

LOS ANGELES COUNTY MUSEUM OF ART
COLLECTIONS MANAGEMENT POLICY

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COLLECTIONS MANAGEMENT POLICY
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I. MISSION STATEMENT

The Los Angeles County Museum of Art (LACMA), originally part of the Los Angeles County Museum of History, Science and Art, which first opened in 1913 in Exposition Park, Los Angeles, was established as an independent museum in Hancock Park, Los Angeles in 1965. LACMA's mission is:

“To serve the public through the collection, conservation, exhibition and interpretation of significant works of art from a broad range of cultures and historical periods, and through the translation of these collections into meaningful educational, aesthetic, intellectual and cultural experiences for the widest array of audiences.”

II. PURPOSE OF THE COLLECTIONS MANAGEMENT POLICY

This Collections Management Policy (the “Policy”) is intended to document the basic principles that guide the development, integrity and care of the Museum's permanent and loaned collection in accordance with its mission and with professional museum standards. The Policy is available to the public upon request. Detailed procedures implementing the Policy may be obtained from the Registrar of LACMA.

Through this Policy, the Museum ensures that:

1. the acquisition, deaccession, and loan of artworks within the collection are conducted in a manner that adheres to the Museum's mission, complies with applicable law, and reflects the highest ethical standards;
2. the collections, permanent and loaned, are accounted for and documented;
3. the collections, permanent and loaned, are protected, secure, cared for, and preserved;
4. access to the collections in the galleries or study rooms and access to collection information is permitted and appropriately regulated;
5. deaccession of works from the collections, through sale, exchange, or other means, is solely for the advancement of the Museum's mission, and proceeds from the sale of such works are used only to purchase other works of art in accordance with standards established by the American Association of Museums (AAM) and the Association of Art Museum Directors (AAMD); and
6. collection related activities and programs promote the public good.

III. DUTIES OF THE BOARD OF TRUSTEES

The Board of Trustees has the following powers with respect to the collection. Generally, the Board of Trustees will exercise such powers after review by, and based upon the recommendations of, the Acquisitions Committee of the Board of Trustees.

1. The power to accept or decline the accession of works of art into the permanent collection through gifts, bequests, fractional interest gifts, promised gifts, purchases, and partial gift/partial purchase.
2. The power to ratify or decline the accession of works of art through gifts (including fractional gifts) or bequests, acquisition of which has been approved by the Director between the Director's December acquisitions meeting and the end of the calendar year.
3. The power to approve the deaccession of artworks for sale, exchange, or other means of disposal.
4. The power to approve Outgoing Loans.
5. The Board of Trustees, upon the recommendation of the Acquisitions Committee, may establish guidelines with respect to one or more levels of value of artworks below which decisions as to acquisitions, deaccessions and loans may be made by the Acquisitions Committee or the Director without higher approval.

IV. ACQUISITION OF ARTWORKS

A. General Principles

LACMA's mission is to collect, preserve, and exhibit works of art as outstanding examples of cultural heritage and to educate the public about the history of art, including its production, quality, content, provenance, purpose and meaning. The understanding of each object in the Museum's permanent collection is an integral part of the history of art as a whole. Curators should propose works of art for accession to the permanent collection that form and present to the public an encyclopedic collection of works of art of high quality in a coherent manner consistent with the Museum's educational purpose. Proposed acquisitions should further the Museum's mission and strategic plan, as established from time to time by the Board of Trustees. Works proposed for accession should be in, or be capable of being returned to, an acceptable state of preservation. LACMA must be able to safely house and care for the proposed acquisition in accordance with professional museum practices and standards. All collecting must follow the highest standards of ethical, legal and professional practice.

