



**University Policy:** Deaccession Policy

**Policy Category:** Community

**Subject:** Guidelines for Deaccessioning Items from the University's Permanent Collections

**Responsible Executive(s):** Provost

**Office(s) Responsible for Review of this Policy:** Provost; Finance

**Related University Policies:** Signature Authority Policy; Museum Collections Management Policy; Gift Acceptance Policy

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## I. SCOPE

American University is committed to the careful and responsible management of the objects and special collections entrusted to its care in furtherance of its educational mission. American University is committed to providing the resources necessary to properly staff and care for the needs of the University's growing collections, while making the collections accessible to the University community for exhibition and study.

American University bears legal responsibility for objects in its collections. Any acquisition of objects for the collections, whether by purchase, donation, bequest, or exchange, is the property of American University.

Deaccessioning is a standard part of the formation and care of collections whose purpose is to refine and improve the quality and appropriateness of the University's permanent collections and to better serve the University's mission. This policy does not apply to weeding or separating items, folders, and other materials found during accessioning and processing stages. This policy does not apply to routine operations related to maintaining a core collection of essential materials, in whatever format, to support the University's curricular, scholarship, service programs and objectives. This work is routine and expected.

## II. POLICY STATEMENT

Deaccessioning is a standard part of the formation and care of collections whose purpose is to refine and improve the quality and appropriateness of the University's permanent collections and to better serve the University's mission. Deaccession decisions must be made with great thoughtfulness, care, and prudence. Expressions of donor intent should always be respected in deaccession decisions and the interests of the University community must always be foremost in making deaccession decisions.

Deaccessioning must not endanger the integrity of the University's permanent collections and should align with the professional guidelines applicable to deaccessioning, such as, the American Alliance of Museums (AAM), Association of Art Museum Directors (AAMD), College Art

Association (CAA), Society of American Archivists (SAA), the Financial Accounting Standards Board (FASB) and the ABA Standards and Rules of Procedure: Library and Information Resources (ABA Standards and Rules of Procedure, Ch. 6).

### III. DEFINITIONS

*Accession or accessioning* means the act of formally accepting objects or special collections into the category of materials that the University holds; the creation of an immediate, brief, and permanent record utilizing a control number for an object, groups of objects or a special collection added to the University's collection from the same source at the same time, and for which the University has custody, right, or title.

*Acquisition* means the act of acquiring an item, object or special collection by gift, purchase, exchange, transfer, bequest, or any other transaction by which title to incoming material passes to the University.

*Appraisal* means a judgment of what something is worth, generally by a certified, independent, third-party expert; an official valuation, as required by law.

*Collection Management Policy* means a written document, approved by the University, that specifies how collections will be acquired, accessioned, documented, stored, used, cared for, and disposed of.

*Conservation* means the physical treatment of work necessary to return an item, object or special collection to stable condition, maximizing the endurance and minimizing the deterioration through time, with as little change as possible

*Deaccessioning* means the opposite of accessioning, the permanent removal of an item, object or special collection from a University's collections whether by sale, transfer, exchange or disposal.

*Disposal* means the process of physically removing a deaccessioned item, object or special collection from the University's custody; in the case of false or fraudulent works or works that have been irreparably damaged or cannot practically be restored, removal from the collection and disposition may include destruction of the work.

*Donor* means the titleholder of the Gift immediately prior to its transfer to the University.

*Gift* means all objects, properties, or materials represented by title or contract that are offered to the University by a Donor without direct financial obligation in assuming legal title.

*Inventory* means a permanent record incorporating an itemized listing of items, objects or special collection, including current location and control numbers, within the University's possession.

*Non-record* means any item that is not usually included within the scope of official records (e.g., non-records are extra (duplicate) copies kept only for convenience, reference materials, and blank forms)

*Official record copy* means the original or official copy of a record that is retained for legal, operational, or historical purposes.

*Preservation* means the practice of routine measures necessary to maintain an item, object or special collection in stable condition.

*Property* means any tangible object or item in the possession of and under the University's care that has intrinsic educational, scientific, historical, artistic, aesthetic or cultural value.

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

*Repatriation* means to return or restore the control of an item, object or special collection to the country of origin or rightful owner.

## **IV. POLICY**

### **A. Guidelines for Deaccession**

The University will comply with all applicable laws and IRS regulations in any deaccessioning of collection items, objects or special collections. Special care is to be taken in deaccessioning donated items within three years of accessioning. At the time this policy was adopted, the current tax laws indicate that the Donor's charitable deduction tax benefit may be reduced or negated if the Gift is deaccessioned before it has been in the University's collection for three years.

Each deaccessioning action is individual to the item in question and must involve thorough research in all matters of aesthetics, object history and accession history. The University requires confirmation of clear title in order to deaccession an item. Appropriate review and consideration of the action by the University may include the solicitation of outside experts for their written opinions regarding the proposed deaccessioning and require the internal approval of the Chief Financial Officer (or designee) and the General Counsel (or designee), as well as consulting with other University personnel whose specialized knowledge will help make an informed decision. As needed, deaccession decisions will be communicated to the University Communications and Marketing office to prepare for any external or media inquiries related to the decision.

