



COLLECTIONS MANAGEMENT POLICY

September 4, 2018.

TABLE OF CONTENTS

I.	INTRODUCTION	1
A.	Purpose of the Collections Management Policy	1
B.	Collections Definitions	2
1.	Permanent Collection.....	2
2.	Education Art Collection	2
II.	ACQUISITION OF WORKS OF ART	3
A.	Acquisition Policy.....	3
1.	Acquisition by Purchase, including Exchange.....	3
2.	Discretionary and “Sundry” Purchases.....	4
3.	Auction Process	5
4.	Acquisition by Gift or Bequest	6
B.	Duties of the Board.....	7
Collections Committee.....		8
C.	Compliance with Applicable Law	9
D.	Native American Graves Protection and Repatriation Act.....	9
E.	Accession, Tax Considerations.....	10
F.	Documentation.....	11
III.	PROVENANCE.....	11
A.	Provenance Guidelines for all Acquisitions.....	11
1.	Inquiry and Research	11
2.	Disclosure and Dissemination of Information	12
3.	Nazi/World War II Era.....	12
4.	Warranty and Indemnification	13

B.	Acquisition of Archaeological Materials and Ancient Art	13
1.	AAMD Guidelines	13
2.	Applicable Principles	13
3.	Definitions.....	14
4.	Process	16
5.	Information Obtained Subsequent to Acquisition.....	17
IV.	DEACCESSION OF WORKS OF ART	18
V.	CARE AND PRESERVATION OF THE COLLECTIONS	20
A.	Conservation	20
B.	Housekeeping.....	20
VI.	ACCESS TO THE COLLECTIONS	21
A.	Access to the Collection in Storage	21
B.	Access to the Collection on Display	21
VII.	INVENTORY	21
A.	Inventory Policy.....	21
B.	Unclaimed Loans and Undocumented Property	22
VIII.	RECORDKEEPING	22
A.	Records Policy	22
B.	Access to Collection Records	23
IX.	LOANS	23
A.	Outgoing Loans.....	23
1.	Considerations and Process.....	24
2.	Loan Terms	24
B.	Incoming Loans	25
X.	RIGHTS AND REPRODUCTIONS	26
A.	Rights and Reproductions Policy.....	26
B.	CMA Publications.....	26
C.	Requests from Outside Clients.....	27
D.	Photography On-Site.....	27
E.	Sketching and Copying.....	27
XI.	STAFF POLICIES AND CONFLICT OF INTEREST.....	27
A.	Ethical Guidelines for Museum Staff	27
B.	Appraisals and Authentications	28

XII.	INSURANCE AND RISK MANAGEMENT	28
A.	Fine Arts Insurance Policies	28
1.	Incoming Loans	29
2.	Outgoing Loans.....	29
B.	General Risk Management.....	29
C.	Indemnities.....	29
1.	U.S. Indemnity	29
2.	Foreign Indemnities	30
XIII.	EFFECTIVE DATE, REVIEW AND REVISION OF THIS POLICY	30
APPENDIX 1:	Statement of Charge to the Collections Committee.....	30
APPENDIX 2:	Addendum to Collections Management Policy (Interim Policy – Direct Care).....	33

I. INTRODUCTION

The Collections Management Policy (sometimes, the “Policy”) of the Cleveland Museum of Art (“CMA” or the “museum”) reflects the museum’s mission of creating “transformative experiences through art, for the benefit of all ‘the people forever.’”¹ In pursuit of this mission, the museum seeks a high standard of excellence in the implementation of all aspects of this Policy, inspired by the superb quality of the great works of art the museum brings into the public domain.

The museum’s Permanent Collection reflects a broad range of collecting areas and, at the same time, an emphasis on acquiring relatively few, but qualitatively superior, works of art (“works” or “objects”). The collection, recognized internationally for this combination of breadth and refinement, will, by intent, remain comprehensive in scope (*i.e.*, including art of many cultures, places, and epochs) without seeking to be encyclopedic (*i.e.*, including examples of every type of artistic expression) in content.

The collection’s character has, particularly in recent decades, been determined primarily by purchases recommended by the museum’s professional curators and directors and accepted by the Collections Committee, a standing committee of the Board of Trustees (the “Board”). These purchases are supported by a substantial endowment fund whose income is restricted to acquisitions. Generally, the museum has been rigorous in its application of quality standards regarding works offered as gifts and bequests. Private individuals making gifts of art to the museum’s permanent collection have often worked closely with the museum’s professional staff in selecting works for their own collections with the understanding that these objects would become promised gifts to the museum. The museum has not accepted for accession into the Permanent Collection works that have no chance of being exhibited in the galleries and thus it has respectfully declined acceptance of a high percentage of works offered by gift or bequest.

A. Purpose of the Collections Management Policy

The Collections Management Policy is intended to document the basic policies that guide the development and care of the museum’s art collection consistent with the mission of the museum and with professional museum standards.

Through this Collections Management Policy, the museum ensures that:

- its collections are accounted for and documented;
- its collections are protected, secure, cared for, and preserved;
- acquisition, disposal, and loan activities are conducted in a manner that conforms to the museum’s mission, complies with applicable laws, and reflects the highest ethical standards;
- disposal of works from the collection through sale, exchange, or other means is solely for the advancement of the museum’s mission, and proceeds from the sale

¹ J.H. Wade II, 1892 deed of conveyance of land to be used for the CMA.

of such works are used only to purchase other works consistent with museum policy; and

- access to the collections in the galleries and art study room, and access to collection information is permitted and appropriately regulated.

B. Collections Definitions

1. Permanent Collection

The CMA's Permanent Collection lies at the heart of the museum's mission. It is composed of works of aesthetic and/or art historical significance that have been accessioned. For these works, the museum holds legal title and full stewardship responsibilities.

The Permanent Collection is comprehensive in scope and is shaped by a Collection Development Plan formulated by the Director, Deputy Director/Chief Curator, and the curators, and endorsed by the Board. Objects enter the Permanent Collection through proposal by the appropriate curator, recommendation of the Deputy Director/Chief Curator and ultimately the Director, and approval by the Collections Committee.

Works in the Permanent Collection are governed by policies and procedures as detailed in this Collections Management Policy.

2. Education Art Collection

Since its founding, the museum has maintained an art collection for educational outreach purposes. The objects in this collection are currently used in the museum's "Art-To-Go" school program and other education initiatives. Access to this collection provides the opportunity to examine materials, symbolism, stylistic traits and other features that relate directly to objects in the museum's Permanent Collection.

Objects that were purchased for, or donated to, the Education Art Collection are not part of the museum's Permanent Collection but are objects that are managed by the Education Department. An exception to this rule is a small number of objects that were originally part of the Permanent Collection, but were transferred to the Education Art Collection at various points in the past.

Although artworks in the Education Art Collection may not meet the same high standards of artistic merit, historical significance or scholarly value as artworks located in the Permanent Collection, they must nevertheless be consistent with the scope of the museum's collections.

II. ACQUISITION OF WORKS OF ART

A. Acquisition Policy

Since its inception over one hundred years ago, the museum has sought to form a collection that encompasses most, if not all, spheres of world art and that emphasizes qualitatively superior works of art rather than quantities of “representative” works. At its founding, the first trustees declared a commitment to including in the museum's collection art from both the Western and non-Western cultural traditions. The museum's Collection Development Plan affirms its commitment to expand and refine a Permanent Collection of comprehensive scope by accessioning only qualitatively superior works of art in the fields in which it actively collects. The museum acquires important works of art in most areas of world art—including Africa, Asia, the Americas, and Europe—with particular emphasis on painting, sculpture, ceramics, textiles, the graphic arts and photography, and the three-dimensional arts in various media dating between antiquity and the present.

