

**COLLECTIONS MANAGEMENT POLICY**

**THE METROPOLITAN MUSEUM OF ART**

November 12, 2008

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## **I. Mission Statement**

The Metropolitan Museum of Art was founded on April 13, 1870, "to be located in the City of New York, for the purpose of establishing and maintaining in said city a Museum and library of art, of encouraging and developing the study of the fine arts, and the application of arts to manufacture and practical life, of advancing the general knowledge of kindred subjects, and, to that end, of furnishing popular instruction."\*

On September 12, 2000, the Trustees of the Museum reaffirmed the statement of purpose and supplemented it with the following statement of mission:

The mission of The Metropolitan Museum of Art is to collect, preserve, study, exhibit, and stimulate appreciation for and advance knowledge of works of art that collectively represent the broadest spectrum of human achievement at the highest level of quality, all in the service of the public and in accordance with the highest professional standards.

## **II. Purpose of the Collections Management Policy**

This Collections Management Policy (the "Policy"), is intended to document the basic policies that guide the development and care of the Museum's art collection consistent with the mission of the Museum and with professional museum standards. Detailed procedures implementing this policy may be found by staff on the Museum's internal website.

Through this Collections Management Policy, the Museum ensures that:

- its collections are accounted for and documented;
- its collections are protected, secure, cared for, and preserved;
- acquisition, deaccessioning, and loans of works in the collections are conducted in a manner that conforms to the Museum's mission, complies with applicable law, and reflects the highest ethical standards;
- disposal of works from the collection 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;
- access to the collections in the galleries and study rooms and access to collection information is permitted and appropriately regulated; and
- collection-related activities promote the public good rather than individual financial gain.

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\* Charter of The Metropolitan Museum of Art, State of New York, Laws of 1870, Chapter 197, passed April 13, 1870 and amended L.1898, ch. 34; L. 1908, ch. 219.

### **III. Duties of the Board of Trustees**

#### **A. Board of Trustees and Executive Committee**

The Board of Trustees and the Executive Committee have the following powers with respect to the collection:

1. The power to accept or decline gifts or bequests of works of art is vested in the Board of Trustees and the Executive Committee. (Article VIII, Museum By-Laws.)
2. The power to deaccession works of art for sale, exchange, or other means of disposal irrespective of market value is vested in the Board of Trustees and the Executive Committee upon the recommendation of the Acquisitions Committee. The Board of Trustees or the Executive Committee must approve the deaccessioning of any work of art with a current market value in excess of \$50,000. (Section VI below.)
3. The Board of Trustees or the Executive Committee must approve all loans of Class One objects as well as most loans outside the United States and Canada. (Section X below.)

#### **B. Acquisitions Committee**

The Acquisitions Committee has the following powers with respect to the collection:

1. The power to formulate and adopt a program for and to approve the purchase of works of art and to apply to the purchase of works of art the funds restricted for such purposes is vested in the Acquisitions Committee. The Acquisitions Committee may delegate to the Director and heads of curatorial departments power to purchase objects of art within such reasonable limits as the committee may impose. (Article IX, Museum's By-Laws).
2. The power to deaccession works of art with a current market value not in excess of \$50,000 is vested in the Acquisitions Committee.

## IV. Acquisitions

### A. General Principles

Curators should propose exceptional works of art for acquisition to the collection that significantly enhance the Museum's stated mission. All works should be in, or capable of being returned to, an acceptable state of preservation, unless the deteriorated physical condition is integral to the meaning of the work. The Museum must be able to house and care for the proposed acquisition according to generally accepted museum practices.

The Museum is committed to the principle that all collecting be done according to the highest standards of ethical and professional practice.

### B. Purchase Procedures

For all purchases, the curator recommending the work of art to be purchased writes a detailed report, including a description of the work, its condition, publication history, importance to the Museum's collection, justification for acceptance, provenance, and the gift or fund against which the purchase will be charged. A conservator and, when appropriate, a scientist must examine all proposed purchases and provide an analysis of the work and assessment of its condition, dating, and attribution as part of the report. This report must be approved by the curatorial department head, after which it is submitted to the Director.

