

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Parks, Recreation and Historic Preservation</p> <p>Section: Historic Preservation</p>	<p>Procedure Title: Procedure for the Acquisition, Loan, Transfer and Disposal of Museum Collections</p> <p>Directive: HP-PCD-008</p> <p>Effective Date: 09/10/2019</p>
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Summary

The Office of Parks, Recreation and Historic Preservation (Agency or OPRHP) is responsible for managing a large collection of museum objects.¹ These objects are used in exhibits, as part of furnished interiors, and in interpretive programming at more than 30 parks and historic sites. While the Bureau of Historic Sites and Park Services (BHS) has programmatic responsibility for the care and management of museum objects, this responsibility is shared among those park and historic sites where these objects are displayed and stored. This document is intended to provide clear direction regarding the procedures for acquiring OPRHP museum objects (including museum interpretive equipment and library reference materials), entering into loan agreements with other agencies/institutions, and additional collections management responsibilities.

Procedure

Agency staff must submit all proposals involving the acquisition, loan, transfer or disposal of museum objects to the Collections Committee for review and approval. The acquisition of museum interpretive equipment and library materials also requires Collections Committee review. The Deputy Commissioner for Historic Preservation must also approve any transfer or disposal of accessioned museum objects.

1. General Requirements

An *Agenda Request Form* must be used to submit information regarding any proposed acquisition or loan for review by the Collections Committee. This form should be submitted to BHS's Museum Registrar with a copy provided to the applicable Regional Director (or his/her designee). The Committee will assume that the applicable Regional Director supports the activity unless notified otherwise. Such notification should be received as soon as possible but no later than two weeks after receipt of the *Agenda Request Form*.

¹ Refer to the definitions in the Agency's collections management policy (HP-POL-007) for an explanation of what constitutes "museum objects."

Agenda requests will be reviewed by the Collections Committee at their next regularly scheduled meeting. Park/historic site managers are encouraged to attend, or otherwise participate, in these meetings to answer any questions. Actions will be reviewed according to the evaluation criteria listed herein. The Collections Committee may approve or deny the request, recommend changes, or table the request pending receipt of additional information.

The Collections Committee shall meet on the fourth Monday of every month except in December. Meetings are held at Peebles Island and conducted according to “Roberts Rules of Order.” An agenda will be distributed seven (7) days prior to a regularly scheduled meeting. Minutes are distributed within seven (7) days following the date of the meeting. Agenda and minutes shall be distributed (or otherwise made available) to Committee members, regional directors and all park/historic site managers that hold museum collections.

2. Statement of Museum Collections²

Each park or historic site that seeks to acquire museum collections should have a written *Statement of Museum Collections*, which defines the facility’s collecting goals by types, themes and time periods. The *Statement of Museum Collections* must conform to certain standards and must be approved by the Collections Committee before adoption. A sample format is available and park/historic site managers are encouraged to seek assistance from BHS.

3. Acquisitions

Donations (Solicited and Unsolicited)

Before accepting any donation, whether by gift or bequest, the donor must be given a copy of the Agency’s collections policy along with the park/historic site’s *Statement of Museum Collections*.³ This information should be provided at the same time that the Deed of Gift is prepared and sent for signature. If sent by mail or email, a copy of the correspondence is sufficient proof of receipt. If provided in person, a signed acknowledgement is required.

Items that are purchased by a Friends Group for donation to a park/historic site shall be treated as donations.

Preliminary Receipts

Agency staff may temporarily accept items that meet the definition of a museum object or museum interpretive equipment for up to 120 days. All such items must be recorded on a temporary receipt (see Form CCC-103) that is signed by the owner and the park/historic site manager (or his/her designee). A copy of this receipt shall be given to the offeror at the time of the deposit with a second copy sent to BHS’s Museum Registrar as soon as practical.

² These documents were previously identified as the “Collection Policy” for an individual park or historic site. All previously approved documents remain valid until revised. The Statement of Museum Collections should be reviewed periodically and updated in response to changes in both interpretive programming, or in the capacity to exhibit collections, this Procedure and the Agency’s Collections Management Policy HP-POL-007 .

³ Parks, Recreation and Historic Preservation Law § 19.28.

