

Basics of Deaccessioning

Museum Association of Arizona Webinar

October 19, 2022



Museum Governance

Museums are Public Trusts

Governed by state and federal law

Guided by professional standards (“best practices”)



Museum Boards and Deaccessioning

The Museum's Board of Trustees is legally responsible for the proper management of the museum's (trust's) assets.

Major Board responsibilities in deaccessioning are

- Collections Care

- Financial Responsibility

- Conflict of Interest Issues

Responsibility for the collections is generally delegated by the Board to the Director, who then delegates specific responsibilities to the staff

Board-approved collection management policies form the “agreement” between Board and staff on how that will be done



What is Deaccessioning?

Deaccessioning is the removal of an object from the museum's "permanent" collection



Permanent Collection:

Objects that the museum has determined will have the highest level of care
Kept "forever"

Other types of collections: Education – Research - Hands-On - Exhibit (props)

It is an internal process, not a legal one


Objects can be removed from "permanent" collection and still be property of museum (i.e., have a different use for education, display, research)

Deaccession and Disposal



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Deaccessioning

From Wikipedia, the free encyclopedia

Deaccessioning is the process by which a work of art or other object is permanently removed from a [museum's collection](#) to sell it or otherwise dispose of it.^{[1][2][3]}

The decision to deaccession should be totally separate from the determination of method of disposal

Reasons for Deaccession

1. Outside the scope of the collection
2. Improperly accessioned
3. Duplicate
4. Fake
5. Bad condition
6. Hazardous material
7. To be used in destructive analysis
8. Part of an exchange
9. Another museum can provide more appropriate care
10. Resources are needed to diversify holdings
11. Change in museum mission

Outside the scope of the collection

The object is no longer consistent with the mission or collecting goals of the museum.



A Board-approved Collecting Policy/Scope of Collections Statement can prevent the need for future deaccessioning

Change in Museum Mission

In rare instances, the governing body of a museum may decide it is essential to change the mission of the institution. In these cases, existing works in the collection may no longer be consistent with the museum's new collecting goals and may be considered for deaccession. (AAMD)

Improperly Accessioned

The museum's possession of the object is inconsistent with applicable law or ethical principles, e.g., the object was, or may have been, stolen or illegally exported or imported, or the object may be subject to other legal claims for return or restitution.

Holocaust Era Restitution

The Nazi-Era Provenance Internet Portal Project provides a searchable registry of objects in U.S. museum collections that changed hands in Continental Europe during the Nazi era (1933-1945)

Repatriation

NAGPRA (legal requirement)

UNESCO Convention

Stolen

Looted



Duplicates and Fakes

The object is a duplicate that has no added value as part of a series.

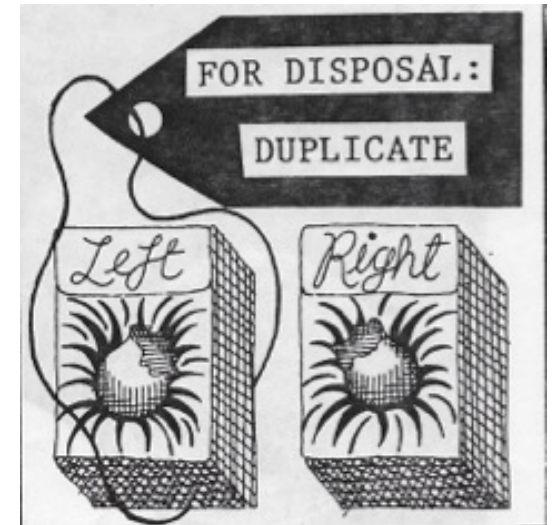
Not all similar objects are duplicates

Archaeological material

Prints

The authenticity or attribution of the object is determined to be false or fraudulent, and the fraudulent object lacks sufficient aesthetic, historical and/or scientific value to warrant retention.

*Indelibly marked and disposed of with full documentation



Lack of Information

The object is of poor quality and lacks aesthetic, historical and/or scientific value for exhibition or study purposes.

Lack of information about object

Need for extensive research

Lack of information about acquisition

“Found in Collections”

Abandoned Property Legislation



Bad Condition and Hazardous Materials

The physical condition of the object is so poor that restoration is not practicable or would compromise its integrity.

Objects that are damaged beyond reasonable repair and are of no use for study or teaching purposes may be destroyed

The object poses threats to health and safety to the staff and the public.