All works should be in, or capable of being returned to, an acceptable state of preservation, unless the deteriorated physical condition is integral to the meaning of the work. The museum must be able to house and care for the proposed acquisition according to generally accepted museum practices.

1. Acquisition by Purchase, including Exchange

For all purchases, the curator recommending the work to be purchased writes a detailed report, including a description of the work, its condition, publication and exhibition history, importance to the museum's collection, justification for acceptance, provenance, and the gift or fund against which the purchase will be charged. A conservator must examine all proposed purchases, provide an analysis of the work and assessment of its condition, dating, and attribution as part of the report and sign the report. This report must be approved by the Deputy Director/Chief Curator, after which it is submitted to the Director for final approval.

A detailed outline of the procedures that guide purchases follows below:

- Following discussions with the Deputy Director/Chief Curator, a curator presents to the Director (or the Director has identified to the curator) a work for consideration, providing information as to the work's quality and condition, its importance to the history of art and to the collection, its provenance, price, and, where possible, prices of comparable works. If the Director approves the work for further consideration, it is either brought to the museum for detailed examination by the curator, Director and conservator, or a team is sent to examine the work. No work is ever recommended for purchase on the basis of an image. A conservator must examine the proposed purchase, provide an analysis of the work

and assessment of its condition, dating, and attribution as part of the report and sign the report. This report must be approved by the Deputy Director/Chief Curator, after which it is submitted to the Director for final approval.

- The Director rejects or approves the work for further consideration.
- If the work is approved by the Director, the curator prepares a formal written entry based on the information listed above and including any other relevant information, and the work is placed on the agenda for consideration by the Collections Committee.²
- Curatorial entries are submitted to the Collections Committee for review in advance of their meetings.
- The Collections Committee determines whether or not the work should be acquired.
- Generally, prior to consideration by the Collections Committee, the vendor is provided with and requested to approve the museum's standard Bill of Sale and Assignment form.
- For works approved for purchase, an invoice from the vendor is sent to the museum along with the signed Bill of Sale and Assignment. Payment is then made consistent with the agreed upon terms along with a letter of thanks from the Director.
- In the case of exchanges, the work to be exchanged must have been deaccessioned in accordance with this Policy.
- The purchase is assigned to an appropriate acquisitions fund.
- The work is sometimes put on view immediately but, in any case, is published in the museum's annual report for that year or more promptly if required by this Policy.

2. Discretionary and "Sundry" Purchases

In April 2002, the Executive Committee of the Board increased the Director's Discretionary Fund. The maximum purchase price increased from \$20,000 to \$100,000 per work and the total annual expenditure increased from \$300,000 to \$500,000. Purchased works are presented to the Collections Committee at its meeting, held four times each year. If the price of a work is at or under \$100,000, the Director may choose to

² In September, 2018, the Accessions Committee, which previously advised the Collections Committee on certain acquisitions, was disbanded.

purchase it immediately with discretionary funds allocated for this purpose annually by the Collections Committee. These works are nevertheless routinely reviewed by the Collections Committee at the next meeting.

From time to time donors provide funds for the purchase of a specific work. The funds received in support of such a purchase are placed in the “Sundry Purchase Art Fund.” The curator presents the appropriate work to the Collections Committee in the same manner set forth in Section II,A,1, except that the work is accepted as a “Gift by Purchase.” The donor is acknowledged in the credit line.

3. Auction Process

The Collections Committee may approve the acquisition of a work at auction prior to the next regularly scheduled meeting by authorizing a maximum bid. Though the process is accelerated, the steps followed for auction purchases are the same as for acquisitions presented at a regularly scheduled meeting:

- Works are identified, researched, and recommended for purchase by the curators in collaboration with the Deputy Director/Chief Curator and the Director.
- Works are examined in person by museum staff, and an independent condition report is sought.
- A written justification for the purchase is submitted to the Collections Committee, ideally one week before the auction date.
- A meeting of the Committee is convened in person or by phone before the auction.
- The work is presented by the curator and Deputy Director/Chief Curator and Director as appropriate.
- The Collections Committee determines whether or not the work should be acquired.
- The formula generally used for approval is a maximum bid plus one additional bid increment for each lot. For each auction, the Museum must seek approval for the full amount of the maximum authorized bid plus the buyer’s premium to ensure that all costs are identified and understood. If the maximum bid plus the buyer’s premium of a work is under \$100,000, the Director may choose to bid on it immediately with discretionary funds allocated for this purpose annually by the Collections Committee without convening a special meeting of the Collections Committee.

- The process used in auction bidding can vary, and might include telephone bids, bidding by designated agents of the Museum, or direct bidding from the floor.
- The results are announced to the Collections Committees following the auction.

4. Acquisition by Gift or Bequest

The museum accepts gifts and bequests of works on a regular basis and is grateful for the generosity of philanthropic collectors of the past, present, and future. The museum is rigorous, however, in its application of quality standards regarding the accessioning into the Permanent Collection of such gifts and bequests. While there may be circumstances in which the museum might assume ownership of a work with the intention (and knowledge of the donor) of disposing of it, the museum's policy is to accept gifts of only works intended for retention. Consistent with the standards that apply to acquisition by purchase, works offered by gift or bequest that are not suitable for exhibition will, as a rule, not be candidates for accession into the Permanent Collection.

The museum typically does not accept restrictions on gifts; however in special circumstances, certain restrictions may be presented to and approved by the Collections Committee. The museum will honor legal restrictions attached to a gift or bequest of any work accepted by the museum unless modified by the donor, or if the donor is not living (and they can do so legally), the donor's heir or legal representatives, or as otherwise permitted by applicable law. In addition, requests which do not impose a legal obligation accompanying the bequest or gift of any work will be respected to the extent feasible, unless modified by the donor, or if the donor is not living, the donor's heirs or legal representatives or as determined by the museum based on the facts and circumstances existing at the time a modification is being considered. In considering a modification, the museum will endeavor to modify the request in a manner that continues to honor the donor's request if the museum can reasonably do so under the circumstances.

For all gifts and bequests, the curator recommending acceptance writes a detailed report, including a description of the work, its condition, publication and exhibition history, importance to the museum's collection, justification for acceptance, and provenance. A conservator must examine all proposed gifts or bequests, provide an analysis of the work and an assessment of its condition, dating, and attribution as part of the report and sign the report. This report also includes a valuation which is determined by the curator and is for internal museum use only. This report must be approved by the Deputy Director/Chief Curator, after which it is submitted to the Director.

The Director has the authority to accept gifts during the period after the December meeting of the Collections Committee through December 31. These gifts are referred to as Year-End Gifts and reported to the Collections Committee at its March meeting.

Normally, the museum requires donors to transfer all rights of reproduction unless the donor does not own such rights or the gift is made by a living artist of the artist's own work. In such cases, the museum will seek a nonexclusive right of reproduction from the copyright owner.

A detailed outline of the procedures that guide gifts or bequests follows below:

- Following discussions with the Deputy Director/Chief Curator, a curator presents to the Director (or the Director has identified to the curator) a work for acceptance as a gift or bequest. The same general criteria and process for purchases (see Section II,A,1) are applied to gifts and bequests.
- The Director rejects or approves the proposed gift or bequest of the work for presentation at the Collections Committee. If the work is approved, it is placed on the agenda for the Committee's next meeting.
- Generally, the donor is provided with and asked to approve a proposed "Deed of Gift".
- If the work is a bequest, the form of transfer will depend upon the underlying documents and the type of transferee, *e.g.*, executor or trustee.
- The work is presented at the Collections Committee meeting as part of the Director's report. The Collections Committee votes to accept or reject the work.
- The donor, estate representative or trustee is thanked by letter and is requested to submit the signed Deed of Gift or other appropriate instrument of transfer.
- The work is sometimes put on view immediately but, in any case, is published in the museum's annual report for that year or more promptly if required by this Policy.

