

City of Burnaby Art Education Collection Policy

INTRODUCTION:

The objects in the City of Burnaby's Art Education Collection are owned by the City of Burnaby. As such, they are for the enjoyment of the public. The care and protection of the Collection are the responsibility of the Burnaby Art Gallery (BAG).

The purpose of the Art Education Collection Policy is to provide a framework for the acquisition, care, handling and usage of artworks within educational settings including programs designed by the education programmer, traveling exhibits and programs to schools and other institutions and for lending to educational and other cultural institutions.

The purpose of the Art Education Collection is to provide original artwork for utilization within an art education context for outreach programs to schools and other cultural educational institutions. Artworks in this collection shall be exposed to non-museum like conditions related to exhibition and handling. Artists donating artwork to this collection shall be made aware of the collections usage.

This policy does not refer to any work of Public Art within the City of Burnaby nor works within the City of Burnaby Permanent Art Collection.

1. THE COLLECTION:

- 1.1 The Education Collection of the Burnaby Art Gallery shall consist of visual art objects of special historical, cultural and aesthetic significance and important contemporary art, in any media, by local, national and international artists. Special consideration shall be given to the acquisition of multiples (e.g. original prints); or of works distinctly relevant to the citizens of Burnaby.
- 1.2 The Education Collection is owned by the City of Burnaby and administered and cared for by the Burnaby Art Gallery.
- 1.3 The City of Burnaby as governing body is ultimately responsible for all acquisitions. The Visual Arts Coordinator/Curator is charged with the acquisition decisions, with the guidance from the Burnaby Art Gallery Advisory Committee (BAGAC) and the Assistant Director of Cultural Services when appropriate.

2. ACQUISITIONS:

2.1 Definition:

Acquisitions include materials obtained by the Burnaby Art Gallery (BAG) through transfer of ownership.

2.2 Mode of Acquisition:

Appropriate materials may be added to the Education Collection through purchase, gift, bequest, or exchange.

The Burnaby Art Gallery (BAG) shall normally collect those materials which are:

- 2.2.1 directly relevant to current research, exhibitions, or interpretation programs and existing collections
- 2.2.2 well documented
- 2.2.3 in good physical condition
- 2.2.4 accompanied by a deed of gift, bill of sale, or transfer agreement; and
- 2.2.5 accompanied by written permission for limited use of copyright for noncommercial purposes, wherever possible
- 2.2.6 offered, or acquired unconditionally

2.3 Acquisition Plan:

Additions to the Education Collection, whether by gift, purchase, exchange or bequest shall conform to the art education program objectives developed by the Visual Arts Coordinator/Curator and the Education Programmer in accordance with the Education Collections Policy.

2.4 Standards for Collecting:

The BAG shall acquire only items which are consistent with its mandate.

- 2.4.1 The BAG shall not normally accept objects which it does not intend to keep permanently, and that it is unable to properly record and/or care for.

2.5 Restricting Conditions:

2.5.1 Acquisition shall not be accepted with special conditions binding the City of Burnaby to specific long term future action if these are incompatible with the long term interests of the Education Collection.

2.5.2 If there seems to be any doubt about the legality of ownership of any object being considered for acquisition, the Curator shall investigate as far as reasonably possible the provenance, and if possible acquire further documentation which will confirm this. If such documentation is not available, the BAG shall only accept the object if it is of importance to the public interest, and with the awareness that there may be future necessity to either resist unfounded claims or transfer it to someone with a better claim.

2.5.3 No object may be purchased from BAG employees, volunteers, members of the Burnaby Art Gallery Advisory Committee or the families of the above unless authorized by the Burnaby Art Gallery Advisory Committee. Similarly, no object may be disposed of to such persons unless their connection with the Burnaby Art Gallery and or Burnaby Art Gallery Advisory Committee has been severed for one year or more.

2.6 Compliance with Laws:

All collecting activities of the BAG shall be governed by existing binding international conventions, federal, provincial and municipal laws, as well as by City's own Collections Policy.

