

DEACCESSIONING AND DISPOSAL

SUMMARY

This is the summary of a paper given by Shane in March 1991 to the Museums Association of Victoria. It covers deaccessioning procedures and other issues relating to collection administration.

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DEACCESSIONING AND DISPOSAL

It is essential to understand that deaccessioning and disposal are very different processes. They have different rationales, feature different problems and therefore demand different procedures.

Deaccessioning is merely the administrative removal of an item from the permanent collection. The deaccessioned item is still owned by the museum. However with disposal of the item its ownership passes into other hands.

Deaccessioning is a curatorial and administrative process. Disposal is a legal process. Each must be separately considered .

(A) **DEACCESSIONING**

(a) **General**

There is nothing inherently wrong with deaccessioning.

Every museum must have the right to deaccession. Unless deaccessioning occurred it would be impossible for museums to develop or even maintain their collections. No-one would seriously argue that one should not deaccession where the accessioning has only occurred because of a clerical error, nor, similarly, where the item has been lost, stolen, destroyed or become irreparably damaged, decayed or diseased.

But if the answer is so easy, why is there a lively debate as to whether museums should be able to deaccession? The debate is perhaps most lively in the art museums rather than historical or natural science museums, for the art museums are perhaps more attached to the idea of uniqueness of the collection item.

No, its not easy. Although there are situations in which deaccessioning is undoubtedly justified, the real concern and debate concerns the propriety of deaccessioning for reasons other than those described above. For example:

Should we be able to get rid of material that is duplicated or inferior?

If the museum has a storage or other space problem, should we be able to deaccession so that the remaining collection items can be better conserved, studied, protected and exhibited in the existing facilities?

Should we be able to deaccession so that the items can be sold in order to raise the money to build a new wing... to build a new conservation laboratory... to pay for the additional salary costs attendant upon the appointment of a new senior staffing position.

If the museum faces a budget deficit and given the huge cost of maintenance, conservation, security and storage, can some collection items be deaccessioned so that the museum can continue to keep its doors open for another year?

If the director hears of a fabulous item that might be procured for the collection would it be permissible to deaccession some works in order to raise money for the purchase of superior or more appropriate objects?

If the trustees make the decision to change the focus or emphasis of the museum, is the museum going to be stuck with the enthusiasms of the past to the handicap of the new direction?

In Australia these questions have, thankfully, not been the subject of public debate and rancour. In contrast, in the 1960's and 1970's, the American museum world seemed to be continually rocked by

"deaccessioning scandals". (More often than not, these were really "disposal scandals"). These affected not only small under-financed and under-staffed museums; they included some of the very biggest names in the field: The Metropolitan Museum of Art, the Brooklyn Museum, the Norton Simon Museum, the Smithsonian Institution, the Boston Museum, the Carnegie-Mellon, the John Hopkins, the George F. Harding Museum, the Art Institute of Chicago, as well as smaller ones such as the Museum of American Indian-Heys Foundation.

Time after time, trustees asked themselves the questions described above and time after time either the general public or the courts told them that they had got the answer wrong.

(b) Collection management policy and the accessioning policy

Before you can devise a satisfactory deaccessioning policy you have to have an adequate collection management policy. The collection management policy is a written statement of the museum's purposes and explains how those are furthered by the activities of the museum.

Thus the accessioning policy should really be just a part of the larger collection management policy. In devising this one must have at the forefront of one's mind the perceived function of the individual collection.

Museum function and collection administration

The debate about what a museum is and what its role should be in the community is not new - nor is it the subject of this paper. However consider for a moment the various functions posited from time to time; think of these not just as debates about the meaning and function of museums. Consider that the answer you give will have important consequences upon your enquiry as to the propriety of both accessioning and deaccessioning.

What is the purpose of this museum? What is the function of this museum? How should this museum go about achieving its purpose and function?

The museum's purpose statement should be written out. This process of writing invites criticism comment and indeed, debate. This is essential if the policy is to be widely understood and accepted within the museum. It should be unlikely that any two museums would share exactly the same purpose statement.

It seems to me that unless you are able to articulate the purpose, function and machinery of your museum, you will be unable to properly articulate your accessioning policy. After all how can you know what to acquire unless you know what you are doing, why you are doing it and how you can do it? (Members of the audience should all read Stephen Weil's enormously amusing yet searching article on his National Matchstick Museum: "The Proper Business of the Museum: Ideas or Things?", Muse, Spring 1989, Vol VII No.1, Canada).

Putting aside issues of museological debate it is important to have a coherent acquisition policy for very practical reasons: Quite simply, such a policy reduces the problems faced by museum administrators in allocating the limited resources available to the purchase, maintenance, conservation, storage, security and exhibition of collection objects. It also reduces the frequency with which the museum will need to face issues of deaccessioning and disposal and when deaccessioning is mooted, gives the staff a more clear understanding of why the object was accessioned in the first place. If

the reason for accessioning the object is understood, the reasons given for deaccessioning will have to take these into account.