Complete and accurate deaccession and disposal records will be maintained in perpetuity.

As a general rule, the University will not deaccession items by living artists, except to acquire a superior object by the same artist, and then with the agreement of the artist, if possible. Typically, this general rule does not apply to the University's Archives and Special Collections.

## **B. Criteria for Deaccession**

The University may consider deaccessioning works from its collection(s) for various reasons, including but not limited to one or more of the following:

1. The item, object or special collection is outside the scope of the University's collections;
2. The item, object or special collection is no longer relevant and useful to the purpose and activities of the University;
3. The item, object or special collection has been damaged beyond reasonable ability to restore its value and usefulness;
4. The item, object or special collection object does not meet the University's standard of quality, either intrinsically or within its class, and lacks value for exhibition or study purposes;
5. There is a danger of not being able to preserve the item, object or special collection object properly;
6. The item, object or special collection is hazardous to people and/or other items, objects or special collections in the University's collection(s); and
7. The item, object or special collection is a duplicate of another comparable or similar object of greater quality, value, or state of conservation, and does not add value as part of a series or a set.

## **C. Manner of Disposal**

The manner of disposal chosen shall represent the best interests of the University and the scholarly and cultural communities it represents. The reasons selected for deaccession may also influence the manner of disposal.

The following are approved methods of disposal:

- 1) Transfer to the study collection;
- 2) Transfer to or exchange with an appropriate tax-exempt institution including another department in the University;
- 3) The preferred manner of sale is a public sale at an established auction house with a suitable reserve where full disclosure of the item's, object's or special collection's history and provenance would be made. All auctions shall be public and as well publicized as possible. Private sales may be allowed under special circumstances, as allowed by law.
- 4) Transfer to the legal owner should it be determined by the appropriate authority that the University does not hold legal title to the item, object or special collection.

5) Destruction if necessary due to biohazard or deterioration beyond retrieval. The method of destruction must comply with local, state, and federal codes, and must be witnessed by a University staff member who will make a written statement about the destruction to be kept in the deaccession file for the item, object or special collection. If an item, object or special collection is going to be destroyed due to deterioration, it may be returned to the original Donor at his/her express wish. Items, objects or special collections which must be destroyed due to biohazard cannot be transferred to another party and will be destroyed in compliance with applicable law.

In the case of fakes, forgeries, reproductions, or replicas that were falsely attributed and documented, the item, object or special collection will be clearly and indelibly marked as such. A review of the circumstance surrounding the acquisition shall be performed, and one of several options may be considered:

- a) Legal recourse against the person who facilitated the sale or transfer of the item, object or special collection;
- b) Rescission of the gift by which the item, object or special collection was acquired with appropriate notification to the Donor;
- c) Transfer of the material to the study collection or to another tax-exempt institution where the material can be studied, with appropriate disclosures;
- d) Destruction of the item, object or special collection; or
- e) Sale of the item, object or special collection at public auction or private sale, taking care to divulge all of the false or misleading information.

#### **D. Ethical Considerations**

The University acts as steward of materials for the broader benefits of the University community. This, at times, requires permanent removal of item, object or special collection from its collections. Removals may include sale, exchange, transfer, or destruction of these materials. Permanent removal of accessioned material will require the implementation of appropriate deaccessioning procedures.

University officials involved in deaccession decisions have a responsibility to document their decision to deaccession, the method by which they choose to dispose of an item, object or special collection and its removal from the University inventory.

In accordance with applicable law, items, objects or special collections of value will not be given or sold directly or indirectly to University employees, volunteers, students, members of the Board of Trustees or the family members of individual in these listed groups. In the event of public sale of a deaccessioned item, object or special collection, such individuals shall be eligible, as any other private individual, to bid on offered items at the established fair market price.

If practical and reasonable to do so, considering the value of the item, object or special collection under question, the University shall notify the Donor if they intend to dispose of such materials within ten years of receiving the Gift.

At all times the Donor's wishes will be considered, and where appropriate, new acquisitions obtained through the sale or trade of the original donated item(s) and will bear the legend "Gift of [original donor and credit line] by Exchange."

All funds received from the sale of deaccessioned material, net of selling costs, shall be placed in an account reserved for obtaining other items, objects or special collections by collection or purchase, or in an endowment for support of direct care of items, objects or special collections in the permanent collection to enhance their life, usefulness, or quality, thereby ensuring they will continue to benefit the public. Funds received from the disposal of deaccessioned materials shall not be used for operations or capital expenses, absent a declaration of financial exigency by the Board of Trustees.

#### **V. EFFECTIVE DATE AND REVISIONS:**

This Policy is effective November 23, 2021.