

ART ACQUISITION COMMITTEE PROCEDURES

The following procedures are aligned with and support Campus Administrative Policy, University Art Acquisition and Oversight Policy (CAP 180) and the University standing committee, the Art Acquisition Committee.

University Art Acquisition and Oversight Policy Implementation

Art Acquisition Committee

Working with the campus curator, the Art Acquisition Committee (AAC) serves as the lead advisory group guiding the campus in the development of the University Art Collections. The AAC considers the merit of artworks proposed for acquisition and plays an oversight and advisory role in adherence to the University Art Acquisition and Oversight Policy (CAP 180). The AAC recommends policy, guidelines and procedures on the oversight, use, display and other implementation of the university art collections, including collecting scope, acquisition, management and deaccession of artwork.

The AAC shall review and recommend art acquisitions for acceptance into the University's permanent collection of art based on a clearly delineated set of procedures and shall serve in an advisory capacity in consultation to the Provost and Executive Vice President for Academic Affairs regarding possible costs associated with care and control of artwork.

Library Facilitation

Management of and facilitating access to the University Art Collection is part of the portfolio of the Robert E. Kennedy Library resources. The library provides educational access to the collection, coordinates art acquisition proposals, and oversees storage and preservation of the collections in order to ensure that the program remains in compliance with policy and meets the mission and needs of the University.

Art Acquisition Committee Activities

- a. Reviews art proposed acquisitions and makes recommendations for acceptance into the University's permanent collection of art.
- b. Develops, reviews, recommends and amends policies and procedures related to the University Art Acquisition and Oversight Policy (CAP 180) on University collection practices and management, including (but not limited to) acquisition priorities, authentication procedures, appraisals, resource and facility development, display procedures and guidelines, security and deaccession.
- c. Provides general oversight with regard to the care and control of the collection, educational uses of the collection, record-keeping and inventory, and deaccession.
- d. Provides general oversight and operates in an advisory capacity in consultation with appropriate campus departments with regard to accessibility and risk management and insurance associated with the care and control of the collection.
- e. Serves in an advisory capacity in consultation to the Provost and Executive Vice President for Academic Affairs regarding possible costs associated with care and control of artwork.

Acceptance Procedures

These procedures operate in concurrence with section 180.3.1 of University Art Acquisition and Oversight Policy (CAP 180) and the University Advancement division Gift-in-Kind policy and procedures.

- a. The donor must possess free and clear title of the donation/gift.
- b. The artistic merit of the donation/gift must be relevant to the collection scope.
- c. Provenance should be documented and include date of creation, trail of ownership, exhibition and publication.
- d. Unprovenanced acquisitions of antiquities require documentation that the artwork was in the United States or left its country of origin no later than November 17, 1970, the date on which the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was signed and went into effect.
- e. If artwork is acquired from or commissioned by a living artist, a reproduction agreement will be signed by the artist so that the University can arrange to use reproductions of the work for educational, catalog, exhibition, publicity, promotional and related purposes without infringing on the artist's copyright.

Purchases and Commissions

When purchasing or commissioning art, all campus departments/units will adhere to the same acquisition principles and policies outlined in the University Art Acquisition and Oversight Policy (CAP 180).

Acquisition Criteria

These procedures work in concurrence with section 180.2 of the University Art Acquisition and Oversight Policy (CAP 180).

The following criteria will be used in considering collection acquisition opportunities:

- a. The artwork's relevance in relation to the University's Collection Scope and related collection priorities, as indicated in section 180.1.1 of the University Art Acquisition and Oversight Policy (CAP 180).
- b. The aesthetic and/or historical significance of the artwork and its usefulness for exhibition, teaching, and/or scholarly study.
- c. The educational opportunities that the artwork or project can provide in keeping with the University's teaching philosophy and/or serving as a case study to support scholarship. Acquisitions might include various objects, documents, and/or other materials related to the creative and/or production process."
- d. Compliance with CSU Executive Order No. 276, which requires that exterior artwork be of high-quality workmanship, structurally sound, and compatible with the campus physical master plan in scale, size, location and materials.
- e. The availability of University facilities and other resources required to care for and safeguard the work of art properly. Since the University has limited storage space and related resources, it must consider the high cost of displaying, recording, cataloging, insuring, and maintaining the works accepted in the permanent collection.

- f. The consideration of the degree to which an acquisition might compete with other institutions in the San Luis Obispo area and the Central Coast in terms of their collection priorities, ethical standards, and guidelines and practices for acquisition.
- g. Project proponents and/or departments purchasing or commissioning permanent works of art should identify funding sources to assist in the cost of insurance, preservation, maintenance and other related expenses for the management and care of the artwork.
- h. The University will not acquire or place art in, or on the grounds associated with, the Performing Arts Center without the agreement of the Central Coast Performing Arts Center Commission.
- i. Any art offered for acquisition to the Performing Arts Center will first be received and processed for consideration by the AAC.
- j. The University and the AAC will allow for reevaluation of acquisitions criteria and priorities as opportunities arise.