B. Duties of the Board

Acquisitions, whether by purchase, exchange, gift, or bequest, deaccessions, and loans from the Permanent Collection are implemented through a collaboration of the

professional staff (Director, Deputy Director/Chief Curator, and curators) and the Board, through delegation to the Collections Committee. Acquisitions, deaccessions, and loans from the collection must be recommended by the Director and Deputy Director/Chief Curator for consideration and action by the Collections Committee. Approval of these actions must be by formal vote.

Collections Committee

The Collections Committee, *inter alia*, is responsible for discharging the fiduciary responsibilities of the Board as to oversight of the acquisition, preservation, care of, loans from and loans to, and deaccessions from the museum's Permanent Collection (see Appendix 1 for Statement of Charge to the Collections Committee). The Collections Committee routinely reports its actions to the Board.

The Collections Committee is specifically empowered to be responsible for:

- a. Overall Care of the Permanent Collection, including:
 - overseeing implementation of the Policy;
 - in consultation with the Director, amending the Policy, as appropriate;
 - assuring that procedures for the maintenance of proper records and inventories are in place; and
 - understanding the curatorial, conservation, collection care and security arrangements for the museum.
- b. Acquisitions (see Section 1,A) and Deaccessioning
 - recommending to the Board for approval and overseeing the implementation of the Collections Development Policy;
 - reviewing and, as appropriate, voting to act upon recommendations of the Director for purchases and exchanges and acceptance of gifts and bequests of works and assuring that procedures are in place to determine the provenance and condition of a work prior to acquisition and that the museum will obtain good title to the work; and
 - reviewing proposals for, assuring conformance to Board adopted policies with respect to, and approving works for, deaccessioning.

The Collections Committee may consider recommendations of the Director for acquisitions by purchase, gift, bequest or exchange.

- c. Loans from and to the Museum's Permanent Collection (see Section IX)
 - With a knowledge of the criteria and standards used by the staff for lending from the Permanent Collection both nationally and internationally and balancing the benefits of loans with the need to serve the museum's visitors, as well as the possible risks to the work, as appropriate, voting to approve loans from the Permanent Collection.
 - Consistent with the Collections Development Policy and this Collections Management Policy, as appropriate, voting to approve occasional long-term loans to the museum.

The Director, together with the Deputy Director/Chief Curator and the Director of Collections Management, serve as liaisons between the staff and the Collections Committee.

C. Compliance with Applicable Law

The museum's policy is to conduct its acquisition program in a manner that will support the protection of art, antiquities and national treasures of all countries from exploitation and destruction. The museum will take all reasonable precautions to ensure that a work intended for acquisition has entered the United States legally and has not been stolen from a government, institution, or private individual including, where appropriate, consulting with international agencies such as the Art Loss Register.

Museum acquisitions and loans must comply with all applicable local, state, and federal laws, most notably federal customs laws (governing the importation and exportation of the work), the National Stolen Property Act (NSPA), the Convention on Cultural Property Implementation Act including emergency import restrictions and memoranda of understanding related thereto (CCPIA), sanctions enforced by the Office of Foreign Assets Control (OFAC), the Native American Graves Protection and Repatriation Act (NAGPRA—see Section II, D, below) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The museum staff and trustees may need to seek legal advice from outside counsel with regard to specific acquisitions.

D. Native American Graves Protection and Repatriation Act

The Cleveland Museum of Art recognizes and complies with Public Law 101-601, the Native American Graves Protection and Repatriation Act of 1990, as amended (NAGPRA), and the regulations promulgated thereunder. At present, CMA's Native North American collection does not contain human remains but does include funerary

objects and items of cultural patrimony that are potentially subject to repatriation under NAGPRA.

In 1993, in compliance with deadlines outlined in the NAGPRA legislation and in order to begin an exchange of information about its collection, CMA sent inventories of relevant objects in its collection to potentially affiliated Native North American tribes. To date, no tribal organizations have made requests for repatriation, although several have requested that restrictions be imposed on the public display of certain categories of objects.

CMA's registrar and curator of Pre-Columbian and Native North American Art respond to all requests from tribal organizations and cultures that request information regarding CMA's collection of cultural items. Should the museum acquire a protected object in the future, it will comply with all requirements of disclosure according to NAGPRA.

E. Accession, Tax Considerations

Works offered as gifts and bequests are candidates for accessioning into the Permanent Collection if in the judgment of the curators, the Deputy Director/Chief Curator, and the Director, and with the approval of the Collections Committee such works are appropriate additions to the Permanent Collection.

Except in special circumstances as determined by the Director, even after approval of an acquisition by the Collections Committee, a work is not accessioned to the collection until the necessary documentation evidencing the transfer, *e.g.*, bill of sale, deed of gift, has been signed and delivered to the museum.

Current Internal Revenue Service ("IRS") regulations allow donors of works to take a fair market value tax deduction for a gift of a work only if it will be used in connection with the museum's exempt purpose. The museum evidences this purpose by the formal process of accessioning to the Permanent Collection. For works that are not accessioned, the donor is usually limited to deducting only the cost of the work. The museum does not (and cannot) accession works simply to accommodate the tax considerations of a donor or potential donor.

Most potential donors, when notified that their proposed gift is not a candidate for accessioning into the Permanent Collection, withdraw the proposed gift. In some cases, the museum must notify a potential donor that the museum is not interested in receiving a given work under any terms.

The acceptance without accession of works as donations – even when the potential donor understands the tax consequences – is generally considered an inappropriate course for the museum to pursue. First, the acceptance of such gifts risks the museum becoming a repository for unwanted objects of little or no quality, thus diminishing the museum's status and prestige. Second, on a practical level, proceeds realized from the disposition of such low quality objects do not justify the added cost and effort involved in administering, accepting and selling such objects.

On occasion a work of some value whose appropriateness for the Permanent Collection is legitimately a subject of debate will be accepted for accessioning into the Permanent Collection. At some later date, if the work is judged inappropriate or no longer appropriate, the museum will dispose of the work and use the proceeds for the acquisition of other works. The donor of the original work will be credited as the donor of any work(s) acquired with such proceeds, “by exchange.”

F. Documentation

Attached to the Policy are various forms for use in connection with acquisitions. The Director or the Deputy Director/Chief Curator may add new forms, delete existing forms or change the forms as they determine appropriate. They may also, as contemplated in Section III, A, 4, determine in any particular transaction the representations and warranties and indemnities and other contractual obligations required by a seller, as well as those required from a donor, modify the forms to reflect the agreed upon terms of that particular transaction.

III. PROVENANCE

The curator recommending an acquisition (whether by gift, bequest, purchase or exchange) or loan must consider the work’s provenance and make all reasonable inquiries to determine (a) that the museum can obtain good and valid title if an acquisition is contemplated or (b) that a proposed lender has good and valid title at the time the loan is made.

A. Provenance Guidelines for all Acquisitions

1. Inquiry and Research

Museum staff must request that sellers, donors, and their representatives provide all available information about and documentation with respect to a work.

Museum staff must rigorously research the provenance of a work prior to acquisition. Such research should include, but is not necessarily limited to, determining:

- the ownership history of the work;
- the countries in which the work has been located and when;
- the conditions under which the import into and export from any such countries occurred;
- the exhibition history of the work, if any;
- the publication history of the work, if any;

- whether any claims to ownership of the work have been made;
- whether the work appears in relevant databases of stolen works; and
- the circumstances under which the work is being offered to the museum.

For all acquisitions, museum staff should make a concerted effort to obtain accurate written documentation with respect to the history of the work, including import and export documents. In particular, written documentation of the importation of the work into the United States, including U.S. Customs and Border Protection Form 7501 should, and if the work is being imported to be considered for gift or purchase by the museum, must be obtained.

