

The Bishop's University Art Collection

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1) **University Art Collection Committee**

a) **Creation**

At the request of the Principal, Dr. Nicholl, an ad-hoc meeting of those interested in the permanent collection was held on November 5th, 1985. The meeting agreed that a permanent committee should be created and a recommendation was made to Dr. Nicholl.

b) **Membership**

At least three faculty members
One student
The University Librarian
The Foreman Gallery Curator
The Art Collection Technician
At least one community member

c) **Constitution (November 6, 1985)**

1. The Committee is responsible to the Principal.
2. The Committee will consist of a minimum of five members (with power to add) including at least three faculty members.
3. Any decision must have the support of a majority of the Committee.
4. The Committee will meet at least once a semester.
5. The budget information will be available to the Committee.

d) **Areas of responsibility (November 22, 1985)**

1. To make specific proposals for the rotating exhibition of works of art so that the collection be accessible to the largest possible audience.
2. To establish general guidelines for the acquisition of works of art by the university.
3. To make specific recommendations for the purchase of works of art.
4. To preserve and restore the collection.
5. To ensure that the university's art collection provides "an ambiance which educates as many students as possible, continuously, by its visible presence ... in areas where there is heavy student traffic." (Dr. C.I.H. Nicholl, Nov. 22, 1985)

e) **Mandate**

The Art Collection Committee's mandate is to manage and conserve the various artworks in the University collection. In conformity with the applicable policies and within the legal context, the Art Collection Committee has the authority to obtain, dispose of, loan, borrow, exchange, preserve and restore the artworks. The Committee has the authority to solicit and receive donations, legacies or other contributions and to dispose of them as required.

f) Objectives

- Maintain the institutional artistic heritage of the university and the art collection;
- Obtain artworks reflecting the different art trends throughout history;
- Facilitate the use of the collection for teaching purposes;
- Promote and conduct research to increase knowledge relating to the collections;
- Raise awareness and encourage the university and regional community to appreciate different forms of visual arts.

g) Priorities

- 1) Enlarging the existing collection of the 19th and 20th century artworks relating to the Eastern Townships and the University, especially portraits and landscapes.
- 2) Canadian contemporary art.
- 3) Other categories of artworks can be exceptionally obtained with the approval of the Committee.

h) Ethics and Professionalism

- The Committee ensures the correct application of the mission, the objectives and the acquisition policy.
- The Committee members must conform to the collecting code of ethics as defined by ICOM (International Council of Museums). <http://icom.museum/what-we-do/professional-standards/code-of-ethics/introduction/L/0.html>
- The Committee must verify the source of the acquired material.
- The Committee must ensure that it can adequately store, preserve, catalogue, document and exhibit the artwork it wishes to acquire.
- The Committee members, employees or volunteers of the university may not dispose of an artwork without the formal permission of the Committee.
- The Committee members must avoid any conflict of interest.
- Any information relating to artwork donations is strictly confidential.

2. THE COLLECTION

The content of the collection (1998)

<u>Categories</u>	<u># of objects</u>
Paintings	63
Paper Artwork	130
Sculptures	5
Decorative Art	2
Textile Art	<u>1</u>
TOTAL	201

3. ACQUISITIONS POLICY

a) Acquisitions Criteria

An acquisition is subject to particular criteria and will be judged according to:

- The quality of the artwork;
- The relevance to the collection priorities;
- The artwork and its maintenance;
- The legal title of the artwork;
- The potential danger of vandalism.

Damaged, fragile or inappropriate sized artwork or works requiring ongoing maintenance or specialized storage should be refused. The Art Collection Committee may refuse any donation which is in conflict with the acquisition criteria.

The Art Collection Committee must comply with certain laws during the acquisition process:

- The Canadian law on importation and exportation of cultural property
http://www.canadabusiness.mb.ca/home_page/guides/guides_by_department/canadian_heritage/importing_and_exporting_cultural_property/
- The Quebec law on the cultural property
<http://www.gouv.qc.ca/portail/quebec/pgs/commun/portrait/economie/importexport/?lang=en>
- The Quebec law on copyright, L.R.C., C-42
<http://laws.justice.gc.ca/en/C-42/index.html>
- The Canadian law on income tax
<http://laws.justice.gc.ca/en/I-3.3/>
- The Quebec law on income tax
<http://www.revenu.gouv.qc.ca/en/citoven/impots/>
- The Canadian laws signed with other countries or international organizations relating to diverse international conventions (UNESCO, ICOM)
<http://www.canadianlawsite.ca/international.htm>

A complete file with information pertaining to the acquisition will be compiled. The following details should be included:

- Accession number
- Date and nature of acquisition (gift, purchase, bequest)
- Source of acquisition
- Artist, title, medium, dimensions, date
- Condition
- Provenance
- Photograph of ?
- Value
- Any pertinent information

b) Acquisition by purchase

The purchase of an artwork must be approved by the Art Collection Committee after reviewing the information regarding the artist, a photograph of the work (if is not at Bishop's University) and the acquisition form.