Acquisitions may include, but are not limited to, the following:

- Gifts
- Bequests
- Fractional Interest Gifts
- Promised Gifts
- Purchases
- Partial Gift/Partial Purchases (or "Donative Sale")
- Exchanges

B. Guidelines for all Art Acquisitions

Following applicable procedure, the Director must review and determine whether to recommend that the Board of Trustees approve all proposed acquisitions. Subject to such guidelines as may be adopted by the Board governing acquisitions below certain values, the accession of all acquisitions approved by the Director must be officially reviewed and approved by the Acquisitions Committee and then by the full Board of Trustees. In limited circumstances, the Director may approve the acquisition of certain donations or bequests with the intention of selling the works, without accessioning them into the permanent collection. When that is the case, these policies do not apply. In the event that approval by the Acquisitions Committee is not feasible, the full Board of Trustees, or its Executive Committee, has the authority to approve acquisitions directly, in accordance with LACMA's bylaws and applicable law.

General criteria for acquisitions should include, but are not limited to, the following:

1. All objects must be of sufficient artistic merit or historical significance and/or possess enough value for scholarly research to justify their relevance to the Museum's collection.
2. Generally, objects should be intended for exhibition, although in appropriate cases, objects may also be acquired solely or principally as part of a study collection for academic purposes.
3. The objects should retain their basic integrity, be in a reasonable state of conservation, or be capable of being returned to an acceptable state of conservation. Special scrutiny should be given to objects that present significant storage or conservation problems.

The Director has the authority to accept donations of art after the December Director's Acquisition Meeting, through December 31. These donations of art are referred to as "End-of-Year Gifts" and the accession of these works into the permanent collection is subject to ratification by the Acquisitions Committee and the Board of Trustees the following January. Title to such gifts shall be transferred to LACMA upon execution of an appropriate Deed of Gift prior to the end of the calendar year but shall not be deemed to be accessioned into the permanent collection until final ratification by the Board of Trustees.

LACMA generally does not accept restrictions on art purchased by or donated to the Museum. Exceptions require approval by the Acquisitions Committee of the Board of Trustees.

Legal documentation is required in written form for all artworks transferred to LACMA. To ensure proper title transfer, standard forms approved by the Office of General Counsel must be used. As part of the acquisition process, these forms are provided by the Registrar's Office to the donor or seller. When purchasing or accepting gifts of works of art, the Museum will seek representations and warranties from the seller/donor that the seller/donor has valid title and that the work of art is free from any liens, claims and encumbrances. In the case of purchases or partial purchases, the Museum will also seek indemnification for a full refund for the work of art in the event of any breach of these representations and warranties. If the seller or donor of a work is the owner of any copyright interest in the work, LACMA will seek to obtain an assignment of the copyright or a non-exclusive copyright license for reproduction of the work in connection with LACMA's nonprofit educational mission. All copyright issues and any requests forwarded to the copyright holder to reproduce objects for commercial and non-commercial use must be coordinated through the Rights and Reproductions Department.

C. Provenance Guidelines

1. Inquiry and Research

The Museum shall rigorously research the provenance of an artwork prior to acquisition to determine, to the maximum extent possible, that the Museum can obtain clear title and that the export and import of the work from its country of origin, from and into each country through which the work has passed, and through its import into the United States and delivery to the Museum complies in all material respects with applicable law and ethical standards adopted by the Museum, including standards established by AAM and AAMD.

Provenance research should include, but is not limited to, determining:

- the ownership history of the artwork;
- the dates and physical locations of the artwork since its creation or discovery;
- the exhibition history of the artwork, if any;
- the publication history of the artwork, if any;
- whether any claims to ownership of the artwork have been made;
- whether the artwork appears in relevant databases of stolen works;
- the circumstances under which the artwork is being offered to the Museum.

For all acquisitions, the Museum shall make a rigorous effort to obtain from sellers and donors all available information and accurate written documentation with respect to the ownership history of the work of art.

Standards and criteria for provenance research vary by collecting area. The Museum will employ principles of research consistent with best practices of research or inquiry in each field. LACMA is an encyclopedic collection; different disciplines and different research challenges are applicable to different collecting areas, and no one standard applies to all types of art.

