

# **Toledo Museum of Art Collections Management Policy**

**As approved by the Board of Directors**

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## **1) Guiding Principles for the Collections Management Policy**

Founded in 1901 by Edward Drummond Libbey and his wife Florence Scott Libbey the Toledo Museum of Art brought to fruition their vision to provide the community with access to art and art education. In order to facilitate this purpose, the Toledo Museum of Art has collected works of exceptional quality throughout its history and has presented these works through free admission maintained since its early history. The collection is utilized by the Museum as a tool to engage, educate, and inspire the community. In this way, the Museum continues to contribute to its legacy of devotion to art education through its collection.

The Libbeys' founding spirit is still present in the Museum's collection and collecting practices. The Libbey endowment is the primary source of the Museum's acquisition funds. The collection is built around art education and community engagement, which have been at the heart of the history of the institution. The Museum, which grew without the aid of a foundational collection, is committed to collecting works of the highest quality in a diverse array of media, including, but not limited to: glass, painting, sculpture, decorative arts, works on paper, and electronic media. The Museum's internationally recognized collection is strong in Western European painting, Classical Mediterranean and Ancient Egyptian art, glass, and works on paper.

The Collections Management Policy is an affirmation of the Toledo Museum of Art's commitment to maintaining its legacy through the growth, continued refinement, and care of its collection. The Policy does not set out a collecting plan for the Museum. The following document is a set of general ethical and practical standards that the Museum will use as guidance in the management of its collection and defines the process of decision-making and the procedures followed for the acquisition and accession of works of art for the Museum.

## **2) Administrative Functions and Responsibilities**

- I. The Board of Directors appoints the Director to be the Chief Executive Officer of the Museum. The administration of the Museum requires connoisseurship, discernment, and knowledge in dealing with works of art, as well as the judgment and experience necessary for the operation of a complex organization. Achieving an appropriate balance among these requirements is essential; without such a balance the Museum could be faced with problems that could eventually undermine its professional performance and public service.
- II. The Museum is governed by the Board of Directors. The Museum is administered by a professional staff. The Board and the staff must be united in their commitment to the institution's mission and responsibilities.
- III. The Board approves the general policies that govern the Museum's operations. These policies reflect the goals established in the Museum's statement of mission and in its long-range plan. The Board is also responsible for the well-being of the Museum's various resources, including its collections, physical plant, financial assets, and staff, as well as the public trust. The Board acts collectively, generally by majority vote; it can delegate certain policy decisions to Board-appointed committees that also act collectively. The Board delegates the responsibility for day-to-day operations to the Director. The Board makes clear which types of issues must be brought before it.
- IV. The Director is responsible for administration that is consistent with established policy. The Director nurtures the intellectual and aesthetic philosophy of the Museum. Working closely with appropriate staff members to refine that philosophy, the Director delegates authority to

achieve its implementation. The Director fosters working conditions that enable staff members to perform to the full extent of their abilities.

### **3) Acquiring of Works of Art and Cultural Property for the Collection Policy**

- I. The Toledo Museum of Art's goal is to develop a collection of the highest possible quality in order to provide for the art educational needs of the community. In doing so, it continues in the tradition begun in 1901 by the Libbey family. The Museum will adhere to qualitative, ethical, and legal standards during the process of acquiring a work of art for the collection.
- II. The Museum considers certain criteria in the process of acquiring an object. These considerations should include:
  - A. The quality of the potential acquisition
  - B. The Museum's ability to provide adequate resources for the storage, management, and care of the potential acquisition
  - C. The object is reasonably priced according to market analysis and the Museum has the necessary funds or funding structure available to purchase the object
  - D. Conservation assessment of the artwork, including aspects such as the condition of the potential acquisition. If the object is in a deteriorated or diminished state, its condition should be conservable by the resources of the Museum. The Museum may also acquire works that are intended to reach a diminished state if such an intention is integral to the artist's vision. Where applicable, scientific dating or analysis may occur.
  - E. The potential acquisition's relevance to the mission of the Museum and the rest of its collection
  - F. The Museum's ability to secure legal title, free and clear of any adverse claims, to the potential acquisition (For the purposes of this policy, "free and clear of any adverse claims" means that there is no outstanding lien, encumbrance, mortgage, security interest or other hypothecation of an interest in the item, and there is no outstanding legal claim (pending or threatened), financial or otherwise, involving the item to be acquired.)
  - G. Whether there are any legal compliance issues or if any laws would be violated by the acquisition or possession of the work by the Museum
- III. In the case of purchases:
  - A. The Director and the Curatorial staff are responsible for identifying possible acquisitions made through purchase. No work of art may be considered for acquisition without the recommendation of the Director. The Board, through the authorized Art Committee, must approve all recommendations for acquisition through purchase.
  - B. The Art Committee (or Board) may grant authority to the Director to approve purchases up to an approved limit. The Director must report these purchases to the Art Committee at the meeting immediately following the acquisition.
  - C. Cataloguing and documenting works of art in the collection are basic responsibilities of the Museum. The information should represent sound scholarship and the staff's reasoned convictions, regardless of external pressures. Other scholarly opinions, including dissenting opinions concerning a work of art, should be recorded. Major changes in attribution, as well as serious questions concerning authenticity or the provenance of a work, must be reported to the Art Committee.
- IV. In the case of gifts or bequests:

