

# The Spencer Museum of Art’s Collections Management Policies (CMP)

MISSION .....	1
AUTHORITY .....	1
SCOPE .....	2
COLLECTION CATEGORIES.....	2
ACQUISITIONS.....	2
ACCESSIONS.....	4
DEACCESSIONS AND DISPOSAL.....	4
LOANS – INCOMING.....	6
LOANS – OUTGOING .....	6
WORKS IN CUSTODY .....	7
DOCUMENTATION.....	7
COLLECTION CARE .....	8
ACCESS AND USE .....	8
RISK MANAGEMENT AND INSURANCE .....	9
INTELLECTUAL PROPERTY/REPRODUCTION AND COPYRIGHT .....	9
APPRAISALS AND IDENTIFICATION.....	10
RESEARCH SERVICES .....	10
POLICY REVIEW AND REVISION.....	10
SELECTED DEFINITIONS.....	11

## **Mission**

The Spencer Museum of Art (“SMA,” “the Spencer,” or “the Museum”) sustains a diverse collection of art and works of cultural significance. It encourages interdisciplinary exploration at the intersection of art, ideas, and experience. The Spencer strengthens, supports, and contributes to the academic research and teaching of the University of Kansas and is committed to serving communities of learners across Kansas and beyond.

## **Authority**

The Spencer Museum of Art is an Instructional Support unit of the University of Kansas, a State of Kansas institution governed by the Kansas Board of Regents. The Spencer’s staff is

responsible for care and preservation of the Museum’s collection, scholarship and research relevant to the collection, teaching from the collection, development of educational content, funding and resource development, and the day-to-day operations of the Museum. The Spencer’s Curatorial Acquisitions Committee (comprised of the Museum’s Director, Curators, and Director of Academic Programs) has the authority to make decisions regarding acquisition, loan, and deaccession of works in the collection, as well as collection policies and revisions. The approval of an external Acquisitions Committee is required for acquisitions as specified in this document under “Acquisitions.” The Spencer’s National Advisory Board has the opportunity to review the Museum’s collections management policies and recommend additions to these policies.

## Scope

The purpose of the Spencer’s collection is to provide a rich and diverse resource of works of art and cultural significance, both contemporary and historical, which foster interdisciplinary discussions, exhibitions, teaching, and research. Special attention is given to works of artistic and/or historical significance, cultural diversity, and relevance to the critical issues of our time. The Spencer Museum of Art collects works that enrich and enhance the teaching and research mission of the University of Kansas and utilizes these works for display, teaching, or research.

## Collection Categories

The collections maintained by the Spencer Museum of Art are comprised of the Spencer Collection or Permanent Collection, the Study Collection, and the Classroom Collection.

**The Spencer Collection or Permanent Collection** – Works in this collection fit within the Spencer’s mission statement and *Collection Plan* and can be acquired by donation, purchase, bequest, exchange, or transfer.

**The Study Collection** – Items in this collection may or may not fit within the Spencer’s collecting policy, but support teaching, learning, and research. Study Collection works may be handled on site under supervision of the staff. Works can be acquired by donation, purchase, bequest, or transfer.

**The Classroom Collection** – All works in this collection are available to area educators to check out and use in their classrooms. Works can be acquired by donation, purchase, bequest, exchange, or transfer. The SMA Education Department is responsible for the works in this collection.

## Acquisitions

Acquisitions support the teaching and research missions of the University of Kansas, and the role of the Spencer Museum of Art as a public resource for investigating the arts across cultures, disciplines, and through time. Every effort will be made to ensure that Museum’s acquisitions do not conflict with or duplicate any of the University’s other collections.

While the State of Kansas owns and bears legal responsibility for the Spencer’s collections, the Museum’s professional staff are responsible for determining what works are appropriate to meet

the Spencer's mission. Specifically, the Director, Curators, and Director of Academic Programs are responsible for identifying and researching possible acquisitions. Normally, acquisitions (purchases, gifts, and commissions) are proposed by Museum staff to the Curatorial Acquisitions Committee with a professional written proposal of the works' authenticity, provenance, attribution, condition, and significance to the Museum's collections. If acquired, this proposal becomes part of the permanent object file. The Director may propose acquisitions within his/her area of expertise. The Director and/or Curators/Director of Academic Programs may consult with members of the National Advisory Board, KU faculty, or other individuals when additional expertise is needed or desired.