Review Criteria for Exterior Collections

These procedures work in concurrence with section 180.1.1.2 of the University Art Acquisition and Oversight Policy (CAP 180).

The criteria for reviewing the installation of artwork for Exterior Collections are based on:

- a. Appropriateness: most effective exterior art is sited in spaces that bear a particular relevance or thematic association to the subject of the piece.
- b. Compatibility: consideration must be given to integrate the artwork with the environment; in certain instances the artwork may require contextual design work to support, protect or enhance the artwork.
- c. Impact on space use: it is important to assess the proposed site for its effectiveness in relationship to existing uses; artwork that interfere with or prohibit existing accessibility functions may be cause for the refusal or relocation of a proposed artwork.
- d. Safety & Code Compliance: artwork should be safe to the University community, passersby, curious spectators of all ages, and the environment as a whole. Works and installations will be reviewed for ADA and seismic compliance as well as other aspects of code as relevant.
- e. Memorials containing artwork: Proposals for physical memorials honoring deceased students, faculty, staff, or friends of the University, which include an artwork component, will be presented to the Art Acquisition Committee. Findings and recommendations will be submitted to the Landscape Advisory Committee of further development and implementation.
- f. Mustang Art: Since 1924, the Mustang has been a symbol for Cal Poly and has been depicted in a variety of art forms and styles. Several of the Mustang statues have become well-known parts of the campus landscape. The University encourages the donation of art or sculptural representations of mustangs as well as art of all types.

Relocation of Artwork

In keeping with widely-held professional ethics and related codes of conduct for the collection, preservation, and stewardship of public artwork and related projects, the University is committed to preserving site-specific artworks in their original places (in situ) whenever possible. However, the University cannot provide an absolute guarantee that artwork will remain in a single location or remain permanently on the campus. The campus landscape is an evolving, active environment, and it is not possible to predict every future need for building sites or landscape alterations. The following reasons may be cause for relocation of artwork:

- a. The condition or security of the artwork cannot be reasonably guaranteed;
- b. The artwork endangers public safety;
- c. Significant changes in the use, character or design of the site have occurred that affect the integrity, visibility and accessibility of the artwork;
- d. In the case of site-specific artwork, the site is no longer suitable and/or no suitable site is available; and/or
- e. The artwork has been determined to be significantly incompatible with the collection or site.

In such cases, the AAC will review requests and recommend appropriate location(s) that ensure the ongoing presence and integrity of the artwork and the site(s) and will adhere to the California Art Preservation Act.

The University Advancement division will review appropriate gift agreements to ensure relocation does not necessitate modifications to these original agreements.

Deaccession

These procedures work in concurrence with section 180.6 of University Art Acquisition and Oversight Policy (CAP 180).

General Considerations and Obligations

1. A request for deaccession involves careful consideration of public opinion and professional judgment to ensure that the integrity of the artwork, artist, and public is respected.
2. Following the standards and guidelines recommended by the College Art Association (CAA), deaccession to like-institutions is encouraged.
3. Should the opportunity arise, funds realized by resale, may go toward the stewardship, conservation, and maintenance and security of the University collection.
4. Resale of artwork must comply with the California Civil Code (section § 986) [artist's] [California Resale Royalty Act](#), furthermore the Ninth Circuit Court of Appeals in *Close v. Sotheby's, Inc.*, 894 F.3d 1061 (9th Cir. 2018) has held that for sales after January 1, 1978, the California Resale Royalties Act is expressly preempted by the federal Copyright Act of 1976 (17 U.S.C. § 301(a)). *Id.* at 1064, 1076. The California Resale Royalties Act is no longer valid for sales beyond the aforementioned date.

Deaccession Criteria

The criteria for reviewing the deaccessioning of art is based on:

- a. Relevance: The artwork(s) are no longer relevant and useful to the collecting scope and activities of the University.
- b. Condition: The artwork has deteriorated, has been damaged beyond repair, and/or poses a health hazard.
- c. Care of the artwork: The University is not able to provide proper care for the artwork or meet with specific conservation requirements.
- d. Duplication: The artwork is an exact duplicate of an existing collection item, or duplicate items of a superior or similar nature are represented in the collections.
- e. Authenticity: The artwork is found to be falsely attributed or documented, or is proved to be a fake or forgery.
- f. Provenance: The University's true ownership of the item has been found to be illegitimate or illegal.
- g. Quality: The artwork is an inferior example of the work of a particular artist or medium.

Appraisal Procedures

In accordance with Internal Revenue Service regulations, the donor is responsible for determining the value of an accepted gift. Before presenting a gift of tangible property to Cal Poly, donors should first establish the fair market value of the gift with a recognized independent appraiser. A qualified appraisal dated no more than 60 days prior to the date of contribution is required by the IRS to substantiate a donor's charitable deduction for gifts-in-kind. University personnel are not qualified appraisers, and federal regulations do not permit the University to give appraisals or estimates of value. Appraisals should be made in accordance with campus policies, including the campus Gift-in-Kind Policy, and should be made by qualified appraisers under the "Uniform Standards of Professional Appraisals Practice" in addition to guidelines and appraisal procedures for artwork outlined under this policy.