- A. Procedures equivalent to purchasing should be followed for acquisitions made through gift or bequest. Gifts and bequests should adhere to the same standards as those considered for purchases.
  - B. Gifts should be unrestricted whenever possible. No work of art should be accepted or acquired with conditions that restrict or otherwise interfere with either the Museum's display of the object or other objects in the collection, or with the Museum's obligation to apply the most reliable scholarly and scientific information available to questions of attribution, dating, iconography, provenance, and related matters. Any possible exceptions to this rule shall be approved by the Art Committee
  - C. If any gift is accepted that has restrictions, the Museum will abide by these restrictions as specified by the donor.
  - D. When accepting gifts, the Museum must stipulate that the responsibility for securing independent appraisals by outside professionals and furnishing this information to government agencies, such as the Internal Revenue Service, rests with the donor. The Museum cannot pay for or arrange any such appraisals for donors. Upon request, the Museum will provide an appraiser with access to or images of the work, if the work is in the Museum's possession.
  - E. Gifts must be accompanied by a completed Deed of Gift that transfers legal title from the donor to the Museum.
  - F. Promised gifts and bequests must also be presented to the Art Committee for their formal approval in the same manner as gifts from living donors.
- V. Private collecting of works of art by the Director and by other members of the Museum staff is entirely appropriate. Such activity can enhance expertise to the benefit of the Museum. However, no private collecting by the Director, Curators, or other Museum staff directly involved with the Museum's own collecting program can be permitted if such activity conflicts in any way with the collecting interests of the Museum.
- A. The Museum must have the opportunity to acquire for its own collection any work of art purchased by or offered to the Director or any member of the Museum staff directly involved with the Museum's collecting program. When prompt action must be taken to secure a work before it can be considered by the Museum, the work in question must be offered for the Museum's consideration by the staff member who has acquired it at the earliest opportunity (not to exceed one month from the date of acquisition). The terms of the Museum's acquisition of any such work must be at least as favorable to the interests of the Museum as the terms on which the work was acquired by the Director or other staff member. Should the Museum decide not to pursue acquiring the work, the staff member should receive written notification of the Museum's decision to pass on the work within one month of its being reported to the Museum.
  - B. In order to preclude any conflict of interest, the Museum should have clear, written guidelines with regard to private collecting by the Museum staff. These guidelines are also detailed in the TMA Employee Handbook, under "Private Collecting of Art." The matter should be openly discussed with the Art Committee and those staff involved with the Museum's collecting program.
  - C. Issues of conflict of interest should be reviewed and resolved on an as-needed basis throughout the year, as acquisitions may be made by relevant staff.
  - D. Brokering in art is prohibited by any Museum staff. Brokering is defined as acting as an agent or intermediary in a sale or transfer of artwork between two outside parties which

primarily results in personal gain for the staff member. This could involve providing advice, appraisals, authentication, or negotiating a sale. Staff should exercise reasonable judgment regarding the appropriateness or providing advice or commentary on artworks to outside parties, including Museum donors, private collectors, and art dealers. Such involvement should be avoided if it creates a conflict of interest or the appearance of a conflict of interest. Staff should discuss any relevant situations beforehand with the Senior Director of Collections and Curatorial Affairs.