Currently, the Acquisitions Committee has established the following limits for purchases of works of art:

- a. *Purchases \$25,000 and under:* Purchases of single works of art of up to \$25,000 may be made on the authority of the department head alone.
- b. *Purchases between \$25,001 and \$75,000:* Purchases of single works of art over \$25,000 but up to \$75,000 may be made by the department head with the prior approval of the Director.
- c. *Purchases between \$75,001 and \$100,000:* Purchases of single works of art over \$75,000 but up to \$100,000 may be made by the department head with prior approval of both the Director and the Chairman of the Acquisitions Committee.
- d. *Purchases over \$100,000:* All purchases of works of art over \$100,000 must be approved by the Acquisitions Committee.

### C. Procedures for Accepting Gifts or Bequests

For all gifts and bequests, the curator recommending acceptance writes a detailed report, including a description of the work, its condition, publication history, importance to the Museum's collection, justification for acceptance, and provenance. A conservator must review all proposed gifts or bequests and sign this report. This report must be approved by the curatorial department head, after which it is submitted to the Director. The Director then reports the gift to the Board of Trustees, which decides whether to accept or decline the gift.

The Museum generally does not accept restrictions on gifts; any exceptions require approval by the Board of Trustees.

The Director has the authority to accept gifts during the period after the December meeting of the Executive Committee through December 31. These gifts are referred to as "Year-End Gifts" and reported to the Board of Trustees at its January meeting. Similarly, the Director has the authority to accept gifts in the summer months after the June Executive Committee and before the September Board of Trustees meetings. These gifts are referred to as "Summer Gifts" and are reported to the Board of Trustees at its September meeting.

The Museum requires donors to transfer all rights of reproduction unless the donor does not own such rights or the gift is made by a living artist of the artist's own work. In such cases, the Museum will seek a nonexclusive right of reproduction from the copyright owner.

### D. Provenance Guidelines

#### 1. Guidelines for all Acquisitions

##### a. Inquiry and Research

The Museum shall rigorously research the provenance of a work of art prior to acquisition to determine that the Museum can obtain clear title. Such research should include, but is not necessarily limited to, determining:

- the ownership history of the work of art;
- the countries in which the work of art has been located and when;
- the exhibition history of the work of art, if any;
- the publication history of the work of art, if any;
- whether any claims to ownership of the work of art have been made;
- whether the work of art appears in relevant databases of stolen

- works; and
- the circumstances under which the work of art 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. For any purchase of a single work of art over \$100,000 and for all archaeological material or ancient art that is coming from abroad, the Museum shall obtain all recent import and export documentation.

b. Publication and Display

For significant acquisitions (above \$100,000) and any acquisition of archaeological material or ancient art, the Museum shall publish an image (or representative images in the case of large groups of objects) and relevant provenance information in print or electronic format promptly and shall strive to display the acquisition as soon as practicable.

c. Legal 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 review relevant foreign laws before making an acquisition.

d. Warranty and Indemnification

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 liens, claims and encumbrances. The Museum will also seek indemnification for a full refund for the work of art in the event of any breach of warranty. These requirements apply to all purchases of \$10,000 or more and to other purchases as appropriate in the judgment of the curator or Counsel's Office.

## 2. Nazi/World War II Era

The Museum will be guided by 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) and the American Association of Museums' Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era.

The Museum will observe the following guidelines relating to the acquisition of works that were likely to have been in German-occupied Europe between 1933 and 1945 in addition to the rigorous research and documentation required for all acquisitions.

- a. Where information is incomplete for a gift, bequest or purchase, 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 gift or purchase 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. If the Museum, as a result of its continuing research, determines that a work in its collection was unlawfully appropriated during the Nazi era without subsequent restitution, the Museum shall make such information public. If a legitimate claimant comes forward, the Museum shall seek to resolve the matter in a prompt, equitable, appropriate and mutually agreeable manner.
- c. In the event that a third party claims that a work in the Museum's collection was unlawfully appropriated during the Nazi era without subsequent restitution, 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 appropriated without subsequent restitution, the Museum shall seek to resolve the matter in an equitable, appropriate and mutually agreeable manner.

### 3. Archaeological Materials and Ancient Art

The Museum will be guided by the Report of the Association of Art Museum Directors' Task Force on the Acquisition of Archaeological Materials and Ancient Art (revised 2008) and the American Association of Museums' Standards Regarding Archaeological Material and Ancient Art.

