

KELOWNA ART GALLERY

ACQUISITIONS POLICY

Policy established and accepted at AGM of April 1994. Committee Terms of Reference accepted at KAG Board Meeting of 27 February 1997. Summary document and amendments ratified at the Acquisitions Committee meeting of 4 August 2000. This current version adopted by Acquisitions Committee at meeting of 31 March 2008.

1. Guiding Principles

Collecting is recognized as a significant aspect of the mandate of the Kelowna Art Gallery: an institution that acquires and maintains an evolving collection of works of art that is held in the public trust. The collection is animated and brought into focus through an on-going and sustained attention given to its development (adding to the holdings), preservation, presentation, interpretation, and research.

2. Acquisitions Committee

2.1. Purpose

2.1.a to advise and make recommendations, in consultation with the Director and/or Curator, with respect to the acquisition of works of art by purchase or gifting/donation, within the established policy guidelines.

2.1.b to provide guidance and accountability for the development of long-term policies, goals, and plans for the permanent collection, in accordance with accepted museum practice.

2.1.c to recommend to the Finance Committee, an annual budget allocation for the care of the permanent collection, including a discretionary sum available to the Director and/or Curator within prescribed conditions (see item 3.7).

2.1.d to assess and accept cash gifts and bequests directed to the Gallery for the purchase of works of art. Cash gifts that are accepted will be reported to the next Board meeting for their information and funds management.

2.2. Structure

2.2.a the composition of the committee can vary: no fewer than four and no more than seven members, to include a Chair.

2.2.b the voting Committee composition:

- Minimum of two members from the Gallery Board of Directors
- Member(s) drawn from the community who have a demonstrated expertise and commitment to the visual arts
- A minimum of one practicing artist, other than the Chair, should the Chair be an artist

2.2.c Both the Director and Curator are ex-officio (non-voting) members. Other staff members may be invited to attend meetings by the Director and/or Curator, to observe or present reports that are relevant to Committee business. The Curatorial Assistant provides administrative support to the committee and minutes the meetings.

2.2.d The Board President has ex-officio rights to attend meetings, as deemed necessary. This invitation may be extended to other Board members to observe, where there are no conflict-of-interest items on the agenda (see item 4.8).

2.2.e The Chair is appointed by the Board President in consultation with the Director and/or Curator.

2.2.f New members are invited by the Chair in consultation with the Director, and/or Curator.

2.2.g Appointments will not exceed three years, and are renewable at the discretion of the Chair.

2.2.h The Chair is appointed for two years, and may become a member afterwards.

2.2.i In the event that the Chair cannot complete his/her term, a new Chair appointment will be made by the Board President, in consultation with the Director and/or Curator.

3. Presentation and Procedure for Acquisitions

3.1. Meetings are called by the Director and/or Curator in consultation with the Chair.

- 3.2. The Chair is responsible for formulating committee meeting agendas, in consultation with the Director and/or Curator. The Director may also formulate meeting agendas in consultation with the Chair and/or Curator.
- 3.3. The Director and/or Curator are/is responsible for providing the Committee with the statement of current purchase fund balance at the beginning of each meeting.
- 3.4. The Director and/or Curator will present the worksheets and information on each work offered for donation and/or purchase.
- 3.5. The Committee, by a simple majority vote, may accept or decline any of the gifts/proposed purchases presented. The exception will be in case of works purchased with discretionary funds (see item 3.7).
- 3.6. The Curator may appeal a declining vote with the approval of the Director and in consultation with the Chair – or with Director and/or the Chair – if evidence can be provided that the circumstances warrant an appeal.
- 3.7. The Committee provides the Director and/or Curator with discretionary purchase power not to exceed the amount of \$2000. Where time-sensitive circumstances do not allow for a meeting to be convened, for example, a relevant and desirable work of art available on the secondary market or an exceptional opportunity in the primary market, where the work cannot be reserved by the Gallery. In both instances, it is the responsibility of the Director and/or Curator to inform the Chair of any negotiations to purchase a work(s).
- 3.8. It may be necessary, because of the restriction of time and prior committee member obligation, or where a meeting quorum cannot be met, to hold a Committee meeting by email survey. In this case, the Director and/or Curator is responsible for providing the individual members with image(s) of the work(s) and the committee worksheet filled in with all relevant information.
- 3.9. Absentee votes sent via email will be read into the minutes of a committee meeting to constitute a quorum.
- 3.10. Purchase and/or donation recommendations are brought forward to the next Board meeting for the Board's information.