- a. The Agency is not obligated to accept unsolicited donations. Items that are extensively damaged or deteriorated may be rejected by the park or historic site manager without further consideration.
- b. Agency staff may not accept any firearms, ammunition or other destructive devices that were manufactured after 1898, except with prior written authorization from the Deputy Commissioner for Historic Preservation (or his/her designee).⁴
- c. Agency staff may not accept an unsolicited donation if the offeror refuses to sign the temporary receipt. The offeror should be provided the opportunity to review the terms and conditions of the collections receipt and return later.
- d. Unsolicited donations must be held in a secure area with appropriate environmental controls until a final decision is made regarding its disposition.
- e. Object(s) that are not formally accepted (by purchase or Deed of Gift) shall be returned to the owner on or before the expiration of the 120-day period. Agency staff must obtain the owner's signature acknowledging their receipt of the returned object(s).

Archaeological Artifacts and Natural History Specimens

Archaeological artifacts and natural history specimens that are collected directly from a park or historic site are automatically considered the property of the State of New York. These items do not require prior review or approval by the Collections Committee. All such artifacts/specimens must be catalogued and accessioned, by the BHS' Museum's Registrar or the applicable park/historic site manager or their designee, in accordance with the Agency's accessioning procedures.

Evaluation Criteria

Proposed acquisitions will be evaluated by the Collections Committee according to the following criteria:

1. **Relevance:** Object(s) must have a clearly-defined relationship, both temporarily and thematically, to the historic significance and interpretive themes of a specific park or historic site (as defined in the facility's *Statement of Museum Collections*), or must possess some other clearly-defined intrinsic value or research potential. Objects that are relevant to multiple parks or historic sites may be acquired as "statewide collections."
2. **Condition:** Object(s) should be physically intact, complete, and in relatively good condition. When practical, the condition of an object should be determined from direct examination by a conservator or curator with specific expertise in the type of object or material. Special requirements apply to the acquisition of firearms, ammunition or explosives.
3. **Long-Term Preservation:** Objects are acquired with the intent of preserving them in perpetuity. The Agency must possess the resources to ensure their long-term

⁴ The acquisition of firearms, other than those classified as "antique firearms," is subject to State and Federal regulations. While the National Firearms Act allows state and local governments to accept contraband devices, the Agency is prohibited from returning these to private owners.

preservation and care. Considerations include overall size and environmental requirements. Object(s) that may contain hazardous or toxic materials should be not be handled or acquired unless they can be cleaned and decontaminated. Contact a BHS conservator or the Health and Safety Office for directions on how to handle these objects

Acquisition Process

Objects that are formally accepted by the Agency will be classified (by the Collections Committee) as museum collections, museum interpretive equipment, or library reference material. Archival materials, such as rare books, photographs and other similar documents, shall be classified as special collections (library) and shall be treated as a sub-type of museum collections. Museum interpretive equipment and library reference materials are inventoried but are not accessioned.

Museum Collections: Museum objects must be accessioned as soon as practical following their acquisition. Legal title to items acquired by donation occurs upon execution of a Deed of Gift. Items shall be accessioned in accordance with the procedures and forms developed by BHS.

- a. BHS's Museum Registrar will prepare a Deed of Gift for all donated objects. The Deed of Gift will be signed by the Commissioner who may delegate that authority to the Deputy Commissioner for Historic Preservation.
- b. A receipt is required for any object purchased with State or federal funds.
- c. Objects that are obtained by transfer from another New York State agency shall be documented in accordance with the specific terms of the transfer.
- d. Title to abandoned and "undocumented property" shall be acquired in accordance with the requirements of §§ 19.17 and 19.18, Title C, Article 19-A of the Parks, Recreation and Historic Preservation Law (Parks Law).

Museum Interpretive Equipment/Library Reference Material: These items are not managed as museum collections; however, they should be catalogued for inventory purposes and labeled to distinguish them from museum collections.⁵ The disposal of museum interpretive equipment and library reference materials are not subject to the regulations at 9 NYCRR Part 429 for deaccessioning museum collections and may be disposed of in any legal manner allowed by Section 167 of the State Finance Law.

- a. A Deed of Gift is prepared as for donated materials in the same manner as for museum collections. The Deed of Gift shall identify the Agency's intended use or classification of the items.

Rejected Items: Items that are not accepted for any purpose shall be returned to the owner.

⁵ BHS may establish a minimum dollar threshold where records are not required for museum interpretive equipment or library reference materials. Such minimum dollar thresholds shall not be greater than \$50 unless otherwise allowed by law. (*Title C, Article 19-A, § 19.25 Parks, Recreation and Historic Preservation Law*).