2. Disclosure and Dissemination of Information

For significant acquisitions or as otherwise required by this Policy, museum staff strive to publish promptly, in print or electronic form, an image (or representative images in the case of large groups of works) and relevant provenance information, which will thus be readily available to an international audience.

3. Nazi/World War II Era

The museum is guided by the 1998 *Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933–1945)*, with 2001 addendum, of the Association of Art Museum Directors (the “AAMD”) and the 1999 *AAM Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era* (amended April 2001) (see <https://aamd.org/sites/default/files/document/Report%20on%20the%20Spoliation%20of%20Nazi%20Era%20Art.pdf> and <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/unlawful-appropriation-of-objects-during-the-nazi-era/>). In particular, the museum observes the following guidelines relating to the Nazi/World War II era for all acquisitions whether by gift, bequest, purchase or exchange:

Curatorial departments should independently research and ask donors (or executors in the case of bequests) and sellers of works to provide provenance information for works that were likely to have been in Europe between 1933 and 1945.

Where information is incomplete for an acquisition of such a work, curatorial staff should undertake such additional research as the staff determines necessary or prudent to resolve the Nazi/World War II era provenance of the work. All research efforts shall be documented. In the absence of evidence of unlawful appropriation of such a work, the

acquisition may proceed. Where there is credible evidence of unlawful appropriation of such a work without subsequent restitution or settlement, the museum shall not acquire the work until taking further action to resolve these issues.

If the museum subsequently determines that a work in its collection was unlawfully appropriated during the Nazi/World War II era without subsequent restitution or settlement, the museum will make such information public and, if a legitimate claimant comes forward, the museum will seek to resolve the matter with the claimant in an equitable, appropriate, and mutually agreeable manner. If no legitimate claimant comes forward, the museum will acknowledge the history of the work on labels and publications referring to the work.

4. Warranty and Indemnification

When purchasing works priced above \$10,000, unless otherwise determined by the Director or the Deputy Director/Chief Curator, the museum will require representations and warranties from the seller, including that the seller has good and marketable title to the work, that the work is free from any liens, claims or encumbrances, that the work is authentic and that the work has been validly exported from and imported into any country through which it has passed. The museum will also require an indemnification for costs associated with and a full refund of the purchase price in the event of any breach of warranty.

B. Acquisition of Archaeological Materials and Ancient Art

1. AAMD Guidelines

The museum is guided by the AAMD's 2008 *Report of the AAMD Subcommittee on the Acquisition of Archaeological Material and Ancient Art* (see <https://aamd.org/sites/default/files/document/2008ReportAndRelease.pdf>) as supplemented by the AAMD's 2013 Revision of the Guidelines (see <https://aamd.org/sites/default/files/document/Guidelines%20on%20the%20Acquisition%20of%20Archaeological%20Material%20and%20Ancient%20Art%20revised%202013%200.pdf>), with respect to acquisitions by purchase, gift and bequest of works that are subject to the report.

2. Applicable Principles

The museum is committed to the responsible acquisition of archaeological materials and ancient art.

The museum believes that the artistic achievements of all civilizations should be represented in art museums, which, uniquely, offer the public the opportunity to encounter works of art directly, in the context of their own and other cultures, and where these works may educate, inspire and

be enjoyed by all. The interests of the public are served by art museums around the world working to preserve and interpret our shared cultural heritage.

The museum deplores the illicit and unscientific excavation of archaeological materials and ancient art from archaeological sites, the destruction or defacing of ancient monuments, and the theft of works of art from individuals, museums, or other repositories.

The museum is committed to the principle that acquisitions be made according to the highest standards of ethical and professional practice and in accordance with applicable law and in such a way that they do not provide a direct and material incentive to looting. The museum is committed to the exercise of due diligence in the acquisition process, in particular in the research of proposed acquisitions, transparency in the policy applicable to acquisitions generally, and full and prompt disclosure following acquisition.

The November 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import and Export and Transfer of Ownership of Cultural Property (the “UNESCO Convention”) began a new dialogue about the best ways to protect and preserve archaeological materials and ancient art, although regrettably the looting of sites, destruction of monuments and theft of objects continue to this day. The museum recognizes the date of the Convention, November 17, 1970, as providing the most pertinent threshold for the application of more rigorous standards to the acquisition of archaeological materials and ancient art as well as for the development of a unified set of expectations for museums, sellers and donors.

Recognizing that a complete recent ownership history may not be obtainable for all archaeological material and every work of ancient art, the museum believes that it should have the right to exercise its institutional responsibility to make informed and defensible judgments about the appropriateness of acquiring such an object if, in its opinion, doing so would satisfy the requirements set forth below and meet the highest standards of due diligence and transparency.

3. Definitions

In the acquisition of archaeological material and ancient art, the museum is guided by the following definitions:

- “Archaeological material” means an object of cultural significance created in antiquity and discovered on land, below ground or under water as a result of scientific or clandestine excavation, exploration or digging activities or inadvertently as a result of other activities;

- “Ancient art” means a work of art created in antiquity that is not archaeological material;
- “1970” means November 17, 1970;
- “2008” means June 4, 2008; and
- “Work” means an object of archaeological material or a work of ancient art.

For purposes of this Section III, B of the Policy, the museum has determined that the term “antiquity” means the periods set forth below with respect to works created in the cultures and/or geographic areas set forth below:

Greek and Roman:	Created before 313 A.D. (year of the Edict of Milan)
Egyptian Art:	Created before 313 A.D. (year of the Edict of Milan)
Chinese Art:	Created before 220 A.D. (end of the Han Dynasty)
Japanese Art:	Created before 710 A.D. (year of the establishment of the capital at Nara)
Korean Art:	Created before 918 A.D. (year of the reunification of the Korean peninsula under the leadership of the new state of Goryeo)
Indian (South Asian Art):	Created before 320 A.D. (year of the demise of the Kushan Dynasty in the north and the Ikshvaku Dynasty in the south)
Southeast Asian Art:	Created before 500 A.D. (year that the historical record shows artistic production in the region)
Art of the Americas:	Created before 1492 A.D. (year of Columbus’s landing in the New World)
Ancient Near Eastern Art:	Created before 622 A.D. (year that Muhammad and his followers left Mecca for Medina).

In the event that the relevant curator believes that a work being considered for acquisition could be considered an antiquity, but is not covered by any of the foregoing, the curator, after consultation with Deputy Director/Chief Curator, shall consult with the Director and the Director with the Chair of the Collections Committee in order to determine whether the work could be considered an antiquity and, if so, whether an addendum to the foregoing should be considered by the Collections Committee.

4. Process

The museum will thoroughly research the ownership history of archaeological materials or works of ancient art (individually a “work”) prior to their acquisition, including making a rigorous effort to obtain accurate written documentation with respect to their history, including import and export documents.

When the work is being imported into the U.S. in connection with its acquisition by the museum, import documentation should be obtained and compliance with the export laws of the country of immediate past export to the U.S. should be confirmed.

The museum normally should not acquire a work unless provenance research substantiates that the work was outside its country of probable modern discovery before 1970 or was legally exported from its probable country of modern discovery after 1970. The museum will promptly publish acquisitions of archaeological materials and ancient art, in print or electronic form, including in these publications an image of the work (or representative images in the case of groups of objects) and its provenance, thus making this information readily available to all interested parties.

