



**The University of British Columbia
Board of Governors**

Policy No.:

128

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March 2000

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Responsible Executive:

Vice-President, Academic and Provost

Vice-President, External and Legal Affairs

Title:

Deaccession of Works of Art and/or Cultural Materials for the Morris and Helen Belkin Art Gallery, the University Library, and the Museum of Anthropology

Background & Purposes:

Museums and galleries evolved in Western societies as places to maintain collections over long periods of time and to engage in knowledge creation. These collections show the physical, historic, aesthetic and conceptual achievements of humankind, and document the natural world. Objects in museum and gallery collections are also part of the intellectual and cultural heritage of their originating communities.

Generally, where a museum or gallery has acquired legal title to a collection, there is presumption against deaccessioning. However, there are circumstances when deaccessioning for purposes of repatriation may be appropriate, and circumstances when deaccessioning may strengthen a collection by refining and improving its quality.

1. General

- 1.1. This policy sets out the circumstances, conditions and protocol for disposing of works in the Morris and Helen Belkin Art Gallery, the University Library, and the Museum of Anthropology.
- 1.2. Deaccessioning may occur:
 - 1.2.1. where a work has been acquired in violation of Canadian law or international treaties binding upon the Government of Canada;
 - 1.2.2. where the University’s ownership of a work has been successfully challenged at law;
 - 1.2.3. at the Museum of Anthropology, when repatriation is deemed appropriate in accordance with the Procedures;
 - 1.2.4. where a work has deteriorated to the point that it cannot be used for exhibition or study;
 - 1.2.5. for the Morris and Helen Belkin Art Gallery or University Library only, where only a fraction of the work remains in the original condition;
 - 1.2.6. where the work is determined to be a forgery, unless useful for research, teaching or exhibition;

- 1.2.7. where the work is an exact duplicate (such as identical impressions of the same state of a print or a photograph) of another work in the University's collection;
- 1.2.8. where the University has the permission of the donor to sell, exchange, or otherwise dispose of the work that was donated;
- 1.2.9. in order to upgrade the representation of a particular artist(s) by deaccessioning one work for the trade or purchase of other work(s) by the same artist(s);
- 1.2.10. to divest the collection of works which do not support the scope of the collection and, for the Morris and Helen Belkin Art Gallery only, works of demonstrably inferior quality, providing the academic integrity of the collection is not disrupted; and
- 1.2.11. where adhering to the terms of acquisition is impossible or impracticable or detrimental to the University.
- 1.3. Notwithstanding the foregoing, unless the work was obtained illegally, where the work or cultural material is a gift or bequest, deaccessioning will not occur:
 - 1.3.1. where the deaccession would violate the terms of an agreement between the University and the donor; or
 - 1.3.2. where the deaccession would have adverse tax consequences for the donor and the University.
- 1.4. Proceeds from deaccessioning can only be used for acquisitions and not for any other purpose.

2. Definitions

- 2.1. *Works* means works of art, cultural artifacts, and cultural materials.
- 2.2. *Repatriation* means the transfer of legal title to a work from the University's collection to its former owner or descendants of its former owner, defined broadly.
- 2.3. *Deaccessioning* means permanently removing a work from the University's collections.

PROCEDURES

Approved: March 2000

Revised: June 2005

Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors and are incorporated in the next publication of the UBC Policy and Procedure Handbook."

1. Authorization for Deaccessioning

1.1. Deaccessioning of works may only be authorized as follows:

- 1.1.1. In the case of works in the Morris and Helen Belkin Art Gallery, the Provost's Committee on University Art may recommend deaccessioning to the Director of the Belkin Art Gallery who, if in agreement, may forward such recommendation to the Vice-President, Academic and Provost.
- 1.1.2. In the case of works in the University Library, the applicable Senate Library Committee may recommend deaccessioning to the University Librarian who, if in agreement, may forward such recommendation to the Vice-President, Academic and Provost.
- 1.1.3. In the case of works in the Museum of Anthropology, the internal committees of the Museum of Anthropology may recommend deaccessioning to the Director of the Museum of Anthropology who, if in agreement and after ensuring that the proposed deaccessioning is in accordance with the Museum of Anthropology Professional Guidelines, may forward such recommendation to the Vice-President, Academic and Provost.
- 1.1.4. Any recommendation that is sent to the Vice-President, Academic and Provost in favour of deaccessioning a work must indicate that the interests of the public, the scholarly community (especially, in the case of the Museum of Anthropology, the Department of Anthropology and Sociology and the Department of Classical, Near Eastern and Religious Studies), and the cultural community (including the needs of that community in the Vancouver region) have been carefully considered in view of the University's mission statement and that, if the work was donated to the University, any terms associated with the gift have been addressed. Any such recommendation should also indicate that all reasonable alternatives to deaccessioning have been carefully considered.
- 1.1.5. Where the work(s) that are the subject of such a recommendation has/have a total value of not more than \$100,000 and its/their disposition is not, in the opinion of the Vice-President, Academic and Provost, sensitive or precedent-setting, the Vice-President, Academic and Provost may authorize the deaccessioning as recommended to him or her or on such other basis as he or she sees fit. In making a decision in favour of deaccessioning, the Vice-President, Academic and Provost must be satisfied that the interests identified in the preceding paragraph have been carefully considered and appropriately dealt with.
- 1.1.6. Where the work(s) that are the subject of such a recommendation has/have a total value exceeding \$100,000 or its/their disposition is, in the opinion of the Vice-President, Academic and Provost, sensitive or precedent-setting, the Vice-President, Academic and Provost may forward the recommendation to the Board of Governors for authorization on the terms as recommended to him or her or on such other terms as he or she sees fit.

