that deaccessions valued at over \$100,000 shall require approval of the Executive Committee
5. At the first meeting of the full Board of Trustees each fiscal year, a report will be made detailing deaccessions of the previous fiscal year.

### C. Steps for Dispersal

If deaccession of an Object has been approved, then a separate process of Dispersal, with its appropriate checks and balances, shall be initiated. The steps are as follows:

1. The Collections Steward's report shall identify the preferred method(s) of Dispersal at the time the Object was presented for deaccession.
2. The Collection Steward shall confirm the best option – transfer to another appropriate cultural institution, sale at auction, exchange, or responsible destruction (in limited instances where the condition of the Object is beyond salvage). It may be advisable to seek disinterested outside appraisals. In setting up the procedures for selecting such outside appraisers, the Museum will solicit the views of knowledgeable third parties.
  - a. When transferring the Object to another appropriate cultural institution, the Museum shall use commercially reasonable due diligence to ensure that the Object shall continue to be held in the public trust. Deeds of Gifts shall be established for all transfers by gift or exchange and signed by a Registrar.
  - b. For Objects which the Collections Steward has indicated has a value that exceeds \$10,000 commercially reasonable efforts shall be made to obtain estimates from at least three auction houses when dispersing the Object through auction. All sales of Objects shall be at public auction for cash, unless the proposed sale is to another museum or similar institution, in which case, consideration will be given to requests for extended times of payment.
  - c. In instances where the condition of the Object is beyond restoration, the Museum may seek such methods of responsible destruction, including but not limited to: transfer to a conservator for treatment research or donation to an educational program.
3. Once a recommendation for sale, gift or exchange has been made, has been reviewed and modified if necessary, and has been approved by the Director & President it shall be reported by a Registrar to the Collections Committee at the committee's first meeting of the fiscal year.
4. A statement of the cash proceeds from the sale of Objects disposed of during the relevant fiscal year will be reported annually by a Registrar to the Collections Committee and provided to the full Board of Trustees.
5. The cash proceeds from the sale of Objects will be treated as acquisition and/or collection care funds and will only be used for the purchase of Objects or the direct care of collections. Cf. *Code of Ethics for Museums* (American Association of Museums, 2000) and *Statement of Professional Standards and Ethics* (American Association of State and Local History, 2000)



## **IX. Provenance and Title**

The Collections Steward recommending an acquisition of an Object shall consider the Objects' provenance in consultation with a Registrar and shall make all reasonable inquiries to determine (a) that the Museum can obtain clear title if a purchase or gift is contemplated or (b) that a proposed lender has clear title at the time the Loan is made.

Guidelines:

### **A. Inquiry and Research**

1. The Collections Steward shall rigorously research the provenance of an Object prior to its acquisition.
2. The Collections Steward and Registrar shall request that sellers, donors, and their representatives provide all available information and documentation, as well as appropriate warranties, regarding the origins and provenance of an Object offered for acquisition.

### **B. Disclosure and Dissemination of Information**

For significant acquisitions, Museum staff shall strive to publish, in print or electronic form, an image (or representative images in the case of large groups of Objects) and relevant descriptive information, which will thus be readily available to an international audience.

### **C. Legal Considerations**

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

### **D. Warranty and Indemnification**

When purchasing Objects, the Museum will seek representations and warranties from the seller that the seller has valid title and that the Object is free from any liens, claims and encumbrances. If deemed appropriate, the Museum may seek indemnification providing for a full refund in the event of any breach of warranty.

## **X. Care of the Collections**

### **1. General Care**

The Museum shall provide a safe and appropriate environment for the collections, with effective security and environmental control, for the benefit of present and future generations. The Museum shall maintain an Emergency/Disaster Plan. The Museum's preservation standards shall be maintained for Objects on Loan to the Museum or borrowed from the Museum. The Museum is charged with the long-term preservation of the collection through conservation treatment and shall

maintain exact documentation on all examination and treatment work.

2. Direct Care

At their discretion, funds can be used for direct care of the collection which includes, but is not limited to; collections assessment, conservation, rehousing, and storage and preservation equipment for collections Objects and the salaries of those whose primary duty is documentation and preservation of the Collection. Any expenditure of direct care funds over \$50,000 shall require Collections Committee approval.

## **XI. Records and Inventories**

The Museum, through its Collections department, shall create and maintain accurate, up-to-date records on the identification, location and condition of all Objects as they are accessioned into the collection, as well as of ongoing activities such as exhibitions, research and correspondence with donors, artists and scholars. These records shall be kept in an organized, coherent electronic database, supported by hard copy records arranged in a filing system as appropriate.

