

1.0 ASSOCIATED POLICY

- Art Collection Policy

2.0 DEFINITIONS

Artwork

Refers to a physical object considered to be an artistic creation.

Deaccession

The formal process of removal of an accessioned Artwork from the MacEwan Art Collection.

Disposal

The physical removal of the object from the organization via the process outlined in the Art Collection Deaccession Procedure.

MacEwan Art Collection

The objects that have entered the University's care through the formal process of Acquisition.

Repatriation

The legal return of Artwork to original or former owners including individuals, communities, or institutions.

3.0 PROCEDURE ELEMENTS

3.1 Deaccession of an Artwork

- 3.1.1 Before the Deaccession of an Artwork from the MacEwan Art Collection, the Director/Curator of the Mitchell Art Gallery will prepare a proposal outlining the intended Deaccession, which shall include:
 - 3.1.1.1 an appraisal to determine the Artwork's fair market value
 - 3.1.1.2 whether there are any restrictions on deaccessioning the Artwork. The University will comply with any restrictions to the best of its abilities. Regardless of restrictions, the University will make efforts to advise donors, immediate family, funders, or appropriate relations of such decisions as a courtesy.
 - 3.1.1.3 whether any provincial and federal laws as well as international agreements and treaties will impact the proposed Deaccession.
 - 3.1.1.4 the rationale for the Deaccession, which may include any of the following:
 - 3.1.1.4.1 The physical condition of the Artwork is poor to the extent that restoration is not practical or would compromise its integrity.
 - 3.1.1.4.2 The Artwork poses threats to health and safety to the staff or public.

- 3.1.1.4.3 The Artwork is no longer considered authentic, or it is a duplicate of another Artwork in the collection.
- 3.1.1.4.4 The Artwork is a duplicate in the case of prints or multiples that have no added value as part of a series
- 3.1.1.4.5 The University is unable to adequately care for or store the Artwork.
- 3.1.1.4.6 The University's possession of the object is inconsistent with applicable law or ethical principles, e.g., the object was, or may have been, stolen or illegally exported or imported, or the object may be subject to other legal claims for return, restitution, or repatriation.
- 3.1.1.4.7 Another institution could more appropriately care for, display, and provide access to the object, and it is the intention of the University to assign ownership of the object to that other institution.
- 3.1.1.4.8 The Artwork is no longer consistent with the MacEwan University Mandate or the Mitchell Art Gallery Mandate and does not make significant contribution to the MacEwan Art Collection's holdings.
- 3.1.1.4.9 The Artwork is being sold as part of an effort to renew and improve the MacEwan Art Collection, in keeping with the collecting goals approved by the Mitchell Art Gallery and MacEwan University.
- 3.1.1.5 where an Artwork was created by a living artist, whether an attempt to contact the artist was made and whether there was a recommendation from the artist on the method of Disposal.
- 3.1.1.6 where an Artwork was Acquired as a result of donation, whether an attempt to contact the donor was made and whether there was a recommendation from the donor on the method of Disposal; and
- 3.1.1.7 a recommendation regarding the method of Disposal.
- 3.1.2 The proposed Deaccession will be presented by the Director/Curator to the Art Acquisitions Committee for final decision.
- 3.1.3 A complete record of the justification for the Deaccession must be recorded and the Mitchell Art Gallery will maintain all records pertaining to the Deaccessioned Artwork.
- 3.1.4 Prior to Deaccessioning, the Artwork shall be researched thoroughly, documented, and photographed, and the process of Deaccessioning thoroughly documented including the justification. The records related to the deaccessioned Artwork shall be maintained by the Mitchell Art Gallery and the University on a permanent basis.
- 3.1.5 Should an Artwork be accidentally destroyed or permanently lost, it will be Deaccessioned from the MacEwan Art Collection. Any funds from this loss, such as insurance payments,

will be used for the purposes of conservation or purchase of Artwork to be acquired by the MacEwan Art Collection

3.2 Ethics and Standards for Disposal

- 3.2.1 All proceeds from disposal must be credited to the Mitchell Art Gallery for the purchase of Artwork or use for conservation of Artwork in the MacEwan Art Collection. Funds shall not be used for administration. Where relevant, proceeds from the Disposal of a donation resulting in the acquisition of an Artwork will credit the name of the donor.
- 3.2.2 Under no circumstances shall a University employee, member of the Board of Governors, member of the Art Acquisitions Committee, or anyone connected to the University in any formal way, including membership on a committee or contractor, be permitted to acquire a deaccessioned Artwork directly from the University.

3.3 Disposal of a Deaccessioned Artwork

- 3.3.1 Disposal of Deaccessioned Artwork shall occur by one of the following methods:
- Donation or exchange with another public art institution or collection with public mandate.
 - Sale, preferably through public auction.
 - Intentional destruction.
 - Return, restitution, or repatriation.
 - Return to donor if Artwork was donated and it is not possible to keep the Artwork in the public domain.
- 3.3.2 In determining the appropriate method of Disposal, the following will be taken into consideration:
- 3.3.2.1 Prioritization of retaining public access to the Artwork.
- 3.3.2.2 Retention within Canada of Artwork significant to Indigenous or Canadian cultural heritage.
- 3.3.2.3 Where the Artwork is a presumed forgery, the Mitchell Art Gallery shall consider all related legal, curatorial, and ethical consequences, and will avoid returning the Artwork to the art market.
- 3.3.2.4 Whether the Artwork can be reasonably preserved due to its current physical integrity.
- 3.3.2.5 Whether the Artwork has archival, research, or curricular value.

- 3.3.3 Upon Disposal, relevant documentation must be sent to Capital Planning, Projects, and Asset Management, Development, or any other related department for their records.
- 3.3.4 Where Disposal involves the transfer of ownership, appropriate legal documents will be obtained.

4.0 RELATED POLICIES, FORMS AND OTHER DOCUMENTS

- Art Collection Standard of Care Procedure
- Art Collection Acquisition Procedure
- Art Collection Loan Procedure and Placement Procedure
- Human Rights and Accessibility Policy
- Fundraising Policy
- Capital Asset Management Policy
- Canadian Museum Association Ethical Guidelines
- International Council of Museums Code of Professional Ethics
- International Council of Museums Standards on Accessioning
- Cultural Property Export and Import Act, 1985
- Convention for the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention, 1954)
- UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970
- Copyright Act (R.S.C., 1985, c. C-42)

5.0 ACCOUNTABILITY

Responsible Office

Office of the Dean, Faculty of Fine Arts and Communications

6.0 HISTORY

Relevant Dates

Approved:	25.03.04
Effective:	25.03.04
Next Review:	30.03

Modification History

15.10.22:	This is a new procedure as approved by the Board of Governors.
25.03.04:	Comprehensively revised including a title change (previously Deaccession Procedure). Approved by President's Policy Committee – Action Log Reference EC 2025.03.04-03.