(c) Deaccessioning procedures

Whilst it is unquestionable that the museum must have the power to deaccession material from its collection, it is essential that sensible checks and balances be adopted to ensure that the exercise of those powers is both proper and well advised.

By way of example, the following sets out the recently reviewed procedure for deaccessioning at the Museum of Applied Arts and Sciences.

- (a) The appropriate Curator should be satisfied that an object proposed for deaccessioning will not be of use to the museum in any of the ways set out in the accessions policy, or in any others which might be envisaged. If in doubt the Curator should seek outside expert opinion.
- (b) The Curator should submit a proposal for deaccessioning to the appropriate Assistant Director for approval. If approved, the Assistant Director should forward it to the Director. The proposal should provide catalogue information about the object and a statement about the object and a statement justifying the deaccessioning proposal.
- (c) The Director should table the proposal, if approved by him, at a meeting of trustees. The Board may resolve that the object be disposed of by sale, gift, or destruction. The Board may cause the object to be sold by public auction or to be donated to another institution or to be destroyed.

In order to safeguard against mistaken assessment of the future use of an object, a period of two (2) years should elapse between approval by the Board of Trustees of the deaccession

and disposal of the object, at which time it would be reviewed by the Curator.

The review of the Curator's recommendation by the appropriate Assistant Director and the Director, guards against ill-considered or subjective decisions by one person.

- (d) The Registrar will be responsible for maintaining files relating to Notifications of Deaccessioning. At the end of the two year period, the Registrar will notify the relevant curator that the review of the decision is now required. The Registrar will alert the Curator to any use made of the object during the two year period which might affect the decision to deaccession, or the method of disposal of the object. If the decision to deaccession stands, the Registrar will amend all relevant records in relation to the object, and arrange for disposal of the object as indicated by the Board.

(B) DISPOSAL

(a) The Institutional Powers

Before any decisions are made it must first be established that the museum has the power to act in desired way. Statutory bodies must consult their statute; companies, their Articles and Memorandum; and trusts, their trust deed. All museums have different powers in this regard. One should check the exact expression of those powers and no cavalier assumptions or optimistic interpretations should be made.

If the power isn't there, it can't be done. The board have very clear advice that what it wishes to do is lawful. If the powers do not provide for the desired course of action the museum will have to either amend its intended action or amend the Act, Article or trust deed which provides the powers which enable deaccessioning.

In addition it is important that the purpose of the disposal is in accord with the objects and functions of the museum as set out in the Act,

articles or trust deed which empowers the museum. This is a minimum. Most such functions are expressed in fairly broad terms but again, nothing should be assumed.

These days it is largely accepted that the proceeds of any disposal should be applied to the acquisition of other objects, not to the building fund, general administration costs or any other purpose. Disposal for the purpose of acquisition is almost certainly within the lawful function of every museum. Whether it is ethical depends on other factors.

(b) The rights in the object

To determine the rights that the museum has in an object one should have to look no further than the documentation which recorded its acquisition. Many of our older museums have a somewhat precarious hold on their collection objects for their registration procedures were so casual, amateur or negligent that the records can no longer establish, (if they ever did), by what right they retain possession.

In general however, most museums now have standard documentation which makes very clear that the museum is the owner of the object, how acquisition was made and the details of any conditions which attach to the acquisition. These procedures should be frequently subjected to inter-institutional comparison and review.

The museum must have rights in the material which permit its disposal. One cannot exercise greater rights than were conferred by the owner. A lender gives a borrower various rights such as the right to possess care for and exhibit an object but does not give the borrower the right to dispose of the object. That is beyond the powers of the relationship.

This can create difficulties for it may be difficult and sometimes impossible for the museum to dispose of long term loans that are no longer required but whose owners (or heirs) cannot be located.

The museum does not have the right to sell goods that it does not own.

Even if the museum owns the object, that ownership may have been acquired subject to conditions. One must make sure that the deaccessioned objects are free of any conditions which would interfere with their being disposed of - either at all or in the desired manner. Both must be checked. Neither should be assumed.

(c) Mode of disposal

One must decide which method of disposal is most appropriate. The most common are sale, gift, exchange and destruction.

(i) Sale

The sale of material from a collection is often controversial. There are three principal schools of thought: One argues that all material is liable to be sold if the money from the sale is to be applied to the objects of the museum. (These objects may include administrative purposes). Another believes that all material may be sold so long as the money raised is applied to the purchase of other, better, material for the collection. The third holds that decisions as to what is better or necessary is subject to whim and fad and that material from the collection should only be sold in the most exceptional situations.