The Museum will observe the following guidelines for the acquisition of archeological materials and ancient art in addition to the rigorous research and documentation required for all acquisitions.

- a. The Museum normally shall not acquire 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.
- b. 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.
- c. For works acquired pursuant to section (b) above, the Museum shall post identifying information, an image and all facts relevant to the decision to acquire it, including its known provenance, on the Association of Art Museum Directors' website, as well as the Museum's website.
- d. If the Museum, as a result of its continuing research, gains information that establishes another party's right to ownership of a work, the Museum shall bring this information to the attention of the party, and if the case warrants, initiate the return of the work to that party. In the event that a third party brings to the attention of the Museum information supporting the party's claim to a work, the Museum shall respond promptly and

responsibly and take whatever steps are necessary to address this claim, including, if warranted, returning the work.

## **V. Staff Policies Relating to Acquisitions**

### **A. Appraisals**

It has been the Museum's longstanding policy not to provide appraisals to donors.

Under current IRS guidelines, the Museum cannot act as a qualified appraiser because of the inherent conflict with its role as a donee. If a donor asks for assistance in locating an appropriate appraiser, the curator may suggest several qualified appraisers, including the Art Dealers Association and auction houses. More than one name must be given. The Museum should not make arrangements for the appraisal and cannot pay for the appraisal. Upon request, the Museum should provide the appraiser with access to the work of art, images of the work or any appropriate relevant factual information in Museum files.

### **B. Personal Collecting by Staff**

The Museum recognizes that its employees may and do collect works of art for their personal enjoyment. The Museum's employees, and in particular those closely associated with the Museum's curatorial functions, occupy a position of trust in this regard, however, and must exercise care to assure that no conflict of interest can arise between themselves and the Museum.

An employee who learns of an art object available for purchase that is reasonably likely to be of interest to the Museum for its collection is expected to place the interests of the Museum ahead of his or her own in acquiring the object. Accordingly, in all such cases, the employee shall bring the availability of the object to the attention of the appropriate curatorial department head; or if the employee is the head of the department, to the attention of the Director; or if the employee is the Director, to the attention of the Chairman of the Acquisitions Committee, in order to give the Museum the first opportunity to acquire the object. If this is impossible, as for example when the employee learns of an object under circumstances in which it must be purchased immediately or not at all, the employee is expected, if successful in acquiring the object, to give the Museum the opportunity to acquire the object within a reasonable time (not to exceed two months) from the employee at cost.

Similarly, if an employee desires to sell from his or her personal collection an object that is reasonably likely to be of interest to the Museum for its collection, the employee is expected to give the Museum the first opportunity to purchase the

object within a reasonable time (not to exceed two months) at whatever price the employee believes to be its then fair market value. The Museum will take whatever steps it deems appropriate to determine the fairness of the price proposed. If the Museum declines to purchase at the price proposed, the employee may not thereafter sell or exchange the object (except at public auction) to a third party for a lower price unless the Museum has declined to purchase it at such lower price.

Each employee is expected to exercise reasonable judgment in determining whether the scope of his or her personal collection and/or collecting activities is such that the matter should be discussed with his or her department head or, where appropriate, the Director. Unless personal collecting activities are minimal, they should be discussed as indicated.

#### C. Dealing in Art by Staff

An employee may not act as a dealer in purchasing or selling works of art, nor may an employee use his or her influence at the Museum for personal gain in the art market. An employee may not accept any commission or stipend from any collector, dealer, artist, or institution, except in cases where prior permission in writing to accept such commission or stipend has been given by the Director, in consultation with the General Counsel. The Director and the President may accept any such commission or stipend for themselves only with prior written permission from the Chairman of the Board.

#### D. Gifts to Staff

An employee must obtain the written consent of his or her department head prior to accepting any gift from a person engaged in a Museum-related activity, such as, but not limited to, an artist, dealer, trustee, donor, collector, or supplier of goods or services to the Museum. If the gift is a work of art that is of the type and quality the Museum collects, consent must also be obtained from the Director. In general, the only gifts which would be appropriate for staff to accept are those of nominal value (\$150 or less). Gifts of cash are never appropriate. Requests for exceptions to this policy must be submitted to the Director or the President in writing. Employees are also prohibited from owing money to or borrowing money from any artist, dealer, trustee, donor, collector, or supplier of goods or services to the Museum, except in the context of standard business agreements with financial services entities.