May be legal requirements on method of disposal



More Appropriate Care

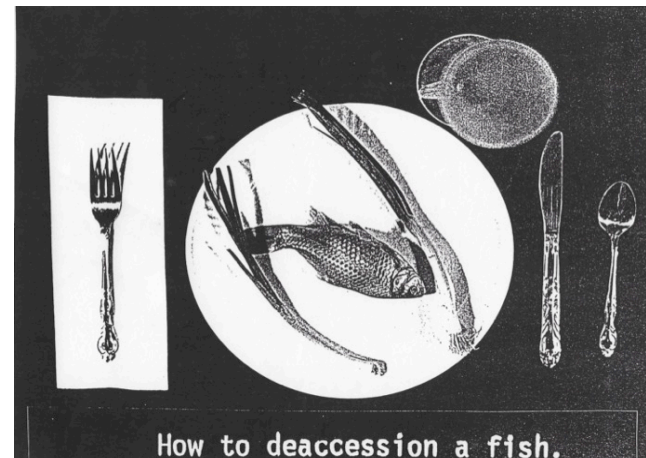
Another museum could more appropriately care for, display and provide access to the object, and it is the intention of the originating museum to assign ownership of the object to that other museum

Exchanges

“Orphan” collections

Destructive analysis

Biological identification



Diversifying Holdings

The object is being sold as part of the museum's effort to renew and improve its collections, in keeping with the collecting goals approved by the museum's governing body.

In order to refine and improve the quality and appropriateness of the collections (AAMD)

Baltimore Museum Showcases Work by Underrepresented Artists, Funded by 2018 Deaccessioning

The museum has used the funds from the \$16.1 million sale of works by artists including Warhol and Rauschenberg to acquire 125 works by underrepresented artists and artist collectives.

Methods of Disposal

1. Transfer to another tax exempt institution

Preferred “ethical” method

More common in Natural History museums

2. Transfer within institution

Can include office decoration, use by staff

3. Return to original donor

Unusual circumstance

Tax implications

Avoid setting precedents

4. Destruction

Witnessed destruction

Marking of fakes

5. Sale



Sale

Preferred method by Board

Fulfills fiduciary responsibility of maintaining value of trust

Public sale or auction

Sale through dealer

Thrift shops

Inappropriate sales

In Museum Shop (appear to be selling the collection)

To staff, volunteers or Board (Conflict of Interest)



Use of Proceeds from Sale



Should not be used for general operating expenses

Replenishment of the collection

May include packing/shipping, conservation

Care of the collection

What is "direct care"?

AAM Guidance



AAM Code of Ethics (2014, 2020)

Funds realized from the sale of deaccessioned items may be used only for “acquisition or direct care of collections.”

<https://www.aam-us.org/programs/ethics-standards-and-professional-practices/code-of-ethics-for-museums/>

Direct Care of Collections: Ethics, Guidelines, and Recommendations (2016, 2019)

Attempt to reconcile needs of different types of museums

“Direct care is an investment that enhances the life, usefulness or quality of a museum’s collection. “

<https://www.aam-us.org/programs/>

Collections Sustainability Rubric (2020)

Gauge the “health” of an institution and stability of its collections

Self-check if a museum is going down a pathway towards a crisis that could lead to a decision to improperly deaccession collections

<https://www.aam-us.org/programs/ethics-standards-and-professional-practices/collections-sustainability-rubric/>

