

# SOLOMON R. GUGGENHEIM MUSEUM COLLECTIONS MANAGEMENT POLICY

Adopted by the Board of Trustees 12/8/94, as Amended 4/18/07

## I. The Mission and Goals of the Solomon R. Guggenheim Foundation

The mission of the Solomon R. Guggenheim Foundation, founded in 1937, is to promote the understanding and appreciation of art, architecture, and other manifestations of visual culture, primarily of the modern and contemporary periods, and to collect, conserve, and study the art of our time. The Foundation realizes this mission through exceptional exhibitions, education programs, research initiatives, and publications, and strives to engage and educate an increasingly diverse international audience through its unique network of museums and cultural partnerships. The Foundation directly owns and operates the Solomon R. Guggenheim Museum and the Peggy Guggenheim Collection (collectively, the "Museum"). Currently, the Museum's collections strive to represent the major artistic movements of this century: Cubism, Dadaism, Surrealism, Constructivism, Expressionism, Abstract Expressionism, Art Informel, Pop Art, Color Field painting, Minimalism, and Conceptualism.

With respect to collections management, the Solomon R. Guggenheim Foundation's mission is served through the maintenance and expansion of the Museum's collections, and the development and presentation of a diverse and informative exhibition program. In its stewardship of the Museum's collections, the Foundation recognizes that it holds its collections for the benefit of the public.

## II. Purpose of the Collections Management Policy

This Collections Management Policy (the "Policy"), as it is formally adopted and may be revised from time to time by the Board of Trustees of the Foundation, is intended to establish a reference tool for developing appropriate practices and procedures of collection management that are consistent with the mission of the Foundation and with professional museum standards.

Thus, through this Collections Management Policy, the Museum ensures that:

- collections in its custody support its mission and public trust responsibilities;
- collections in its custody are protected, secure, unencumbered, cared for, and preserved;
- collections in its custody are accounted for and documented;
- access to the collections and related information is permitted and appropriately regulated;

- acquisition, disposal, and loan activities are conducted in a manner that respects the protection and preservation of cultural resources and discourages illicit trade in such materials;
- acquisition, disposal, and loan activities conform to its mission and public trust responsibilities;
- disposal of collections through sale, trade, or research activities is solely for the advancement of the Museum's mission, and use of proceeds from the sale of collection materials is restricted to the acquisition of collections;
- collections-related activities promote the public good rather than individual financial gain.

### III. Accession and Deaccession Policy

#### A. Permanent Collection Goals

The Museum's permanent collection begins with Solomon Guggenheim and Hilla Rebay's vision of a collection of non-objective art. The areas of depth that characterized the founders' collection -- Kandinsky, Picasso, and Leger, among others -- continue to form one of the greatest strengths of the Permanent Collection. This collection contains approximately 610 works of art that were donated to the Foundation by Solomon R. Guggenheim between 1937 (the year the Foundation was established) and 1949 or were purchased by the Foundation during those years. By resolution adopted on April 18, 2007, the Board of Trustees honored Solomon R. Guggenheim's legacy and the 70<sup>th</sup> anniversary of the formation of the Foundation by formally designating this collection as "The Founding Collection" and by heightening the restrictions on deaccessioning the works within this collection.

In the ensuing years, the Museum's original holdings have been augmented and expanded beyond its original scope by systematic collecting on the part of the museum's directors. The Foundation's goals for the permanent collection are to maintain and to continue to acquire significant works of Twentieth Century, Twenty-First Century and contemporary art in accordance with the Museum's mission.

#### B. Accession Policy and Procedures

Works accessioned into the Museum's collections should conform to the Museum's mission and public trust responsibilities. When considering the accession of a work, by gift or purchase, the Board of Trustees should consider, among other things, whether the work provides greater depth to the historical dimension of the collection, and strengthens the collection's contemporary holdings. Other considerations include the quality of the object or collection to be accessioned, its relation to the collections as a whole, its historical importance, and its quality or its value in relation to other works by the same artist or from the same period that are already in the collection.