The museum recognizes that even after the most extensive research, many works will lack a complete documented ownership history. In some instances, an informed judgment can indicate that the work was outside its probable country of modern discovery before 1970 or legally exported from its probable country of modern discovery after 1970, and therefore can be acquired. In other instances, the cumulative facts and circumstances resulting from provenance research, allow the museum to make an informed judgment to acquire the work, consistent with the applicable Principles above. Examples of such facts and circumstances include, but are not limited to:

- the number, place and circumstances of independent exhibition(s) of the work;
- the number, type and circulation of publication(s) of the work;

- the length of time and place of public display(s) of the work;
- as to archaeological material, the provenance history of other works excavated from the same site or area;
- the prior owner(s) of the work and any claims made against them with respect to other works; and communications regarding the work between the country of modern discovery and the current owner, a prior owner, or the museum,

In addition, the museum may acquire the work if the acquisition of the work is by gift or bequest and:

- the donor/testator signed prior to 2008 a promise to gift, a will, a trust, or other document setting forth her/his intent to donate or bequeath the work to the museum;
- the work was on long term loan to the museum prior to 2008; or
- the museum had an expectation prior to 2008 of receiving the work by gift or bequest, as reflected in (i) a writing to or from the donor or a prior owner, (ii) communications with the donor or a prior owner, provided that the communications have been memorialized by the museum prior to acceptance of the gift or bequest or (iii) other documentation, or
- The acquisition is of a fractional interest in the work by gift, bequest or purchase and the museum acquired prior to 2008 a fractional ownership interest in the work.

In all of the foregoing instances, the museum must carefully balance the possible financial and reputational harm of taking such a step against the benefit of collecting, presenting, and preserving the work in trust for the educational benefit of present and future generations.

The museum will prominently post on the AAMD website an image and the information about the work as described in the exception paragraph above, and all facts relevant to the decision to acquire it, including its known provenance and the reason the museum believes that the acquisition meets one or more of the exceptions.

5. Information Obtained Subsequent to Acquisition

If the museum, as a result of its continuing research, gains information that establishes another party's right to ownership of a work, the museum will bring this information to the attention of the party, and if the case warrants, initiate the return of the work to that party, as has been done in

the past. 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 should 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.

IV. DEACCESSION OF WORKS OF ART

Deaccessioning is an ongoing professional responsibility of the museum, pursued for programmatic reasons of collection refinement. The museum's policy is to conform its deaccessioning process to the standards of the AAMD as set forth in its 2011 publication, *Professional Practices in Art Museums*, specifically, Appendix B, *Deaccessioning and Disposal* (see <https://aamd.org/sites/default/files/document/2011ProfessionalPracticesinArtMuseums.pdf>). The museum maintains a very cautious attitude toward deaccessioning, however a work is appropriate for consideration for deaccessioning when:

- the work is no longer consistent with or relevant to the mission of the museum or has little value in the museum's collection;
- the work is a duplicate that has no value as part of a series;
- the work is of poor quality and lacks value for exhibition or study purposes;
- the work is of lesser quality than other works of the same type in the collection or about to be acquired;
- the museum's possession of the work may not be consistent with applicable law, *e.g.*, the work may have been stolen or illegally imported in violation of applicable laws of the United States or the work may be subject to other legal claims;
- the authenticity or attribution of the work is determined to be false or fraudulent and the work lacks sufficient aesthetic merit or art historical importance to warrant retention;
- the physical condition of the work is so poor that restoration is not practicable or would compromise the work's integrity or the artist's intent;
- the museum is unable to care adequately for the work because of the work's particular requirements for storage or display or its continuing need for special treatment; or
- The work is being sold as part of the museum's effort to refine and improve its collections, in keeping with the collecting goals reviewed and approved by the Board.

Relevant works of quality are not deaccessioned due to changes in taste and rarely to raise funds for the acquisition program.

The museum generally does not dispose of deaccessioned works determined to be forgeries. Curatorial departments generally retain these works for study purposes or seek the Director's permission to destroy the works unless it can be determined that disposal can be accomplished in a responsible manner without confusion to a possible buyer. Works incorrectly attributed or dated may be deaccessioned, provided that the new information or attribution is provided as part of the disposal process.

No trustee, officer, employee, volunteer or family member³ of any of the foregoing individuals may purchase deaccessioned works directly from the museum (unless the person is already a co-owner of the work) or at auction if consigned by the museum.

All funds received from deaccessioned works shall be used to fund the purchase of other works in the same manner that funds from endowment funds restricted to the purchase of art are utilized.

A detailed outline of the procedures that guide deaccessions and disposals follows below:

- Works to be deaccessioned must have the written recommendation of the curator and be proposed by the Deputy Director /Chief Curator and the Director to the Collections Committee for its approval, at which time the reasons for the proposal are fully presented.
- The Collections Committee, if it concurs with the proposal, either authorizes the deaccession or recommends approval to the Board, which approves or rejects the action.
- When appropriate, works of value to be deaccessioned should have a written opinion by an outside authority supporting the deaccessioning of the work;
- Works may be offered for sale first to another museum, if appropriate;
- Unless offered for sale to another museum, works of value must be sent to public auction or receive at least two written evaluations by dealers in the appropriate field or appraisers before disposal; and
- Works may, under certain circumstances, be traded for a like work of higher quality.

³ "Family member" means a spouse, brother, sister, or lineal descendant or ancestor (or the spouse or such descendant or ancestor) or any other family member or family member's spouse, if living in the same household as the trustee, officer, employee or volunteer.

V. CARE AND PRESERVATION OF THE COLLECTIONS

A. Conservation

Among the museum's primary responsibilities is the preservation of the works in its care for the enjoyment of today's public and future generations. To this end, it applies the most technically advanced standards of conservation, collections management and security to the presentation, storage and care of its collection. To assist in this process, the museum maintains an Emergency Operations Plan. The museum's preservation standards shall be maintained for works on loan to the museum or borrowed from the museum.

The museum's Conservation Department is charged with the long-term preservation of the collection through conservation treatment and shall maintain exact documentation on all examination and treatment work. The museum recognizes the importance of scientific research in the examination and analysis of works in its collection. The museum's Conservation Department is responsible for the technical examination of the museum's collection and for the development of long-term preventative conservation strategies and methods.

B. Housekeeping

In the context of collections management, the term "housekeeping" is defined as all of the ongoing actions (tasks) to preserve museum works, archives, and records. Housekeeping is planning and monitoring, as much as it is hands-on collections care. Housekeeping is a collaborative effort between collections management, conservation, curatorial, building services, and housekeeping staff.

Preventive conservation, the primary goal of housekeeping, aims to prevent damage to museum collections. CMA's approach to housekeeping aims to minimize the need for conservation treatment by addressing the differing cleaning needs in:

- exhibition spaces;
- storage spaces;
- curatorial offices;
- research services spaces; and
- other work spaces.

Each space requires a slightly different approach to cleaning that takes into account how works are stored and used. For example, exhibit spaces with closed cases may require only annual dusting of works. Gallery spaces with works on display in the open air, require a routine schedule of dusting (paintings, frames, furniture etc.)

VI. ACCESS TO THE COLLECTIONS

A. Access to the Collection in Storage

The museum allows access to works not ordinarily on view to qualified individuals by appointment only. Access is granted for valid research purposes and must be approved by the appropriate curator. The individual seeking access must make her/his request in writing, stating the purpose and scope of her/his research and, if applicable, her/his professional affiliation. Whenever possible, the work to be examined will be moved to the Art Study Room for the appointment. The individual must follow all storage access regulations, including:

- signing the visitor log located in the Registration office prior to entering and upon exiting storage;
- leaving his/her coat and all bags, including purses, outside of storage (secured space is provided in the Registration office);
- using a pencil for taking notes;
- not using flash photography;
- allowing herself/ himself to be escorted at all times while in storage; and
- not at any time physically handling the work.

B. Access to the Collection on Display

A work may be removed from the galleries for the purposes of study by a qualified researcher with the approval of the appropriate curator.

VII. INVENTORY

A. Inventory Policy

Accurate documentation and record keeping are essential to the storage, preservation, development, and exhibition of the museum's collections.