## **VI. Deaccessioning**

### **A. General Principles**

The term “deaccession” means that a work is removed from the collection and considered for disposal by sale or exchange. Any deaccession of a work should be solely for the advancement of the Museum's mission. The criteria for determining whether an object should be deaccessioned 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 redundant or is a duplicate and is not necessary for research or study purposes.
3. The object is of lesser quality than other objects of the same type in the collection or about to be acquired.
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 original and rightful owner by a court of law; 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 Museum is unable to preserve the object in a responsible manner.
7. The object is unduly difficult or impossible to care for or store properly.

The Museum may deaccession but generally does not dispose of works determined to be forgeries. Curatorial departments generally retain these works for study purposes or seek the Director's permission to destroy the objects, unless it can be determined that disposal can be accomplished in a responsible manner without confusion to a possible buyer. Works incorrectly attributed or dated may be deaccessioned, provided that the new information or attribution is provided.

No Trustee, Officer, employee, volunteer or family member of such individuals may purchase deaccessioned works of art directly from the Museum or at auction if consigned by the Museum.

All funds received from deaccessioned works shall be used to fund the purchase of other works.

## B. Guidelines for Deaccessioning Gifts

The Museum shall honor all legal restrictions attaching to the gift or bequest of any work of art. In addition, donor requests which do not impose any legal obligation accompanying the bequest or gift of any work of art will be respected to the extent feasible, unless modified by the donor, or if the donor is not living, the donor's heirs or legal representatives. Before proceeding to recommend that a donated work be deaccessioned, the curator first reviews the records of gift to confirm that the gift is unrestricted.

No work of art valued by the Museum at \$50,000 or more will be disposed of within 25 years following its receipt if objected to, after appropriate notice, by the donor or the donor's heirs or legal representatives. This policy applies to any work of art, including gifts or bequests that are not subject to any legal obligation or accompanied by any non-binding request.

## C. Procedures for Deaccessioning

The Board of Trustees approved detailed Procedures for Deaccessioning and Disposing of Works of Art at a Special Meeting held on June 20, 1973. The Procedures were updated in February 2005 and are available upon request from the Counsel's Office.

## **VII. Care of the Collections**

Since the Museum is first and foremost a repository of works of art, its mission centers on the care of works of art in its collections. The Museum shall preserve works of art in accordance with the highest standards of conservation. The Museum shall provide a safe and appropriate environment for the collections, with effective security and environmental control, for the benefit of present and future generations. The Museum shall maintain an Emergency/Disaster Plan. The Museum's preservation standards shall be maintained for works of art on loan to the Museum or borrowed from the Museum.

The Museum's Conservation Departments are charged with the long-term preservation of the collection through conservation treatment and shall maintain exact documentation on all examination and treatment work. The Museum recognizes the importance of scientific research in the examination and analysis of works of art in its collection. The Museum's Conservation Departments and the Department of Scientific Research share responsibility for the technical examination of the Museum's collection and for the development of long-term preventative conservation strategies and methods.

## **VIII. Records and Inventories**

The Museum, through its curatorial, registrar and conservation departments, shall maintain accurate, up-to-date records on the identification, location and condition of all objects in the collection, as well as of ongoing activities such as exhibitions, research and correspondence with donors, artists and scholars. These records should be kept in an organized, coherent filing system within each department. The Museum has established electronic records on TMS (The Museum System) that comprises 19 separate curatorial department databases and includes records on accessioned, non accessioned and deaccessioned works of art, departmental loans and works of art brought into the Museum for possible purchase or gift. Curatorial Departments are responsible for updating and maintaining TMS records for their collections and for administering TMS rights to ensure limited and appropriate access to confidential records.

All records created or received in the transaction of the Museum's proper business are the property of the Museum and must not be dispersed or destroyed except in accordance with its record retention policy.

The Museum shall make available to qualified researchers and scholars materials relating to the collections unless they are confidential or would suffer physical harm if handled.