All relevant information available from the seller or donor will be collected by the curatorial and registrarial staff prior to the accession. This information would include any current appraisals that may exist, proof of ownership when pertinent, verification of the title, year, dimensions, provenance, exhibition history and conservation documentation. The work of art shall be photographed and the photos entered, along with the foregoing information, into the museum's collections record files as soon as reasonably possible.

In all accessions the Museum will abide by the 1970 UNESCO Convention on the Means of Prohibiting the Illicit, Import, Export, and Transfer of Ownership of Cultural Property and the Museum will not knowingly acquire any object that has been acquired in, or exported from, its country of origin or an intermediary country in violation of United States law.

The Museum will also observe the following guidelines relating to World War II era looted art for future gifts, bequests and purchases:

- (1) The Museum will ask donors (or executors in the case of bequests) and sellers of works of art to provide as much provenance information as possible with regard to the Nazi/World War II era.
- (2) Where the Nazi/World War II era provenance is incomplete for a gift, bequest or purchase, the Museum will search available records and consult appropriate databases of unlawfully confiscated art to the extent practicable. If there is credible evidence of unlawful confiscation and there is no evidence of restitution, the Museum shall not acquire the object. In the absence of such evidence of unlawful confiscation, the work may be presumed not to have been confiscated and the acquisition may proceed.
- (3) When purchasing works of art, the Museum will seek representations and warranties from the seller that the seller has valid title and that the work of art is free from any claims.

The Director, working with the Museum staff, will propose works of arts to be accessioned to the Art and Museum Committee of the Board of Trustees. The staff will present all available documentation referred to above and will offer their recommendations and reasons for proposing a particular work. The Art and Museum Committee is solely responsible for voting on the objects presented to them. Museum staff will not vote, and any Committee member who has an actual or potential conflict of interest in the decision of the Committee should make that conflict known in advance of the vote in accordance with the Committee's standing policy on conflicts of interest.

The final decision to accession an object legally rests with the Board of Trustees. The Art and Museum Committee will present its recommendation to the Board of Trustees, which will vote on the proposal, and will agree on the appropriate source of funding, in the case of a purchase. Works purchased using funds from deaccessions or trades will be designated by the term "by exchange."

While circumstances may dictate deviations in particular cases, it is strongly advised that gifts, bequests and other acquisitions be of an unrestricted nature.

### C. Policy and Procedures for the Deaccession and Disposal of Works of Art

Objects and collections may generally be deaccessioned in accordance with the terms of any applicable gift document or bequest. Any deaccession of a work should be solely for the advancement of the Museum's mission. Proceeds from the sale of collection materials may not be spent other than for art acquisition.

The criteria for determining whether an object should be deaccessioned include, but are not limited to, the following:

- (1) if the work has been damaged or has deteriorated and repair by either a conservator or the artist is impossible or impractical;
- (2) if the Board of Trustees has received a professional opinion(s) that the work is not authentic or has been misidentified and is no longer important or valuable;
- (3) if the Museum is ordered to return an object to its original and rightful owner by a court of law;
- (4) if the object is no longer useful or relevant to the purposes and activities of the Museum, if there is a better example of the same work in the collection, or, if its deaccession would allow the Museum to improve and strengthen another area of the collections such that the Museum's goals would be furthered by such deaccession;
- (5) if it is unduly difficult or impossible for the object to be cared for properly, including storage; or
- (6) if the cost of insuring the object has become prohibitive.

The Museum must ascertain that the deaccession is not legally restricted. Deaccessioning and disposal must comply with all applicable local, state, and United States federal laws in force at the time, and must observe any terms and obligations which pertained to the acquisition of the work by the Museum. In addition, the Museum will not deaccession works by living artists without the artist's consent.

Works or art which have been fabricated or otherwise industrially manufactured, and works which include materials that are understood to be perishable, may be exempt from the deaccessioning process in the discretion of the Executive Committee of the Art and Museum Committee. In such cases, the criteria set forth above will be considered, but will not be deemed to control the disposal of such objects.