2. Legal and Ethical Considerations

Museum acquisitions must comply with all applicable local, state, and federal U.S. laws, most notably those governing ownership and import of works of art, such as the National Stolen Property Act (NSPA), the Convention on Cultural Property Implementation Act (CCPIA), sanctions enforced by the Office of Foreign Assets Control (OFAC), the Convention

on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Native American Graves Protection and Repatriation Act (NAGPRA). Since the status of a work of art under foreign law may bear on its legal status under U.S. law, the Museum shall, to the extent practicable, review relevant foreign laws before making an acquisition.

The Museum follows the guidelines regarding the protection of cultural properties currently recommended by UNESCO, AAM and AAMD. The Museum also complies with guidelines of the "Report of the Association of Art Museum Directors' Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945) (adopted June 4, 1998, amended April 30, 2001)", the AAM's "Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era (adopted November 1999, amended April 2001)", the AAMD's "New Report on Acquisition of Archaeological Materials and Ancient Art (adopted June 4, 2008)" and the AAM's "Standards Regarding Archaeological Material and Ancient Art (adopted July 2008)." The Director has the authority to review and approve the Museum's adoption of any amendments, revisions or other changes to such organizations' policies and guidelines, from time to time, without further amendment of this Policy.

Compliance with researching provenance and due diligence may also involve consulting the Art Loss Register, publications, qualified experts or other independent sources.

a) Nazi / World War II Era

In addition to the rigorous research and documentation required for all acquisitions, the Museum will observe stringent standards relating to the acquisition of works that were likely to have been in German-occupied Europe between 1933 and 1945. Where information is incomplete for an acquisition, curatorial staff should undertake additional research prudent or necessary to resolve the Nazi-era provenance of the work. All research efforts shall be documented. In the absence of evidence of unlawful appropriation, the acquisition may proceed. Where there is credible evidence of unlawful appropriation without subsequent restitution, the Museum shall not acquire the work until taking further action to resolve these issues.

b) Archaeological materials and Ancient Art

In addition to the rigorous research and documentation required for all acquisitions, the Museum will observe stringent standards for the acquisition of archeological materials and ancient art.

The Museum normally shall not acquire such 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 recognizes that even after the most extensive research, some works will lack a complete documented ownership history. In some instances, the Museum may make an informed judgment 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 may acquire the work. In other instances, given the cumulative facts and circumstances resulting from provenance research, including, but not limited to, the independent exhibition and publication of the work, the length of time it has been on public display, and its recent ownership history, the Museum may make an informed judgment to acquire the work. In both instances, the Museum shall carefully balance the possible financial and reputational harm and the potential for legal liability against the benefit of collecting, presenting, and preserving the work in trust for the educational benefit of present and future generations.

3. Publication and Display

If as a result of continuing research, any significant acquisition of archaeological material, ancient art or works with respect to which Nazi/World War II Era provenance questions may apply, the Museum shall make such information public and shall promptly publish the artworks, with an image and relevant provenance information, in print or on the Museum's website.

4. Claims

In the event that a third party claims that a work in the Museum's collection was unlawfully obtained or appropriated, the Museum shall review the claim promptly and responsibly. The Museum shall request evidence of ownership from the claimant in order to assist in determining the provenance of the work. If after working with the claimant the Museum determines that the work was unlawfully obtained or appropriated, the Museum shall seek to resolve the matter in an equitable, appropriate and mutually agreeable manner including, if the case warrants, through the return of the work to the appropriate party. The foregoing policy shall also apply in the event that the Museum, as a result of its continuing research, gains information that might establish another party's right to ownership of a work.

V. STAFF POLICIES RELATING TO ACQUISITIONS

A. Appraisals

The Museum does not provide appraisals to donors. Under current IRS guidelines, LACMA, as a donee, cannot act as a “qualified appraiser.” LACMA can assist donors by suggesting several sources of qualified appraisers, such as the American Society of Appraisers, the Art Dealers Association, and auction houses, but must avoid the appearance of favoritism and provide more than one reference. LACMA cannot make arrangements for the appraisal and cannot pay for the appraisal, but will provide the appraiser access to the artwork or relevant information from the Museum’s files. Estimates of value for LACMA’s fine arts insurance coverage, whether for the permanent collection or for loans to LACMA, are proprietary and confidential and may not be disclosed to third parties (other than LACMA’s insurance agents or carriers) without approval by the Deputy Director or the Director, in consultation with General Counsel.