Regular inventories are used for the following purposes:

- determining the physical state and statistics of the collections;
- setting priorities for conservation treatment;
- evaluating the adequacy of storage and insurance coverage;
- analyzing the state of documentation, cataloging, labeling, and methods of record keeping;

- ensuring that registrarial records of objects are accurate and up-to-date; and
- establishing an overall view of the strengths, gaps, and duplications of the collections.

The museum's collection inventories are organized around one-year to five-year cycles and are subject to review by the internal auditors.

B. Unclaimed Loans and Undocumented Property

Works that are unclaimed loans or undocumented property are works of uncertain legal status in the museum's custody that have not been claimed by any owner, yet are not the property of the museum. For example,

- Unclaimed Loans are works in the museum's possession that are on loan, the owner of which has failed to claim them and has not been in touch with the museum. These may be indefinite or permanent loans, or loans whose term has expired.
- Undocumented Property are objects in the museum's possession of unknown ownership, for which the museum has no records of how or from whom it was obtained.

The museum makes every reasonable effort to locate lenders and ascertain their desires regarding their loan. If neither the owner, nor his legal heir(s), can be located, or if they fail to respond, the object is held for the prescribed period of time until it can be handled as abandoned property.

The museum complies with Ohio Revised Code, Title 33, Chapter 3385 which sets forth the conditions under which property on loan to a museum can be considered abandoned (see <http://codes.ohio.gov/orc/3385>). Therefore, any work that has been on loan to the museum and the loan has expired or, if there was no specific term, the work has been on loan for at least seven years, or an object that has no documentation indicating how or from whom it was obtained and has been held by the museum for at least seven years is commonly referred to as abandoned property and is eligible to be handled as such. Once claimed as legally owned by the museum in accordance with Ohio law, objects are processed as either accessions or commodities, as determined by the Collections Committee, based on recommendations from the curatorial staff, the Deputy Director/Chief Curator and the Director.

VIII. RECORDKEEPING

A. Records Policy

The museum, through its curatorial, collections management and conservation departments, shall maintain accurate, up-to-date records on the identification, location and condition of all works in the collection, as well as of ongoing activities such as exhibitions, research and correspondence with donors, artists and scholars. These records

should be kept in an organized, coherent filing system within each department. The museum has established electronic records which include records on accessioned, non-accessioned, and deaccessioned works, departmental loans and works brought into the museum for possible purchase, gift, bequest or exchange. Curatorial departments are responsible for updating and maintaining these records for their collections.

All records created or received in the transaction of the museum's proper business are the property of the museum and must not be dispersed or destroyed except in accordance with its record retention policy.

Museum records must be accorded the same protection against fire, theft, loss or disasters as any work in the museum's care. Storage systems must be devised which provide maximum protection while allowing accessibility to records.

To prevent loss of research findings and documentation or any other critical data, certain key records must not be removed from their sites. Deteriorating records must be duplicated. Documents other than originals must be disposed of judiciously. Records in constant use must be kept in good physical condition and be easily accessible.

B. Access to Collection Records

The museum's library is the first source for public information on the collection.

The museum's object files may be viewed by qualified individuals by appointment with the Collection Management office, only after approval by the appropriate curator. Curatorial and conservation records are available on a more limited basis at the discretion of the curator or conservator. In all instances, the request must be made in writing stating the purpose and scope of the research and, if applicable, her/his professional affiliation. Access to collection records may be denied at the discretion of the appropriate department (generally only if the research purpose is frivolous) and with the approval of the Deputy Director/Chief Curator.

Prior to the appointment, all records will be reviewed and information deemed proprietary or confidential (for example, appraised values, purchase price, donor names if anonymity was requested, or addresses, etc.) will be removed from the file. The records permitted for viewing may be photocopied by the visitor at the discretion of the appropriate department. The visitor must comply with all applicable copyright laws and cite the museum's archives as a source of information in the publication.

IX. LOANS

A. Outgoing Loans

As an important means of fulfilling the educational and scholarly purposes of the museum's mission, the museum lends works from its collection to qualified institutions, in this country and abroad. The museum wishes to cooperate with as many qualified institutions as possible to share its comprehensive collections with the widest possible public, both general and scholarly.

Loan requests must be evaluated in light of the art historical and scholarly value of the exhibition for which they are requested, as well as the condition of the work and the need to incorporate it into the museum's own programs. The borrowing institution must provide a current facilities report meeting the museum's required standards and ensure the safety of the loan. All loan requests must be initiated by the appropriate curatorial department. A conservator must review and approve all outgoing loan requests. Loans requested from the museum are subject to a formal review process as outlined below:

1. Considerations and Process

A written request for the loan of a work must be received by the Director at least six months in advance, describing the nature of the exhibition, the importance of the loan and the period for which the loan is requested.

If the appropriate curator determines that the loan request has merit, the work is examined by a conservator and a facilities report from the borrowing institution(s) is obtained. The curator then makes a recommendation to the Deputy Director/Chief Curator and the Director based on the merits of the loan request, the recommendation of a conservator, the facilities report, and any other relevant information. The Director then determines either to recommend or not recommend the loan to the Collections Committee. If recommended, the curator prepares and delivers to the Registrar for Loans a Trustees Recommendation Form and the Registrar prepares the relevant information for submission to the Collections Committee.

The Director's actions with respect to loan requests are placed on the agenda for the next Collections Committee meeting for consideration. The Collections Committee, which meets quarterly, acts on all recommendations (for or against), cancellations and changes to terms of all loans.

If the Committee confirms the Director's decision not to recommend a loan, the Director informs the borrower of the decision. If the loan is approved by the Collections Committee, the Director informs the borrower by letter approving and setting forth the conditions for the loan. A loan agreement form with these requirements is included with the Director's letter.

2. Loan Terms

All loans should be for a specific period of time and the work(s) condition should be documented and monitored in accordance with Collections Management Policies and Procedures. Such documentation should include recent images of the work. Loans must be governed by written loan agreements between the museum and its borrowers, which should be signed by both parties prior to shipment. No work may leave the building

unless adequate insurance coverage is provided. To protect outgoing loans to the fullest extent possible, the museum requests immunity from seizure for all outgoing loans wherever available. Long-term loans are subject to annual review and renewal by the appropriate curatorial department.

Loans may be made to individuals in two cases. First, if there was a specific agreement with the donor of the work allowing such a privilege at the time of the donation, a loan may be authorized. Second, with prior approval of the Board or the Executive Committee, the museum may make loans to an individual from whom the museum is borrowing a work, for the purpose of temporarily replacing the borrowed work. All exceptions to the museum's loan policy must be approved by the Collections Committee.

B. Incoming Loans

The museum normally exercises the same standard of care for borrowed works as it exercises for its own collection. The museum is guided by the AAMD 2006 *Report of the AAMD Subcommittee on Incoming Loans of Archaeological Material and Ancient Art* (see https://aamd.org/sites/default/files/document/AAMD%20Guidelines%20for%20Incoming%20Loans_FINAL.pdf) with respect to the loan of works that are subject to the report and is guided by the 1998 *Report of the AAMD Task Force on the Spoliation of Art During the Nazi/World War II Era (1933-1945)*, with 2001 addendum and the 1999 *AAM Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era* (amended April 2001) (see <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/unlawful-appropriation-of-objects-during-the-nazi-era/>) with respect to the loan of works that are subject to that report and those guidelines. All incoming loans should be documented and monitored in accordance with the same detailed procedures as outgoing loans. Loans must be documented by written loan agreements between the museum and the lender, which should be signed by the lender prior to delivery of the work to the museum. Insurance coverage will depend upon the decision of the lender who may elect to cover the work or, with the museum's consent, the museum's policy may provide coverage. All incoming loans must be initiated by the appropriate curatorial department.