All acquisitions must be approved by the Curatorial Acquisitions Committee. The Curatorial Acquisitions Committee's approval alone is sufficient for all individual purchases less than \$50,000, except when additional approvals are required by the terms of a bequest, endowed fund, or financial contribution. The Friends of the Art Museum Board is consulted in regard to expenditures of Friends' funds. Restrictions regarding the use of endowed acquisitions funds must be adhered to according to the conditions of each account.

Purchases more than \$50,000 must be approved by the Cultural Acquisitions Committee and the Acquisitions Committee. The Acquisitions Committee consists is appointed by the Director, in consultation with the Curators and the Management Team. The Acquisitions Committee membership varies and will relate to the specific type of acquisition under review. The Acquisitions Committee meets in person to view proposed purchases valued at more than \$50,000. Acquisitions Committee members must vote to approve such an acquisition. If the Acquisitions Committee agrees unanimously that a work should not be acquired, it the Curatorial Acquisitions Committee must withdraw its consideration of the work. In special cases, the Director may request approval by the Acquisitions Committee for gifts.

The Spencer will acquire an object only after determination that the work has not been derived from illicit trade or wrongful seizure, nor that its acquisition contributes to the continuation of illicit trade or otherwise questionable practices in the obtaining of works of art. The Spencer will not knowingly acquire works of art that have been illegally exported or otherwise transferred in violation of the principles of

- 1970 UNESCO (United Nations Educational, Scientific and Cultural Organization) *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*
- *Report of The AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art (revised 2013)*

The Spencer will not acquire any works affected by the guidelines listed above. The Spencer will act in good faith to investigate the provenance of works prior to acquisition and seek to obtain written documentation regarding the history of the works, including import and export documents and necessary permits. The Spencer requires that sellers and donors provide documentation regarding provenance of works offered for acquisition.

Permission to back-up, in perpetuity, any electronic media acquired by the Spencer to the Museum's secure computer server (according to best practices for archiving and viewing in the galleries) should be granted at the time of acquisition. Ability to obtain permission to back-up

digital files pursuant to an electronic media piece should be a serious consideration when deciding whether to acquire a work of electronic media art.

Gifts and bequests of works of art are generally of to be of an unconditional and unrestricted nature, and no work should be accepted with a required guarantee of display, publication, perpetual ownership, attribution, or valuation by the Spencer. The Director may consider accepting a gift with restrictions in exceptional cases. Any restrictions or conditions must be clearly stated in the Deed of Gift or other instrument of conveyance. Stated conditions shall then be strictly observed.

No work will be acquired by purchase, gift, transfer, or bequest if the Spencer is unable to provide the work proper care and storage. At the time of acquisition, every effort must be made to determine and predict the physical needs of the object and its lifecycle, including the transitory intentions of the artist. Museum staff must be knowledgeable, or seek to educate themselves, about any organic matter, potentially hazardous, volatile, or reactive substances, that may have been used in the production of the object or in conservation treatments prior to the object entering the collection (i.e. works made from organic materials, living organisms, controlled substances like formaldehyde, daguerreotypes, color photos, mercury, cadmium, nitrate and acetate negatives, works that off-gas flammable fumes, works that become highly reactive with humidity, arsenic, pesticide contamination, works that may ferment and explode, etc.).

If a work is offered or solicited as a promised gift to the Spencer, it may be presented to the Curatorial Acquisitions Committee for prior approval, to provide the donor with the assurance that the gift will be accepted at a later date. The donor's offer of a promised gift and the approval of the promised gift must be documented in writing.

Fractional gifts of works of art will be considered under certain circumstances. Fractional gifts will be accepted only if the donor provides a written statement of intent to transfer 100% of the donor's ownership interest in the object within a specified period of time, in accordance with federal legislation. A work given as a fractional gift will be accessioned into the Museum's collection only after the transfer of the gift is complete.