B. Ethics

LACMA’s Ethics Policy governs certain other matters for staff who may be involved in managing the collection including such issues as personal collecting by staff, dealing in art by staff and gifts to staff. (See LACMA’s Ethics Policy)

VI. DEACCESSION OF ARTWORKS

A. General Principles

Deaccessioning is the process by which LACMA decides and declares that an object shall be removed from its permanent collection and subsequently disposed of by sale, exchange or other appropriate method. The deaccession of artwork from the collection has been and will remain an exceptional occurrence undertaken with prudence for the protection of the Museum, its staff, trustees and donors, and for the integrity of the collection and the advancement of the Museum's mission.

The criteria for deaccessioning an artwork include, but are not limited to, the following:

1. The object is not relevant to the mission of the Museum or has little value in the Museum's collection.
2. The object is a duplicate of another in the collection and is deemed unnecessary to retain.
3. The object is of poor quality or a similar but superior example exists in the collection.
4. The object lacks sufficient aesthetic merit or art historical importance to warrant retention.
5. The Museum is ordered to return an object to its rightful owner by legal process (as in a case of repatriation); the Museum determines that another entity is the rightful owner of the object; or the Museum determines that the return of the object is in the best interest of the Museum.
6. The object is unable to be preserved in a responsible manner or is in such poor physical condition that proper repairs are not feasible or will render the object essentially false.
7. The object is a forgery, is not authentic or is misrepresented and unsuitable to remain in the permanent or study collection. Forgeries must be indelibly marked.

B. Guidelines for all Deaccessions

Following applicable procedure, the Director has the authority to review and determine whether to recommend that the Acquisitions Committee and the Board of Trustees approve all proposed deaccessions. Subject to such guidelines as may be adopted by the Board governing deaccessions below certain values, all deaccessions recommended by the Director must be officially reviewed and approved for deaccession by the Acquisitions Committee Meeting and, upon recommendation of the Acquisitions Committee, at the meeting of the full Board

of Trustees. In the event that approval by the Acquisitions Committee is not feasible, the full Board of Trustees, or its Executive Committee, has the authority to approve deaccessions directly, in accordance with LACMA's bylaws and applicable law.

Deaccessions must comply with the following guidelines:

1. The Museum strongly discourages the deaccession of works of art by living artists, unless the deaccession is made to upgrade its holdings of work by that artist. In this situation the artist or the artist's representative should be consulted.
2. The Museum may only deaccession works to which it has clear legal title, other than a deaccession constituting the return of an object to its rightful owner as set forth in clause 5 of Section A above.

The Director will have the authority to determine the best method of disposal. Every effort will be made to ensure that the deaccession process is fair and open. Sale at public auction is strongly encouraged. Other acceptable means of disposal include, but are not limited to, private sale, private auction, exchange, or gift or sale to another museum or appropriate institution.

The Museum honors all binding restrictions attached to Gifts (except when explicitly waived by the donor or, if applicable, the donor's heirs or representatives). The Registrar, once notified by the curator of a potential deaccession, will ascertain, with advice of counsel if necessary, whether any donor or other legal restrictions prevent deaccession or would require any consent or permission. In the case of unencumbered gifts, the Museum will make reasonable efforts to contact donors or their representatives to inform them of the proposed deaccession, but such action shall not be construed as a request for permission. The Museum may, in its sole discretion, consider nonbinding objections from such parties.

Consistent with current IRS guidelines, the Museum generally will not deaccession any artwork donated to the Museum within three years of its acquisition. This applies to all donations of art to the Museum, even those without donor-imposed restrictions. Notwithstanding the foregoing, the Museum reserves the right to deaccession works within such period, in its discretion, in appropriate circumstances (including without limitation for those reasons described in clauses 5 and 7 of Section A above).