4. Code of Ethics

- 4.1. In caring for and developing its collection, the Kelowna Art Gallery is mindful of heritage obligations and is alert to changing conditions within contemporary art and society, and those concerning First Nations and Aboriginal peoples.
- 4.2. The Kelowna Art Gallery will not acquire any object, by purchase, gift, bequest, or exchange, unless the Director/or Curator is satisfied that valid and legal title can be secured for that object. The Gallery must be assured that an object has not been acquired in, or exported from, any country in violation of that country's laws.
- 4.3. In acquiring and exhibiting works, the interests of the Kelowna Art Gallery will be the sole consideration. At all times, the Board and Staff shall ensure that they do not place themselves in a situation involving conflict of interest with the Gallery.
- 4.4. Personal purchases will not be made in the name of the Gallery.
- 4.5. Commissions or gifts to staff will not be accepted from any vendor.
- 4.6. No member of the full-time staff will deal directly in works of art for personal profit, as distinguished from occasional sale or exchange from a personal collection.
- 4.7. Any potential and/or personal conflict of interest must be identified in writing and will be fully considered by the Committee.
- 4.8. The Gallery will not accept donations from current full-time staff or Acquisitions Committee members, whether or not they are the author of the work. Donation offers from Board members may be considered by the Acquisitions Committee.
- 4.9. The Gallery will not purchase works of art from current full-time, part-time or casual staff members, unless it is deemed to be in the best interests of the Gallery. The Committee's decision is final.
- 4.10. Gallery staff will not provide any certificate or written statement of authenticity, or financial evaluations of works of art for any individual or other institution.

5. Acquisition

- 5.1. The Gallery may acquire works for the collection through purchase, exchange, and donation/gifting, or bequest.
- 5.2. The criteria for acceptance of works will be: quality, intrinsic value, educational benefit, further development of existing areas of strength, relevance to the collection,

authenticity and provenance, condition, terms of donation/gifting, and developing underrepresented areas.

- 5.3. The Gallery reserves the right to negotiate payment for acquisitions, including phased payment, for the maximum benefit of the Gallery. Any such negotiation will be the task of the Director, in consultation with the Curator.
- 5.4. The Gallery will respect matters of confidentiality or specific trust, and will not normally disclose prices paid for works, nor their fair-market values.
- 5.5. Donation/gifts of works of art to the Gallery must be unrestricted, with no special conditions attached, except under special circumstances, to be assessed for policy compatibility, and ethical issues on a case-by-case determination. Proposed gifts or bequests will be declined if they contravene policy or inhibit the Gallery's exercise of judgment concerning the use of the collection, or where the object's acquisition could be objectionable to the people whose culture the work represents.
- 5.6. Cash donations for dedicated acquisition purposes will also be scrutinized for policy compatibility and ethical issues.
- 5.7. At the time of gifting/donation presentation, the Director and/or Curator will inform the Committee of the terms and routes of gifting/donating, for example, certification as cultural property via the Canadian Cultural Property Export Review Board, and the details regarding a Charitable Tax Receipt. A donor may also offer an unconditional gift and decline to receive a tax receipt.
- 5.8. The certification application and fair-market-value evaluation of an object will be done in accordance with standing Canadian Cultural Property Export Review Board requirements.
- 5.9. On a case-by-case basis, the Curator/Director will negotiate the terms of donation costs with a donor, in the best interests of the Gallery and collection.

6. Responsibility to works and the collection

- 6.1. When considering the acquisition of works of art, the Gallery will give due consideration to the resources required to maintain physical and intellectual property.
- 6.2. The Gallery will document all acquisitions – physical description, exhibition history, and provenance – and create object research files. The collection will be documented by means of a computer database.

- 6.3. Whenever appropriate and feasible, the Gallery will provide access to both members of the public and/or scholars to the collection and to reference material relating to the collection, with the exclusion of confidential documents.

7. Disposal/De-accessioning

- 7.1. The Gallery regards the right to dispose of/de-accession works as a necessary part of developing the collection to its fullest potential, and of responsible collection management.
- 7.2. The Gallery will approach the disposal/de-accessioning of works with extreme caution and incorporate review mechanisms in its procedures for disposal, according to best practices as set out by the Canadian Museums Association and other relevant professional bodies.
- 7.3. No work of art will be disposed of/de-accessioned unless the Gallery Board of Directors formally reviews and agrees to the reasons for doing so.
- 7.4. Works can be identified for de-accessioning under the following terms:
- The authenticity or attribution of the object is determined to be false or fraudulent and lacks sufficient intrinsic merit to warrant retention.
 - The object represents a duplication of extant collection holdings.
 - An object is of poor quality, in comparison to other objects of the same type in the collection.
 - The opportunity of upgrading – a work by the same artist of greater quality and merit – by exchange.

Works can be identified for disposal only under the following situation:

- The object is damaged beyond reasonable conservation.

8. Review of Policy

The committee will periodically review this policy, keeping up-to-date with current relevant legislation and museum practice.

Approved by the Board of Directors, December 18, 2008