- 2.6.1 All collecting activities shall be in accordance with the UNESCO Convention of the Means of Prohibiting and Preventing Illicit Import & Transfer of Ownership of Cultural Property, 1970 to which Canada is a signatory; the Cultural Property Export & Import Act, 1977; and the Convention on International trade in Endangered Species, 1978.
- 2.6.2 Copyright & Exhibitions Rights are specific acts of legislation which affect collecting practices. BAGAC will only acquire works for the Collection that are accompanied by written permission for the use of limited copyright for noncommercial purposes, including education programs, exhibition documentation, advertising, accessioning and cataloguing purposes. Copyright agreements would also include exhibition rights for exhibitions organized and/or generated by BAGAC.
- 2.6.3 Where copyright is separate from ownership (as with an original print or a photograph), its status should be documented when the object is received at the gallery.
- 2.6.4 For all acquisitions, BAGAC must adhere to federal laws governing the issue of official receipts for tax purposes.
- 2.6.5 BAGAC must be sensitive to the ethical, environmental and cultural issues associated with acquisition. The same sensitivity should apply to objects accepted on loan.

2.7 Conflict of Interest - Standards of Conduct:

A member of the professional staff shall not:

- take advantage of his/her professional status by engaging directly or indirectly in purchasing and/or selling of works of art;
- accept any commission from a vendor;
- give any certificate or written statement for a fee with respect to authenticity or monetary value of works of art either in the Education Collection or outside of the programs;
- recommend for purchase any works of art in which he/she has an undisclosed financial interest.

2.8 Provenance and Legal Documentation:

The BAG will only accept those works into the Education Collection which have a legal and ethical provenance. Proof of title should be obtained if available for a donor or seller before an object is acquired.

2.8.1 Section 2.9 shall be retroactive so that every effort is made to secure Deed of Gift or other transfer of ownership documents from past donors or their heirs.

2.8.2 The Burnaby Art Gallery may also wish to apply to the Canadian Cultural Property Export & Import Review Board to provide Cultural Property Income Tax certificates for donations of cultural significance to assist donors in receiving full tax benefits.

2.9 Insurance:

The City of Burnaby shall maintain adequate insurance for the fair market value of the Education Collection as well as ensuring proper care and storage facilities. The Risk Manager will review insurance valuations.

2.10 Receipt by The Burnaby Art Gallery:

All objects left temporarily with the Burnaby Art Gallery by members of the public, whether as potential donations or on loan, shall be documented with provenance, owners' intentions and other pertinent data. This information shall be clearly linked to a unique number attached to the object/collection while in the care of the BAG. The subsequent disposition (acquisition or return to its owner) should be documented.

2.11 Donations:

Approval for proposed donations, including unconditional bequests of objects to the Education Collection is delegated to:

- a) the Visual Arts Coordinator/Curator for any donation where estimated value and associated costs does not exceed \$1,000.
- b) the Burnaby Art Gallery Advisory Committee for any donation where estimated value and associated costs exceeds \$1,000.
- c) the Burnaby Art Gallery Advisory Committee for any donation for which application for certification under the Cultural Property Export & Import Act is requested by the donor.

2.12 Documentation:

2.12.1 Registration:

- a) A unique permanent number will be assigned to all items acquired by The Burnaby Art Gallery
- b) All available significant data not derivable from the object itself should be recorded in a standard and permanent fashion, in a way that it can always be associated with the object.

2.12.2 Cataloging:

- a) A detailed description (with photographs and/or drawings as necessary) and a condition report must be made of the object. This should be supported by the study of its historical and artistic context, which is required to properly understand its significance. Supporting files may be generated as necessary. (E.g., by artist, kind of object, media, period, region.)
- a) Items must be described by the consistent use of standard terms, which should be compatible as far as possible with those used in other galleries and international standards.

DEACCESSIONING/DISPOSITION:

- 5.1. The Education Collection is established with an assumption of permanence, and objects have normally been offered and acquired upon that assumption. Deaccessioning (removal of a previously accepted item from the collection) should therefore only be undertaken with the specific authority of the responsible body (BAG). Full documentation should be kept of all deaccessioned material.
- 5.2. Deaccessioned material retaining some museum value should first be offered to other public institutions by gift, exchange or (where permitted) sale before returned to the open market. Sales should be made in ways which minimize association of the objects with the gallery and its staff following an “arms-length” principle..
- 5.3. Any income derived from deaccessioning of material should only be applied to the purposes of Burnaby Art Gallery to acquire new work for the Collection, and the maintenance of the Collection.