The artwork must be purchased directly from the artist or owner, an art gallery or from a public auction. In the case where the purchase is from a public auction, a maximum sum shall be determined by the Art Collection Committee in advance.

A receipt of the transaction must be obtained.

c) Acquisition of an artwork by donation or bequest

The donation or bequest must be approved by the Art Collection Committee. This proposal must include any available information regarding the artist, a photograph of the artwork and the donor's offer.

The artwork must be evaluated at fair market value.

No conditions should be attached to the donation or bequest.

A damaged but interesting artwork can be accepted if the donor agrees to pay the restoration costs.

In the case where the value of an artwork exceed 5,000\$, the Art Collection Committee must ask for a second evaluation.

d) The steps for the donation or legacy

STAKEHOLDERS

INTERVENTIONS

The donor

Inform the Chair of the Art Collection Committee of the intention to offer an artwork.

The Chair of the Committee

Ensures that the donation corresponds to the collection priorities of the Committee.

The Technician

Provide a temporary receipt to the owner if the artwork is left at the university.

Prepare an acquisition file containing the following information:

- The temporary record of the artwork (if the artwork is left at the university), as well as the donor' offer.
- A photograph of the artwork.

	<ul style="list-style-type: none"> • A proof of ownership. • Information regarding the artwork and the artist.
The Chair of the Committee	Present the file to the Art Collection Committee (at least one week before the meeting).
The Committee	Debate the offer, express opinion, make recommendations and finally accept or refuse the donation.
The Technician	Permanently register the artwork: <ul style="list-style-type: none"> • By allocating an acquisition number. • By giving an acquisition date. • By indicating the value of the donation or bequest. • By authorizing the publication of the name of the donor or the legatee.
The Chair of the Committee	Send a letter of acceptance to the donor with the donation contract.
The Director of Development	Issue an official tax receipt to the donor.

4. Deaccessioning Policy

This policy sets out the circumstances, conditions and protocol for disposing of works in the University Art Collection. The decision to deaccession is made solely to improve the quality, scope, and appropriateness of the collection, and to support the mission and long-term goals of the university,

No action pertaining to deaccessioning should be taken that would compromise the integrity and good standing of the institution within its community at large and with the profession.

No member of the University staff or faculty, the Board of Governors or the Art Collection Committee shall personally profit from the deaccessioning of an item.

a) General

- Deaccessioning may occur:
 - where a work has been acquired in violation of Canadian law or international treaties binding upon the Government of Canada;
 - where the University's ownership of a work has been successfully challenged at law;
 - when repatriation is deemed appropriate;

- where a work has deteriorated to the point that it cannot be used for exhibition or study;
 - where the work is determined to be a forgery, unless useful for research, teaching or exhibition;
 - where the work is an exact duplicate (such as identical impressions of the same state of a print or a photograph) of another work in the University's collection;
 - where the University has the permission of the donor to sell, exchange, or otherwise dispose of the work that was donated;
 - in order to upgrade the representation of a particular artist(s) by deaccessioning one work for the trade or purchase of other work(s) by the same artist(s);
 - to divest the collection of works which do not support the scope of the collection only, or works of demonstrably inferior quality;
 - where adhering to the terms of acquisition is impossible or impracticable or detrimental to the University.
- Notwithstanding the foregoing, unless the work was obtained illegally, where the work or cultural material is a gift or bequest, deaccessioning will not occur;
 - Where the deaccession would violate the terms of an agreement between the University and the donor; or
 - Where the deaccession would have adverse tax consequences for the donor and the University.

b) Procedure

- 1) Recommendations for the deaccession of an artwork shall be forwarded to the Chairperson of the University Art Collection Committee. The recommendation shall include the reasons for the suggested deaccession.
- 2) The Art Collection Technician shall compile the following information regarding the artwork to be considered:
 - Reasons for the suggestion of deaccessioning;
 - Object accession number;
 - Artist, title, medium, size and description;
 - Date and method of acquisition and cost;
 - Any documentation related to the item;
 - Any limiting condition agreed to at the time of acquisition and the reasons for those conditions;
 - Photograph of the item;
 - Informal estimate of the current value of the work if available. If the estimated value cost exceeds \$5000 an expert appraisal of the current value of the work should be obtained;
 - Cost of deaccessioning or removal;

- A report on the condition of the artwork. The opinion of a professional conservator shall be obtained if necessary together with an estimate for restoration;
 - Suggested alternative course of action;
 - List of appropriate recipients.
- 3) The Committee shall consider the available information and make a recommendation regarding the deaccessioning or restoration of the artwork.
 - 4) If the item is to be deaccessioned the Committee shall recommend which method of disposal is appropriate.
 - 5) When applicable and achievable, the artist and/or donor shall be notified of the decision of the Committee.
 - 6) The recommendation for deaccession shall be forwarded to the Principal for final approval.