Joint ownership of works of art with another institution or institutions or with source communities will be considered.

## **Accessions**

Works of art and cultural significance acquired by the Spencer Museum of Art, through purchase, gift, bequest, or transfer, are usually accessioned into the permanent collection, except for works which do not merit accessioning. Works that do not merit accessioning, may be placed in the Study Collection or Classroom Collection. Decisions regarding accession are made at the time of the acquisition of works, so that works may be documented accordingly.

## **Deaccessions and Disposal**

Deaccessioning by the Spencer Museum of Art is governed by Kansas statute, K.S.A. § 76-116e. In addition to the statutory basis for deaccessioning, the Spencer has further restricted and defined the process as follows:

Although the result of deaccessioning can provide funds for purchasing other works, consideration of deaccessioning shall not be undertaken on the basis of cash value of the works to be sold. In considering potential deaccessions, the Spencer must carefully weigh the interests of the public, for which it holds the collection in trust, the donor's intent in the broadest sense, the artist's intent, the interests of the scholarly and the cultural community, and the Spencer's resources to care for the works. Deaccessioning shall be considered only for the following reasons:

1. The work is of poor quality, either intrinsically or within its class. The work does not have sufficient study value as to warrant its retention in the collections, or the specific collection as a whole is not of sufficient scale and importance to warrant the support of study examples.
2. The work is inferior to a similar example in the collection, or is a duplicate and has no value as part of a series or set.
3. The authenticity or attribution of the work is shown to be false or fraudulent and the object lacks sufficient aesthetic merit or artistic importance to warrant retention. In the case of a forgery, the work shall be so marked before disposal.
4. The work is in such poor condition that proper repairs are not feasible or will render the object essentially false.
5. The work is hazardous to people and/or other works in the collection.
6. The work is subject to the Native American Graves and Repatriation Act of 1990 (NAGRPA).
7. It is conclusively proven that the work acquired by the Spencer was illegally exported from its country of origin (i.e. works transferred during the Nazi era).
8. The work falls outside the scope of the Collections Plan.

In recommending deaccessions to the Curatorial Acquisitions Committee, a curator shall present a written statement of the purpose and justification for deaccessioning, observing the highest standards of scholarship and professional practice. It is the responsibility of the Curator and Director to make sure these standards are observed. If the Curatorial Acquisitions Committee approves the deaccession, the proposal shall then be presented to the Director. The Director shall determine if any legal or contractual considerations prevent deaccessioning. If deaccessioning is approved by the Director, the Director shall then make a recommendation for deaccession of the work or works to the University Chancellor for written approval.

Supporting material for deaccessioning recommendations shall include, at least, the following: recommendation signed by the proposing curator, accession number, description of object, date and method of acquisition, estimated value of the item (if the item is suspected to have a fair market value greater than \$50,000), proposed means of disposal, condition report, and proposed justification for deaccession. All written materials relating to the proposed deaccession, including the written approval of the chancellor, shall be kept as part of the Spencer's permanent records regardless of the final decision. Before disposal, all accession numbers and other forms of identification related to the Spencer Museum of Art shall be removed from the object.

Following approval through the process outlined above, deaccessioning shall be conducted to maximize improvement of the Spencer's collection, while preserving its integrity and reputation. Appropriate deaccessioning may be accomplished through repatriation, sale at public auction, sale to or exchange with another Museum, or sale/exchange through art or antique dealers. The director and curator involved shall decide in each instance whether it is in the Spencer's best interest to reveal the Museum's prior ownership of deaccessioned works.

No person associated with the Spencer Museum of Art, including any staff, National Advisory Board members, and Friends of the Art Museum Board members or representative or relative of such person, may acquire a work deaccessioned by the Spencer.

Income from deaccessions shall be used solely for the purchase or acquisition of another work or works. Purchases will reflect the original acquisition whenever possible.

When an object that was a gift to the Spencer is deaccessioned, the works acquired with the income shall be credited as "gifts by exchange" of the original donor, either singly or in combination with the names of other donors or funding sources contributing to the new acquisition.