- a. BHS's Museum Registrar will notify the owner of the Agency's decision. When appropriate, the Agency may identify an alternative organization or institution that might be interested in the item.
- b. Property that was received on a temporary receipt must be returned to the owner. Whoever accepted the material on behalf of the Agency must contact the owner to arrange for a mutually acceptable time and place to return the item(s). If the owner fails to respond, or refuses to take possession, the Agency will consult with the BHS's Museum Registrar to determine whether the property may be considered abandoned and disposed of in accordance with Section 167 of State Finance Law.
 - i. The owner may be contacted by telephone or email initially; however, if he/she fails to respond, the Agency must provide written notification sent to the owner's address of record.
 - ii. The owner must be given 60 days to respond to a written notification before the Agency may dispose of the property.
 - iii. Documentation demonstrating the Agency's efforts to return an object that has been abandoned must be kept on file for a minimum of seven (7) years.

4. Incoming Loans (Borrowing)

In general, OPRHP will only consider borrowing objects for purposes of public display or exhibition. Special justification is needed to borrow objects for study or scientific examination.

Requests to borrow historical objects, archival materials, works of art, archaeological artifacts, natural history specimens and other similar materials must be submitted well in advance to allow sufficient time to arrange for fine art insurance and execute a loan agreement. For planning purposes, park/historic site managers should allow at least six months to prepare and execute a loan agreement.

The following information must be provided to the BHS Museum Registrar for review by the Collections Committee:

- a. A description of the purpose of the loan, including detailed information on where the object(s) will be stored, displayed or exhibited.
- b. A letter of intent from the owner of the object(s), affirming legal ownership and expressing a willingness to lend the material. This letter should also identify any special conditions or provisions required by the owner (such as environmental controls and display requirements).
- c. A list of all objects that have been requested along with information regarding their materials/composition and approximate value. This list should include the lending institution's accession number (or other identifier) along with the name of the object or other description.
- d. Estimated costs associated with borrowing the items. Such costs typically include loan fees, preparation and transportation costs (including packing), and art courier services.

- e. A list of any OPRHP museum collections that would need to be temporarily removed or relocated to accommodate the proposed exhibition or display.

Incoming Loan Evaluation Criteria

Incoming loans will be evaluated by the Collections Committee according to the following criteria:

- ***Preservation and Security:*** Adequate controls must be in place to ensure that the object(s) can be reasonably protected from theft, damage or unacceptable levels of deterioration while in the custody of OPRHP.
- ***Interpretive Value and Educational Benefit:*** Loans must relate to and support an important element of a park/historic site's interpretive program or educational objective.
- ***Impacts to Existing Collections:*** Loans should not create unnecessary or unreasonable risks to existing museum collections that are on display or in storage.
- ***Cost:*** Direct costs (such as fine art insurance) and indirect costs (such as conservation support) must be reasonable and commensurate with the anticipated benefit that would result from the exhibition.

Procedure for Borrowing Objects:

- i. The park/historic site manager, or other individual, submits the information listed above for review by the Collections Committee.
- ii. If approved (in concept) by the Collections Committee, BHS's Museum Registrar will commence negotiations with the owner (or his/her designee) to define the terms and conditions of the loan agreement. BHS will utilize its standard Loan and Exhibition Agreement unless the lender stipulates otherwise. Loan agreements developed by the lender are subject to prior review and approval by OPRHP's Counsels Office.
- iii. Loan/exhibition agreements shall be approved by the Deputy Commissioner for Historic Preservation (or his/her designee). In some instances, the loan agreement may include a third party (such as a Friends Group). A three-way agreement is required whenever a third party assumes responsibility for any defined terms or conditions of the loan/exhibition agreement.
- iv. Unless otherwise defined in the loan agreement, BHS's Museum Registrar will arrange for fine arts insurance coverage through NYS OGS; OGS will provide a certificate of insurance to the owner. The Museum Registrar will also coordinate payment of any loan fees and other expenses, as stipulated in the loan/exhibition agreement.
- v. BHS's Museum Registrar and the applicable park/historic site manager will coordinate delivery of the object(s) to the specified venue.
- vi. All objects shall be examined at the time of receipt to verify their condition (allowing time for acclimating where necessary). The appropriate BHS conservators (by discipline) shall examine the object(s) to identify any undocumented condition(s) that might be construed as damage or deterioration. Lenders typically require a representative that participates in this examination. Any undocumented condition

shall be described in writing with copies provided to the owner and the park/historic site manager.