Funds realized from the deaccession of works of art will be placed in restricted accounts and must be used to acquire other works for the collection, usually for the same curatorial department or area. No other use of deaccession funds will be allowed.

No object deaccessioned by the Museum may be acquired directly or indirectly at the time of the Museum's disposition of the object, or for one year following such disposition, by any member of the Museum staff or Board of Trustees or their immediate families. (See LACMA's Ethics Policy, "Ethics Principles" Section VI, "Personal Collecting", clause E.)

Deaccession of objects to which Los Angeles County holds title must comply with the requirements set forth in the agreement between Museum Associates and the County of Los Angeles dated November 22, 1988.

VII. CARE OF THE COLLECTIONS

The Museum is responsible for the care and preservation of all works of art under its jurisdiction. This responsibility includes works of art in the permanent, study and archival collections, loans and other contractual agreements, whether on the Museum premises or stored off site. The staff is responsible for ongoing or day-to-day care and preservation that require maintenance of artworks to the highest possible standards by individuals with knowledge and skill in the techniques of handling, storage, shipping, conservation, security, maintenance of the environment and all other conditions. The Museum shall provide a safe and appropriate environment for the collections, with effective security and environmental controls, and will maintain an Emergency Disaster Plan, in order to effectively preserve and maintain the works under its care. The Museum cannot, however, be responsible for the normal and natural deterioration of an object caused by environmental forces, inherent vice, or gradual deterioration.

The appropriate departments of the Museum, as determined from time to time by the Director, are charged with the long-term preservation, care and safety of the collections through conservation treatment, examination, storage, display, insurance and documentation of all works under its auspices. In order to fulfill its stated responsibility, the Museum will strive to encourage and support professional development and continuing education among its staff and to provide financial support for upgrading and maintaining equipment and storage and display methods and materials.

LACMA is sensitive to the impact its operation has on the environment today and in the future. The Museum has recently adopted initiatives that will help the Museum use less energy and promote green thinking among its employees and visitors. The Museum's aim is to recycle, reuse, and reduce in all of its activities. This applies to packing, crating, storage, exhibition, and loan activities where LACMA aims to recycle, reuse, and reduce as much material as possible.

VIII. RECORDS AND INVENTORIES

A. Records

Accurate documentation and record keeping are essential to the preservation and integrity of LACMA's collections. Through the Registrar, Curatorial, Conservation and other related departments, the Museum shall maintain accurate and up-to-date records on the identification, accession, condition, and location of all objects in the collections, as well as the ongoing activities related to the artworks such as exhibitions, loans, publication, intellectual property rights, provenance, research and correspondence. LACMA has established electronic records of the collection through a collections management database system that includes records of all accessioned, deaccessioned, and loaned artworks. The primary responsibility of the management of the database shall reside with the Registrar's Office.

B. Inventories

LACMA shall make an inventory of the contents of its galleries and storerooms on a regular basis. At least once during every calendar year the Registrar, with Collections Management, shall participate in both an Internal Audit and External Audit on a limited number of artworks and records within the permanent collection. The collections staff shall undertake regular inventories of the storerooms and galleries, which are necessary to determine the physical state and statistics of the collections, to set priorities for conservation treatment, to evaluate the adequacy of storage and insurance coverage, and to analyze the state of documentation, cataloging, labeling, and methods of record keeping.

IX. ACCESS BY THE PUBLIC TO THE COLLECTIONS AND RECORDS

In order to promote appreciation of the Museum's collections, LACMA shall support continuing scholarly investigation and research in order to document, publish and advance understanding of the Museum's collections as well as contribute to broader academic and public discourses.

LACMA shall support and encourage awareness and understanding of the collections by disseminating information through the development of publications, educational programs and its websites for the widest array of audiences. These will draw upon the collections and research as primary sources for aesthetic engagement and promoting an understanding of art in its historical, cultural and material contexts.