Collections Sustainability Rubric

April 2020

HEALTH OF INSTITUTION	MISSION and PLANNING Does your institution have a Strategic plan and a clear Mission? Do they include collections? Do they align with AAM's Core Document Required Elements?					
Institution is...	COLLECTIONS		GOVERNANCE		MANAGEMENT	
Indicators	Red Flags	Indicators	Red Flags	Indicators	Red Flags	
<p>Doing well Operations consistent and stable; professional standards are regularly reviewed and used</p>	<ul style="list-style-type: none"> Trained staff Collections Management Policy (CMP) written, comprehensive and followed Clear, current, written procedures and plans (Deaccessioning, collecting, etc.) Development dept. supports preservation & interpretation Relevant to community Programming incorporates collections and includes community in development 	<ul style="list-style-type: none"> Staff understands/follows some not all standards; is less engaged with community Development sometimes incorporates collections in fundraising strategies; usually grasps museum standards Collections Management Policy, Collecting Plan, deaccessioning policy/procedures more than 5 years old w/o review or update Collections and programming are active but not collaborative; community may be involved in the process or not 	<ul style="list-style-type: none"> STRATEGIC PLAN IS CURRENT Governing authority understands its role and mission; follows good practice Collections committee is active; understands differences between advising vs. participating in day-to-day operations Members understand museum standards and ethics, especially collections-related Governing authority is engaged in supporting the institution, collections initiatives, and community Term limits are in place Members reflect the diversity of community and stakeholders 	<ul style="list-style-type: none"> STRATEGIC PLAN IS RECENT BUT THERE'S NO REGULAR REVIEW OR SCHEDULED UPDATE All or members understand their role and the collections; others not involved/aware Museum standards not well understood; some members view the collections as financial assets Some do not provide financial assistance; some are not members Term limits usually adhered to There is little board training, orientation or development Diversity not a priority 	<ul style="list-style-type: none"> Leadership savvy about standards, community impact, and business models Empowers collections staff; cohesive in approach Communicates collections needs and opportunities clearly with staff and governing authority Adheres to ethics Succession plan is clear 	<ul style="list-style-type: none"> Leadership understands community impact and business models, but is unclear about collections standards (or vice versa) Encourages collections staff but teamwork inconsistent Knows collections ethics and standards but may not follow them Financial challenges exist but there is a realistic and feasible plan to address Succession plan partially complete/outdated Collections are capitalized; treated as financial assets on balance sheet
<p>Struggling Doing good, effective things but resources and/or communication are challenges</p>	<ul style="list-style-type: none"> Changes in staff, mission, leadership Deadlines slip but catch-up possible Collections management backlog grows Communication is usually good; omissions are overcome Collections and programming have different agendas but still usually produce positive results Community usually has voice but not always 	<ul style="list-style-type: none"> Collections Mgmt. Policy not current; not aligned w/ practice; stakeholders not familiar with it Collections Plan doesn't serve mission Deaccessioning procedures not followed Communication with management challenging (lack of common ground, personality) Collections management slowing down, limiting public access Collections & programming effective but don't interact' and no community involvement / input 	<ul style="list-style-type: none"> STRATEGIC PLAN NEEDS TO BE UPDATED Governing authority and staff may seek relevant advice to address gaps in strategies Governing authority leadership and/or collections committee lacks consistent communication with collections staff or each other; may not meet regularly Recruitment of members occurs on an <i>ad hoc</i> basis; limited collections interests represented Term limits not consistently maintained Orientation / training sporadic Blurred definition of governing authority's role/impact on collections 	<ul style="list-style-type: none"> UNCLEAR DIRECTION ABOUT WHO UPDATES STRATEGIC PLAN Governing authority or collections staff seek advice to address collections strategies, but not always collaboratively Individual or collections committee members make unilateral decisions about the collections Term limits applied until there is a crisis Clarity of role starts to diminish No training on museum-specific issues Not meeting regularly or inability to reach quorum Idea of selling collections to stabilize the institution voiced 	<ul style="list-style-type: none"> Changes in leadership, mission, staff but there is an awareness of community connection Strategies lack focus Succession plan out of date Deadlines and collections issues fall through the cracks but feasible plans are possible Communication is clear enough for most board and collections staff to understand Collections are acquired but management on existing collections is haphazard 	<ul style="list-style-type: none"> Collections committee less active and may be unaware of tasks Communication with collections staff is challenged (lack of common ground, personality) Collections policies are unclear Succession plan is on the list but low priority Idea of selling collections to stabilize the institution voiced
<p>In crisis Usual resources not available; inconsistent processes and communication</p>	<ul style="list-style-type: none"> Collections staff have little awareness of the job; would ask for help if they knew who to ask Collections and programs not synchronized or may be limited Community not an obvious partner Development efforts not focused and/or exclude collections Collections issues fall on deaf ears 	<ul style="list-style-type: none"> Staff has no knowledge of standards or who to ask Collections stored inappropriately and endangered; there is no access Little attempt to communicate across the institution What is a Collections Management Policy? 	<ul style="list-style-type: none"> STRATEGIC PLAN ARCHAIC OR NON-EXISTENT Obstacles (internal/external) to creating strategic plan Collections committee is inactive or functions independently Communication with collections staff is limited; advice not sought or ignored Term limits are meaningless No development or orientation Disregard of collections stewardship standards 	<ul style="list-style-type: none"> STRATEGIC PLANNING OR THINKING ARE NOT PART OF THE CONVERSATION. Individual ideas override plan of action Collections committee has few attendees (or disbanded) and individual opinion rules; collections staff ignored What is a board orientation? 	<ul style="list-style-type: none"> Limited knowledge of museum management Lacks community spirit Deaccessioning viewed as a general fundraising option Few strategies are relevant to mission; issues fall through the cracks and are ignored Communication is inconsistent Succession plan lost in a file drawer 	<ul style="list-style-type: none"> Leadership skills not relevant to mission Okay communication with governing authority or staff but not both; and overall poor communication Lack of strategic vision let alone plan Collections viewed as burden rather than community asset; little regard for public trust responsibilities vis-à-vis the collections Financial instability with little or no obvious method to resolve What is a succession plan?
Community Support?						
<p>HOSPICE Not viable; leadership, relevance, community support, & resources lacking</p>	<p>There is no effort to care for or understand the collection. Its purpose is lost and the collection is deteriorating in place or is disappearing from the institution. It has little relevance or use to the community.</p>		<p>NO STRATEGIC PLAN. No Vision or leadership. No obvious community support. Is the institution of value in current form?</p>		<p>There is no effort to lead, internally or beyond the walls of the institution. If there was a vision at the beginning, it is no longer obvious. Finances are insufficient and potential volunteer help is insufficient or non-existent.</p>	

AASLH Guidance



Statement of Professional Standards and Ethics (2018)

<https://learn.aaslh.org/p/report-statement-standards-ethics>

Collections shall not be deaccessioned or disposed of in order to provide financial support for institutional operations, or any reason other than direct care, preservation, or acquisition of collections as defined by institutional policy.