Qualified appraisal procedures for works of art: An appraisal of a collection and/or artwork must include the following:

- a. Detailed description of the artwork, including title, size, subject matter, medium, name of the artist, approximate date created, and interest transferred;
- b. The physical condition of the artwork or project;
- c. The date, or expected date, of the contribution, the date on which the property was valued, and the manner of acquisition;
- d. The terms of any agreement or understanding entered into, or expected to be entered into, by or on behalf of the donor that relates to the use, sale, or other disposition of the property;
- e. The name, address, and taxpayer identification number of the appraiser;
- f. A detailed description of the appraiser's background and qualifications;
- g. A statement that the appraisal was prepared for income tax purposes;
- h. A history of the item, including proof of its authenticity and a record of any exhibitions at which the particular work of art was displayed;

- i. A photograph of the work of art, of a size and quality sufficient to identify the subject matter fully (digital images at 300dpi preferred);
- j. A statement of the factors on which the appraisal was based. This statement should include:
 - i. The specific basis for the valuation, such as any specific comparable sales transactions, particularly sales of other works by the same artist on or around the valuation date;
 - ii. Quoted prices in dealers' catalogues of works by the artist or comparable artists;
 - iii. The appraised fair market value of the property and the method used to determine the fair market value, particularly with respect to the specific property;
 - iv. A statement as to the standing of the artist in the profession and in the particular school, time, or period in which the work was produced.

Reappraisal

The AAC will recommend periodic reviews for reappraisals of the artworks in the collection to ascertain current market value and for insurance purposes.

Proposal Procedures

Project proponents from any campus colleges, department, division, or other unit may propose acquisition of art. The AAC reviews all proposals in accordance with the University Art Acquisition and Oversight Policy (CAP 180).

All proposals regardless of type, are made by using the “Art Acquisition Proposal Form.”

Acquisition by Purchase

Any proposed artwork to be purchased with University funds that are valued over [\$500.00] is reviewed by the AAC prior to purchase.

Purchases must comply with campus procurement procedures
[<http://afd.calpoly.edu/cprm/procurement.asp#types>]

Invoices and copyright documentation should be acquired from vendor and/or living artist. Copies of invoices and copyright/permissions documentation are sent to the Campus Curator for addition to the collection file and assignment of an accession record and number.

Acquisition by Commission or Request for Proposal (RFP)

Any proposed artwork to be commissioned for RFP with University funds that is valued over [\$500.00] is reviewed by the AAC prior to commission or RFP.

Acquisition by Gift/Donation

Works may be acquired through donation or monetary funds specifically earmarked to acquire the art--wherein they meet the collecting scope and criteria. Proposed artwork is reviewed by the AAC.

Gifts of Artwork intended to be immediately sold and proceeds to benefit the University are not subject to AAC review as they will not be displayed or held in collection.

All gifts to Cal Poly programs are facilitated by the University Development division and officially received by the affiliated auxiliary university unit or to its auxiliary organizations such as the Associated Students, Inc. (ASI), the Cal Poly Foundation or the Cal Poly Corporation (CPC).

Where donors contact colleges, departments directly, they must be referred to the University Development division and follow the outlined policies and procedures for accepting a piece of art as a Gift In-Kind (GIK). These policies and procedures can be found on the Advancement Network webpage at <https://advancement.calpoly.edu/content/forms/index>. Additional questions can be sent via email to matching-gifts@calpoly.edu or by telephone at (805) 756-2713.

Artist Reproduction Permission Agreement Procedures

If artwork is acquired or commissioned by a living artist, a reproduction agreement shall be signed by the artist so that the University can arrange to use reproductions of the work for educational, catalog, exhibition, publicity, promotional, and related purposes without infringing on the artist's copyright.

Reproduction agreement is signed by artist at time of acquisition and a copy of the agreement is sent to Campus Curator.

Documentation Procedures

Accession Records

Accession numbers will be assigned chronologically according to the date of accession and a collection catalog will be maintained.

Copies of accession records are sent to appropriate University division and/or department and/or auxiliary organizations (e.g., ASI, Foundation or CPC).

The Campus Curator will maintain accession and collection management files, including a record of the work of artwork's location, copies of deeds or donor gift agreements, purchase records, and related documentation.

The artwork will be photographed, and a copy of the photograph will be placed in the accession files. A surrogate image of the work will be placed in catalog record.

Property Accounting

As a part of the gift acceptance process, the University Development Division prepares the Gift Acceptance Form and a signed copy of the Gift Acceptance Form is sent to the Campus Curator (for gifts of art over \$500.00).

Title Cards

To encourage the scholarly study of campus art, title cards or plaques are encouraged.

Inventory

The collections shall be inventoried based on the following schedule:

J.O. Barber Family Trust Western art collection

Every two years

Accessioned works

Every five years

Exterior Collection

Every five years or requested by title holder(s)/managing departments

Non-accessioned works

As needed or requested by title holder(s)/managing departments

Inventory reports will be shared with the AAC, President, Provost, title holder(s), and managing departments.