- VI. The Museum will make rigorous efforts to learn all significant information about the history of a work of art prior to acquisition.
- A. The Director must ensure that best efforts are made to determine the provenance of a work of art considered for acquisition. The Director must not knowingly acquire or allow to be recommended for acquisition any work of art that has been stolen without resolution of such theft, illegally exported from its country of modern discovery or the country where it was last legally owned, illegally imported into the jurisdiction in which the Museum is located, or removed in contravention of treaties and international conventions to which the jurisdiction is signatory. Such considerations are laid forth in the Museum's Due Diligence Guidelines for acquisitions.
  - B. The Museum will make a rigorous effort to acquire all of the relevant import and export licenses and documentation for objects outside of the United States, and to comply with the export laws of the country of immediate past export to the United States. The Museum shall comply with all applicable local, state, and federal U.S. laws, including treaties and international conventions to which the U.S. is a party, most notably those governing ownership of title, import and other issues pertinent to acquisition decisions.
  - C. The Museum shall thoroughly research the work's history of ownership, publication, and exhibition, including making a rigorous effort to obtain accurate written documentation with respect to such work's history.
  - D. In performing provenance research, the Museum will refer to relevant national and international guidelines and the most rigorous available professional standards regarding the trade and acquisition of potentially illicitly handled cultural objects. These guidelines will include the most recent "AAMD Guidelines on the Acquisition of Archaeological Materials and Ancient Art," the "AAM's Standards Regarding Archaeological Material and Ancient Art", and the AAMD Guidance on Art from Colonized Areas" at the time of writing, and research will include, but will not necessarily be limited to:
    - i. The ownership history of the work;
    - ii. The countries in which the work has been located and when;
    - iii. The exhibition history of the work, if any;
    - iv. The publication history of the work, if any;
    - v. Whether any claims of ownership of the work have been made;
    - vi. Whether the work appears in relevant databases of stolen works;
    - vii. The circumstances under which the work is being offered to the Museum;
    - viii. The authenticity of the work; and
    - ix. Whether acquisition of the work raises any specific known legal compliance or ethical considerations.
  - E. The Museum shall make a rigorous effort to obtain a signed seller's warranty and indemnification as well as to obtain written documentation from a seller or donor attesting to the known provenance of a work.. The Museum will make every effort to

publish information about and images of new acquisitions promptly, including the provenance of the work. This may be done through such means as the annual report and the Museum website. In the event that the Museum is obligated for the previous owner to remain anonymous, the provenance will be published as “anonymous private collector.”

- F. If the Museum, as a result of its continuing research, gains information that may establish another party’s rights to ownership of a work, the Museum will act according to all ethical and legal standards as set forth in this policy. In the event that a third party brings to the attention of the Museum information supporting the party’s claim to a work, the Museum shall respond promptly and responsibly and take whatever steps are necessary to address this claim, including, if warranted, returning the work, as has been done in the past.

VII. The Museum will not acquire, through purchase, gift, or bequest any work of art that it knows or suspects was exported in violation of the export laws of its country of origin (defined as its country of creation or its country of modern discovery).

- A. The Museum will consult relevant local, state, federal, and international statutes and acts governing the import, export, and trade of art and other cultural objects. These laws may include the “National Stolen Property Act”, the “Convention on Cultural Property Implementation Act”, sanctions enforced by the Office of Foreign Assets Control, the “Convention on International Trade in Endangered Species of Wild Fauna and Flora” and the “Native American Graves Protection and Repatriation Act”. Since the status of a work of art under foreign law may bear on its legal status under U.S. law, the Museum will review relevant foreign laws before making an acquisition.
- B. The Museum will determine on a case-by-case basis, according to ethical and legal standards, whether to acquire objects of special consideration related to endangered or protected animals.
- C. The Museum will request the vendor, donor, or estate to sign a warranty and indemnification guaranteeing the authenticity and presence of clear legal title in a potential acquisition.
- D. During the acquisition consideration process, the Museum will require each vendor, donor, or estate and their respective representatives to supply all known provenance information and documentation that they possess relating to the work being offered or sold to the Museum.
- E. The Museum will observe the following guidelines relating to the acquisition of works that were likely to have been in German-occupied Europe between 1933 and 1945 in addition to the rigorous research and documentation required for all acquisitions:
  1. If, according to its own reasonable judgment, the Museum believes there is concern about the legal status of an object with questionable provenance between the years 1933 and 1945, it will submit information to and consult one or more provenance research organizations that maintain and check databases of stolen material and conduct any additional research as would be prudent or necessary to resolve the Nazi Era provenance status of the work before acquiring it.
  2. The Museum shall document its research into the Nazi Era provenance of acquisitions.
  3. If credible evidence of unlawful appropriation without subsequent restitution is discovered, the Museum will act according to all ethical and legal standards as set forth in this policy. Depending on the circumstances of the particular case, prudent or

necessary actions may include consulting with qualified legal counsel and notifying other interested parties of the Museum's findings.