Ethics Position Paper When A History Museum Closes (2006)

http://download.aaslh.org/history+news/ethics_paper_no2.pdf

AAMD Guidance



Policy on Deaccessioning (2010, 2015)

Funds received from the disposal of a deaccessioned work shall not be used for operations or capital expenses. Such funds, including any earnings and appreciation thereon, may be used only for the acquisition of works in a manner consistent with the museum's policy on the use of restricted acquisition funds.

<https://aamd.org/sites/default/files/document/AAMD%20Policy%20on%20Deaccessioning%20website%200.pdf>

Board Resolutions (2020)

AAMD will refrain from censuring or sanctioning any member institution that uses proceeds from deaccessioning for direct care of collections (instead of limited to replenishment of collection) for the next 24 months. The resolution does not change AAMD's Professional Practices or any other rules currently in place, but instead effectively places a moratorium on punitive actions through April 10, 2022.

<https://aamd.org/for-the-media/press-release/aamd-board-of-trustees-approves-resolution-to-provide-additional>

Professional Practices in Art Museums (2022)

Definition of direct care of collections: "Direct care for purposes of this section means the direct costs associated with the storage or preservation of works of art," "Such direct costs include for example those for (i) conservation and restoration treatments (including packing and transportation for such conservation or restoration) and (ii) materials required for storage of all classifications of works of art, such as, acid-free paper, folders, matboard, frames, mounts and digital media migration."

<https://aamd.org/for-the-media/press-release/membership-of-aamd-approves-change-to-deaccessioning-rule-bringing>

ICOM Guidance



International Council of Museums Guidelines on Deaccessioning (2019)

<https://icom.museum/wp-content/uploads/2019/10/Guidelines-on-Deaccessioning-of-the-International-Council-of-Museums.pdf>

Funds realized from the deaccessioning and disposal of an object should be used solely for the benefit of the museum's collection, that is, acquisitions to and care for that same museum's collection. By no means, however, should the funds be used for the costs of regular museum administration or maintenance.

Federal Accounting Standards Board (FASB) Considerations



The 2019 updated standard permits museums not to recognize as revenue, nor capitalize, “contributions of works of art, historical treasures, and similar assets” if the donated items meet all of the following criteria:

- a. They are held for public exhibition, education, or research in furtherance of public service rather than financial gain.
- b. They are protected, kept unencumbered, cared for, and preserved.
- c. They are subject to an organizational policy that requires the use of proceeds from items that are sold to be for the acquisition of new collection items, the **direct care of existing collections**, or both.”

Legal Regulations

Must have legal title in order to transfer to another owner

Must follow any conditions at time of acquisition



State Attorney General may investigate if the Board is thought to have failed to fulfill its fiduciary responsibilities (care of collection, conflict of interest, fiscal management)



Documenting Deaccessions

1. Written proposal from curator
2. Approvals by Board, Committee or other body identified in Policy
3. Reports of outside experts

Appraisal

4. Photographs
5. Scientific studies
6. Conservation/condition reports
7. Accession and other catalogue records

Check for any restrictions at time of acquisition

Notification of Donor

Items donated to a museum are owned for the public good. Accordingly, a museum or historical organization is under no obligation to seek approval from or notify donors when disposing of unrestricted gifts or collections. (AASLH)

Obligation or courtesy?

Not a request for permission

Transfer credit line to new acquisition



Useful Reading

A Deaccession Reader (Stephen E. Weil, ed., 1997)

Report to the Deaccessioning Task Force of the Registrars Committee of AAM by Roberta Frey Gilboe)

Things Great and Small. Collections Management Policies (John Simmons, 2018)

A Legal Primer on Managing Museum Collections (Marie Malaro and Ildiko DeAngelis, 2012)

Deaccessioning and Its Discontent. A Critical History (Martin Gammon, 2018)

Is It Okay to Sell the Monet? The Age of Deaccessioning in Museums (Julia Courtney, ed. , 2018)

Deaccessioning Today. Theory and Practice (Steven Miller, 2018)

The Most Controversial U.S. Museum Deaccessions: Why Do Institutions Sell Art? (**ArtNews**, October 2020, Angelica Villa)

Questions