2. Method of Disposition

- 2.1. A deaccessioned work may be disposed of by:
 - 2.1.1. returning it to its legal owner;
 - 2.1.2. repatriation;
 - 2.1.3. transferring it to another institution where the work is deemed to be more appropriate;
 - 2.1.4. exchanging it for more appropriate examples in the same category;
 - 2.1.5. destroying it, but only as a last resort and, at the Museum of Anthropology, according to the Museum of Anthropology Professional Guidelines;
 - 2.1.6. selling it, with the proceeds going to acquisitions only.

3. Documentation

- 3.1. Documentation of deaccessioned works will be kept current, standardized, and systematized and in accordance with the *Freedom of Information and Protection of Privacy Act*. Annually, a report will be presented to the Board of Governors on works that have been deaccessioned by repatriation.

4. Recommendations regarding Repatriation at the Museum of Anthropology

- 4.1. Applications for repatriation of works in the Museum of Anthropology must be made in writing to the Director of the Museum of Anthropology. Applications must clearly identify the group or the individual making the claim and the work(s) for which repatriation is sought and must clearly state the reasons supporting the application. Applications for repatriation will be acknowledged by the Director and referred by him/her to the Museum of Anthropology internal Repatriation Committee for investigation. The Repatriation Committee is comprised of persons appointed by the Director of the Museum of Anthropology.
- 4.2. The Museum of Anthropology will consider applications for repatriation on a case-by-case basis and undertake research to obtain relevant information. Relevant information will usually include the circumstances under which the work was acquired by the Museum of Anthropology and, if applicable, by previous owner(s) and/or collector(s). The Museum of Anthropology will consider evidence such as oral and written testimonies, archival sources, and scholarly reports.
- 4.3. Repatriation requests are considered confidential between the requestors and the Museum until settled, and the repatriation process should reflect this.
- 4.4. However, where the Museum of Anthropology is informed that other parties (including both groups and individuals) may have an interest in the application or may have information relevant to its consideration of the application, the Museum of Anthropology may notify those parties of the application and seek the advice and/or participation of those parties in the research process.
- 4.5. Also, the Museum of Anthropology may, especially if research reveals a reasonable possibility of conflicting claims, advertise or take other steps to provide potentially interested parties with an opportunity to respond to the application and, if appropriate, to be consulted as part of the research process.

- 4.6. In the event that conflicting claims for repatriation are made, the Museum of Anthropology will inform the conflicting parties that the conflict exists and will defer any decisions with regard to repatriation until the conflict is resolved by those parties. Provided that no conflicting claims for repatriation remain outstanding, the Museum of Anthropology will review the information submitted by the applicant, together with the relevant records of the Museum of Anthropology and all information received from other parties. Relevant records of the Museum of Anthropology will be made available to the applicant in accordance with the *Freedom of Information and Protection of Privacy Act*.
- 4.7. Once the Museum of Anthropology is satisfied that it has obtained the information necessary to make a recommendation, the Repatriation Committee will evaluate the information and make a recommendation to the Director of the Museum of Anthropology. In making its recommendation, the Repatriation Committee should consider:
 - 4.7.1. the Museum of Anthropology Professional Guidelines 2003 or as subsequently amended;
 - 4.7.2. the Canadian Museums Association Ethical Guidelines 1999 or as subsequently amended;
 - 4.7.3. the Assembly of First Nations and Canadian Museums Association Task Force Report on Museums and First Peoples 1992;
 - 4.7.4. The Royal Commission on Aboriginal Peoples, Government of Canada, 1996;
 - 4.7.5. Canadian law; and
 - 4.7.6. international agreements signed by Canada.
- 4.8. Generally, the Repatriation Committee will consider there to be a presumption in favour of recommending repatriation where the work:
 - 4.8.1. was removed from a community or individual illegally;
 - 4.8.2. was directly associated with burials linked to the applicant;
 - 4.8.3. can be linked to the applicant and was employed in traditional healing; or
 - 4.8.4. is necessary for on-going ceremonial practice and there is no cultural precedent for another object to be used in its place.
- 4.9. To complete the legal transfer involved in repatriation, the recipient must sign a notarized statement to the effect that s/he is or represents the legal and rightful owner(s) of the work and that there are no competing claimants and the recipient must provide the University with a satisfactory indemnity against any claims that may arise as a result of the repatriation.
- 4.10. In cases where a request for repatriation is not granted, the Museum of Anthropology may offer:
 - 4.10.1. special access to the work for the applicant;
 - 4.10.2. the loan of the work to the applicant;
 - 4.10.3. the exhibition of the work in a manner that is responsive to the interests of the applicant;
 - 4.10.4. the replication of the work by or for the applicant, if culturally appropriate;
 - 4.10.5. changes to the manner in which the work is stored and/or displayed to respond to the interests of the applicant; and
 - 4.10.6. the opportunity for co-management of the work.