4. The Museum shall follow the AAM "Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era", as may be updated from time to time, in connection with any claims that a work was unlawfully appropriated during the Nazi Era without subsequent restitution.

VIII. The Museum will not purchase works of cultural patrimony (e.g., African, Asian, Classical, Egyptian, Latin, Near Eastern, Native American) that lack documentation of legal title before 1970 and unless provenance research substantiates that the work was outside of its country of probable modern discovery before 1970 or was legally exported from its probably country of modern discovery after 1970.

- A. The Museum will make a rigorous effort to acquire all of the relevant import and export licenses and documentation of archaeological materials or ancient art from outside of the United States, and to comply with the export laws of the country of immediate past export to the United States. The Museum shall comply with all applicable local, state, and federal U.S. laws, including treaties and international conventions to which the U.S. is a party, most notably those governing ownership of title, import and other issues pertinent to acquisition decisions.
- B. In the case of indigenous American archaeological material, the Museum will comply with relevant state and federal laws concerning their collection and care. This includes the Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act.
- C. The Museum will be guided by the most current American Alliance of Museums' Standards Regarding Archaeological Material and Ancient Art and the American Association of Museum Director's Guidelines on the Acquisition of Archaeological Material and Ancient Art.
- D. The Museum acknowledges that, despite extensive research, it is not always possible to obtain written documentation on whether the seller or donor has legal title of a cultural object. In such instances, the Art Committee will review the available information and, if a preponderance of evidence in favor of accepting the work into the collection is found, the work may be accepted. Otherwise, the Museum will not acquire the object. In all cases, these decisions will be fully documented.
- E. In the case of orphan objects offered as a gift, the Museum may consider this material for acquisition under the terms set out in the Orphan Objects Appendix of the "Guidelines for Due Diligence in the Process of Acquiring Works of Art." Orphan objects are defined as archaeological material or cultural property lacking adequate documentation of provenance history, as outlined by Museum policy. The Museum will exercise proper care when considering these objects for the collection. Any works meeting these criteria must be presented to the Art Committee for formal approval and follow appropriate procedures for documenting and reporting after acquisition, as laid out in the Museum's "Guidelines for Due Diligence in the Process of Acquiring Works of Art".

IX. Non-accessioned Objects

- A. The Museum owns a small number of non-accessioned objects. They are generally objects that have been given to the Museum but which have not been deemed worthy of accessioning and taking into the permanent collection. If not documented as having been received as gifts, the works may have been "found in the collection." They are available

for study or other educational purposes when approved by Curatorial or Collections staff and are eligible for disposal with proceeds going toward art acquisitions. They are kept in Museum art collection storage or in the Learning and Interpretation Department and their records are kept in the Registrar's Office.

#### **4) Deaccessioning and Disposal of Works of Art from the Collection Policy**

- I. The Toledo Museum of Art's collecting goal is to develop a collection of the highest possible quality. It is the intention of the Museum, in establishing and maintaining a developing collection, to continually refine its holdings. Therefore, the Museum has adopted this policy with Art Committee approval for the orderly deaccessioning and disposal of works of art. This policy takes into account the necessary investigations to determine which objects should be removed from the collection. It takes into account the need for outside independent opinions, avoidance of conflict of interest, and for disclosure and approval by the appropriate sub-committee of the Board of Directors. Deaccessioning of works of art must be carried out with the same caution and prudence as is exercised in acquisition.
- II. While there is no specific reference to the speed by which these deliberations will take, it is thought that such deliberations will be carried out in an orderly and thorough fashion, without undue speed and over a period of time.
- III. The disposal of a work of art, whether by sale or exchange, shall be conducted with a view toward maximizing the yield and benefit to the institution. Net proceeds received directly from the sale of works of art will be placed in the Museum's art acquisition funds for the purpose of acquiring works of art of the highest possible quality to maintain the high standards the Museum has established for itself, for direct care of works of art, as defined below, or such other purposes as the Art Committee at its sole discretion may determine from time to time in line with industry best practices.
  - A. In alignment with the definition laid out in Section 25 of the AAMD's "Professional Practices in Art Museums", direct care is here defined to mean the direct costs associated with the storage or preservation of specific works of art. This includes costs associated with conservation and restoration treatments, as well as materials required for storage of all classifications of works of art. Direct care costs shall not include operations or capital expenses, salaries of staff, or costs incurred for the purpose of temporary exhibition display.
- IV. The deaccessioning of works of art from the collection of The Toledo Museum of Art has been and shall remain an occurrence performed with the greatest caution and prudence. Any such action must have the unanimous recommendation of all the Curators, the Director, and the Senior Director of Collections & Curatorial Affairs in order to move forward to the Art Committee for decision. No work of art in the collection may be considered for deaccessioning without the recommendation of the Director to the Art Committee. The Director must provide full justification for deaccessioning to the committee and the reasoning shall be recorded in the minutes of the meeting. The final decision with respect to deaccessioning rests with the Art Committee. The Art Committee must be informed of the results of disposal of deaccessioned objects. Neither the deaccessioning nor disposal may violate the provisions of a gift, will, bequest, or other contract in those cases where such documents are involved.