The Director, working the Museum staff, will propose works of arts to be deaccessioned

to the Executive Committee of the Art and Museum Committee of the Board of Trustees. The staff will present relevant documentation and will offer their recommendations and reasons for proposing the deaccessioning of a particular work. The Executive Committee of the Art and Museum Committee will vote on the proposed deaccession, and will present its recommendation to the Board of Trustees. The final decision to deaccession an object legally rests with the Board of Trustees. In the case of a work that is part of the Founding Collection, a 2/3 vote of the full Board of Trustees shall be required.

No member of the Museum's Board of Trustees, governing body, staff, or person whose association with the institution might give them an advantage in acquiring the work, shall be permitted to acquire directly or indirectly a work deaccessioned by the Museum, or to otherwise benefit from its sale or trade, to the detriment of the Museum.

#### D. Prohibition of Use of Collection as Collateral

The Museum ensures that collections in its custody are unencumbered. Specifically, collections shall not be capitalized or treated as financial assets.

### IV. Loans from the Permanent Collection

#### A. Outgoing Short-term Loans

This Policy encourages loans to peer institutions (and in specific cases, galleries) for significant exhibitions. In general, loan activities must conform to the Museum's mission and its public trust responsibilities, and must be conducted in a manner that respects the protection and preservation of cultural resources and discourages illicit trade in such materials.

Before any loan is approved, the loan (including insurance) arrangements, and environmental and security controls at the borrowing institution should be thoroughly considered by Museum staff. The approval of the loan is contingent upon an examination of each work of art in question to ascertain whether it can physically withstand the preparation, packing, shipping, and handling that will be required to effect the loan. Any necessary measures for the work's conservation and protection should be taken before the loan is carried out. All treatments should be photo documented and condition reports on previous restorations should be updated.

#### B. Long-term Loans

Long-term loans will be granted when conditions exist which enable the works on loan to be seen within an appropriate collection or context for a period of time that the Museum deems beneficial to the loan itself or to the general public. The Museum will take precautions to assure that appropriate registration, conservation and security measures are maintained with respect to the long-term loans.

### V. Care and Documentation of the Collections

## A. Security

The Museum will ensure that collections in its custody are secure. All security personnel will be trained in accordance with applicable professional standards to respond to threats of theft, fire, or other danger to the collections. Guards are assigned to public areas of the Museum during the hours when the Museum is open to the public, and maintain contact with the local police precinct and fire department to ensure immediate assistance in the event of an emergency.

In the event of a loss, Museum staff will act in accordance with the policy on art loss adopted by the Art and Museum Committee on May 10, 1994.

## B. Collections Records and Access to the Collections

The Museum holds and safeguards its collections for posterity, although it allows and regulates reasonable public access to the collections on a nondiscriminatory basis. As a result of its renovation and expansion, the Museum has dramatically increased its physical resources and thereby improved its ability to provide public access.

Through the maintenance of an orderly and retrievable body of information, the Museum ensures that its collections are documented. Subject to specific requirements of confidentiality, the Museum considers information contained in the Museum records that relates to the collections and the manner in which they were acquired to be a matter of public record.

Access to such information will, nevertheless, be limited and handled with discretion. In general, the areas of information considered to be of a sensitive or confidential nature include the price paid for an object, and the historic (at the time of the acquisition) or current value of an object. The name of the person or entity from whom a work of art is acquired is not considered to be sensitive or confidential information unless requested by the donor or seller.

Every reasonable effort will be made to provide the scholarly community access to the collections and holdings, subject to restrictions required for the protection of the collections.

## C. Conservation, Preservation and Storage

The collections in the Museum's custody should be stored and exhibited in accordance with internationally accepted temperature and humidity standards. The Museum's exhibition spaces and storage facilities are, and should be, equipped with adequate climate control systems which are designed to maintain such standards.

The Museum's collections are preserved by the Museum's conservators who work closely with living artists. Innovative conservation solutions are shared with other contemporary art museums.