The Museum has established electronic records in a collections information system designed for use by the museum community that reflects all collections departments and includes records on accessioned, non-accessioned, and deaccessioned Objects; departmental Loans; and Objects brought into the Museum for possible purchase, gift, or exchange. The Vice President, Museum Collections, in concert with staff database administrators, is responsible for overseeing the collections department's use of the system to update and maintain records for their collections and for administering user rights to ensure limited and appropriate access to confidential records.

All records created or received in the transaction of the Museum's proper business are the property of the Museum and shall not be dispersed or destroyed except in accordance with its record retention policy.

A spot inventory will be performed quarterly by the Museum's Registrars in all storage facilities to maintain control of the physical location of collection Objects.

It is the responsibility of the Registrars to make daily inspections of its galleries and exhibition cases.

## **XII. Access to the Collection**

It is fundamental to the Museum's mission to provide access to the Museum's collections and promote appreciation of their significance.

Presenting the collection through the Museum's own exhibitions and Loans to other institutions is one of the primary means for achieving this goal. The Museum shall support, to the extent possible, continuing scholarly investigation and research in order to document, publish, and advance understanding of the Museum's mission and collection, as well as to contribute to broader academic and public discourses. As resources allow, the Museum shall make every effort to provide research access to its collections in

accordance with established and publicly available collections access policy and procedure. Staff may use their discretion to determine if an Object is suitable for access, based on factors such as confidentiality or physical stability. The Museum shall work to digitize and provide electronic access for all collected materials.

The Museum shall support and encourage awareness and understanding of the Museum's mission, including, without limitation, the history of New York City, by disseminating information through the development of publications, programs, and its other outreach channels – both print and digital - for a variety of audiences ranging from children to adult audiences and scholars. These will draw upon its collection and research as primary sources for stimulating engagement and promoting familiarity with urban history in its cultural and material contexts.

### **XIII. Outgoing Loans**

As an important means of fulfilling the educational and scholarly purposes of the Museum's mission, the Museum lends Objects from its collection to qualified institutions, in this country and abroad. Loan requests must be evaluated in light of the historical and scholarly value of the exhibition for which they are requested, as well as the condition of the Object and the need to incorporate it into the Museum's own programs.

All Loan requests shall be addressed to the Director & President and then reviewed by a Registrar and the appropriate Collections Steward. The borrowing institution shall provide a current facilities report meeting the Museum's required standards and ensure the safety of the Loan.

All Loans shall be for a specific period of time, and the Object's condition shall be documented and monitored through condition reports completed by a Registrar. Such documentation shall include recent images of the Object, when possible. Loans must be governed by written loan agreements between the Museum and its borrowers, which shall be signed by both parties prior to shipment. No Object shall leave the Museum's storage unless adequate insurance coverage is provided. To protect outgoing Loans to the fullest extent possible, the Museum shall request immunity from seizure for all international outgoing Loans wherever available. Long-term Loans are subject to regular review and renewal by a Registrar and the appropriate Collections Steward.

At the discretion of the Collections Steward, a conservator may review and approve an outgoing Loan request, provided that approval for all Loans shall be obtained from the Collections Committee, although Loans may be arranged in advance of Committee approval. All Loans, denied or approved for the prior fiscal year, shall be reported to the Board of Trustees at its first full Board of Trustees meeting of each fiscal year.

Loans may be made to individuals or private organizations in two cases. First, if there was a specific agreement with the donor of the Object allowing such a privilege at a time when the tax laws permitted such arrangements, a loan may be authorized. Second, with prior approval of the Board of Trustees or the Executive Committee, the Museum may make Loans to an individual from whom the Museum is borrowing an Object, for the purpose of temporarily replacing the Object borrowed. All loans to individuals shall first be reviewed by the Museum's counsel.

Any exceptions to the Museum's Loan policy shall first be reviewed by the Museum's counsel and thereafter shall be approved by the Collections Committee, the Executive Committee, and the Board of

Trustees.

#### **XIV. Loans to the Museum**

The Museum shall exercise the same standard of care for borrowed Objects as it exercises for its own collection. All incoming Loans shall be documented and monitored in accordance with the collections record policy outlined in Section XII Records and Inventories. Loans to the Museum shall be governed by written loan agreements between the Museum and its lenders, which shall be signed by the lender prior to delivery to the Museum. All incoming Loans shall be requested by a Museum curator and shall be administered by a Museum Registrar.

Recognizing that the Museum's exhibition of an Object may increase its value and financially benefit its owner, the Museum will carefully consider all incoming Loans. For all incoming Loans, there must be a clear connection between the exhibition of an Object and the Museum's educational mission. The Museum will examine whether there are any potential conflicts of interest, or the appearance of a conflict with lenders. Trustees lending works to the Museum shall do so in accordance with the American Association of Museum's Ethical Guidelines for Trustees and the Museum's Conflict of Interest Policy.