- V. Objects may be deaccessioned from the permanent collection for any of the following reasons:
  - A. The object is deemed to be inferior or insignificant in aesthetic quality
  - B. A better or comparable example is in the collection
  - C. A better example may be obtained through whole or partial exchange of the object in question
  - D. The object is an exact duplicate or is redundant and is deemed unnecessary to retain
  - E. The condition of the object is such that repairs are not feasible or will render the object essentially false
  - F. The object is a forgery, fake, pastiche, or a reproduction
  - G. The Museum discovers its possession of the item is not legitimate, i.e., the work may have been stolen or exported, imported, or acquired in violation of applicable state and U.S. Federal laws
  - H. The object cannot be adequately cared for and/or installed in a professionally acceptable manner
  - I. The object is not relevant to the Museum's collection goals and lacks a context within the collection
  - J. The object has not been located after a minimum of three audit and/or collection inventory procedures in no less than ten years
- VI. The Museum recognizes that part of the mandate of the organization is to expand the definition of what constitutes a work of art, as well as to question traditional practices. Therefore, if accessioned works are sold, the funds obtained directly from such sales may in exceptional cases be used for purposes analogous to the purchase of works of art, specifically the creation of new works or the direct care of works of art. Expenditure of these funds for general operating purposes is prohibited.
- VII. Works deaccessioned for failure to be located shall be reported to provenance research organizations that maintain and check databases of stolen material or other entities as the Museum may deem appropriate. Should such works be located at a later time, the Museum shall reinstate them into the collection.

## **5) Outgoing Loan Policy**

- I. The Museum will consider granting only those loan requests which justify the risks always inherent in sending works of art outside its walls. In any decision about a proposed loan from the collection, the intellectual merit and educational benefits, as well as the protection of the work of art, must be the primary considerations, rather than possible financial gain.
- II. Loans are primarily granted for exhibition or scholarly purposes to museums and other public, non-profit educational institutions. Under special circumstances, loans may be made for public exhibition purposes to foundations, government agencies, commercial art galleries, and corporate display areas. The greatest care must be taken in all aspects of loans as the Museum's primary responsibility is to guarantee the safety and proper representation of its collections, which it holds in trust for the public. Since many factors must be weighed before a decision to lend can be made, the following criteria must be carefully considered:
  - A. Any prior commitments inside or outside of the Museum
  - B. The quality of or possible benefit to the potential borrower
  - C. The quality of the exhibition

- D. The condition of the work, its required handling and installation
- E. Commitment that the work will be properly cared for and protected against all hazards including fire, theft, light, and environmental concerns
- F. Vetting of the borrower's facilities report
- G. The circumstances of travel
- H. The length of the loan period
- I. The history or possibility of reciprocity with the potential borrower
- III. The Director recommends loans and advises the Art Committee about the relevant professional issues. Ultimate responsibility for decisions on loan requests rests with the Art Committee.
- IV. All loans must be covered by wall-to-wall, all-risk fine arts insurance. It is the decision of the Museum whether to place its own coverage with the premium to be paid by the borrower or to allow the borrower to insure, provided the borrower furnishes proof of suitable coverage with a reliable agent/underwriter. The Museum will review the possibility of accepting insurance through government indemnity. "Immunity from seizure" should be secured from the borrower in all applicable countries unless an exception is approved by the Director. This is considered on a case-by-case basis. Long-term loans are subject to periodic review by the Curatorial and Conservation department or the Director.
- V. Loans will be packed by the Museum or a professional art packing company under the supervision of Museum staff and transported to and from the borrower(s) by means acceptable to the Museum. Instructions provided by the Museum for transit, packing/unpacking, and installation must be followed. Courier accompaniment may be a condition of the loan depending upon fragility, value, installation requirements, and/or nature and stance of transport.
- VI. The borrower will pay all costs incurred in connection with the loan.
- VII. The loan may be recalled by the Museum upon thirty days' written notice to the borrower. In the event that the Museum determines the artwork's or borrower's conditions are unsatisfactory for the continuation of the loan, the Museum may recall the loan immediately.