- vii. The park/historic site manager (or his/her designee) is responsible for conducting routine checks and examinations of loaned material while it is in their custody. Any substantive change to the appearance or condition of an object must be reported to BHS's Museum Registrar and the applicable conservator within 24 hours. Any substantive change in security, environmental control systems or other condition (such as construction activity) must be reported to BHS's Museum Registrar within 24 hours. Typically, the Museum Registrar is listed as the official point-of-contact between the owner and the Agency.
- viii. Upon conclusion of the loan/exhibition period, BHS conservators will re-examine the object to assess any changes in condition or appearance. Any such changes must be annotated on the initial examination report and conveyed to the owner. Depending on the nature and extent of any changes, the Agency may be held liable for damages.
- ix. The loan/exhibition agreement is not concluded until the owner acknowledges and accepts receipt of the object(s) back in their custody.

5. Outgoing Loans (Lending)

In general, OPRHP will only lend objects to accredited museums or well-established organizations/institutions for purposes of public display or exhibition. Loan requests must be submitted in writing from the borrower.

The term of a loan may not exceed one year; however, loans may be renewed annually subject to approval and execution of an amendment to the loan agreements.⁶ Requests for loan renewal must be made in writing and must be supported by evidence that the object(s) remains on display and in good and stable condition (see Condition Statement for Loan Renewal).

OPRHP will only consider lending museum objects that are properly accessioned and have been recently examined and judged to be in stable condition. Such examinations shall be performed by the applicable BHS conservator (by discipline). In general, loans will not be approved unless the park/historic site manager and/or regional director supports the action.

The following information must be submitted to BHS Museum Registrar for review by the Collections Committee:

- a. A description of the purpose of the loan, including all venues and dates of exhibition.
- b. A list of all objects requested. This list should include the object's accession number along with its name or other description.
- c. Confirmation that the borrower can provide adequate security and environmental controls at each venue where the object(s) will be stored, displayed or exhibited. The

⁶ Loan terms of more than one year may be permitted subject to review and approval by the Deputy Commissioner for Historic Preservation.

borrower may need to submit a detailed facility report before the loan agreement is finalized.

- d. The name, mailing address, email address and telephone number of a representative who is legally authorized to act as agent for the museum or institution.

Outgoing Loan Evaluation Criteria:

- ***Object Condition:*** Object(s) must be judged, by a conservator, to be stable for transport and display. The display of light-sensitive items is typically restricted to a maximum of 50,000 lux hours per year.
- ***Facility Track Record:*** The borrowing entity must have a demonstrated record of coordinating exhibitions that involve museum objects, and must possess a documented record of maintaining adequate security and environmental controls.
- ***Interpretive Value and Public Benefit:*** Loans should enhance or support a significant educational or interpretive objective.
- ***Impacts to Agency/Facility's Mission:*** Loans should not create a substantial or unacceptable gap in a park/historic site's interpretation.

Procedure for Lending Objects:

- i. The prospective borrower submits a written request and provides the information listed above for review by the Collections Committee.
- ii. If approved (in concept) by the Collections Committee, the Museum Registrar will commence negotiations with the borrower to define the terms and conditions of the loan agreement. Borrowers are typically required to provide comprehensive fine art insurance, pay a loan fee and all transportation costs, and reimburse NYS for travel expenses associated with an art courier.⁷
- iii. Upon acceptance of the facility report(s) from the borrowing entity, a formal loan/exhibition agreement is executed between the OPRHP and the borrower. Loan/exhibition agreements shall be approved by the Deputy Commissioner for Historic Preservation (or his/her designee).⁸
- iv. BHS conservators will prepare examination reports, in advance of shipping, to serve as a record of condition. Copies of the report will be provided with the museum object(s).
- v. The Museum Registrar will coordinate and schedule exhibition photography and shipping/ transportation requirements to the specified venue.
- vi. The Museum Registrar will coordinate scheduling of a courier. The courier is generally an Agency employee with prior training in the care and handling of historical objects and works of art. Courier duties shall be performed as part of the employee's official duties and may not be combined with any personal vacation or other non-agency business.

⁷ NYS agencies are exempt from payment of loan fees, and from providing fine art insurance but the Agency and other agencies may provide fine art insurance in unique circumstances through the NYS Office of General Services if approved/required by the Director of BHS.

⁸ This authority may be delegated to the Director of BHS or the Director of DHP by the Deputy Commissioner for Historic Preservation.

- vii. The Museum Registrar will serve as the primary contact with the borrower for duration the loan, including responding to emergencies and other contractual matters.
- viii. Upon conclusion of the exhibition, courier will re-examine each loaned object to assess any change in appearance or condition. This activity is typically coordinated with the borrower's representative and conducted at the final exhibition venue. Any such change shall be documented in writing with a copy provided to the borrower. Any claims for damages or loss will be processed by the Museum Registrar in accordance with the loan/exhibition agreement.
- ix. Upon conclusion of the loan, objects will be reinstalled at their original location or placed in suitable storage. This task will be coordinated by the Museum Registrar in conjunction with the applicable park/historic site manager. The Museum Registrar will also annotate the object's catalog record to include data on the exhibition and update the object's assigned location.