The museum will apply to the U.S. State Department for immunity from seizure for incoming loans from foreign leaders, whether coming to the museum as part of a special exhibition or for temporary display, unless the organizer of the exhibit has done or will do so.

Recognizing that the museum's exhibition of a work may increase its value and financially benefit its owner, the museum will carefully consider all incoming loans. All incoming loans must add depth to an area or improve the quality of a special exhibition or of the Permanent Collection. The museum will examine whether there are any potential conflicts of interest, or the appearance of a conflict, with lenders. The museum will avoid exhibition of works that are known to be for sale or that are reasonably expected to be made available for sale.

The museum will maintain full decision-making authority over the content and presentation of the exhibition of all works, but may consult with a potential lender on works to be selected from the lender's collection and the significance to be given to those works in the exhibition. The museum will make public information about its sources of funding where the lender is also funding the exhibition. The museum will deny requests for anonymity if such anonymity would conceal a conflict of interest (real or perceived).

X. RIGHTS AND REPRODUCTIONS

A. Rights and Reproductions Policy

The Rights and Reproductions Office, as a component of the Collections Management Department, manages requests for images, in all media, of all works in the museum collection. This office will review each request, issue an image use contract and invoice specific to each request, release the appropriate image, obtain a copy of the publication, and catalogue the publication. The Registrar's office adheres to current federal copyright laws and applicable international agreements and makes every effort to stay abreast of new developments. For works in the collection and loans, copyright information will be recorded in the appropriate records, object files, lender files and the collections management database. The absence of information in object records does not necessarily indicate the absence of restrictions.

Copying, redistribution, or exploitation for personal or corporate gain of images of the museum or of works from the museum collections, or any textual materials related to such objects, is not permitted.

The museum maintains strict control of the right to reproduce works in its collection to protect and preserve the museum's copyright of its images of the Permanent Collection, to ensure quality reproductions faithful to the original works, to avoid undesirable associations with particular commercial products, organizations etc., and to use the museum's reproduction rights as a valuable revenue resource.

The museum is guided by the AAMD 2017 *Guidelines for the Use of Copyrighted Materials and Works of Art by Art Museums* (see <https://aamd.org/sites/default/files/document/Guidelines%20for%20the%20Use%20of%20Copyrighted%20Materials.pdf>) in connection with the use of by the museum of copyrighted materials and works of art. Unless the museum otherwise determines, new chapters issued by the AAMD after the date hereof are incorporated in the Policy.

B. CMA Publications

The author of any publication has the responsibility to obtain permission to use copyrighted material or illustrations in any format of works in the museum's collection that will be published by the museum. The Rights and Reproductions Office may assist the author in determining whether permission should be obtained.

C. Requests from Outside Clients

Requests for image materials and permissions must be made in writing to the Rights and Reproductions Office. Images of works in the collection are available to scholars, authors, publishers, etc. and permission to use these images is granted by the Rights and Reproductions Coordinator through a contract signed by both parties.

Reproduction requires compliance with the museum's written agreement for permission to reproduce works in the museum's collection. The museum reserves the right to deny permission to any applicant whose product is not acceptable to the museum for any reason. Reproduction is permitted only from materials supplied by the museum.

In addition to receiving permission from the museum, the applicant must also obtain permission from, and pay any necessary fees to, the appropriate artists' rights organization or other representative of the artist's copyright. Those requesting copies should not assume that the museum is the sole holder of copyright for objects in the Permanent Collection.

D. Photography On-Site

Photography is permitted for private, noncommercial use only in the museum galleries devoted to the Permanent Collection and subject to the rules of the museum concerning the taking of photographs. Such photographs cannot be published, sold, reproduced, transferred, distributed, or otherwise commercially exploited in any manner whatsoever. Photography is not permitted in special exhibitions or areas designated as "No Photography." Works on loan from private collections or other institutions may not be photographed. Flash photography and tripods are not permitted.

E. Sketching and Copying

Sketching is permitted in the museum's galleries with certain restrictions as to hours and materials. Sketching is permitted of the museum's Permanent Collection. Visitors will be advised by Security or Visitor's Services of any galleries where sketching is not permitted

XI. STAFF POLICIES AND CONFLICT OF INTEREST

A. Ethical Guidelines for Museum Staff

In addition to this Policy, see the museum's *Institutional Code of Ethics* (adopted June 13, 2011, revised April 19, 2012) Section V; ETHICAL GUIDELINES FOR MUSEUM STAFF; C. Conflicts of Interest:

1. Personal Collecting by Staff,
2. Loans from Personal Collections,
3. Dealing in Art by Staff, and

7. Gifts.

B. Appraisals and Authentications

The museum's longstanding policy has been not to provide appraisals to donors. Furthermore, under current IRS guidelines, the museum cannot act as a qualified appraiser. If a donor asks for assistance in locating an appropriate appraiser, the curator may suggest several qualified appraisers, including the Art Dealers Association and auction houses. More than one name must be given. The museum should not make arrangements for the appraisal and cannot pay for the appraisal. Upon request, the museum will provide to the appraiser access to the work, if the work is in the museum's possession or copies of images of the work or any appropriate relevant factual information in museum files.

Curators and conservators are often asked, as scholars, to provide identification, authentication or provenance opinions on works, particularly where a member of the museum's staff is the recognized expert on a particular artist or in a particular field. Notwithstanding the prohibition against appraisals, from time-to-time providing authentication opinions may be beneficial to the museum and appropriate, at their discretion, for staff as a means of obtaining information about objects of interest to the museum's collection or scholarship. When providing such opinions, museum staff should make clear that the information provided is an opinion and shall not be used in connection with any past or contemplated commercial transactions. Staff providing written opinions should use appropriate disclaimer language as set forth on form letterhead for opinions.

Since encouraging collecting that will lead to philanthropy is to the museum's benefit, when deemed appropriate by the Deputy Director/Chief Curator, the expertise of museum staff can be utilized to assist donors. When there is a probability that gifts will be forthcoming, curators may advise collectors on purchases, and donors may ship works that are being considered for purchase to the museum for curatorial examination and/or, with the approval of the Deputy Director/Chief Curator and Chief Conservator, simple conservation treatment.

XII. INSURANCE AND RISK MANAGEMENT

Insurance and risk management are important administrative tools in the museum's fulfillment of the museum's mandate to preserve its collections. Because any discussion of insurance is inherently complicated the following discussion of the museum's administrative policies relating to insurance is restricted to general matters.

A. Fine Arts Insurance Policies

The museum maintains a blanket fine-arts insurance policy, the limits of which cover a certain proportion of the value at risk of the permanent collections and works on loan. This policy is procured and administered by the Director of Collections Management.

The policy covers the museum including warehouses. The policy covers objects owned by the museum and on loan to the museum both on museum premises, at any other location worldwide, and while in transit worldwide, subject to certain limits.

For high-value exhibitions, additional insurance is sometimes arranged to supplement the limits of the blanket policy, using either a special policy or an endorsement to the blanket policy. The Director of Collections Management is responsible for negotiating this coverage.

1. Incoming Loans

If a lender indicates that she/he wishes to retain her or his own insurance coverage during the loan, the museum may request that the lender reconsider this requirement in an effort to control costs. The museum tries to establish reciprocal agreements with as many other museums as possible to reduce long-term insurance costs. If the lender insists on her or his own insurance coverage, the Collections Management Office obtains an insurance certificate naming the museum as additionally insured.