## **6) Incoming Loan Policy**

- I. The Museum borrows works of art to enhance its collection holdings and to develop temporary and traveling exhibitions. Incoming loans may be of short-term or long-term duration and may include, but are not limited to: special exhibitions, smaller focus shows, loans included in permanent galleries, loans brought in for examination and study, loans placed on deposit with the Museum to augment the collections but that are not necessarily placed on view (such as loans of works of art on paper).
- II. The Museum will apply the same level of scrutiny and transparency to the acceptance and handling of loans under its care as it does to acquisitions, including but not limited to authenticity, condition, provenance, issues relating to antiquities and ancient art, cultural property, Nazi-era provenance, compliance with all applicable laws, conflicts of interest, and perceived conflicts of interest. Loans should have a clear connection to the Museum's mission and be consistent with the intellectual integrity and purpose of the project or exhibition for which the loan is intended. Other criteria taken into consideration are display requirements, space considerations, terms of a loan or loan restrictions, storage, commercial endorsements, and costs.

- III. The Director of Collections and Curatorial Affairs, in consultation with the appropriate Curator and Collections staff, must approve all incoming loans. The Museum reserves the right to reject at its sole discretion any offer of an incoming loan.

## **7) Collections Care Policy**

- I. As a repository of quality works of art, the Museum is responsible for the long-term professional care of the art in its buildings and campus. Collections care involves taking physical preventative measures to offset damage or delay the natural deterioration of artworks in its care. The highest preservation standards shall be maintained for works of art on loan to the Museum or borrowed from the Museum in accordance with established professional conservation guidelines for standards of practice. 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.
- II. Care of collections at the Toledo Museum of Art is a collaborative effort between Conservators, Facilities, Protective Services, Curators, and Registrars. It is between these departments that decisions are made and procedures are carried out regarding the safe-keeping of the objects in its collection.
- III. The Museum shall mitigate the occurrence of damage and deterioration through research and the implementation of procedures which enhance the safety of the works of art in its care. Preventive conservation involves any actions taken to prevent or delay the deterioration of artwork. The primary goal is to identify and reduce potential hazards to artwork with thoughtful control of their surroundings. The areas of particular concern with regard to the sources of damage include: environmental conditions, object handling, integrated pest management, emergency preparedness, and records management.
- IV. Cultural heritage objects face threats from a variety of sources on a daily basis, from visitors, thieves, wear and tear, vandals, and pests; to pollution, humidity, and temperature; to natural emergencies and physical forces; to all kinds of light. If a work is damaged or insufficiently preserved, it is the responsibility of the Conservation team to treat the work appropriately. Additionally, the Conservation team may properly train and authorize individuals to assist in carrying out conservation treatments. However, many of the sources of danger mentioned above are controllable, and others are at least predictable.
- V. Staff properly trained by Conservation shall be authorized to handle works of art with care during the installation, removal, and renovation of any part of the collection, both permanent and on loan.
- VI. The Museum shall ensure that any sacred or culturally sensitive works are given the considerate attention that they deserve according to their relevant cultural institutions.
- VII. The preservation, conservation, handling, storing, and presentation of works of art in the collection are the responsibility of the Director. The Director should report periodically on the state of the collection to the Art Committee in order to ensure the Board's full awareness of preservation and conservation as primary functions of the Museum.

## **8) Permanent Collection Records Policy**

- I. The Museum keeps records of its permanent collection under the supervision of the Registration staff.