## **Loans – Incoming**

The Spencer Museum of Art borrows works of art and cultural significance from non-profit institutions, museums, galleries, artists, and collectors for exhibition and research. Works selected for loan to the Spencer should be in condition suitable for transport and display. In general, long-term term loans (loans longer than two years) will be discouraged. Works selected for loan are proposed and approved by members of the Curatorial Acquisitions Committee, including the Director, in consultation with Collections Staff and the Exhibition Designer. Collections Staff are responsible for drafting formal loan requests, loan agreements, receipts, condition reports, provisions for insurance coverage, transportation, unpacking, and repacking of loaned items.

All works on loan to the Spencer are to be individually identified and documented by Collections Staff. The Spencer will not undertake any matting, framing, or conservation treatment of loaned works without permission of the Lender. Works on loan to the Spencer are to be packed and shipped as received, unless different arrangements are made in consultation with the lender. Long-term loans will be reviewed every two years.

## **Loans – Outgoing**

The Spencer Museum loans works of art and cultural significance from its collection to other non-profit institutions for temporary exhibitions and other scholarly and educational purposes. Works are not loaned to individuals.

Loan requests must be reviewed and approved by members of the Curatorial Acquisitions Committee based upon the following criteria:

1. the condition of the work;
2. the value of the work;
3. the duration of the loan;
4. the impact of the loan upon the Spencer's exhibitions, educational programs, and teaching and research needs;
5. the significance of the exhibition or project for which the loan is requested;
6. the scholarship and outcomes, such as publications;
7. conservation expertise;
8. the facilities, environmental conditions, and security provisions of the requesting institution;
9. the justification of the Spencer's support the exhibition or project;
10. the audiences reached.

The Spencer also loans works from its collections to other departments of the University, including, but not limited to, the Offices of the Chancellor and Vice Chancellors, the Chancellor's Residence, and the Endowment Association. Works must be approved for on-campus loan by the Curatorial Acquisitions Committee. Collections Staff must approve the conditions under which the object will be displayed, and the object must not be handled while on campus loan except under the supervision of Collections Staff. All outgoing loans must be renewed on an annual basis.

## **Works in Custody**

Works left in the temporary custody of the Museum will be individually identified and treated with the same level of care as an incoming loan.

Occasionally, works are found in collections for which there is no documentation or left unclaimed at the Museum. The Spencer will make every reasonable effort to identify such works and any relevant information about them. If the Museum is unable to establish ownership, the Museum is obligated to maintain the object until it can be legally determined to be abandoned property. At that time, the object may be considered for accession into the collection or disposal.

## **Documentation**

The maintenance of accurate, up-to-date records and complete cataloguing for its collections is one of the Spencer Museum of Art's most important responsibilities. Records concerning the acquisition, identification, provenance, condition, location, insurance value, conservation, exhibition, and publication history of works in the permanent collection are maintained by Collections Staff. Each item in the Spencer's collections must have a unique identification number (accession number) applied to it in a manner that is reversible if required.

The Spencer undertakes research on its collections and also encourages outside scholars and researchers to study the Spencer's collections in order to expand knowledge. The dissemination of information about the Spencer's collections is fundamental to the purpose of the Museum. The Spencer will maintain records for each object in the collection including its identification, artist

attribution, material and technique, proof of ownership, provenance, exhibition and publication history, condition, and conservation treatment, as far as known.

## **Collection Care**

The Spencer Museum of Art's collections are its most valuable asset and the Museum has a legal, ethical, and fiduciary responsibility for the safekeeping of these assets. It is the Spencer's responsibility to provide a safe and secure environment for all collections and works in its custody, including loaned works. This means controlling light exposure, relative humidity and temperature, pollutants and contaminants in accordance with current best practices. Maintaining clean and secure storage facilities is the responsibility of the Collections Staff.