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

#### **XV. Appraisals and Authentications**

It has been the Museum's longstanding policy not to provide appraisals to donors. Under current IRS guidelines, the Museum cannot act as a qualified appraiser because of the inherent conflict with its role as a donee. If a donor asks for assistance in locating an appropriate appraiser, a Museum curator may suggest several qualified appraisers, including the Art Dealers Association, the American Society of Appraisers, and auction houses. More than one name shall be given to the requesting donor. The Museum shall not make arrangements for the appraisal and cannot pay for the appraisal. Upon request, the Museum shall provide to the appraiser access to the Object, copies of images of the Object or any appropriate relevant factual information in the Museum's files.

Collections Stewards and curators may be asked, as scholars, to provide identification, authentication or provenance opinions particularly where a member of the Museum's staff is the recognized expert in a particular field. Notwithstanding the general prohibition against providing appraisals, it may be beneficial to the Museum and appropriate for staff to provide authentication opinions from time-to-time at their discretion as a means of obtaining information about Objects of interest to the Museum's collection or scholarship. When providing such opinions, Museum staff shall first discuss the proposed opinion with the Vice President, Museum Collections and the Museum's counsel, and if approved, make clear in writing to the Object's owner as part of the text of the opinion that the information provided is an opinion covering only the subject matter of the opinion itself, which shall not benefit or run to any person other than the party to which it is addressed and shall not be transferable or used in any way in connection with any past or contemplated commercial transactions. A true and complete copy of any such opinion shall be maintained by a Registrar.

## **XVI. Personal Collecting by Staff**

The Museum recognizes that its employees may and do collect Objects for their personal enjoyment. The Museum's employees, and in particular those closely associated with the Museum's curatorial and collecting functions, occupy a position of trust in this regard, however, and must exercise care to assure that no conflict of interest can arise between themselves and the Museum.

An employee who learns of an Object available for purchase that is reasonably likely to be of interest to the Museum for its collection is expected to place the interests of the Museum ahead of their own in acquiring the Object. Accordingly, in all such cases, the employee shall bring the availability of the Object to the attention of the appropriate Collections Steward; or if the employee is the Collections Steward, to the attention of the Vice President, Museum Collections; or if the employee is the Vice President, Museum Collections to the Director & President ; or if the employee is the Director & President , to the attention of the Chair of the Collections Committee, in order to give the Museum the first opportunity to acquire the Object. If this is impossible - as for example when the employee learns of an Object under circumstances in which it must be purchased immediately or not at all - the employee is expected to give the Museum the opportunity to acquire the Object within a reasonable time (not to exceed two months) from the employee at cost. If the Museum declines to purchase the Object, the employee may not thereafter sell the Object (except at Public Auction) for a lower price unless the Museum has declined to purchase the Object at such lower price.

Similarly, if an employee desires to sell from their personal collection an Object that is reasonably likely to be of interest to the Museum for its collection, the employee is expected and shall be obligated to give the Museum the first opportunity to purchase the Object within a reasonable time (not to exceed two months) at what the employee believes to be its then fair market value. The Museum will take whatever steps it deems appropriate to determine the fairness of the price proposed. If the Museum declines to purchase at the price proposed, the employee may not thereafter sell or exchange the Object (except at public auction) to a third party for a lower price unless the Museum has declined to purchase it at such lower price.

Each employee is expected to exercise reasonable judgment in determining whether the scope of their personal collection and/or collecting activities is such that the matter should be discussed with their department head or, where appropriate, the Vice President, Museum Collections and/or Director & President.

## **XVII. Dealing in Objects by Staff**

An employee may not act as a dealer in purchasing or selling Objects, nor may an employee use their influence at the Museum for personal gain. An employee may not accept any commission or stipend from any collector, dealer, artist, or institution, except in cases where prior permission in writing to accept such commission or stipend has been given by the Director & President, in consultation with the Museum's counsel. The Director & President may accept any such commission or stipend only with prior written permission from the Executive Committee of the Board of Trustees.

## **XVIII. Gifts to Staff**

An employee shall obtain the written consent of their department head prior to accepting any gift valued at \$100 or more from a person engaged in a Museum-related activity, such as, but not limited to, an artist, dealer, donor, collector, or supplier of goods or services to the Museum. If the gift is an Object that is of the type and quality the Museum collects, consent shall first also be obtained from the Director & President. Gifts of cash are never appropriate. Requests for exceptions to this policy shall be submitted to the Director & President in writing. Employees are also prohibited from owing money to or borrowing money from any artist, dealer, donor, collector, or supplier of goods or services to the Museum.

#### **XIX. Effective Date**

This Policy shall be effective immediately upon approval by the Board of Trustees and shall supersede all prior policies on the topics addressed herein.