- II. The permanent collection records are living documents kept in the public trust. Every effort should be made to provide information about the collection, to visually document it, and to respond appropriately to serious inquiries regarding it.
- III. The documents kept in the permanent collection records include original copies of object descriptions; loan histories; object provenance; correspondence with donors, artists, and scholars; and conservation reports. Records of deaccessioned objects are kept in perpetuity for future inquiries. Certain records may not be readily available to the public.
- IV. A digital collections management system, at the time of writing, The Museum System, is and will be the primary repository of new information on collections objects. Information in the permanent collections records will be migrated into the digital collections management system on an ongoing basis.
  - A. The Museum System is used to track the locations of any objects in the permanent collection.
  - B. The Museum System is also implemented to facilitate public access to basic information about the collection through eMuseum on the Museum website.
- V. Document files are the repositories of information on all of the works of art in the collection for the purpose of reference and research.
  - A. These physical document files are also scanned and electronically accessible through Laserfiche, the Museum's content management software. The physical object files and the Laserfiche files are updated simultaneously to keep them in alignment.
  - B. It is the responsibility of Executive, Curatorial, Registrar, and Conservation staff to place important object-related information in document files. This may include any object-related correspondence, phone conversations, and scholarly or dealer visits.
  - C. Document files are kept chronologically according to acquisition date.
- VI. Critical information is backed up either physically or digitally and stored in a secure location.
- VII. A full inventory of the collection is carried out every five years.
- VIII. All original documents are not to be removed from the Registrar's office. Copies of these documents can be furnished upon request, as appropriate.
- IX. The Registrar's office will track on objects in the Museum's collection with known provenance issues and document this information appropriately between the relevant object records and the general provenance research folder.

## **9) Archives Policy**

- I. The mission and goal of the Toledo Museum of Art Archives is to identify, collect, preserve, and make available for use the records and materials of the Toledo Museum of Art that possess enduring historical, administrative, legal or fiscal value. The Museum Archives is the official repository of historical documents, materials, and permanent records of the Toledo Museum of Art, its staff, Edward Drummond Libbey, Florence Scott Libbey, trustees, and any other related organizations or trusts which have enduring value to the Museum.
- II. The purpose of the Museum Archives and records management program at the Museum is to maintain existing and future records that meet a broad range of internal and external needs. The Archives provides management of historical documentation, which may serve as a framework and support for decision-making on document retention as well as what material is made available to scholars about art history, the Museum, and the Museum's collections.

- III. The Museum Archives seeks to document the important people, facilities, exhibitions, programs, events, and activities of the Museum.
- IV. The Museum Archives also collects historical materials documenting the lives of the founders and other important figures of the Museum.
- V. The records for the Museum consist of correspondence, minutes, publications, and other documentation created in the course of official business for The Toledo Museum of Art.
- VI. Archival records may include objects, paper records, audio-visual materials, photographs, artifacts, books, and records in various electronic formats.
- VII. All records created or received by Museum employees in the course of official business are the property of the Toledo Museum of Art.
  - A. The Museum Archives collects those records selected for permanent preservation that document the policy and activities of Museum and which are inactive.

## **10) Intellectual Property Policy**

- I. The Imaging Specialist, coordinating as necessary with the Registrar's office, is responsible for determining and documenting the copyright status of any works in the collection that may be requested for use in published materials. The Imaging Specialist processes external requests to reproduce images of Museum objects and works with internal staff on questions of copyright.
- II. The Museum will credit the copyright holder in any published materials with the credit line that they specify.
- III. In the case that the copyright or license is held by another party and the reproduction is not considered fair use, the Museum will require written permission from said party in order to reproduce the work for Museum purposes. If a work of art is considered to be an "orphan" work, a copyright credit line can be applied to the image as a good faith measure.
- IV. In the case that the copyright or license is held by another party, the Museum will not request permission to reproduce the work on behalf of any third-party requestor. The requestor will be required to request permission directly from the licensor themselves. The Museum is responsible for letting the requestor know about the copyright policy in place and asking them to seek permission. If the photograph of the artwork is also not owned by the Museum, permission from the photographer must also be sought.
- V. The Museum does not own the copyright to any object in its collection unless that copyright has been explicitly acquired. However, as stewards of the objects in its collection, the Museum reserves the right to control access to and downstream use of images of its artworks. Since the Museum holds its collection in the public trust, and because any use of an image by someone outside of the Museum by definition is use undertaken by a member of the public, the Museum must balance access to its images with its interest in preserving the integrity of the public conception of its objects. As such, the Museum will determine on a case-by-case basis which images of objects in the collection require the Museum to be given credit.
- VI. The fair use doctrine permits the use of images by the Museum, press, and media for the purpose of promoting exhibitions, and also permits the use of images internally for commentary and teaching purposes. This can be done regardless of the copyright status of the objects. However, this doctrine does not permit the reproduction of images for commercial use.