6. Disposal

The authority and procedure for disposing of museum objects is prescribed in 9 NYCRR Part 429 of OPRHP's regulations which require a determination of need, set minimum retention schedules, and list procedural requirements. All requests for disposal require two separate affirmative votes of the Collections Committee and the recommendation of the Deputy Commissioner for Historic Preservation. The Commissioner retains final authority to approve or deny any request for deaccession or transfer of museum collections.

***Criteria for Disposal:*⁹**

Museum objects may be disposed only under one or more of the following circumstances:

- a. The object is no longer relevant to the purposes, functions or interpretive goals of the agency;
- b. The object is a redundant example of other, comparable items in the Agency's collection and possesses lesser significance in terms of provenance, condition, or intrinsic value than the other comparable items being retained;
- c. The object is damaged or deteriorated beyond usefulness or survives only in a fragmentary form; or has been found to be hazardous to the health or safety of staff or the public;
- d. Conclusive information has been obtained to demonstrate that the object was acquired without the permission of the last rightful owner; or
- e. The item meets the definition of a sacred object, as defined by the Native Americans Grave and Repatriation Act, or are the human remains of a Native American group.

The following additional restrictions apply to objects proposed for disposal per criterion a-c (above). These restrictions do not apply to an object that is determined to be hazardous to public safety or health, or to objects that are being evaluated under criterion d or e.

- Items may not be disposed of within ten (10) years of being acquired by the Agency.

⁹ Transfer to another NYS agency that is authorized to acquire museum collections does not constitute disposal since the item remains the property of the State.

- When the previous owner is not documented, items may not be disposed of within twenty (20) years of being acquired by the agency except with the approval of a court of competent jurisdiction.
- Where disposal is inconsistent with the terms or conditions established by transfer of title from the previous owner to the agency, the items may not be disposed of except with the approval of a court of competent jurisdiction.

Procedure for Disposing Museum Objects

- i. A request to transfer, sell, or dispose an object must be submitted to BHS's Museum Registrar for consideration by the Collections Committee. The Museum Registrar may also initiate a request based on their assessment of the object. All requests must include information to substantiate the criteria for disposal and the action must be supported, in writing, by both the park/historic site manager and the applicable regional director.
- ii. The Museum Registrar will review the accession record to determine if there are any restrictions or other limitations regarding disposition of the object(s). When required, the Museum Registrar will attempt to notify the previous owner of the proposed action.
- iii. The applicable conservator and curator will examine the object to assess its condition and relevance to the agency's collecting policies. These findings will be documented and shared with the Collections Committee. Objects that are identified as redundant to other like items in the agency's collection shall include specific information describing other such objects, including their provenance and condition.
- iv. The Collections Committee shall review the information submitted in support of the disposal request. A majority of the Collections Committee must vote in favor of action at each of two separate meetings.
- v. An object that is recommended for disposal under criterion a or b must be offered (by transfer) to the New York State Museum and other state agencies authorized to acquire collections of the pending action. The Museum Registrar shall provide such notification in writing. OPRHP shall allow such other state agencies a minimum of 30 days to review deaccession proposals prior to taking final action.
- vi. The Museum Registrar must prepare a recommendation of final disposition for signature by the director of BHS, the Deputy Commissioner for Historic Preservation and the Commissioner of OPRHP. Actions are not finalized until all approvals have been obtained, in writing.
- vii. Objects approved for sale will be transferred to OGS for auction. The Museum Registrar will coordinate transfer of the object(s) and all relevant information. He/she will also monitor the auction activity to capture information regarding sale price and confirm receipt of funds. All funds derived from the sale of museum collections will be deposited into a special account dedicated to the acquisition and care of museum collections.
- viii. Objects approved for witness destruction will be documented by the Museum Registrar with notarized affidavits describing the object(s) and confirming the manner of disposition.

- ix. The Museum Registrar will update the object(s) accession record to capture the manner of disposition.

Forms

Collections Committee: Agenda Request Form
Temporary Receipt for Incoming Objects (120-day)
Deed of Gift and Donor Publicity Questionnaire
(Generic) Loan and Exhibition Agreement
Condition Statement for Loan Renewal (draft; August 2017)

Other Related Information

OPRHP Collections Management Policy, HP-POL-007

Instructions for Accessioning Museum Collections (2009) and Special Collections, including associated forms.

History

09/10/2019 Procedure created and effective immediately.