A. Access to the collection

1. Objects on display

The primary means by which the public shall have access to the collections is through the presentation of artworks on display in LACMA's galleries, organized exhibitions, and research centers. LACMA shall provide additional access to its collection through loans to other institutions.

2. Objects in storage

LACMA allows access by qualified individuals to examine objects that are not ordinarily on view. Such access is permitted for research purposes upon request and with the approval of the curator.

3. Objects on the website

LACMA makes its collection publicly available through its websites, thereby opening access to a worldwide audience that may never visit the Museum physically. Object records, images, online scholarly catalogs, interpretive essays, browses and virtual exhibitions are represented in the Museum's websites and through other internet based platforms on which the Museum chooses to participate.

B. Access to records

The Museum records kept by the Registrar, Curatorial, Conservation and other departments are the source for public information on the collections. All records, be they paper or electronic, will record all accessioned, deaccessioned, and loaned artworks under the care of the Museum. LACMA shall make its records and materials related to the collections available to qualified researchers,

scholars and the public, unless they are confidential in nature, in order to promote the educational purposes and understanding of the collections. All records created or received in the transaction of LACMA business are the property of Museum Associates, the private, nonprofit public benefit corporation that operates the Museum pursuant to authority delegated by the County of Los Angeles, and will not be destroyed or dispersed except in accordance with Museum Associates' record retention policies. Consultation to view records is arranged by appointment with the appropriate department head.

X. OUTGOING LOANS

LACMA encourages loans from its permanent collection to qualified borrowing institutions, both domestic and international, subject to the worthiness of the borrower's project, the condition and availability of the art object, and the ability of the borrower to properly house and care for the object. Contingent on the foregoing requirements, a loan program is encouraged for the advancement of art historical research and public understanding of art and culture, in enabling a wider audience to see and enjoy artworks from the permanent collection, and in giving such artworks and the Museum favorable and significant exposure. All outgoing loans must be documented and protected in accordance with the Museum's policy on records, inventories and care. (See VII. Care of the Collections and VIII. Records and Inventories)

XI. INCOMING LOANS

Loans to LACMA from external sources play a vital role in LACMA's mission as an educational institution. Loans are critical in enabling the Museum to present meaningful and comprehensive exhibitions as well as to supplement the permanent collection, filling important gaps in gallery presentations and aiding research projects. Loans must be consistent with the Museum's mission, programs, activities and use of its own collection. Curators are responsible for exercising due diligence in establishing that the lender has clear title to the artwork and that, in borrowing the artwork, LACMA is not exposed to claims, lawsuits or controversies, including claims that the loaned artwork had been illegally imported, exported, confiscated, seized or looted in the past. (See IV.C. Provenance Guidelines.)

Loans fall into the following established categories:

1. Temporary Receipts: Loans of objects intended for acquisition or study by the Museum, for the purpose of consideration by appropriate curatorial departments, conservation and the Board of Trustees
2. Long Term Loans: Loans of objects generally for exhibition in the permanent galleries or for the housing of artworks designated as Promised Gifts
3. Exhibition Loans: Shorter term loans of objects in connection with exhibitions organized by LACMA or in which LACMA participates

LACMA will release, or take instructions concerning, the loan only from the Lender, as the owner of the work or as the duly authorized agent of the owner. In the case of a Lender acting as an agent on the owner's behalf, LACMA must be supplied with reliable written proof of the agent's authorization. All loan terms, arrangements, activities, contracts, insurance, etc. must be documented and protected in accordance with the Museum's policy on records, inventories and care. (See VII. Care of the Collections and VIII. Records and Inventories)

XII. EFFECTIVE DATE

This Policy shall be effective immediately upon approval by the Board of Trustees and shall supersede all prior policies on the topics addressed herein. LACMA has adopted more detailed Procedures for the implementation of this Collections Management Policy, which may be amended, modified, updated or otherwise revised from time to time, provided such procedures are approved by the Director and are consistent with the principles set forth in this Policy and with all applicable legal and ethical standards. Such Procedures shall be kept on file in the records of the Registrar.