- VII. Non-flash photography is permitted in the permanent collection galleries. Photography in special exhibitions is determined on a case-by-case basis based on the requirements of the lenders.
- VIII. Outside of non-flash photography, any other form of reproduction of collection objects conducted in the galleries must be made with the approval of the Registrar's office. This is further laid out in the Museum's Materials Use Policy.

## **11) Access Policy**

- I. The Museum works towards balancing its responsibility to the public trust with the care needed to ensure the collection's longevity. Therefore, physical access to the collections is appropriately limited:
  - A. Scholars and students must work with the appropriate Curator, Conservator, or Registrar to determine the nature of the access required and make arrangements for the scholar/student as necessary.
  - B. Under no circumstances are visitors to be left unattended when the galleries are closed to the public or in non-gallery spaces, including but not limited to storage areas or conservation laboratories.
  - C. The appropriate Museum staff permitted to accompany scholars/students is generally limited to: Curators, Conservation staff, Registration staff, and Executive staff.
  - D. Scholars/students needing access to any storage areas that are also Designated Screening Areas per federal Certified Cargo Screening Program regulations can only be accompanied by the appropriately trained Museum staff.
  - E. To ensure privacy of confidential information, only properly authorized staff may make photocopies for research purposes.
  - F. Destructive sampling may be done by Conservation staff at the request of scholars based on Curatorial and Conservation review.
  - G. Non-scholarly visitor access to the collection is based on the availability of properly authorized staff. The Museum will try to appropriately accommodate these requests.
- II. Alternatives to physical access are readily available to the public. Intellectual access to both works in the collection and the records associated with these works is provided in a variety of ways:
  - A. Visitor Services and Library personnel are equipped with the ability to look up via computer the locations of all works currently on view.
  - B. Catalog information regarding selected works is provided in the "Search the Collection" section of the website.
  - C. A list of new acquisitions is provided in the electronic version of the annual report and individual new acquisitions are featured in "ArTMAatters" and on the website.
  - D. Access to Documentary Files is generally restricted to selected TMA staff (i.e. Executive, Curatorial, Conservation, Registration staff). Permission is required for access to Documentary Files by other TMA staff (e.g. Learning and Interpretation). This is done under the supervision of the Registration staff. Access to Documentary Files by visitors is limited to scholars and graduate level students under supervision of the Registration Staff.
    - 1. The Library provides the public with ready access to documentary sheets that contain basic information on works of art along with publication and exhibition information.

- E. The Library provides access to print publications containing information about works in collection, including museum collection and exhibition catalogues.

## **12) Fine Arts Insurance Policy**

- I. The Museum values its collections, and so implements risk control through its collection care policy and risk finance through fine arts insurance.
- II. The Museum carries fine arts insurance on its collections and the works on loan to it. The policy has a deductible on Museum property and on the Museum's own premises; no deductible applies to the property of others or to Museum property when in transit or off-premises. The Museum has on-premises coverage of Museum property and the property of others, as well as domestic transit and off-premises coverage and international transit and off-premises coverage.
- III. The coverage is an all-risk, wall to wall policy. The collection is insured against such factors as earthquake damage, vehicle accident, terrorism, or employee dishonesty as these risks are not specifically excluded in the policy. However, the Museum is subject to the standard fine arts exclusions of damage from wear and tear, gradual deterioration, inherent vice, any act of restoration or repair, communicable diseases, acts of war or insurrection, and nuclear reaction or radiation. In addition, the policy includes only limited coverage in the case of cyber-attack, subject to the specific terms laid out in the document.
- IV. The on-premises limit of liability is determined by applying the concept of Probable Maximum Loss, or the largest loss that can be expected if all loss prevention systems are working properly. The Museum has estimated the total value of the three highest sequential galleries as the Probable Maximum Loss threshold.

## **13) Review and Revision of Collections Management Policy**

- I. A general review of the Collections Management Policy will be done annually by appropriate staff as determined by the Director. Any revisions and/or changes will be made known to staff.
- II. The Collections Management Policy functions as a living document. The Museum will monitor changing industry standards and internal practices and revise the Policy accordingly. Policy revisions will be approved by the Art Committee and/or the Board of Directors.