Exhibition and curatorial staff members may handle collection works without prior approval from Collections Staff. Interns and students must be supervised or work in pairs when handling collection works. Any other staff member, researcher, or conservator must have permission from Collections Staff before handling or moving collection works. Collections and Curatorial Staff are responsible for providing training, guidelines, and procedures for safe handling and security of collection works.

A comprehensive or wall-to-wall inventory of the collection will be executed every 10 years under the direction of Collections Staff. A spot-check inventory will be executed once a year, as required by the University's Property Accounting Office.

Staff will identify objects that are in need of conservation treatments or stabilization. Curatorial and/or Collections Staff will research and secure appropriate conservation resources and experts.

The Spencer is committed to executing Integrated Pest Management (IPM) practices. The goal of IPM is to reduce deterioration caused by insects and other museum pests through the least toxic methods available, to prevent compromising collection integrity or human safety. IPM involves proper collections care, facility maintenance and upgrades, and modification of human behavior. IPM is accomplished through the following activities: inspecting collections and building for biological activity, monitoring and identifying insects and other pests through trapping, maintaining clean collections storage environments, restricting activities that could introduce pests into collections (for example, prohibiting live plants, cut or dried flowers, trash, food, and drink in areas where collections are located).

In addition to the policies outlined above, the Spencer will maintain a disaster and emergency preparedness plan for its collections. See the *Spencer Museum of Art's Emergency, Response, and Recovery Plan*.

## **Access and Use**

The care and welfare of an object, within the context of the Spencer Museum of Art's mission, must be the first and primary consideration in determining how it is to be used. Deterioration is inherent in the use of the collections; a balance between the benefits of long-term maintenance of the collection and the hazards of its use must be attained. An optimal balance should maximize the educational use of the work and minimize the potential damage and deterioration of the work.



Every effort will be made to see that students, faculty, visiting scholars, and others whose projects fall within the educational goals of the Spencer, are given reasonable access to the permanent collections and collection records. Visitors are also encouraged to share new scholarship and a variety of cultural perspectives. The Spencer has a responsibility to preserve its collections in the best condition possible for future generations. Since unrestricted public access would result in rapid and irreparable damage to objects, access to the collections must be limited to educational and research activities. Access to the collections is subject to limitations of space, staff time, condition, and security requirements.

## **Risk Management and Insurance**

The Spencer Museum of Art's collections are insured under a fine arts insurance policy. Works are insured for current market value while in transit and in the custody of a borrower unless other arrangements between the Museum and borrower are made in a signed contractual agreement. Curatorial staff are responsible for providing up to date insurance values for objects in the collections.

Incoming loans will be insured by the Spencer at the request of the lender unless the lender waives this requirement in a signed contractual agreement prior to the Museum receiving the works.

All works must be handled in a professional manner. In the case of damage or loss, Collections Staff shall be notified immediately.

The Spencer will strive to maintain a secure environment for every object in its collection. Collections Staff will work with various museum departments to ensure that objects are protected from natural disasters, vandalism, theft, human error, mechanical or operational failure, and deterioration. To ensure the preservation of the objects entrusted to its care:

1. all entrances and exits to spaces that contain collections will be securely locked and alarmed after business hours;
2. access to keys will be restricted to only those who need them and will be monitored by security staff;
3. the Spencer will use and maintain high quality fire detection, with oversight and guidance from the University of Kansas fire marshal;
4. environmental monitoring equipment, including temperature and humidity monitors will be used to detect any unusual fluctuations;
5. a disaster preparedness plan will be evaluated and revised at least every five years.

## **Intellectual Property/Reproduction and Copyright**

The Spencer Museum of Art reserves the right to copyright or trademark materials produced by staff while carrying out employment-related duties, unless a prior agreement has been made. The Spencer abides by the University of Kansas' patent regulations. Further information about

the University's Intellectual Property Policy can be found at:  
<https://documents.ku.edu/policies/provost/IntellectualPropertyPolicy.htm>.

The Rights and Reproductions Administrator is responsible for determining the copyright status of works in the collections when requests are made for use of works in published material. If the copyright or relevant copyright license of a work is held by another party, the Museum requires written permission from the copyright or license holder to reproduce the work before a copy of the image is made available to the requester. If the Museum does not possess the reproduction rights relevant to a request, the Museum will not request permission from the rights holder to reproduce the work on behalf of the requester.