It is the responsibility of every curatorial department to make daily inspections of its galleries and exhibition cases. Every curatorial department shall make an inventory of the contents of its galleries, exhibition cases, and storerooms at least once during every calendar year, although for departments with large collections inventories may be organized around one-year to five-year cycles. These inventories must be submitted in writing to the Director annually, who shall report the findings to the Acquisitions Committee. Every calendar year, the Registrar shall carry out an inventory of a limited number of works of every curatorial department and report his or her findings to the Acquisitions Committee. The inventory is subject to review by the Internal Auditors.

## **IX. Access to the Collection**

It is fundamental to the Museum's mission to provide access to the Museum's collection and promote appreciation of its significance.

Among the primary means for achieving this goal is the presentation of exhibitions of its own works and those borrowed from other owners. The Museum shall provide additional access to its collections through study rooms and loans to other institutions. The Museum 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.

The Museum shall support and encourage awareness and understanding of art by disseminating information through the development of publications, programs, and its website for a variety of audiences ranging from children to adult audiences and scholars. These will draw upon its collection and research as primary sources for stimulating aesthetic engagement and promoting familiarity with art in its historical, cultural, and material contexts.

## **X. Outgoing Loans**

As an important means of fulfilling the educational and scholarly purposes of the Museum's Charter, the Museum lends works of art from its collection to qualified institutions, in this country and abroad. The Museum wishes to cooperate with as many qualified institutions as possible to share its encyclopedic collections with the widest possible public, both general and scholarly. Loan requests must be evaluated in light of the art historical and scholarly value of the exhibition for which they are requested, as well as the condition of the object and the need to incorporate it into the Museum's own programs. The borrowing institution must provide a current facilities report meeting the Museum's required standards and ensure the safety of the loan. All loan requests must be initiated by a curatorial department. A conservator must review and approve all outgoing loan requests.

Approval for loans must be obtained in accordance with the system of classification established in loan resolutions by the Board of Trustees. Upon receipt, all accessions must be classified by the head of the curatorial department as follows:

- Class One: Objects which, because of their unique character, great importance, size, fragility or the nature of their installation, should only be lent in exceptional circumstances, if at all.
- Class Two: Important objects often on exhibition or objects whose inherent nature prohibits frequent lending.
- Class Three: All other objects.†

The Board of Trustees or the Executive Committee must approve all loans of Class One objects; as well as all loans outside of the continental United States and Canada for: (1) a single Class Two or Class Three object having a value in excess of \$5,000; or (2) a group of Class Two and/or Class Three objects having an aggregate value in excess of \$10,000. Such loans must be first approved in writing by the Director who shall in turn submit the request to the Board of Trustees or the Executive Committee.

The written approval of the Director (or in his or her absence, an Associate Director or the Secretary) is required for all loans of Class Two or Class Three objects within the continental

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† This classification does not apply to loans of accessioned books. Such material may be loaned with the approval of the head of the department involved and with the concurrence of the Registrar.

United States and Canada. All such loans of Class Two or Class Three objects shall be reported to the next succeeding meeting of the Board of Trustees or the Executive Committee.

All loans should be for a specific period of time and the object's condition should be documented and monitored in accordance with the detailed procedures outlined in the Handbook on Curatorial Policies and Procedures. Such documentation should include recent images of the work, when possible. Loans must be governed by written loan agreements between the Museum and its borrowers, which should be signed by both parties prior to shipment. No object shall leave the building unless adequate insurance coverage is provided. To protect outgoing loans to the fullest extent possible, the Museum requests immunity from seizure for all outgoing loans wherever available. Long-term loans are subject to annual review and renewal by the appropriate curatorial department.

Loans shall only be made to dealers for charitable benefit exhibitions, scholarly examination or special scholarly exhibitions. Contemporary art may be lent for one-person or retrospective exhibitions of the artist. Such loans are subject to the approvals required for other loans.

Loans may be made to individuals in two cases. First, if there was a specific agreement with the donor of the object allowing such a privilege at a time when the tax laws permitted such arrangements, a loan may be authorized. Second, with prior approval of the Board of Trustees or the Executive Committee, the Museum may make loans to an individual from whom the Museum is borrowing an object, for the purpose of temporarily replacing the object borrowed.

All exceptions to the Museum's loan policy must be approved by the Board of Trustees or the Executive Committee.

## **XI. Effective Date**

This Revised Policy shall be effective immediately upon approval by the Board of Trustees and shall supersede all prior policies on the topics addressed herein.