2. Outgoing Loans

The museum permits borrowers to insure museum loans subject to the Registrar for Loan's review of the borrower's insurance policy and receipt of a certificate of insurance naming the museum as an additional insured. The insurance terms for loans are specified in the outgoing loan contract. The museum prefers that an exhibition tour be covered by a single policy (usually the organizing institution's) to avoid controversies over whose insurance company is responsible for any loss. If the borrower's coverage is deemed inadequate for various reasons (e.g., unacceptable exclusions) the museum will carry the insurance under its own blanket policy. A premium may be assessed based on standard rates. If the borrower self-insures, appropriate assurances will be obtained.

B. General Risk Management

Insurance must never be viewed as a substitute for sound risk management. Risk management covers a broad spectrum of concerns, including proper storage, handling, installation, packing and shipping techniques; an integrated pest management program; professional fire and security systems; conservation and regular maintenance of the collection; inventory and record keeping.

C. Indemnities

1. U.S. Indemnity

The museum applies for U.S. indemnity when such coverage will reduce insurance costs. Currently U.S. indemnity can cover (a) foreign loans to U.S. exhibition venues (including transits to and from and on location), (b)

U.S. loans in foreign countries (including to and from and on location), and (c) U.S. loans in U.S. exhibitions supplementing foreign loans. The application is compiled by the Collections Management Office with input from the appropriate curator. The Collections Management Office notifies lenders that indemnity has been approved and issues required documentation. To avoid nullifying indemnification, all indemnity instructions and arrangements stated in the application must be carefully followed unless variances have been approved in advance. Protection Services is responsible for confirming security arrangements through the Collections Management Office.

2. Foreign Indemnities

For exhibitions organized by CMA which travel overseas, the museum will take advantage of foreign indemnity programs where the cost is effective. For outgoing loans to overseas exhibitions, the museum's policy is to cooperate in accepting foreign indemnities following approval of the coverage terms and with appropriate documentation.

XIII. EFFECTIVE DATE, REVIEW AND REVISION OF THIS POLICY

This Collections Management Policy is effective as of the date set forth on page i and supersedes all prior policies on the matters addressed herein. To maintain its relevance and usefulness, the Policy will be subject to ongoing review and revision in the course of its use by museum staff.

APPENDIX 1: Statement of Charge to the Collections Committee

**STATEMENT OF CHARGE TO THE
COLLECTIONS COMMITTEE
OF THE CLEVELAND MUSEUM OF ART
(September 2018)**

Purpose

The purpose of the Collections Committee is to oversee, on behalf of the Board, the acquisitions, preservation and care of the museum's permanent collection of art. The Committee is authorized to take action on matters relating to the acquisition, deaccession, lending from the permanent collection and borrowing works of art owned by others and such other matters as may from time to time be delegated to the Committee by the Board. The Committee is expected to report its

actions to the Board.

Administration

The Deputy Director and Chief Curator acts as the management liaison to the Committee and invites staff to attend Committee meetings as appropriate. The Chair and the Director attend meetings ex-officio.

The Committee is a standing committee of the Board of Trustees.

The Committee meets on a quarterly basis.

The Committee has the authority to establish sub-committees to review and approve topics that fall within the scope of the Committee's responsibilities.

Responsibilities

The Committee's responsibilities include:

- Care of the Permanent Collection:
 - Overseeing compliance with the Collections Management Policy (the "Policy") and the Collections Development Policy;
 - Amending the Policy from time to time as appropriate;
 - Seeing that proper records and inventories are maintained; and
 - Understanding the curatorial, conservation, collection care and security arrangements for the museum.
- Acquisitions and Deaccessions:
 - Assuring that acquisitions are made in accordance with the Policy and the Collections Development Policy;
 - Reviewing and approving the recommendations of the Director for purchases, exchanges, gifts and bequests and assuring that known issues of title, provenance and condition have been addressed; and
 - Reviewing and approving proposals for deaccessioning for conformance to the Policy and recommending sale or disposal strategy.
- Loans from the Permanent Collection and to the Museum:
 - Reviewing and approving loans from the permanent collection, sensitive to the absence of loaned works and the impact thereof on visitors as well as the risks (insurance, condition, etc.) of lending; and

- Overseeing compliance with the Policy in connection with incoming exhibition and long term loans.

**ADDENDUM TO COLLECTIONS MANAGEMENT POLICY
OF
THE CLEVELAND MUSEUM OF ART
(Interim Policy - Direct Care)**

The Collections Management Policy of the Cleveland Museum of Art sets forth detailed provisions with respect to the deaccessioning and disposal of works of art from the museum's permanent collection. That Policy also, in conformance with the standards set forth in *Professional Practices in Art Museums* of the Association of Art Museum Directors (AAMD), provides that the proceeds from the disposition of a deaccessioned work are to be used to fund the purchase of other works in the same manner that funds from endowment funds restricted to the purchase of art are utilized.

On April 10, 2020, in response to the COVID-19 pandemic, the AAMD passed resolutions addressing a number of financial issues for art museums, including a resolution stating that the AAMD would not censure or sanction an art museum or censure, suspend or expel a member in the event that the art museum uses proceeds from the disposition of deaccessioned works of art not only for acquisition of other works, but also for the direct care of the collection. The decision of the AAMD not to pursue any of the foregoing is in effect for two years, ending April 10, 2022.

As part of that resolution, the AAMD requires that a museum electing to use proceeds from the disposition of deaccessioned works of art set forth, in a policy approved by the Director and the Board of Trustees of the museum (Board), the museum's definition of direct care. This Interim Policy is responsive to that resolution and also is consistent with standards promulgated by the American Alliance of Museums (AAM) and that certain white paper issued by the AAM.

This Interim Policy is only in effect until April 10, 2022, at which time it is automatically terminated and the existing Collections Management Policy with respect to uses of proceeds from the disposition of deaccessioned works of art will be in effect, unless the Interim Policy is extended by a decision of the Director and the Board.

For purposes of this Interim Policy, direct care means investments in the existing collection that enhance or prolong their life, usefulness or quality, thereby insuring that current and future generations of the public will continue to benefit from them. Direct care includes, but is not limited to costs, whether paid or incurred, in connection with any of the following:

- Conservation and restoration of collection objects, object maintenance, analysis, treatment, surveying, inventorying, documenting (including photography), storage, and managing collections information systems.

- Materials and systems that benefit, or are required for, the direct care, conservation, restoration, maintenance, preservation, storage, safeguarding, photographing, documenting and condition reporting of collections.
- Expert conservation, registration, maintenance, cataloguing, audio visual, imaging, framing and documentation services for the collection.
- Salaries of conservators or other staff experts, including interns and fellows enrolled in conservation programs, engaged in the direct care of the collection as well as costs associated with fees for outside vendors and independent contractors providing such direct care services for the collection.
- Environmental monitoring equipment and supplies.
- Storage hardware (cabinetry, shelving, etc.).
- Collections care training for staff and volunteers.
- Storage materials (*e.g.*, acid-free paper, folders, boxes).
- Collection storage equipment (*e.g.*, shelving, cases, mounts).

The funds available for direct care include not only the proceeds from the disposition of deaccessioned works of art, but any earnings or appreciation thereon.

Other direct care expenditures may be identified or further clarified in writing from time to time by a committee consisting of the Director, the Deputy Director and Chief Curator and the Chief Financial Officer (or their respective executive team or senior staff designees) (the "Direct Care Committee") and approved by the Executive Committee.

For each fiscal year beginning with FY 2021, the amount of deaccessioned funds to be allocated to direct care and the specific expenditures to be covered will be determined by the Direct Care Committee in consultation with the Chair of the Board and the Chair of the Collections Committee. In doing so, the Direct Care Committee will also consider any applicable FASB standards and any restrictions that have been placed by the donors on the use of proceeds from disposition of works of art that have been deaccessioned and any legal requirements applicable to the use of such proceeds. In no event may, may such funds be used for operations or capital improvements generally as opposed to specific expenditures identified as direct care.