Non-flash photography of works on display by the public is allowed. Such photography is intended for private study and non-commercial use only and may not be used for publication without written permission from the rights and reproductions administrator.

Any other form of reproduction of an object in the Museum's collection must be made with the approval of the Rights and Reproductions Administrator, and if applicable, the owning or controlling government or tribal agency. Reproduction fees will be assessed by the Rights and Reproductions Administrator.

Any use of reproductions of works in the Spencer Museum of Art's collections must credit the Museum. Images of objects in the collection should be identified with Spencer Museum of Art accession numbers.

## **Appraisals and Identification**

Spencer Museum of Art staff members are prohibited from providing appraisals or monetary valuations of works of art to any party outside the Spencer. Museum staff may respond to inquiries about appraisal services by directing them to the American Society of Appraisers (ASA), Appraisers Association of America, or the International Society of Appraisers (ISA).

If a donor wishes to have an artwork appraised after it has been deposited at the Spencer, the staff will work with the donor to facilitate the appraisal at the Museum.

Museum staff may provide expertise on works outside the Spencer's collections, but this shall not be considered formal authentication.

## **Research Services**

The Spencer Museum of Art does not offer formal research services.

## **Policy Review and Revision**

The Management Team and Collections Staff are responsible for the periodic review and revision of the *Collections Management Policies*, which should take place at least every five years, or as circumstances dictate.

## **Selected Definitions**

The following terms and definitions come from *Things Great and Small: Collections Management Policies*, by John E. Simmons, published by the American Association of Museums, Washington, DC, 2006.

**Accessioning** – The formal process used to accept legally and to record a specimen or object as part of a collection; the act of accepting objects into the category of materials that a Museum holds in the public trust; the creation of an immediate, brief, and permanent record utilizing a control number for an object or groups of objects added to the collection from the same source at the same time, and for which the Museum has custody, right or title.

**Acquisition (n)** – Something acquired by a museum (but not necessarily involving the transfer of ownership); **(v)** – The process of obtaining custody (physical transfer) of an object or collection.

**Appraisal** – A judgment of what something is worth; an expert or official valuation, as for taxation; the process of determining the monetary value of something.

**Bequest** – Transfer of property to an institution under the terms of a deceased person’s will; the gift of personal property under the terms of a will. Bequests may be conditional upon the happening or non-happening of an event (such as marriage), or the executory in which the gift is contingent upon a future event. Bequests can be of specific assets or of the residue (what is left after specific gifts have been made).

**Cataloguing** – The process of organizing the information about an accession by creating records of specific information; the creation of a full record, in complete descriptive detail, of all information about an object, assembly, or lot, cross-referenced to other records and files, and often containing a photograph, sketch, film, sound, or other electronic data.

**Collections Management Policy** – A written document, approved by the institution’s governing authority, that specifies how collections will be acquired, accessioned, documented, stored, used, cared for, and disposed of.

**Conservation** – Maximizing the endurance and minimizing the deterioration of an object or specimen through time, with as little change to it as possible.

**Copyright** – Legal recognition of special intellectual property rights, distinct from the right of possession, that a creator may have for a work. Copyright exists for original works in a tangible media and covers the rights to reproduce, adapt, distribute, perform, or display the work. (2) The exclusive right of the author or creator of a literary or artistic property to print, copy, sell, license, distribute, transform to another medium, translate, record or perform or otherwise use (or not use) and to give it to another by will.

**Copyright law** – The body of law that governs the exploitation of literary, musical, artistic, and related works. In the United States, this is contained in Title 17 of the U.S. Code, in combination with the regulations of the Copyright Office and the cases that have interpreted Title 17 and those regulations.

Cultural affiliation – A relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group (NAGPRA, 25 U.S.C. 3001.2(3)); association of an object with the culture that produced or used it.

Culturally sensitive object – a collection element that requires special handling or use restrictions due to its importance to a particular culture.