c) Methods of Disposition

A deaccessioned work may be disposed of by:

- Returning to its legal owner;
- Repatriation;
- Returning to artist or donor, if possible;
- Transferring it to another institution where the work is deemed to be more appropriate;
- Exchanging it for more appropriate examples in the same category;
- Destroying it, but only as a last resort;
- Selling it, with the proceeds going to acquisitions only.

d) Deaccessioning Records

A permanent record of the deaccessioned piece shall be kept including the following information:

- Date of recommendation for deaccession;
- Date of deaccession;
- Report presented to the Committee for consideration of deaccessioning recommendation; (see section B) 2))
- Reason for deaccession and method of disposal;
- Name and address of new owner;
- Sale price or exchange value,

**ANNEX 1:
TEMPORARY RECEIPT**

Donation	<input type="checkbox"/>
Purchase	<input type="checkbox"/>
Loan	<input type="checkbox"/>

Date: _____

Artwork: _____

Physical state of the artwork: _____

Dimensions: _____ **Origin:** _____

Maker (date): _____ **History:** _____

Comment: _____

Owner: _____

Address: _____

Telephone: _____

Date accepted: _____	Acquisition Number: _____
Signed by the Archivist: _____	

Refused and returned to the owner (date) : _____	
Signed by the Chair of the Art Collection Committee : _____	

Copy 1: Donor
Copy 2: File

**ANNEX 2:
DONATION OFFER**

Donation offer received by: _____

Donation offer done by: _____

Name: _____

Address: _____

Telephone (home): _____ (work): _____

The following artwork was received at Bishop's University:

Description of the artwork: _____

Artist: _____

Title: _____ *Medium:* _____

Format: _____ *Execution Date:* _____

Evaluation: _____

Comments: _____

If there is more than one artwork, answer the same questions on another page and attach it to this form. Status report of the artwork completed: YES NO

This form does not constitute a transfer of ownership. The Art Collection Committee of Bishop's University reserve the right to refuse a donation and to return it at the owner's expense.

DONOR

BISHOP'S UNIVERSITY ART COLLECTION

Name: _____ Name/Title: _____

Date received: _____

Signature of donor: _____ Authorized signature: _____

Copy 1: Donor

Copy 2: Chair of the Art Collection Committee

Copy 3: File

**ANNEX 3:
DONOR'S CONTRACT**

Name: _____

Address: _____

Telephone: _____

Hereinafter called the donor
and
Art Collection Committee of Bishop's University
Having its head office in
Sherbrooke (Lennoxville), Quebec
J1M 1Z7
819-822-9600
Here represented and acting by

Duly authorized for the purposes of the present
as well as he declares:
Hereinafter name the recipient

1. Contract object:

The donor gives the recipient, present here and accepting, with the rights, free of all liens, the following artwork:

Description: _____

2. Title of the property:

The donor declares to be the one and only owner of the given artwork:

3. Conditions:

The present donation is free, but with the following conditions:

- 3.1 No attached conditions to the donations or legacies.
- 3.2 The donor understands and admits that the donation can be displayed, loaned, utilized at the discretion of the Art Collection of Bishop's University, in the best interest of the university and regional communities.

In witness whereof
The parties have signed

In _____

The _____

The Donor: _____

Witness: _____

The recipient, Bishop's University Art Collection by:

(Authorized signature)

Witness: _____

Copy 1: Donor
Copy 2: File

**ANNEX 4:
PURCHASE CONTRACT**

Between:

Name: _____

Address: _____

Telephone: _____

Hereinafter called the vendor
and
Art Collection Committee of Bishop's University
Having its head office in
Sherbrooke (Lennoxville), Quebec
J1M 1Z7
819-822-9600
Here represented and acting by

Duly authorized for the purposes of the present
as well as he declares:
Hereinafter name the purchaser

1. Object of the contract

Hereby, the vendor, undersigned, declare selling to the purchaser, present here and accepting, with the rights, free of all liens, the artwork listed below, in the amount of \$_____ and transfers all property rights of this artwork without any further formality, without exception or reservation from the part of the vendor.

2. Title of the property

The vendor guarantees to be the owner of the sold artwork(s):

3. Conditions

The present acquisition is done with the following conditions, knowing:

- 3.1 The acquisition will have the date hereof.
- 3.2 No conditions are attached to the purchase.

4. Commitment

The vendor is engaged to sign all documents that could be useful and necessary to enable the purchaser to fully enjoy the purchase.

In witness whereof
The parties have signed

In _____
The _____

The vendor

Witness _____

Witness _____

The purchaser
Bishop's University
Art Collection by:

(Duly authorized)

Witness _____

Witness _____

Copy 1: Donor
Copy 2: File