Essentially this is a policy matter that must be decided by the board - not the director.

Each museum board will have to make up its own collective mind on this. (For example, some have decided that such material must first be offered to other institutions). In any event that decision will probably vary, depending upon the nature, importance and amount of the material to be sold and the reason for the sale.

SAFEGUARDS

1. Method of sale:

The options are sale by public auction and sale by private treaty. In the case of private sale there may be the interposition of a dealer who is given the brief of procuring the sale in return for which it will receive a commission.

The board must ensure that the museum obtains the maximum benefit from the sale but it must also consider the difficult question of what manner of sale is most appropriate:

If it gives selected patrons the opportunity to buy privately, it will not only be acting as a dealer but it may be accused of serious breaches of ethical practice. If it sells through dealers it may be accused of favouring certain dealers, rumours of kickbacks can start circulating and the payment of otherwise avoidable commissions is subject to criticism. If the museum sells at auction it can be accused of not getting the best possible price. Moreover if it openly sells the material, it may affect the local market for such material; if it does so covertly, it will cause more questions to be asked when the story eventually leaks to the Sunday papers.

It is my view that sale by private treaty is too fraught with pitfalls and that any board of trustees would be wise to avoid this method of disposal - even if it means that they may obtain a slightly lesser sum for the object. The veil of secrecy which attaches to such disposals will always attract cynical (if not defamatory) comment and in the museum world it is not true to say that any publicity is good publicity.

If no sale, exchange or gift to another public institution is possible, any sale that is made should be by way of public auction. This avoids any suggestion that the sale price was not a fair market price.

2. Who may purchase:

It should go without saying that no employee of the museum and certainly no member of the board of the museum should be permitted to bid at that public auction. Similarly, no immediate family member should be permitted to bid at such an auction.

It may be asked: Why should we not bid? It is a public auction and any other member of the public can bid against us?

Why is it that even soft drink manufacturers forbid employees from entering their competitions? Quite simply it is to avoid the suggestion that the employee may have an unfair advantage through some inside information or that the competition may be perceived by the public to have been rigged.

That applies to museums as well and I do not believe that a museum should adopt a base level of ethics lower than that accepted by Coca-Cola!

However in the case of the museum, there is an even more cogent reason: The people who responsible for making the decision to deaccession and dispose of an object should not be seen to have the temptation to remove an object from the public collection only to have the opportunity to acquire it for themselves.

Remember, museum ethics are not so much a personal issue as an institutional issue. Given that everyone considers themselves to be honest and ethical it is not sufficient to say "I am an honest person and I have acted in the best interests of the museum!" The only useful test is to ask: "What would the cynical outside observer say about this course of action? Will this course of action invite adverse comment upon the institution?"

(ii) Gift

It is very rare that a museum would give away material from its collection. It is difficult to see how this could properly occur unless the gift was to another public institution.

(iii) Exchange

The exchange of material between museums is a fairly common method of disposal. It avoids all of the ethical problems and the defamatory rumours.

There are always problems in deciding what a fair exchange will be, but so long as the exchange is between public institutions, any argument about fairness is likely to be short-lived. For example, it may be of considerable advantage to one institution to be relieved of the burden of storing and maintaining material which does not conform with the priorities of the collection and it may take this into account when agreeing to swap that object for another of lesser monetary value.

(iv) Destruction

Deaccessioned material is common enough in natural history museums but only employed in art museums in rare and extreme circumstances.

Even though an object has been deaccessioned because it is irreparably damaged, diseased and so is not worth keeping or is dangerous to keep, it should be disposed of by way of destruction only if it is of no historical, aesthetic, social or economic value. If it has any of these values, another form of disposal should be found.

(d) Codes of ethics

The International Council of Museums adopted its ICOM Code of Professional Ethics in November 1986. Section 4 of that Code deals extensively with minimum ethical guidelines which should be observed in the disposal of collection objects.

In 1985 the Council of Australian Museum Associations published its Code of Ethics for Art, History and Science Museums. Clause 6 deals with the issue of Disposal of Collections. It is in my view, too briefly and unnecessarily timid.

These two Codes have been developed through a process of considerable consultation and debate and represent a minimum standard that should be reflected in the procedures of all institutions

The larger debate concerning this ethics of deaccessioning and disposal will be tackled later in this seminar by James Mollison and Simon Molesworth.

Marx once said of ethics: "The secret of life is honesty and fair dealing. If you can fake that, you've got it made!" Your museums policies and procedures controlling deaccessioning and disposal are not just about protecting the museum against unethical behaviour. Greater danger is posed to the museum by the well-intentioned god-like director or board member who seeks to fashion the museum into his or her own likeness.