Deaccessioning – The formal process of removing an accessioned object or group of objects from a donor to an institution and describes the conditions of the gift.

Deed of gift – A contract that transfers ownership of an object from a donor to an institution and describes the conditions of the gift.

Disposal – The process of physically removing a deaccessioned object from the museum's custody.

Funerary objects – Items that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later.

Gift – The voluntary transfer of ownership of property completely free of restrictions.

Incoming loan – Objects, lots, specimens, or archival materials to which the museum does not have legal title but for which it is legally responsible while they are in its possession and used in a museum-sponsored activities.

IPM – Integrated Pest Management – The coordinated use of biological and environmental information with selected control measures to reduce or eliminate pest damage; a holistic approach to pest management decision making, taking advantage of all appropriate pest management options, including chemicals.

Intellectual property – Unique products of human intelligence that have real or potential commercial value (e.g., designs, inventions, literary works, unique names, and industrial processes).

International law – Treaties between countries; multilateral agreements; some commissions covering particular subjects, such as whaling or copyrights; procedures and precedents of the International Court of Justice (“World Court”), which only has jurisdiction when countries agree to appear; the United Nations Charter; and custom. However, there is no specific body of law that governs the interaction of all nations.

Inventory – (n) An itemized listing of objects, often including current location, for which the museum has responsibility; (v) The process of physically locating objects through an inventory.

Loan – A bailment; a temporary transfer of a collection object from a lender to a borrower; a loan does not involve change in ownership.

Loan agreement – A contract between a lender and a borrower of an object, specifying the object and outlining the conditions of the loan and the respective responsibilities of each party.

NAGPRA – Native American Graves Protection and Repatriation Act; An act instigated in 1990 to protect human remains, funerary articles, and sacred objects that can be affiliated with a Native American tribe. (25 U.S.C. 3001.2(3)).

Object – Something placed before the eyes; something capable of being seen, touched, or otherwise sensed; a material thing.

Object in custody – Any object that the museum is responsible for or is liable for, including both objects that the museum owns and those left in temporarily in its care.

Outgoing loan – An object loaned by a museum to another institution. It is an outgoing loan from the perspective of the lending institution; such a loan would be an incoming loan to the borrowing institution.

Policy – A guideline that regulates organizational action. Policies control the conduct of people and thus the activities of the systems.

Preventative conservation – Actions taken to detect, avoid, block, and mitigate agents of deterioration that affect museum collections.

Procedure – Specific instructions for enacting and carrying out a policy.

Provenance – For works of art and historical objects, the background and history of ownership. The more common term for anthropological collections is “provenience,” which defines an object in terms of the specific geographic location of origin. In scientific collections, the term “locality,” meaning specific geographic point of origin, is more acceptable.

Publication – In U.S. Copyright Law, the distribution of copies of a work to the public by sale or other transfer of ownership (including gifts and donations), or by rental, lease, or lending. The offering to distribute copies can constitute publication, but a public performance or display of a work normally does not.

Records – All information fixed in a tangible (textual, electronic, audiovisual, or visual) form that was created by an organization as part of its daily business.

Repatriation – To return or restore the control of an object to the country of origin or rightful owner.

Restricted gift – The voluntary transfer of ownership of property with conditions and/or limitations placed upon that ownership.

Risk – The chance of an undesirable change occurring.

Risk management – A program of risk control that includes analyzing the probability of risks to museum collections, facilities, visitors, and staff as well as planning and implementing appropriate preventative measures and response methods.

Sacred object – Specific ceremonial object for which is needed by traditional religious leaders for the practice of traditional religions by their present-day adherents.

Sale – Transfer of title in return for money or other thing of value on terms agreed upon between the buyer and seller.

Trademark – A distinctive design, picture, emblem, logo or wording (or combination) affixed to goods for sale to identify the manufacturer as the source of the product. Words that merely name the maker (but without particular lettering) or a generic name for the product are not trademarks. Trademarks are registered with the U.S. Patent Office to prove use and ownership.

Work – (n) Something produced by creative effort; an artistic production (e.g., a work of art).